

Unofficial translation

Report
of the Ministry of Foreign Affairs of the Russian Federation

Human Rights Situation in Certain Countries

Moscow
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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.

This report is a further effort by the Russian Foreign Ministry to bring public attention to human rights challenges facing today's international community.

We firmly believe that applying the so-called double-standards while assessing certain situations and phenomena remains a major challenge in this field. It is evident that year after year the "collective West" has been increasingly resorting to this approach in order to fuel confrontation. These states have totally discredited everything they said about the universal nature of human rights. In fact, some members of the international community have blatantly instrumentalized the human rights agenda to serve the political interests of certain states and to interfere in internal affairs and infringe the sovereignty of independent states.

We have repeatedly pointed out that, despite the legal mechanisms established and currently in place within the UN, the OSCE and the Council of Europe that aim to reject, condemn and prevent the glorification of Nazism, racism, xenophobia and related intolerance, a number of countries openly spread racist ideology and values, provoking the upsurge of radical nationalism. In certain states, manifestations of racism and intolerance have permeated structures in all spheres of public life. Attempts to split societies based on ethnic origin and language are mounting. Some of these countries are witnessing a steady growth of 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 inaction with regard to a wide range of manifestations of intolerance by hypocritically claiming the absolute nature of the freedom of expression.

Today, all these manifestations are glaringly obvious. The 2022 events vividly showed that the West had only applied its duplicitous approaches to inflict maximum damage on Russia and the "Russian world", seeking "Russia's strategic defeat" – the fact they now openly acknowledge. They are ready to

justify and use any ways and means whatsoever to achieve this. The history of the 20th century offers instructive examples in this regard.

It is also telling that racist, neo-colonial views are typical of Western "model democracies." The recent notorious metaphor about the world divided into the "nice small garden" and "the jungle" used by EU High Representative for Foreign Affairs and Security Policy Josep Borrell is an apt illustration of this neo-colonial perception. The fact that Western countries are seeking to propagate their "rule-based order" as opposed to international law is in line with these views. This approach builds on an inherently racist division of states into those who "have the right" to lay down such rules and those who must strictly follow Western instructions.

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, – as well as to glorify Nazi collaborators as members of national liberation movements and introduce the related topics as subjects in general compulsory education curricula. Anything is fit for the purpose: distortion of historical facts; bashing of culture and traditional values, "war" against monuments and memorials, cracking down on religious organizations.

This report looks into the human rights situation in certain countries, including those that consider themselves advanced democracies which claim to set standards in human rights protection, as well as those that seek to join them. Building on data from international and national sources, as well as reports from human rights non-governmental organizations, the research summarizes evidence on human rights violations in the said group of countries. It also takes into account recommendations to these countries made by international universal and regional human rights mechanisms, including treaty bodies (committees) and regional (particularly European) human rights institutions.

We recommend that the reader, when going through the sections of this report on the current human rights situation in the said countries, bear in mind that these very states actively work to "export" their democratic and human rights standards presented as universal, interfere in internal affairs and are highly critical of the human rights situation in undesirable countries that pursue an independent foreign policy agenda and defend their own historical, cultural and religious values and norms.

We believe that the emerging new world and fairer system of international relations will make it possible to fully implement the principle of genuine respect for the sovereignty, as well as historical, cultural, religious, and national particularities of states across the world. Such system will be free from colonialism, neo-colonialism, racism, racial discrimination and related intolerance. Likewise, it will not tolerate attempts by certain countries to 'bring to heel' the international legal system and use its universal human rights mechanisms to suit their own vested interests. This report includes negative examples from both the present and the recent past, which, for the most part, we are all well aware of, to illustrate behaviours the entire constructive-minded international community needs to stand up to.

Australia

Over the past few years, Canberra's claims to global leadership in the human rights sphere have been visibly shaken by the criticism from international and national human rights entities. Respect for the rights of the aboriginal population and other vulnerable groups, as well as backsliding on the freedom of speech and the protection of personal data remain the most acute issues.

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 (CERD) in November 2017¹ and by the Human Rights Committee (HRCttee) in October 2017.² Migrants, especially Arabs, Muslims, people of African descent, and people from indigenous communities are the most frequent targets of intolerant attitudes.

The latter even lack constitutional recognition and remain the poorest and most vulnerable social group in Australia. In October 2019, the Committee on the Rights of Persons with Disabilities (CRPD) noted that aboriginal and Torres Strait Islander peoples, are expressing suicidal ideation due to the lack of support, poverty and isolation.³

Persons with disabilities, women and minors are the most vulnerable group in indigenous communities. In November 2019, the Australian government was criticized by the Committee on the Rights of the Child, which noted that Aboriginal and Torres Strait Islander children disproportionately more

¹ Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 18th to 20th periodic reports of Australia. November 2017

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fAUS%2fCO%2f18-19&Lang=ru

² 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=CERD%2fC%2fAUS%2fCO%2f18-19&Lang=ru

³ 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=ru

often became victims or witnesses of family and domestic violence, including sexual violence.⁴

In September 2022, the HRCttee 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.⁵

The Closing the Gap Initiative launched by the government in 2008 and designed to ensure that the Aboriginal population enjoys the same opportunities to exercise their rights as Australians of European ancestry, has also proven insufficiently effective. 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.

Statistics show that, though the indigenous population only amounts to 3 per cent (about 750,000 people) of the total Australian population, natives

⁴ 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%2fCO%2f5-6&Lang=ru

⁵ Views adopted by the Committee on Human Rights under Art. 5(4) of the Optional Protocol to the International Covenant on Civil and Political Rights, concerning Communication No. 3624/2019.

https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/AUS/CCPR_C_135_D_3624_2019_34335_E.docx

account for about 30 per cent of prison inmates in Australia. Thus, the share of prisoners per total number of Aboriginal people (about 13,000 prisoners) is more than 13 times higher than that of "white" criminals per total non-Indigenous population (about 32,000 out of 24.5 million).

In November 2017, the CERD⁶ 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.

Law enforcement officers continue to treat the indigenous population in a biased way. However, no remedy mechanisms have been provided to them so far. In December 2015, a 26-year-old Dungutti 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 found that none of the guards should even face disciplinary action, let alone criminal charge.⁷

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 health clinic was closed, and the nearest city of Alice Springs is 300 km away. The boy died about an hour later.

⁶ Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 18th to 20th periodic reports of Australia. November 2017
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fAUS%2fCO%2f18-19&Lang=ru

⁷ The story of David Dungay and an Indigenous death in custody. The Guardian. Thursday, June 11, 2020
<https://amp.theguardian.com/australia-news/2020/jun/11/the-story-of-david-dungay-and-an-indigenous-death-in-custody>

The incident sparked protests of the Aboriginal community demanding that those guilty of the death of their member be punished; 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.⁸

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 (who were concerned about Clarke's condition and asked 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 shot the woman (his identity remains suppressed due to safety concerns) not guilty after the argument presented by lawyer Linda Black. The lawyer called the Aboriginal woman "a walking time bomb", quick-tempered and aggressive, and qualified the shooter's action as self-defense.⁹

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. She had presented to hospital 18 times in the six months before her death with pain and vomiting, but had been given proper treatment or sent to a specialist. She and her unborn child died of sepsis. The infection proved treatable with a course of antibiotics. Following an inquest (that took

⁸ Police officer Zachary Rolfe acquitted over death of Kumanjaya Walker. The Sydney Morning Herald. 11 March 2022

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

⁹ All details of indigenous Australian death cases that have occurred since 2008 in custody or due to actions by law enforcement officers, are available in The Guardian's data base (200 cases, last update 5 April 2021): <https://www.theguardian.com/australia-news/ng-interactive/2018/aug/28/deaths-inside-indigenous-australian-deaths-in-custody>

three years) the state coroner merely issued recommendations, leaving their implementation to the discretion of the hospital administration. Those guilty remained unpunished.¹⁰

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.¹¹

Australian laws on Aboriginal cultural heritage need to be reformed because mining companies still manage to find loopholes in laws 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. Aboriginal people complain that in fact, all these treaties are signed only on conditions set forth by mining companies.¹²

In May 2017, 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

¹⁰ Naomi Williams inquest concludes, with coroner calling for change at NSW hospital. ABC. 29 July 2019 <https://amp.abc.net.au/article/11355244>

¹¹ Indigenous investigation. 'Beyond heartbreaking': 500 Indigenous deaths in custody since 1991 royal commission: <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>

¹² 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>

developing policies with regard to extractive activities on the lands traditionally used by them.¹³

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 issue. Hence, 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 in a formal way, do not seek to achieve results and sometimes ignore them altogether or delay their implementation as much as possible.

Some political activists believe that a referendum should be held on the issue of establishing a new advisory body within the Australian parliament – the so-called "First Nations Voice to Parliament" referred to in the 2017 Uluru Statement from the Heart. Experts hope that the Labor party which came to power in 2022 will achieve progress in this area. The Albanese government announced a referendum on the constitutional recognition of the indigenous populations, including the creation of the "Voice," to be held no later than 30 July 2024.

¹³ 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%2fC.O%2f5&Lang=en

As for Canberra's migration policy, it is also criticized by the human rights community. Australia refuses asylum to irregular refugees and places 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 for inmates in such centres, including inadequate mental health services, 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 HRCtee.¹⁴

The lack of an adequate legal mechanism to regulate periods of detention in migration centres is the major stumbling block here. An average term of detention is 736 days (accounting for two full years).¹⁵ In some instances, however, persons have awaited decisions by immigration authorities for more than 11 years.¹⁶ 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, including Amnesty International Australia. They pointed out that even the amended version of the law lacks provisions on the periods of detention of persons in migration centres

¹⁴ 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=ru

¹⁵ Statistics provided by the Refugee Council of Australia NGO on people in detention centres:

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

¹⁶ 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>

and in fact authorizes indefinite detention.¹⁷ According to the Australian Home Affairs Department, as of May 2022, more than 1.4 thousand irregular migrants were kept at Australian detention centres, including on the continent.¹⁸

In December 2019, Australian parliament took yet another "progressive" step by voting to repeal the Medevac Bill passed in March 2019 by the Labor 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.

Experts of the Committee on the Rights of the Child believe that the best interests of the child are not a primary consideration in asylum, refugee and migration processes. They also criticized Australia for not intending to establish an independent guardianship body for unaccompanied children and ignoring the issue of prohibiting the detention of children in all circumstances. Furthermore, neither the Migration Act nor the Maritime Powers Act prohibit the return of vessels carrying children who may be in need of international assistance.¹⁹

In April 2022, the WA 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 fact that the world scientific community was sceptical about this method. The court of appeal found that a miscarriage of justice had occurred in 2009 and ruled that the earlier decisions

¹⁷ 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>

¹⁸ Aggregate immigration statistics as of 31 May 2022.

<https://www.homeaffairs.gov.au/research-and-stats/files/immigration-detention-statistics-31-may-2022.pdf>

¹⁹ 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=ru

be reversed. Yet the issue of compensation as well as that of the systemic nature of this sort of "errors" remain unresolved.²⁰

As for the foreigners residing in the country on legal grounds, including 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.

First of all, the local police often fail to pay due attention to reports of victims of domestic violence. The story of Olga Edwards (Serebryanskaya) got a wide media coverage. On 5 July 2018, her former husband came to her house, shot dead their children and committed suicide. In September 2020, the Coroner's Court in Lidcombe, Sydney, initiated a check for possible gross negligence on the part of police officers. Olga Edwards had repeatedly reported instances of domestic abuse on the part of her husband, but complaints of the Russian woman had not been given due consideration. Her written statement of December 2016 bears a note made by the law enforcement officers, which reads as follows: "may be a premeditated attempt to influence some future family court and divorce proceedings."²¹

The hysteria whipped up by Australian authorities and the Ukrainian diaspora (including the Australian Federation of Ukrainian Organisations) around the Special Military Operation, which had been launched by the Russian Federation to demilitarize and de-Nazify Ukraine, could not but affect Russian citizens and compatriots living in the country. Members of the Russian diaspora in Australia, who had always been actively involved in efforts to preserve the Russian language and culture, were subjected to enormous psychological

²⁰ 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>

²¹ John Edwards, who shot dead two children, should not have had gun license, coroner finds. ABC. 7 April 2021

<https://amp.abc.net.au/article/100052238>

pressure. Faced with outright intimidation, few patriotically-minded compatriots proved ready to openly express their views.

On 13 March 2022, activists from the Russian community held a pro-Russian rally in front of the Russian Consulate General in Sydney, which was also attended by representatives of friendly diasporas and some critically-minded Australians. TASS reporter Anna Arkayeva, who had covered the event, received threats from pro-Ukrainian associations soon afterwards.

It should be also noted that Australian competent authorities have always closely followed the efforts of pro-Russian activists in Australia. In particular, the ataman of the Australian branch of the Union of Cossack Warriors of Russia and Abroad Semyon Boykov was interrogated as to whether he had contacts with members of armed formations in Donbass. Later on, he was sentenced to ten months in prison for publicly stating that local authorities had limited themselves to imposing but nominal pre-trial restrictions on a person accused of child molestation. Boykov is being accused of breaching a court order not to disclose confidential information. This a tough step can be explained by our fellow citizen's public activity, which has for a long time run counter to the Russophobic line pursued by official authorities in Canberra.

Australian media outlets have occasionally shown a biased attitude towards the Russian diaspora against the backdrop of their generally lopsided presentation of the Russian issue. In August 2020, the Inside Story online magazine published an article by Kyle Wilson (a retired intelligence officer who specializes in Russia and is currently an Australian National University staff member) calling our compatriots who openly support Russia's policy "Putin's fifth column in Australia." In January 2021, Australia's central television channel, ABC, broadcasted a so-called documentary "Putin's Patriots: Russian Money and Influence in Australia," depicting a number of civic associations of Russian nationals as agents of Russia's allegedly malicious influence (including

local branches of the Union of Cossacks Warriors in Russia and Abroad, the Night Wolves Motorcycle Club, and others).

Numerous complaints from our compatriots to the Russian Embassy are indicative of the fact that the Russophobic policy adopted by the country's leadership and its state-controlled media has spread hatred towards people of Russian descent across various spheres of public life. It should be noted, however, that Australian authorities take certain measures to prevent possible conflicts in public places. The police are taking preventive measures to protect the Russian Orthodox churches in Sydney and Melbourne.

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 a relevant court order.

The Telecommunications Amendment Act became effective in 2015, which made it compulsory for telecommunications companies to keep metadata on the Australians' phone calls and electronic messages for two years. Besides, in December 2018, a law compelling cryptographically encrypted electronic messaging services 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 individuals and legal entities acting in the interests of foreign States to provide data regarding their activities at short notice of competent authorities. According to human rights activists, all these powers can be used for uncontrolled and unfounded interference with the citizens' privacy. Thus, the HRCttee has noted that there is

a risk that such emergency measures could over time become the norm rather than the exception.²²

In 2019, the CRC recommended that Australian authorities revoke the December 2015 amendments to the Citizenship Act that allow for children under 18 years of age to lose their Australian citizenship if they engage in or are convicted of certain foreign fighting or terrorism-related conduct.²³

The international human rights community is criticizing the ongoing practice of the impunity of law enforcement officers for the abuse of power. The HRCtee has pointed out, in particular, that the existing close relationship between the police investigations and the coroners' investigations may compromise the independence of investigations.²⁴

In June 2019, the Australian Federal Police (AFP) searched the house of the political editor of News Corp media holding newspapers as well as the headquarters of the largest broadcasting corporation, ABC, seizing material on war crimes in Afghanistan. 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.²⁵

In September 2021, the Surveillance Legislation Amendment Act was adopted to expand surveillance powers of Australian special services to conduct surveillance as part of operational and investigative activities. The 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

²² 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=ru

²³ 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=ru

²⁴ Ibid.

²⁵ AFP raid on ABC reveals investigative journalism being put in same category as criminality. ABC. 15 July 2019

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

criminal organizations and establish control over accounts without consent of account holders for the purpose of collecting evidence of criminal activity.²⁶

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 highlights the segregated 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.

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.²⁷

Human rights monitoring mechanisms are concerned with the practice of non-therapeutic forced sterilization of women and girls with intellectual disabilities and/or cognitive impairment, 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

²⁶ Surveillance Legislation Amendment (Identify and Disrupt) Bill 2021

https://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bId=r6623

²⁷ 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=ru

HRCttee,²⁸ the Committee on the Elimination of Discrimination against Women (CEDAW) (in July 2018),²⁹ and the CHC³⁰ 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.³¹

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 still persists in the country. At the same time, as the Committee on the Elimination of Discrimination against Women notes in its concluding observations, there is no systematic data collection on the number of women who have faced these challenges.³²

There are a number of challenges pertaining to ensuring the rights of children. In November 2019, the CRC expressed concern over the persistently high number of minors in alternative care, with remarkably high though

²⁸ 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=ru

²⁹ 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=ru

³⁰ 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=ru

³¹ 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=ru

³² 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=ru

traditional overrepresentation of Indigenous minors in alternative care. Experts also noted the limited access to mental health and therapeutic services for children in alternative care.

Another problem is the high rate of violence against minors both in the home and in specialized institutions. The CRC 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. At the same time, it excludes persons sentenced to five years of imprisonment or longer and children who were under eight years of age in 2018.³³

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. Besides, child protection services tend to disregard welfare measures for struggling families and prefer to remove the child right away.³⁴

The criminal age of responsibility continues to be 10 years old in Australia. The HRCtee³⁵ and the CRC³⁶ noted the need to review this

³³ 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=ru

³⁴ 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>

³⁵ Concluding observations of the Human Rights Committee on the periodic report of Austria. October 2017
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fAUS%2fCO%2f6&Lang=ru

³⁶ 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=ru

regulation. There were similar calls during the third cycle of the UN Human Rights Council Universal Periodic Review in January 2021.³⁷

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.³⁸ According to the Committee on the Rights of the Child, 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 deliberately denied access to water, restrained in ways that are potentially dangerous and many are subjected to isolation. There are cases where children are detained with adults.³⁹

Canberra continues to dismiss the recommendation, arguing that the matter falls under the exclusive jurisdiction of the states and territories. It has become traditional to refer to the inability to deal with certain problems because they fall outside the responsibility of the federal authorities. During the COVID-19 pandemic the government used this argument to excuse its failure to increase the number of quarantine areas for Australians returning from abroad and residents. In April 2021, the HRCtee decided in favour of two Australians upon complaints about the violation of their right to return to their homeland. Noteworthy is the fact that the decision by the international expert body had no effect whatsoever on Canberra's behaviour: Australian government claimed that the said persons had failed to prove that their situation had been critical.⁴⁰

³⁷ Report of the Working Group on the Universal Periodic Review. Australia. Human Rights Council, the 47th session. March 2021.

³⁸ 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=ru

³⁹ 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=ru

⁴⁰ UN urges Australia to act quickly to bring stranded Australians home. The Guardian. 16 April 2021
<https://amp.theguardian.com/australia-news/2021/apr/16/un-urges-australia-to-act-quickly-to-bring-stranded-australians-home>

There are also doubts as to the alleged independence of the leaders of national human rights organizations. Candidates to the posts of the Disability Discrimination Commissioner in 2019 and the head of the Australian Human Rights Commission (AHRC) in 2021 were approved without due selection process. As a result, in April 2022, the Global Alliance of National Human Rights Institutions (GANHRI) called into question the the AHRC's re-accreditation. The Alliance warned that if Australia did not take measures within 18 months to ensure a transparent representative selection process to senior posts in the human rights sphere, the country's status would be downgraded.⁴¹

⁴¹ Statement on international accreditation of the Australian Human Rights Commission. Australian Commission on Human Rights 7 April 2022 <https://humanrights.gov.au/about/news/statement-international-accreditation-australian-human-rights-commission>

Austria

Ensuring and protecting fundamental human rights is among the priorities of the Austrian Constitution. The local legislation, particularly the key regulations that set the framework for the Austrian public policy, draws on relevant international standards and mechanisms. The vast scope of the law enforcement practice in this field offers the authorities the powers they need.

Human rights issues have traditionally remained a focus of media attention, closely monitored by local and foreign NGOs, which regularly publish reports on the situation regarding violations of human rights and fundamental freedoms and make facts of violations and the names of those involved publicly known using their websites and social media profiles, often making law enforcement agencies initiate inquiries into these cases.

Amidst the efforts to suppress the spread of the coronavirus infection, the Austrian government was forced to take a number of measures to restrict the exercise of certain fundamental rights. For instance, the right to peaceful assembly could only be realized if the number of people participating in the event was limited to 6 people when held indoors or 12 people when held in the open air, in addition to organizers, any staff involved and children. As to the right to freedom of religion, the practice of religious worship could be carried out without hindrance. At the same time, the number of persons entitled to attend the funeral was gradually reduced: as of 18 September 2020, up to 500 people could attend the ceremony, and on 22 October 2020, this number was reduced to 100 people.⁴²

In the context of steps taken by the Austrian government to contain the spread of the infection, human rights organizations have placed a focus on the legitimacy of such measures.

⁴² 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

In particular, the adoption of the Compulsory Vaccination Law (practical implementation suspended by the authorities) in January 2022 despite public protests, restrictions during national lockdowns, a simplified procedure for banning demonstrations, and more stringent rules for holding demonstrations (quantitative limits), etc. have been subjected to criticism. It has been reported that a number of complaints in this area have been satisfied, inter alia, by the Constitutional Court, which found certain restrictive solutions of the authorities to be contrary to the Austrian Constitution.

Upon the consideration by the Austrian Constitutional Court of more than 70 appeals against the imposed restrictive orders of the federal authorities, measures to restrict access and use of public spaces and public transport, which had earlier been allowed only in special cases (professional activities, emergency care, walks); the responsibility of citizens to provide to law enforcement officers the reasons for being in a public place; as well as the decree according allowing some small shops (shops with less than 400 square meters of retail space, home improvement supermarkets with garden centers) to resume work two weeks earlier than bigger ones, which had all ceased to be effective by then, were found unlawful and cancelled.

Furthermore, the 2022 report of the Ministry of Foreign Affairs of the Republic of Belarus on high-profile cases of human rights violations in certain countries of the world points out that the government anti-coronavirus measures were not popular with the Austrian society, which led to mass protests.

According to the report, thousands of people took to the streets of the Austrian capital to express their protest against the compulsory vaccination against COVID-19 and self-isolation for those who have not yet been vaccinated. By the end of 2021, such rallies had been attended by thousands of people throughout Austria and had been held for several weeks straight. The most extensive rallies against compulsory vaccination were held in Vienna, gathering about 40,000 protesters every weekend according to police reports.

On 8 January 2022, the protesters gathered in the central square of the Austrian capital – Heldenplatz in front of the Hofburg palace and marched along the Ringstraße. Ground public and private transport traffic was completely blocked because the roads were closed to allow for the procession. The protesters lit torches and smoke grenades and threw firecrackers. A few protesters were arrested by the police.

The Amnesty International Österreich human rights foundation criticized the prohibition to leave the house; the impossibility for disabled people and elderly people who need help of social workers to observe social distance; poor accessibility of e-learning for migrant children; discriminatory actions by police officers on racial and ethnic grounds when carrying out checks. An increase of instances of domestic violence against women and children in the period of "home quarantine" has been reported.

At the same time, in the context of countering COVID-19, one should commend introducing amendments into the legislation on special leave for parents to enable them to fulfill their childcare responsibilities whenever educational institutions are closed deserve a positive assessment. The previous regulation had been criticized by both the Austrian Trade Union and the NGO Volkshilfe, as it had left its provision to the discretion of the legislator. Under the new regulation, the possibility to miss work in order to fulfill family obligations has become an inalienable right of an employee.

The introduction of a short-term employment scheme during the coronavirus epidemic was another positive step. It enables workers whose working hours have been reduced due to the implementation of the imposed restrictions, to receive 80-90% of their original net income.⁴³

Art. 14 and 15 of the 1867 Basic Law recognize Austria as a secular state that guarantees its citizens freedom of conscience and religion.

⁴³ Ibid.

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% of the country's population (about 6.9 million people) identify themselves as belonging to some religion. The Catholic church is in the lead, with its worshipers accounting for 4.9 million (55% of the population). 340.3 thousand people (3.8% of the population) belong to the Evangelical (Protestant) church. Orthodox Christians of various dioceses account for about 437 thousand people (4.9% of the population). The total number of Muslims in Austria is nearly 746 thousand people (8.3% of the population). About 482 thousand people profess other religions, including Buddhism and Judaism.

The relations of the Austrian state with churches and religious societies are governed 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 Austria and the Holy See, the 1961 Protestant Law, the 1967 Orthodox Law, the 1990 Jewish Law, the 1912 Islam Law (updated in 2015) and others. By adopting every law, the state recognized a relevant church or religious community. There are currently 16 churches and religious communities in Austria recognized by the state.

In 1998 Austria adopted a law on religious associations, which provided a simplified organizational form for the activities of some denominational communities. It introduced the term of 'registered religious associations' which possess legal personality but, unlike state-recognized churches and religious societies, are not corporations under public law. A religious association needs to have a charter and at least 300 community members residing permanently in Austria to get state registration. 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 communities in Austria (Seventh-Day Adventist Church, Pentecostal Church, Hindu Religious Community, and others).

The need to stand up to 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 aspect of Austria's religious life.

The shocking November 2020 terrorist attack in the center of Vienna led to a comprehensive revision of anti-terrorism legislation with a focus on countering the spread of terrorist ideology and preventing religious extremism.

In July 2021, a package of measures aimed at stepping up efforts to counter the spread of radical movements was enacted. Tougher punishments for crimes on religious and political grounds were introduced. The powers of the authorities in dealing with radical religious associations engaged in educational and outreach activities were expanded, in particular: control was reinforced and the procedure for closing "radical" mosques was simplified, compulsory registration of imams preaching in Austria was introduced, and funding opportunities for Muslim organizations were restricted. In order to prevent the

radicalization of certain social groups, primarily the youth, special focus is placed on the early warning system.

The authorities' prohibition for Muslim girls to wear hijabs in schools, which, however, was considerably eased by the Constitutional Court ruling (the ban on hijabs was revoked for elementary school pupils) provoked a wide public response.

It should be noted that the ban was formulated in the School Education Act in broad terms: students under the age of 10 should not wear clothes covering their heads that reflect religious or ideological beliefs. However, the parliamentary subcommittee on education subsequently issued an explanatory commentary on the issue stating that only those headdresses that hide either the hair entirely or most of it are subject to restriction. Thus, the wearing of yarmulkes and patkas – children's headdresses of Sikhs – was removed from the scope of the law. This makes it even more obvious that this step is directed against Muslim girls, which, according to ECRI experts, may result in the marginalization of this group of students and negatively affect their exercise of the right to education.⁴⁴

Some actions of law enforcement agencies, in particular the Luxor counter-terrorist operation aimed at detaining followers of radical branches of Islam, which followed the said terrorist attack in Vienna, have added to ethnic tensions.

Amnesty International believes that the package of counter-terrorist measures is "threatening the respect for the rights of Muslims." The experts believe that these steps can lead to the stigmatization of the Muslim population and create a negative backdrop for the Islamic world as a whole.

According to the 2022 report of the Ministry of Foreign Affairs of the Republic of Belarus on high-profile cases of human rights violations in certain

⁴⁴ Report of the European Commission against Racism and Intolerance on Austria (sixth monitoring cycle), adopted on 7 April 2020, published on 2 June 2020.
<https://rm.coe.int/report-on-austria-6th-monitoring-cycle-/16809e826f>

countries, the July 2021 amendments to Austria's Federal Law "On Islam" (Islamgesetz) considerably expand supervisory powers of the Office of Worship in the Federal Chancellery with regard to Islamic entities and facilitate the procedure for the liquidation of Muslim communities in cases where any violations are found. Countering "political Islam" was among the objectives of the "counter-terrorist package." The Islamic Religious Society in Austria, IGGÖ – the largest public association of Austrian Muslims – expressed disapproval with the new version of the law. Community members point to the discriminatory nature of the new provisions. Besides, Austrian Muslims find it unacceptable to link the issues of counter-terrorism and relations between the state and religious institutions.

On the other hand, Islamophobia, which has remained a high-profile issue recently, and the situation of the Muslim population of Austria, which raises concern among human rights activists.

In 2021, the Dokustelle Österreich consulting entity recorded 1061 anti-Muslim incidents (against 1402 in 2020) (the spread of hate messages in the media space, insults on religious grounds, damaging property, unequal treatment). 65% of these occurred on-line, with political figures "accounting" for one-third of the incidents (mostly members or supporters of the right-wing populist Austrian Freedom Party). Muslim women were harassed more often (70% of cases), while three-fourth of the perpetrators were men.

In this regard, the results of a social survey contained in the 2020 EU Agency for Fundamental Rights Report are very illustrative: 45% of the respondents are convinced that Muslims should not enjoy the same rights as "all the other people living in Austria."⁴⁵

The situation with the purchase of a house in the Weikendorf community (Lower Austria) by a large Palestinian family in March 2019, where local

⁴⁵ 2020 EU Agency for Fundamental Rights Report.

https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-fundamental-rights-report-2020_en.pdf

residents and the city administration expressed disagreement with its acquisition and tried to prevent the family from moving to a new place to live, 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.

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% of 1,000 respondents rated their life together with Muslims as bad). The last time this figure was as 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 topic of global warming. At the same time, the situation with the integration of refugees in schools and workplaces worries 58% of respondents.

As to the risk of disclosure of personal data, the Muslim diaspora expressed dissatisfaction with the launch of an interactive online platform, the National Map of Islam (which contains detailed information on more than 600 Muslim organizations functioning in Austria). Local heads of the Catholic and Protestant churches considered the initiative to be conducive to further social division and ethnic tensions. The authorities insist that the resource serves purely informational purposes. On this basis, the Austrian Data Protection Authority (Datenschutzbehörde) turned down the complaint of the Muslim Youth of Austria NPO.

The main concern of native Austrians about Muslim immigrants is the increased risk of the spread of radical Islamic ideologies and practices among them, as well as challenges in integrating Muslims in schools and at the workplace.

At the same time, 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 9 communities and organizations with observer status. The Pro Oriente foundation, established in 1964, promotes cooperation between Catholic and Orthodox churches from different jurisdictions, including the Moscow Patriarchate. A number of Austrian interreligious projects have been recognized as examples of best practice in Europe, such as the Ecclesiastical University of Education Vienna/Krems, where Christians, Jews, Muslims and Buddhists successfully work side by side.

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 get to choose religious instruction in accordance with their officially declared religious affiliation. In addition to that, the Catholic Church operates 900 kindergartens (about 30,000 children), almost 300 schools (more than 70,000 students), 5 pedagogical and 2 theological universities. There are also two Jewish educational institutions in Vienna, whose job is to facilitate the integration of migrant children of Russian-Jewish descent.

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. One more parish is based in Salzburg, operating under the jurisdiction of the Russian Orthodox Church Outside of Russia (ROCOR). The Vienna-Austria diocese of the ROC-MP gained the official recognition by the state in 2012, while previously ROC enjoyed the status of 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, with teachers and students from both Russia and Austria.

In light of the special military operation in Ukraine and the ongoing destructive processes in the country's church system, 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–Austria 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.

In its annual human rights report for 2021/22 published in April 2022, Amnesty International, a human rights NGO, criticizes Austria for insufficient social benefits and lack of measures to combat homelessness; inadequate investigations of police violence; unjustified deportations of asylum seekers; and problems with discrimination against migrants. The government failed to create by the end of 2021 an independent investigation and complaint mechanism to look into reports of ill-treatment, as was announced in January 2020.⁴⁶

The situation in the migration sphere has deteriorated.

According to statistics, almost a quarter of the country's population (about 2.2 million people) has migrant roots (an increase of 24% since 2015⁴⁷), with the most active resettlement originating from Afghanistan, Iraq, and Syria. According to Austria's Ministry of the Interior⁴⁸, there has been a sharp increase

⁴⁶ According to the 2022 report of the Ministry of Foreign Affairs of the Republic of Belarus on the most resonant cases of human rights violations in certain countries of the world.

⁴⁷ <https://www.statistik.at/fileadmin/announcement/2022/07/20220725MigrationIntegration2022.pdf>

⁴⁸ https://www.bmi.gv.at/301/Statistiken/files/Jahresstatistiken/Jahresstatistik_2021_v2.pdf

in the number of applications for refugee status: up to 39.9 thousand in 2021 (+170% from 2020, with more than half of applications submitted by natives of Afghanistan and Syria), owing to the lifting of the COVID-19 restrictions, including those on entry. In 2021, 12 thousand asylum applications were granted (with Syrians accounting for 57% of applicants), 13.5 thousand were rejected. From January through August 2022, 56 thousand applications were received⁴⁹ (+195 compared to the same period in 2021). The influx of Ukrainian refugees has totaled about 80 thousand people (of which 57 thousand receive social welfare benefits).⁵⁰

The consequences of the 2015 crisis and the continued arrival of new refugees, including from Ukraine, have put a serious strain on the social system. The government pursues a very strict migration policy focusing on the fight against illegal immigrants, which has been harshly criticized by the opposition and human rights activists. Deportation of foreigners whose presence in the country has been declared illegal as a result of the denial of asylum, deprivation of refugee status, or violations of local law appears to have become a standard practice.

The head of the Ministry of the Interior, G.Karner, is pushing for legislation to ensure that the initial "screening" of refugees is carried out in third countries prior to their entry into Austria. At a conference on refugees (Vienna, 21-22 February 2022), he suggested that refugee status applicants with a clearly low chance of obtaining one should be sent back home at the EU doorstep, that is at the Western Balkan countries' borders.⁵¹ In return, G.Karner promised to help those countries with border control activities and deportation of refugees to their countries of origin.

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

⁴⁹ https://www.bmi.gv.at/301/Statistiken/files/2022/Asylstatistik_August_2022.pdf

⁵⁰ <https://www.krone.at/2783092>

⁵¹ <https://www.bmi.gv.at/news.aspx?id=6E374278305977735050673D>

called on EU countries to take concerted action to combat illegal migration and entry of refugees, ensure their "fair" distribution among European countries, and strengthen cross-border cooperation.⁵²

Human rights defenders have criticized the way migrants are treated, including the living conditions in refugee reception centers. A report by the Commissioner for Human Rights of the Council of Europe 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. Cases of illegal push-backs of refugees at the borders have been noted.⁵³

According to Amnesty International, between January and August 2021, more than 60 Afghan refugees were expelled in spite of the risk of freedom violations that they would face upon their return. The authorities have been considering an extension of the period of stay in the country for persons enjoying temporary protection as well as facilitation of the procedure for migrant family members' reunification.

In the first months following the start of the special military operation in Ukraine, Ukrainian refugees received quite a warm welcome. They have been granted certain preferences as compared to refugees of other nationalities, including a simplified procedure for receiving social payments, access to the labor market and the educational system, subsidized medical care, etc.

Against this background, the unequal treatment of refugees from different countries is becoming increasingly apparent. Human rights defenders have voiced concerns over the insufficient efforts by the state to counter an ever-more systemic racism ("institutionalized racism") in the migration sphere. The emergence of a so-called two-tier asylum system has been noted. While

⁵² <https://kurier.at/politik/inland/wie-vucic-orban-und-nehammer-gegen-illegale-migration-vorgehen-wollen/402168057>

⁵³ <https://rm.coe.int/commdh-2022-10-report-on-the-visit-to-austria-en/1680a6679a>

Ukrainian citizens enjoy special protection, refugees from other countries face downright racism and other forms of discrimination. Besides, the need for equal treatment among the Ukrainian refugees themselves regardless of their nationality has been emphasized (there have been cases of discrimination against persons of Asian and African appearance arriving from Ukraine).

The current program of the Austrian government (formed from representatives of the Austrian People's Party and the Green Party) for 2020-2024 contains 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 lasts no more than 6 months. In general, there is a trend towards pursuing a more differentiated migration and asylum policy. For this purpose, the country has established the Federal Office for Immigration and Asylum (BFA), as well as the Advisory Council with the participation of the 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 (Social Democratic Party of Austria, the Green Party and the NEOS party) in support of this idea emphasized that "with the onset of the coronavirus 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 a majority of the population.

The Austrian government pays great attention to providing assistance in the voluntary return of migrants to their countries of origin. In the framework of the government program RESTART II, refugees leaving Austria are provided with financial aid (2,800 euros) to facilitate their adaptation at a new place of residence. Over the past three 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 Council of Europe European Commission against Racism and Intolerance (ECRI) expressed regret over further tightening of family reunification rules 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. In accordance with the new rules, the time limit for submitting applications was reduced to three months from the date of recognition as a refugee. Apart from this time limit, the law stipulates additional requirements to be fulfilled, such as sufficient income, health insurance and stable accommodation. Increased costs for visa applications, without which the reunification as such would have been impossible, have become an additional factor complicating the process.⁵⁴

As noted by the 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 a while 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 potential inaccuracy of its results, it is impossible to appeal against them.⁵⁵

⁵⁴ European Commission against Racism and Intolerance, Report on Austria (sixth monitoring cycle), adopted on 7 April 2020, published on 2 June 2020, <https://rm.coe.int/report-on-austria-6th-monitoring-cycle-16809e826f>

⁵⁵ Committee on the Rights of the Child, Concluding observations on the combined fifth and sixth periodic reports of Austria, March 2020, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fCO%2f5-6&Lang=ru

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 knowledge.⁵⁶ 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 this part of the population.

The high crime rate among migrants remains a serious problem. About 35–40% of offenses in Austria are committed by natives of other countries.⁵⁷ Offenses committed by refugees and members of ethnic minorities are regularly reported by Austrian media.

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

The law prohibiting the distribution of hate content on the Internet, which took effect on 1 January 2021, has been widely criticized. Its scope covers all websites designed for the exchange of messages, photos, videos and audios and having at least 100 thousand users and a turnover of more than 500 thousand euros per year. The package of measures introduces the responsibility of the Internet platforms (including Facebook, Google, TikTok, etc.) to monitor and promptly remove "messages of hatred, threats, hate speech". Network operators are supposed to provide their users with the opportunity to lodge complaints about hate content on their online resources. Such complaints can also be made through the website of the Austrian Ministry of Justice. In case the complaint is found to be valid, the relevant Internet platform has to remove the publication in question within 24 hours (the penalty for non-compliance is up to 10 million euros). If violators ignore court decisions or delay taking action, the penalty may be levied from the advertising partners of the online resource that violated

⁵⁶ Ibid.

⁵⁷ <https://www.integrationsfonds.at/mediathek/mediathek-publikationen/publikation/migration-und-integration-2021-zahlen-daten-indikatoren-10674/>

the law. Austrian Internet platforms with less than 100 thousand subscribers, online stores, as well as online forums of Austrian electronic media, which are already covered by the national media law, are outside the scope of the law.

While before the adoption of this legislation 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 efficiency. Online bullying and incitement to hatred are still present on the same scale as before, meaning that the law has failed to significantly curb the online activity of the perpetrators. Threats on the Internet have even been made against Minister of Justice A.Zadic and Minister of Defense K.Tanner.

The number of proceedings initiated by prosecutors' offices as well as the overall workload of law enforcement agencies have increased markedly, but the increase in the share of convictions has been insignificant. Similarly, more was expected from the system of psychosocial support for victims (with funding amounting to 13.6 million euros). In 2021, actual support was provided only in 16 cases, worth a total of 11.5 thousand euros.⁵⁸ With a view to raising public awareness of protective measures, a broad information campaign against "hate on the net" was launched in the first half of 2022.

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

One of the methods used for combating hate speech is the promotion of a counter-narrative. That is exactly what is done by the National Committee for the Council of Europe's no-to-hate-speech campaign, established in 2016. Following the launch in 2017 of the project #makelovegreatagain, it has continued to hold different activities and events aimed at raising public awareness, with the participation of NGOs and public authorities. In 2018, the

⁵⁸ <https://www.wienerzeitung.at/nachrichten/politik/oesterreich/2144444-Reform-vorerst-ohne-Wirkung.html>

Neustart probation service, together with the Austrian prosecutor's office, launched the "Dialogue instead of Hate" program, aiming to develop a constructive response to hate speech by modifying the behavior of perpetrators.⁵⁹

The Amnesty International Report 2021/22⁶⁰ highlights the issue of police violence and a lack of action by courts during the investigations into such cases. Plans to establish an independent body to effectively investigate cases of violence and abuse by law enforcement officers, announced by the government in January 2020, have remained unimplemented.

Thus, it is no surprise that, according to opinion polls⁶¹ (summer 2022), more than 25% of respondents do not trust the police. Aggressive, disproportionate actions of law enforcement officers when dispersing peaceful protests, particularly those against the COVID-19 restrictions, as well as environmental activists' tent camps, have been criticized. In April 2022, a police officer was sentenced to a fine of 2,250 euros for nearly running over an eco-activist protester in the center of Vienna with his service vehicle in May 2019. The investigation, which lasted almost three years, 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).⁶² In connection with cases of physical aggression of protesters against police officers, the powers of the latter

⁵⁹ Ibid.

⁶⁰ <https://www.amnesty.de/informieren/amnesty-report/oesterreich-2021>

⁶¹ <https://de.statista.com/statistik/daten/studie/377459/umfrage/umfrage-in-oesterreich-zum-vertrauen-in-die-polizei/>

⁶² https://bundeskriminalamt.at/501/files/2022/Presseinformation_Polizeiliche_Kriminalstatistik_2021_BF_2022_0215.pdf

were expanded, which has also sparked criticism on the part of human rights defenders.

Human rights organizations cite the examples of abuse of authority by police officers and special forces, which, as a rule, takes the form of using excessive force against people being detained. 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.

In January 2019, two police officers beat a 28-year-old Chechen 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.

In its report on Austria, prepared during the sixth monitoring cycle, the ECRI cites data from a study conducted by the EU Agency for Fundamental Human Rights: 66% of respondents of African descent noted that they were stopped at least once by law enforcement agencies in the last five years prior to the survey; 34% of them considered it racial profiling.⁶³ This is the highest rate among the EU member states.

In addition, according to the ECRI, despite the legal ban on racial profiling in Austria, only two cases in which this issue was raised have been resolved in court so far. There is also no data on complaints of such treatment

⁶³ European Commission against Racism and Intolerance, Report on Austria (sixth monitoring cycle), adopted on 7 April 2020, published on 2 June 2020, <https://rm.coe.int/report-on-austria-6th-monitoring-cycle-/16809e826f>

being considered by the Office of the Human Rights Ombudsman in Austria, despite the fact that the topic of racial profiling is within its competence.⁶⁴

Human rights activists 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%) for this category of persons, about 20% 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 3) 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, at the end of the day, this reform will have the most impact on the welfare of children and minors residing in Austria.

The tough stance of then Chancellor S.Kurz in favor of "consistent deportation of foreigners who have committed offenses in the country and whose refugee status has been revoked" as well as the problem of migrant smuggling into Austria (a series of such cases occurred in January-February 2020, resulting in at least 50 refugees being brought into the country) were another matter of concern voiced by specialized NGOs.

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 as regards trafficking in women and girls for sexual exploitation (95%) and forced labour. In this respect the Committee expressed its concern that despite the increase in cases of investigation and criminal prosecution against traffickers (in 2017 63 people were arrested on suspicion of human trafficking and 75 – in connection with the involvement in cross-border

⁶⁴ Ibid.

prostitution) perpetrators of human trafficking receive too lenient sentences. In this regard experts refer to article 104a of the Criminal Code that punishes such offenses by imprisonment for the term of up to 10 years.⁶⁵

Ahead of elections to Vienna parliament 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 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 exists a clear distinction between migrants and ethnic groups" and "the desire of certain migrant communities to be recognized as an ethnic group is absurd and has no legal grounds".

The report of the Vienna Jewish community⁶⁶ noted that in 2021 a record number of incidents in the last 20 years of the number of anti-Semitic incidents (965; 65% increase over 2020). Prevalent are: abusive treatment, especially in virtual space (60% cases), sending of letters containing Anti-Semitic material

⁶⁵ 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%2fCO%2fAUT%2fCO%2f9&Lang=ru

⁶⁶ <https://www.ikg-wien.at/nachrichten/antisemitismus-bericht-2021>

(261) and property damage (95). In 22 cases they included threats, in 12 – physical coition.

According to the Ministry of the Interior⁶⁷ there was an increase in 2021 in the number of offences committed by right-wing radicals (1053; +18% over 2020), including on the grounds of Anti-Semitism (61; +69% over 2020). The main "places" of offences are Internet and "anti-COVID" demonstrations. It emphasizes that Anti-Semitism on the grounds of nationality is becoming less common than its "side effects" – such as Holocaust denial and anti-Israeli actions.

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 slogans "Death to Jews and infidels" (investigation is underway).

In January 2021 the government presented a national Anti-Semitism strategy aimed *inter alia* at strengthening security of Jewish organizations, increasing socialization of representatives of the Jewish diaspora. An educational course was developed for pupils and students to get them acquainted with the foundations of Judaism and Jewish world.

The European Conference on Anti-Semitism was held in May 2022 in Vienna organized by the Federal Chancellery. Its Vienna Declaration against Anti-Semitism envisages a set of measures aimed at developing new methods of monitoring such manifestations and improving the electronic record database. It noted the worsening of the situation with respect to prosecutions of Jewish population in Europe as a whole, especially of the younger generation in online environment.

⁶⁷ https://www.parlament.gv.at/PAKT/VHG/XXVII/AB/AB_09048/index.shtml

According to the study on the dissemination of Anti-Semitism in the country conducted as early as the beginning 2019 and commissioned by the Austrian National Council, about 10% of the population support Anti-Semitism. But according to the Austrian Institute of Empirical Social Research Anti-Semitism is more common among people speaking Turkish and Arabic. 10% of respondents agreed with the thesis that "if the State of Israel disappears peace will prevail in the Middle East", while among Arabic language population those supporting it represent more than 70% and among Turkish language – 50%. According to the study conducted by the EU Fundamental Rights Agency 24% of Jewish respondents view Anti-Semitism as a great problem in Austria while 49% as a relatively serious one.⁶⁸

Pursuant to the Austrian Governments decision, from September 1, 2020, Jews deported during the Second World War from the territory of Austria (more than 100,000 people) and their descendants may apply for Austrian citizenship without the need to renounce existing citizenship (in Austria, dual nationality is granted only in exceptional cases). According to authorities, at the first stage more than 50,000 applications are expected. The leader of the Austrian Jewish community O.Deutsch called this decision "not a gift but a formal rectification of injustice".

According to the study conducted by SORA Institute for Social Research (one of the leading European social science institute) on the classification of forms of discrimination in Austria, harassment in the workplace is the most common form and usually it targets foreigners. The survey (about 2 thousand people at the age of 14–65 years old) recorded the experience of discrimination and unequal treatment in the sphere of labor, healthcare and education. Almost half of all respondents (43%) were subjected to harassment at least once in each of the areas of study. Persons with migration background or Islamic religious

⁶⁸ Report of the European Commission against Racism and Intolerance for Austria (6th monitoring cycle), adopted on the 7th of April 2020, published on June 2, 2020.
<https://rm.coe.int/report-on-austria-6th-monitoring-cycle-/16809e826f>

affiliation suffer discrimination twice as often (62% and 78%) as persons without such background (37%) or Christians (39%). People with low social status claim that they suffer discrimination twice as often as people with wealth.⁶⁹

Complexity and fragmentation of anti-discrimination legislation are still a problem specific for the Austrian legal system. The reason for this lies in the division of competence between the federal government and lands. Differences between the Law on Equal Treatment and laws of each land related to providing different level of protection depending on the grounds for discrimination lead to legal uncertainty and regulatory confusion.⁷⁰

According to human rights activists everyday racism remains a major challenge in Austria. According to the report by Austrian NGO "Civic Courage and Work Against Racism" (ZARA)⁷¹ in 2021 recorded 1977 violations of human rights on racial grounds (-35 from the "record" 3039 cases in 2020; in 2019 – 1950 cases), including more than 57% in Internet and 14% – in public places. The report recorded 112 cases by public employees, 102 – law enforcement officials, 84 – political figures and media representatives. In 78% reports on incidents (including in an online environment) came from eye witnesses or witnesses and only 22 % – from victims themselves.

According to the Austrian NGO "Non-Discriminatory Education Initiative"⁷² in 2021, 121 cases of discrimination were registered including against school children (45%), students (35%) and educational personnel (7%), from which 80% were racist. Major forms include racism in educational literature, gender/nationality-based insults particularly with regard to Muslims

⁶⁹ Repot by SORA Institute on discrimination in Austria, adopted in March 2019, published in May 2019 https://www.sora.at/fileadmin/downloads/projekte/2019_Diskriminierungsstudie_Langfassung.pdf

⁷⁰ 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>

⁷¹ https://assets.zara.or.at/media/rassismusreport/ZARA_Rassismus_Report_2021_engl.pdf

⁷² http://diskriminierungsfrei.at/wp-content/uploads/2022/06/IDB_Jahresbericht-2021.pdf

and persons with non-traditional sexual orientation. It is noted that only in one out of 20 cases of discrimination from teachers they were fined.

In March 2020 the Committee for the Rights of Children (CRC) welcomed Austria's measures to combat hate speech and manifestations of neo-Nazism, racism, xenophobia and related intolerance. They include establishment of special units in prosecutor's offices to investigate cases of incitement to hatred and inclusion of issues of racism, xenophobia and related intolerance in Austrian school curricular.⁷³

Women's rights situation in the light of the increase in domestic violence. The government annually allocates about 25 million Euros for the improvement of the counselling centers, as well as legal and information support. In order to get a composite profile of the criminals and analyze their motives the Federal Criminal Police Agency reinvestigates cases for the last ten years. According to "Autonome Österreichische Frauenhäuser" NGO⁷⁴ 3 women perish at the hands of criminals every month in the country. In 2021 31 cases of murder were recorded and since the beginning of 2022 – 17 cases (one of the highest number in Europe). In 75–80% cases there were kinship or family relationship between perpetrators and their victims.

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 lands. In this regard the CRC in its concluding observations following consideration of the 6th Austria's periodic report expressed its concern that this may lead to disharmony

⁷³ Concluding observations by the Committee for the Rights of Children 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

⁷⁴ <https://www.aofef.at/index.php/zahlen-und-daten>

in the application of legislation and fragmentation and inconsistency in the realization of children's rights.⁷⁵

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 land authorities continues, within budgetary capacity, rehabilitation of Red Army memorials in need of repair.

For example, on August 10, 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 events culminated in the completion of repairs to Soviet memorials in the lower Austrian cities of St. Pölten and Mistelbach (February and June 2022, respectively).

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. These acts of vandalism were subsequently removed and the Vienna police promised to provide for 24-hour monitoring of the monument.

The need to increase vigilance with regard to Soviet graves appeared with the beginning of the special military operation by Russia to denazify and demilitarize Ukraine 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 SMO were

⁷⁵ Concluding observations of the Committee on the Rights of Children on the combined 5th and 6th Austria's periodic reports. March 2020.
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fAUT%2fCO%2f5-6&Lang=ru

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 May 25, 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 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.

At the same time, after Russia launched its special military operation to denazify and demilitarize Ukraine, the generally calm situation with Russian citizens in Austria changed dramatically. As a result of the growing manifestations of the "cancel culture" all Russian and everything associated with Russia are subjected to harassment and discrimination.

The Austrian authorities have clearly anti-Russian positions. On February 25, 2022, Federal Chancellor Karl Nehammer, in a statement to the press following the meeting of the Austrian Security Council, stated the need to restrict the freedom of movement and private property of Russian businessmen.

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

Massive attacks on the websites of Russian compatriots 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 reports on the organization of 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. Compatriots also reported that in educational institutions materials about Russia and events in Ukraine are presented in a one-sided manner.

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

Austrian banks, including such large institutions as the Erste Bank and Raiffeisenbank, block the accounts of Russian residents without any warning and refuse to open accounts. In particular 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, compatriots are unable to pay for basic needs, including utilities, rent, medical services, etc.

Austrian cultural and educational institutions got also involved in the cancellation of Russia campaign. So, in February 2022, the Bruknerhaus Linz concert hall broke agreements with the St. Petersburg House of Music and canceled musical Russian Tuesdays for the current season and for 2022-2023.

On March 1, 2022, the Salzburg Festival declared that it saw no grounds 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 March 16, 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 centres 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).

Albania

Albania is a party to most European and universal international human rights treaties. Drawing on these instruments, the Government is taking steps to improve legal protection of its citizens and developing relevant plans and programmes in cooperation with national and international NGOs.

In 2022, the human rights record in the Republic of Albania, despite a number of critical comments from Western and international human rights organizations, saw no significant changes and remained generally satisfactory.

The most sensitive issues continued to be those related to the activities of organized crime groups (OCGs) in the country and violations of civil rights and freedoms of the population.

Human rights protection is one of Tirana's top five priorities for launching accession talks with the European Union; however, the attempts by the Albanian leadership to reach EU standards have yielded no tangible results so far. Despite certain positive developments, the human rights situation in Albania remains complicated. The most painful issues, as international experts point out, include human trafficking, law enforcers' brutality, inappropriate prison conditions, use of hate speech, double standards on property rights, blood feuds, discrimination against national minorities, and domestic violence.⁷⁶

Such problems are mainly caused by widespread corruption, nepotism, imperfect legal framework and weak judicial system, lack of professionalism among judges and prosecutors, a low level of legal literacy of the population, traditional social mores, high unemployment rate, poverty, which prompt people, especially youth, to migrate outside the country.

⁷⁶ Report of the Working Group on the Universal Periodic Review. Albania. July 3, 2019
<https://undocs.org/ru/A/HRC/42/4> <https://undocs.org/ru/A/HRC/42/4>

In the field of combating human trafficking, despite the efforts made at the national level over recent years⁷⁷, Albania still 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. Western partners initiate and provide the Albanian government with full support in the fight and preventive measures in this direction. Albanian organized crime groups remain strong though. From time to time, information appears in open sources about newly revealed OCGs specializing in human trafficking and operating both in Albania and abroad (Italy, Greece, Kosovo,⁷⁸ etc.). Recent attempts by the country's leadership to disavow accusations against the so-called Kosovo Liberation Army of involvement in human organ trafficking, including through Albania's territory, have failed to receive any response from the international community.

Albania has not overcome its negative image as a source and transit country – and in some cases a destination country – for sexual slavery and forced labour for men, women and children. The primary risk groups include Egyptian and Roma minorities, children and socially vulnerable segments of the population. This was indicated, inter alia, by the Committee on the Elimination of Racial Discrimination (CERD) following the review of the combined ninth and twelfth periodic reports of Albania in December 2018.⁷⁹

In order to put the situation right, Albania is taking steps to reform the justice system. The report of the Working Group on the Universal Periodic Review, published in July 2019, gave a positive assessment of the adoption of Law No. 76/2016 on amending the Constitution of Albania and a package of

⁷⁷ For example, in 2018, with the support from UNICEF, the Albanian Ombudsman developed a new strategic action plan to improve the human rights situation for 2018-2022, which focuses on combating modern slavery and human trafficking.

⁷⁸ Hereinafter, Kosovo is mentioned in accordance with the provisions of UN Security Council Resolution 1244.

⁷⁹ Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined ninth to twelfth periodic reports of Albania. December 2018 r.

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fALB%2fCO%2f9-12&Lang=ru

seven organic laws that contain provisions guaranteeing independence, impartiality, professionalism and integrity of judges, as well as improved mechanisms of accountability and monitoring of the work of the judiciary. In addition, parliament approved a package of 23 laws covering all aspects of the judicial reform.⁸⁰

The tradition of blood feuds is a yet another open issue. According to the Parliamentary Committee on Legal Affairs, Public Administration and Human Rights, about 10,000 people (120 families) are involved in this relic of the Middle Ages. Today, neither the Ombudsman nor religious leaders nor the Coordination Council for Combating Blood Feuds are able to put an end to these practices. The international community has also expressed concern about this phenomenon since many Albanians, including minors and often those who are not involved in blood feuds, seek refuge in Western Europe under the pretext of an impending vendetta.

Repeated violations of prisoners' rights are recorded, in particular the abuse of power by police officers, use of physical and psychological violence by prison guards, and scarce access to medical care. Independent inspections revealed numerous cases of overcrowding in correctional labour institutions and unacceptable conditions of detention of persons with mental disorders.

OSCE's and Council of Europe's human rights monitoring bodies constantly report that there is no freedom of the media in Albania and that media outlets are often controlled by the authorities and show bias. Despite the fact that the government and the leadership of print and electronic media, TV and radio companies keep talking in unison about complete independence of the media space, the environment of strong political biases and a low level of professional culture in the media has remained unchanged over the recent 20 years. Albania ranks 103rd on the 2021 World Press Freedom Index.

⁸⁰ Report of the Working Group on the Universal Periodic Review. Albania. July 3, 2019
<https://undocs.org/ru/A/HRC/42/4>

In late 2019 – early 2020 Albanian society launched an active government campaign aimed at adopting an "anti-defamation package" – amendments to the Law "On Audiovisual Media", which, in particular, would equate the status of online media and official media and introduce fines for publishing inaccurate information. The contents of innovations caused 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 June 19, 2020, concluded that the proposed amendments required careful revision. As the experts noted, in their current form, they may negatively impact the freedom of expression, in particular on political issues, in the Albanian sector of the Internet.

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 were also covered by the scope of the proposed amendments. At the same time, one of the prerequisites was deanonymization of online media resources, which, in the case of 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, the lack of any reference to the need to proportionately correlate the amount of fines with the financial situation of a particular media outlet so that the implementation of the sanction part of the norms in the draft not lead to its ruin, according to the experts of the monitoring body, is fraught with the development of self-

ensorship to the detriment of democracy.⁸¹ Due to such harsh criticism and rejection, the initiative was postponed.

Interfaith relations remain harmonious in the country, but restitution of the property of religious organizations, seized during the years of Enver Hoxha's ruling, is still an issue.

In 2022, the Ombudsman documented some 40 cases of non-compliance with procedures for compensating the expropriation of land for the construction of infrastructure. The problem of legalizing illegal construction and the shortcomings of the legislation in this field remain relevant to Albania in the context of extensive reconstruction of the road network and tourist infrastructure in coastal areas.

The government is regularly criticized over non-observance of the electoral rights of citizens. Most often a "lack" of choice and "coercion" to vote for members of the ruling Socialist Party are meant. In addition, the lists of candidates of the overwhelming majority of parties in all regions of the country indicate non-compliance with the 30 per cent quota for women wishing to participate in the country's political life. At the same time, there is roughly an equal ratio of men to women in state bodies and key institutions, although this often requires a top-down decision-making and is not actively supported in traditional Albanian society.

The OSCE/ODIHR June 30, 2019 municipal elections observation mission report recognized their legitimacy and outcome. Nevertheless, the failure to accommodate the interests of the electorate, incompetent work of the CEC and lower-level electoral commissions, lack of an appropriate legislative framework in electoral matters, and that the election campaign was launched against the backdrop of an internal political crisis were subject to criticism.

⁸¹ Opinion of the European Commission for Democracy through Law on the draft amendments to the Law of Albania No. 97/2013 "On Audiovisual Media". June 19, 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)

The heads of OSCE/ODIHR, OSCE PA and PACE monitoring missions to the April 25, 2021 parliamentary elections, gave a generally positive assessment of the electoral process, noting at the same time the persisting systemic flaws – the "buying up" of votes, active use of administrative resources and budget funds by the authorities during the election campaign, overly confrontational rhetoric up to personal affronts. The reluctance of the government to organize voting for Albanian citizens living abroad was criticized. The ban on coronavirus infected citizens from participation in the elections was separately noted.

Despite the amendments to combat domestic violence introduced to the national legislation, actually this problem remains unresolved: 55 per cent of Albanian women face it. The number of reported cases has increased by 21 per cent in the last five years. Over 3,000 women and girls were placed under the care of social services, having become victims of domestic abuse which led to up to 18 deaths. (For comparison, over 3,200 women and girls – victims of domestic violence – received assistance from social services in 2019).

In 2018, number of important amendments were made to the law "On Punishment for Domestic Violence and Emergency Measures to Detect and Prevent this Phenomenon," to ensure gender equality. In addition, the country implemented its National Strategy for National Protection in 2021, which prioritized vulnerable families and groups, and improved services to support victims of domestic violence.

The percentage of Albanians applying for political asylum or refugee status remains traditionally high. According to this indicator, the country ranks first in the Balkan region with more than 11,000 applications in 2021 (Albanians were the most frequent applicants in the EU). However, over 90 per cent of all applications were rejected.

The Roma people is the most vulnerable national minority. Many members of this community have no identification documents and are discriminated against in access to employment, education, health care, housing, social assistance (including in the context of the coronavirus pandemic).

The EU Agency for Fundamental Rights' report of 2022 notes that in late 2021, as part of the implementation of the EU Strategic Framework for Roma until 2023 (launched by the European Commission in October 2020⁸².) Albania, being its accession candidate, along with its Member States, submitted a revised national strategy on Roma to the European Commission.⁸³

NGOs, the Ombudsman, Ministry of Education, Sports and Youth are coordinating the implementation of the National Strategy for the Roma and Balkan Egyptians Social Inclusion. However, the results of their activities remain subtle.

Nevertheless, the Council of Europe's European Commission against Racism and Intolerance registered significant progress in its sixth report on Albania, published on June 2, 2020, as compared to the previous monitoring cycle. A dialogue between the Ombudsman and the National Bureau for Protection against Various Forms of Discrimination, as well as the improved inclusive education, were noted. At the same time, the practical implementation of the decisions made and interaction on this topic between governmental and non-governmental institutions and organizations remain a significant problem.⁸⁴

According to Dunja Mijatović, the Commissioner for Human Rights of the Council of Europe, access to justice for vulnerable groups in Albania is still a challenge. The results of a 2017 UNDP survey showed a high level of popular legal illiteracy, in particular among Roma and a lack of trust in the justice

⁸² European Commission (2020), A union of equality: EU Roma strategic framework for equality, inclusion and participation, COM(2020)620 final, Brussels, October 7, 2020.

⁸³ EU Agency for Fundamental Rights report 2022
https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-fundamental-rights-report-2022_en.pdf

⁸⁴ Report of the European Commission against Racism and Intolerance on Albania (sixth monitoring cycle), adopted on April 7, 2020, published on June 2, 2020.
<https://rm.coe.int/report-on-albania-6th-monitoring-cycle-/16809e8241>

system. According to this survey, many Romas, low earners, persons with little formal education, persons with disabilities, victims of domestic violence and children from residential institutions are victims of discrimination and economically challenged, which leaves them unable to access better quality services. As a result, some do not even attempt to have their legal issues addressed.⁸⁵

Despite progress registered by the UN in developing legislation on stateless persons residing in Albania, there are approximately 4,900 stateless or potentially stateless persons in Albania, many of whom are Roma, as well as their children or children born abroad and without birth registration. Another group at risk of statelessness are Albanian emigrants who have gone abroad and voluntarily renounced their citizenship and/or did not obtain citizenship of the destination country.⁸⁶ The revised Law on the Status of Citizens excluded the possibility of children receiving the status of a "non-citizen".

In 2018, the Law on the Protection of National Minorities in the Republic of Albania was amended to stipulate that in areas where minorities made up at least 20 per cent of the population school education would be provided in their native language.

The aforementioned normative legal act contains declarative provisions aimed at protecting, preserving and developing the cultural identity and languages of national minorities. It defines the personal scope and rights of persons belonging to national minorities.

The high level of cultural and religious tolerance that has been established in the country is commendable.

The report by Dunja Mijatović, the Commissioner for Human Rights of the Council of Europe, following her visit to Albania (published in September

⁸⁵ Report on the results of D. Mijatovic's visit to Albania on May 21-25, 2018.

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

⁸⁶ Report on the results of the visit of the CoE Commissioner for Human Rights to Albania on May 21-25, 2018.
<https://rm.coe.int/report-on-the-visit-to-albania-from-21-to-25-may-2018-by-dunja-mijatov/16808d2e22>

2018) focuses on the children's rights record. The document concludes that the situation had improved considerably in recent years, but the country should continue a comprehensive updating of its legislation. The report also commends the reforms in the social sectors that were carried out over the first half of 2018 (including the increase in cash payments for socially vulnerable groups – children and people with disabilities).

The UN highlights the Albanian government's prioritizing of child rights, in particular the adoption of the new National Agenda for the Rights of the Child 2021-2026.

In 2019, the Working Group on the Universal Periodic Review also noted a number of positive changes in this area, namely: improved legislation in terms of a better system of protecting children from violence, abuse, exploitation and neglect; the adoption of the Children's Criminal Justice Code, which aims to protect minors in conflict with the law; development of a national action plan for the protection of children from economic exploitation.⁸⁷

There were no visible manifestations of Nazism or neo-Nazism recorded in Albania in 2021-2022; no neo-Nazi marches or rallies held, or any attempts made to glorify the Italian Fascists and German Nazis, who occupied Albania between April 1939 and the end of November 1944.

So the ideas of Nazism, fascism and neo-Nazism do not enjoy widespread support among the population. At the same time, the Albanian leadership (both socialists and democrats) has been consistently pursuing a line aimed at re-evaluating the events of World War II and reviewing its outcomes.

Against this backdrop, we are not surprised by the position taken by the delegation of Albania when considering the draft resolution "Combating glorification of Nazism, neo-Nazism and other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and

⁸⁷ Report of the Working Group on the Universal Periodic Review. Albania. July 3, 2019
https://www.upr-info.org/sites/default/files/documents/2019-09/a_hrc_42_4_albania_en.pdf

related intolerance" introduced annually by Russia and other co-sponsors in the UN General Assembly. As a candidate to the European Union, Albania has been lining up with the EU and abstaining at the voting (last time – on December 16, 2021).

The situation of 2021-2022 with the spread of far-right ideologies and discriminatory practices in Albania has shown no significant change either.

Albanian nationalist and anti-Communist organization, "Balli Kombëtar" (or "National Front", founded in 1939, currently without representation in Parliament), continues to be active in the country. Initially, it stood for fight against Italian and German armies, but in 1943 turned to collaboration with the occupiers. Members of "Balli Kombëtar" took part in the occupation of Greece and Yugoslavia by the Axis countries, in particular serving in German military units, such as 21st SS Skanderbeg division, Lyuboten battalion and Kosovo regiment.

In 2021-2022, Albanian newspapers released some articles to explain the ideology followed by "Balli Kombëtar" during World War II and the reasons of its disagreements with Albanian communists led by Enver Hoxha in their anti-Nazi fight.

Recently, there have been no attempts as such to glorify the "Balists", but the circumstances under which local people joined balist-nationalist rather than communist units during the war have been brought before the Albanian public in considerable detail.

According to the 2022 report by the EU Agency for Fundamental Rights (FRA), a number of reports⁸⁸ published by public authorities in Albania in 2021 indicate an increase in online hate speech.⁸⁹

⁸⁸ Bogdani, M., Faloppa, F. and Karaj, X. (2021), Beyond definitions. A call for action against hate speech in Albania, Tirana, Council of Europe.

⁸⁹ EU Agency for Fundamental Rights report 2022

https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-fundamental-rights-report-2022_en.pdf

While the development of the far-right movement in Albania is not a big issue at the moment, its legal framework does not allow for its final elimination. It does not outlaw racist organizations or criminalize participation in them. The Committee on the Elimination of Racial Discrimination pointed this out, among other things, in December 2018.⁹⁰

According to Article 18 of the Fundamental Law of Albania, discrimination on the grounds of gender, race, religion, nationality and other similar grounds is prohibited in Albania. However, Section 3 of this Article contains a reservation according to which the prohibition is only effective if "there are no reasonable and objective reasons" for non-compliance therewith.

Albania's Criminal Code also contains a number of provisions against discrimination and intolerance. For example, it criminalizes discrimination by government officials on the grounds of origin, gender, health status, religious or political values, trade union activities, or because of belonging to a particular ethnic group, country or religion. In accordance with Article 253 of the Criminal Code, this act is punishable by a fine or imprisonment for up to five years.

According to the information from 2022 Report of the EU Agency for Fundamental Rights, in the run-up to the 2021 National Parliamentary Elections in Albania the No Hate Alliance together with the Central Electoral Commission developed a code of conduct to prevent incitement of hatred.⁹¹ All the political parties taking part in the elections were obliged to abide by that document.⁹²

⁹⁰ Concluding observations on the combined 9th to 12th periodic reports of Albania: Committee on the Elimination of Racial Discrimination. January 2019.

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fALB%2fCO%2f9-12&Lang=ru

⁹¹ EU Agency for Fundamental Rights report 2022

https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-fundamental-rights-report-2022_en.pdf

⁹² Albania, 'Kodi i Sjelljes së Partive Politike në Shqipëri', April 12, 2021.

Despite this, according to the NGO Amnesty International, female candidates faced hate speech during the March 2021 campaign.⁹³

After Albania qualified Russia's actions to protect Donbass as an "unjustified aggression" against Ukraine, it has been witnessing a surge of Russophobia in the country. It includes anti-Russia attacks of the Albanian leadership and narrative in the media, rallies in front of the building of the Russian Embassy that took place in Tirana in March 2022, as well as individual cases of "persecution" of our compatriots via Internet. Though the street events were initiated mainly by the Ukrainian Embassy, they received wide support from the local authorities. Albania strongly supports all EU sanctions against Russia, has been maintaining an anti-Russian stance in international organizations, including the UN, and working with the US on the "Ukrainian dossier" in the UN Security Council.

⁹³ https://civic-nation.org/albania/society/hate_crime_violence_and_terrorist_attacks/attacks/.

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. Thanks to the activity of the media and national and international human rights organizations, such facts are usually made public, but authorities do not always take measures to remedy the situation.

The State features several official human rights bodies with different mandates, including the Inter-Federal Centre 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.⁹⁴ The institute's mandate at the federal level is still limited and does not cover the power to receive individual complaints.

According to the Centre's 2021 report, Unia received 10,610 reports of alleged discrimination, hate speech or hate-motivated acts. This is an increase of 12 per cent compared to 2020 (9,466 reports). 35 per cent of them had to do with a discriminatory effect of measures related to coronavirus restrictions (in 2020, 16 per cent) – in the media sphere, 1,054 reports; purchase of goods and use of services, 712; public life, 508.

⁹⁴ Concluding observations of the Human Rights Committee on the sixth periodic report of Belgium. December 2019.

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 fifth periodic report of Belgium. March 2020.

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 twentieth to twenty-second periodic reports of Belgium. May 2021.

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

Unia opened 2,379 individual cases after examining the reports. The 9 per cent increase, compared to the previous year, is due to the relaunch of a number of sectors that were forced to suspend their activities in 2020 because of the healthcare crisis. There is a slight decrease in the number of racism-related cases: 897 in 2021, compared to 956 in 2020. Disability (538 cases in 2021, compared to 519 in 2020), health condition (391 cases in 2021, compared to 162 cases in 2020), religious or other beliefs (243 cases in 2021, compared to, 261 in 2020)⁹⁵ are also among the most frequent grounds for discrimination.

In addition, the Federal Centre initiated a launch of the project on "Improving equality data collection in Belgium", which brings together dispersed and previously unstructured data on discrimination and categorizes it according to the grounds underlying unequal treatment.⁹⁶

In 2023, it is foreseen that the participation of Flanders in Unia will end. This body will no longer have a mandate to assist persons affected by discrimination in areas under the region's jurisdiction. A Flemish human rights and anti-discrimination body is to be established instead. According to experts, this would result in the Inter-Federal Centre losing some of its resources, and making the system of human rights promotion and protection even more complex.⁹⁷

The Flemish authorities also continue to oppose the ratification of the Council of Europe Framework Convention for the Protection of National Minorities.⁹⁸ Belgium has not signed the European Charter for Regional or Minority Languages. At the same time, the situation in this area is far from perfect. The Association for the Francophonie in Flanders, for example, points

⁹⁵ Report in Figures, 2021. Unia.

https://www.unia.be/files/Documenten/Publicaties_docs/Rapport_chiffres_2021_Unia_FR_def.pdf

⁹⁶ EU Agency for Fundamental Rights report 2022

https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-fundamental-rights-report-2022_en.pdf

⁹⁷ Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined twentieth to twenty-second periodic reports of Belgium. May 2021.

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

⁹⁸ Signed by Belgium in 2001

out that the Walloons residing in the north of the country are discriminated. In particular, they have limited access to social housing; French-speaking cultural associations cannot apply for funds from the region, document flow at the level of local authorities in the vast majority of communes is in Dutch, which contravenes constitutional provisions on linguistic freedom.

For its part, the Council of Europe's European Commission against Racism and Intolerance (ECRI) has criticized the fact that there is no independent body with any competence on questions relating to discrimination on the ground of language despite the fact that the establishment of such a body is provided for by the relevant legislation.⁹⁹

EU Agency for Fundamental Rights (FRA) report of 2022 contains the results of a discrimination-testing study carried out in Antwerp in order to examine the level of discriminatory attitudes among local employers. As part of it, researchers sent out 2,880 job applications in response to 1,440 job advertisements. Candidates with a "non-Flemish-sounding" name had 17% less chance of receiving a positive response to their job application than those with a "Flemish-sounding" name, the results showed.¹⁰⁰

In July 2022, the Belgian government approved a national plan of action 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 industry, public administration, asylum, migration, justice, law enforcement and other areas.

In May 2021, however, the Belgian authorities rejected the recommendation contained in UN Human Rights Council's Universal Periodic Review to enshrine an explicit ban on racial profiling in national law. However,

⁹⁹ European Commission against Racism and Intolerance report on Belgium (sixth monitoring cycle). Adopted on December 12, 2019. Published on March 18, 2020.

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

¹⁰⁰ EU Agency for Fundamental Rights report 2022

https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-fundamental-rights-report-2022_en.pdf

the existence of this problem has been confirmed by sociological studies on several occasions. In particular, in June 2019, researchers from the University of Antwerp published data showing that police are three times more likely to stop and search persons with ethnic minority backgrounds for identity checks than other citizens. The research finding show that such practice can undermine trust in law enforcement among this group of the population.¹⁰¹

The Committee on the Elimination of Racial Discrimination (CERD) is also concerned that there is a risk of abuse in practice based on a loose interpretation of the term "reasonable grounds", used in the Police Functions Act, in connection with the powers of police officers to carry out identity checks.¹⁰²

In addition, Belgian legislation still contains no provisions declaring organizations that incite racial discrimination illegal. Nor there are any provisions banning parties that seek to curtail freedoms or de facto organizations that promote racial discrimination.¹⁰³

International human rights bodies are especially concerned over the plight of the Roma national minority. The Committee on Economic, Social and Cultural Rights (CESCR) noted in March 2020 the shortcomings in the implementation of the national strategy for the integration of Roma people and the absence of specific measures to combat discrimination against members of this community. Experts criticized the increase in forced evictions and the simultaneous absence of relevant aggregated data at the federal level, and the fact that caravans are not adequately protected as a place of residence.¹⁰⁴

¹⁰¹ EU Agency for Fundamental Rights report 2020

https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-fundamental-rights-report-2020_en.pdf

¹⁰² Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined twentieth to twenty-second periodic reports of Belgium. May 2021.

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fBEL%2fCO%2f20-22&Lang=eng

¹⁰³ Ibid.

¹⁰⁴ Concluding observations of the Committee on Economic, Social and Cultural Rights on the fifth periodic report of Belgium. March 2020.

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fBEL%2fCO%2f5&Lang=eng

Earlier, the Inter-Federal Centre Unia also expressed its concerns about a large-scale operation "Strike" on May 7, 2019, as part of an investigation into a large car fraud scheme. It involved a raid on parking lots with 90 caravans seized. As a result, the people living there were left homeless. According to representatives of the centre, the measures taken by law enforcement officers were excessive and had a negative impact on families with children, older persons and people with health problems.¹⁰⁵

In its report on Belgium within the sixth monitoring cycle, ECRI noted a trend toward the increasing marginalization and impoverishment of Travellers. The document also notes the insufficient numbers of transit and long-term sites in the country.¹⁰⁶

In May 2021, CERD also noted that poverty and social exclusion of Roma people, especially children, remained a pressing problem.¹⁰⁷ In addition, child and/or forced marriages still exist in Roma communities.¹⁰⁸

There is a high rate of unemployment among members of this group, compared to the rest of the population. There is a low rate of health insurance coverage for Roma. CERD also noted the negative impact of the COVID-19 pandemic on the already precarious enjoyment of economic, social and cultural rights by Roma and Travellers.¹⁰⁹

As a positive example, however, cities with a strong Roma presence, especially Ghent, Sint-Niklaas, Antwerp and Brussels, have deployed

¹⁰⁵ <https://www.unia.be/nl/artikels/ook-mensenrechten-in-beslag-genomen>

¹⁰⁶ European Commission against Racism and Intolerance report on Belgium (sixth monitoring cycle). Adopted on December 12, 2019. Published on March 18, 2020.

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

¹⁰⁷ Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined twentieth to twenty-second periodic reports of Belgium. May 2021

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fBEL%2fCO%2f20-22&Lang=eng

¹⁰⁸ Concluding observations of the Committee on the Elimination of Discrimination against Women on the eighth periodic report of Belgium. November 2022.

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fBEL%2fCO%2f8&Lang=en

¹⁰⁹ Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined twentieth to twenty-second periodic reports of Belgium. May 2021.

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fBEL%2fCO%2f20-22&Lang=eng

"neighbourhood stewards". They form a bridge between the Roma population, the city administration and social services. The neighbourhood stewards work closely with a number of schools with a large Roma population.¹¹⁰

The issue of wearing headscarves at school in Belgian society is still a source of heated debate. The decision to completely ban them in institutions of higher education has been reversed by the Council of State, which has decided that such a measure should be applied in a selective manner and that it should be justified by the specifics of the institution itself. Nevertheless, according to ECRI, there have been no practical consequences of the verdict: institutions of higher education (whether official, independent, subsidized, confessional or non-confessional) still have internal regulations that prohibit the wearing of religious symbols.

In their most recent report, the Commission's experts recommended that the authorities ensure that the decisions taken by schools regarding the wearing of religious symbols or clothing at school and in higher education establishments should respect the principle of lawfulness and be free of any form of discrimination.¹¹¹

In turn, the HRCttee criticized the law governing the wearing of full veils in public. The fact that it imposes a fine or imprisonment as a sanction evidences a disproportionate infringement on the freedom to manifest one's religion or belief. In addition, the Committee is concerned about the prohibition against the wearing of religious symbols at work, in certain public bodies and by teachers and students at public schools, which could result in discrimination and the marginalization of certain persons belonging to religious minorities.¹¹²

¹¹⁰ EU Agency for Fundamental Rights report 2022

https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-fundamental-rights-report-2022_en.pdf

¹¹¹ European Commission against Racism and Intolerance report on Belgium (sixth monitoring cycle). Adopted on December 12, 2019. Published on March 18, 2020.

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

¹¹² Concluding observations of the Human Rights Committee on the sixth periodic report of Belgium. December 2019.

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

Alongside these measures, xenophobic statements in political discourse has also contributed to the deterioration of attitudes towards the Muslim community in Belgium. EU Agency for Fundamental Rights (FRA) report 2022 documented a case where the president of a political party in Belgium blamed the Muslim community "for the increase in Covid-19 cases in Antwerp".¹¹³ Annual report 2020 on the work of Unia specifies that it is a case of Tom van Grieken, president of "Flamandsky Interes" ("Vlaams Belang").¹¹⁴

People of African descent are affected by racial discrimination in employment, education and housing. For example, they have high levels of unemployment and employment in lower status jobs. Black people are not sufficiently represented in public administration, the media, cultural settings, the scientific community and academia.¹¹⁵

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 people 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.¹¹⁶

Earlier that year, a similar incident took place in January in Brussels, where riots broke out after a 23-year-old man of Guinean origin died in a police station. He was arrested after he refused to provide the officers with documents and tried to run away. At the station, he felt unwell, lost consciousness and died.¹¹⁷

¹¹³ EU Agency for Fundamental Rights report 2022.

https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-fundamental-rights-report-2022_en.pdf

¹¹⁴ Annual report 2020: vulnerable human rights in times of crisis.

https://www.unia.be/files/Documenten/Jaarrapport/Unia_rapport_%C3%A9galit%C3%A9_2020_FR_AS.pdf

¹¹⁵ Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined twentieth to twenty-second periodic reports of Belgium. May 2021.

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

¹¹⁶ Sound and Fury in Liege. Rossiyskaya Gazeta. March 14, 2021.

<https://rg.ru/2021/03/14/v-lezhe-demonstraciia-v-zashchitu-prav-temnokozhih-vylilas-v-pogromy.html>

¹¹⁷ Protesters set fire to a police station in the Belgian capital. Rossiyskaya Gazeta. January 14, 2021.

<https://rg.ru/2021/01/14/v-stolice-belgii-protestuushchie-podozhgli-policejskij-uchastok.html>

On April 11-12, 2020, the migrant district of Brussels, Andrélecht, also saw mass demonstrations. This was sparked by the death of a young man who was hit by a car while trying to escape from a police patrol. Clashes with the police culminated in the use of water cannons and mass arrests.

In 2021, CERD expressed concern about reported cases of deaths of migrants, asylum-seekers and persons belonging to ethnic minorities at the hands of law enforcement officials. It is pointed out that such practice is gaining momentum in the context of monitoring compliance with self-isolation measures related to the COVID-19 pandemic.

It is noteworthy that cases of racially motivated police violence are treated as isolated problems and are not dealt with in a consistent and systematic way in order to confront a situation that suggests the presence of a structural discrimination challenge (according to CERD experts).¹¹⁸

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 had treated its three colonies (today's Democratic Republic of Congo, Rwanda and Burundi) and preparing 128 recommendations to the Chamber of Deputies, the experts were forced to stop their work. The failure was caused by the lack of consensus on the wording expressing the attitude of official Belgium to its own actions in the past: while socialists and environmentalists felt that Brussels should "apologize" for them, liberals advocated expressing "deepest regret", following suit of King Philip of Belgium. Due to the absence of agreement on this issue, the outcome of the

¹¹⁸ Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined twentieth to twenty-second periodic reports of Belgium. May 2021.
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fBEL%2fCO%2f20-22&Lang=ru

commission's work was never put to a vote, nor the developed recommendations submitted to Parliament.¹¹⁹

There has been an increase in manifestations of anti-Semitism. Most cases are reported in Brussels and Antwerp. The most frequent are insults of Jews in public places, vandalism (exposing of the swastika, nationalist stickers on buildings of the Jewish Museum and the Documentation Centre on the Holocaust and Human Rights), written and verbal threats, and anti-Semitic rhetoric on the Internet. In 2018, Belgium saw at least one judicial sentence for denying the Holocaust.

In March 2019, the high-profile crime against members of the Jewish community in Belgium was closed (the attack committed on 24 May 2014 at the Jewish Museum in Brussels resulted in four deaths; the crime gave rise, in Belgium and throughout Europe, to a wave of emotion and indignation and a movement of sympathy towards the Jewish community in Belgium). The perpetrator was sentenced by the Assize Court of Brussels to life imprisonment. The judgment also established the anti-Semitic nature of the attack.¹²⁰

CERD also pointed to the numerous racist hate crimes reported since the beginning of the COVID-19 pandemic, targeting people of Asian origin in particular. There has been an increase in the use of hate speech, particularly anti-Semitic and Islamophobic speech, and the increasingly aggressive language on the Internet and social networks, including against migrants, refugees and asylum seekers.¹²¹

¹¹⁹ La Belgique échoue à présenter des "excuses" pour son passé colonial (Belgium fails to apologize for its colonial past). *Le Temps*. December 19, 2022.

<https://www.letemps.ch/monde/belgique-echoue-presenter-excuses-passe-colonial>

¹²⁰ European Commission against Racism and Intolerance report on Belgium (sixth monitoring cycle). Adopted on December 12, 2019. Published on March 18, 2020.

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

¹²¹ Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined twentieth to twenty-second periodic reports of Belgium. May 2021.

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

The system to collect data on hate speech and hate crimes fails to identify which are anti-Semitic, Islamophobic, anti-Gypsy, Afrophobic or hateful towards persons of Asian origin. It also does not give a sufficiently reliable picture of the specific problems affecting different groups of victims.¹²²

Migration crisis consequences are deeply felt. The primary grievance of human rights defenders to the Belgian authorities in this area is the inadequate detention conditions for asylum seekers, illegal immigrants and their families. Often potential refugees have to be housed on the street.

The Belgian government's unsatisfactory migration policy has also been the subject of harsh criticism at the national level. In December 2022, deputies and supporters of the opposition party, "Les Engagés", held a rally in front of the headquarters of the ruling party, "Open VLD": they stayed outside all night, having previously pitched a tent like migrants. This was triggered by the lack of progress in resolving the issue of accommodation for asylum-seekers (estimated at between 2,000 and 3,000), while temperatures outside had dropped below freezing.¹²³ The number of children among those without enough warm housing, according to "Anadolu" agency, was at least 21.¹²⁴

On top of that, the arrival of refugees from Ukraine in 2022 only exacerbated the already unfavourable circumstances of migrants of African and Asian origin. The accelerated procedure for granting Ukrainians residence permits, work permits, housing and access to the social security system delayed the resolution of all these issues for all those in need of other nationalities.¹²⁵

¹²² European Commission against Racism and Intolerance report on Belgium (sixth monitoring cycle). Adopted on December 12, 2019. Published on March 18, 2020.

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

¹²³ Des députés Engagés ont dormi devant le siège de l'Open VLD: ils dénoncent le manqué de place pour les demandeurs d'asile. RTL INFO. December 19, 2022.

<https://www.rtl.be/info/belgique/politique/crise-de-l-accueil-les-engages-plantent-leur-tente-devant-le-siege-de-l-open-vld-1421957.aspx>

¹²⁴ Asylum seekers sleep rough on the streets of Brussels. Anadolu Agency. October 28, 2022.

<https://www.aa.com.tr/en/europe/asylum-seekers-sleep-rough-on-the-streets-of-brussels/273205>

¹²⁵ Ibid.

At the same time, the clandestine business of trafficking migrants from the Middle East and North Africa to Europe is establishing transit channels through Ukrainian territory. For example, Dries Van Langenhove, a representative of far-right party "Flamandsky Interes", pointed out that one in three of all asylum seekers claiming to come from Ukraine had nothing to do with it.

The capacity to receive migrants remains limited. The vast majority of accommodation centres are already fully occupied or overcrowded.¹²⁶ According to experts, this is caused by the lack of funding for the relevant services and a shortage of trained personnel.

On February 25, 2021, the Constitutional Court of Belgium accepted the practice of detaining applicants for international protection, considering it necessary for effective border control.¹²⁷

The latter was criticized by CESCR in March 2020. The Committee noted with particular concern the return to imprisonment of migrant families, pregnant women and children.¹²⁸

For persons who are staying in the country without proper legal justification and have suffered a criminal offense, reporting to a police station may result in arrest for immigration control purposes. This state of affairs is contrary to the principle of prohibiting the criminalization of victims of crime.¹²⁹ The Committee on the Elimination of Discrimination against Women noted in November 2022 the serious obstacles to access to justice faced by

¹²⁶ EU Agency for Fundamental Rights report 2020.

https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-fundamental-rights-report-2020_en.pdf

¹²⁷ Concluding observations of the Committee against Torture on the fourth periodic report of Belgium. August 2021.

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fBEL%2fCO%2f4&Lang=en

¹²⁸ Concluding observations of the Committee on Economic, Social and Cultural Rights on the fifth periodic report of Belgium. March 2020.

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

¹²⁹ EU Agency for Fundamental Rights report 2020.

https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-fundamental-rights-report-2020_en.pdf

victims of gender-based violence for fear of being deported.¹³⁰ CERD and CESCR add that the risk of deportation has an adverse impact on the exercise of certain basic rights, such as the rights to education, health care and housing. Migrants in an irregular situation must follow complex, variable and costly bureaucratic procedures even in order to obtain emergency medical care.¹³¹

According to one of ECRI recommendations of 2019 subject to interim follow-up, the Belgian authorities were to ensure that no public or private service provider is required to report to migration control authorities any persons it suspects of being irregularly present for the purposes of immigration control and enforcement. This applies in particular to providers in the areas of labour protection and justice, the aim being to prevent any obstacles to the effective enjoyment by unlawfully resident workers of their right to recover back pay owed by their employers and to have full access to complaint mechanisms. The Commission's experts, however, had to note in September 2022 that no action had been taken in that direction by the government.¹³²

The Committee against Torture (CAT) noted with concern in August 2021 the vague provisions in Belgian law regarding the possibility of refusing refugee status or subsidiary protection if the requesting person was a threat to national security.

¹³⁰ Concluding observations of the Committee on the Elimination of Discrimination against Women on the eighth periodic report of Belgium. November 2022.

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fCO%2f8&Lang=en

¹³¹ Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined twentieth to twenty-second periodic reports of Belgium. May 2021.

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fCO%2f20-22&Lang=ru

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

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

¹³² European Commission against Racism and Intolerance concluding observations on the implementation of the recommendations in respect of Belgium subject to interim follow-up. Adopted on June 29, 2022. Published on September 20, 2022.

<https://rm.coe.int/ecri-conclusions-on-the-implementation-of-the-recommendations-in-respe/1680a807d0>

Lengthy periods of stay in the country without an opportunity to legalize their status, pushes migrants into desperate acts. In 2021, about a thousand people, some of whom had not been able to obtain official documents in Belgium for over 10 years, went on hunger strike in a church in the centre of Brussels. Some of the migrants sewed their mouths shut, others attempted suicide. Under public pressure, the country's authorities announced that consideration of requests for documents will be expedited "for humanitarian reasons" and "for medical purposes".¹³³

"Punitive" measures taken by the authorities against those sympathetic to migrants or refugees raise concerns. For example, two journalists, a social worker, and a fourth person faced trial because they had given shelter or otherwise supported migrants.¹³⁴

There are reported cases of minors being placed in closed centres by Belgian authorities. The Committee on the Rights of the Child (CRC) pointed out in January 2019 that unaccompanied children are housed in adult asylum-seeker centres. It also noted that the incidence of disappearances among unaccompanied children transiting Belgium is high.¹³⁵

FRA report 2022 states that several children were detained in closed centres for a long period of time to determine their age. Owing to delays in the age assessments resulting from compulsory Covid-19 quarantine, two were recognized as children after 20 days in closed detention centres.¹³⁶

CERD refers to reports that non-citizens are overrepresented in the prison system in Belgium. However, there is no reliable data on the national or ethnic

¹³³ 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

¹³⁴ EU Agency for Fundamental Rights report 2019.

https://fra.europa.eu/sites/default/files/fra_uploads/fra-2019-fundamental-rights-report-2019_en.pdf

¹³⁵ Concluding observations of the Committee on the Rights of the Child on the combined fifth and sixth periodic reports of Belgium. February 2019.

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fCO%2fBEL%2fCO%2f5-6&Lang=ru

¹³⁶ EU Agency for Fundamental Rights report 2022.

https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-fundamental-rights-report-2022_en.pdf

origin of the persons concerned, particularly with regard to the length of their imprisonment.¹³⁷

Migration issues were one of the key themes of the 2018-2019 election campaign. A noteworthy aspect is a wave of conservatory rhetoric from representatives of right-wing parties and nationalist movements, not always in line with Belgian international obligations. Thus, for example, proposals were made on the immediate removal of all illegal migrants, on "clearance" of parks and railway stations, on granting migrants a "special status" that would allow them access to social welfare only after several years of stay in the country. Belgian human rights defenders criticized the discriminatory police instruction that appeared just prior to elections, calling on school administration to supply to the law enforcement authorities the records on "troubled" teens from migrant environment.

According to ECRI, the integration policy of the Belgian authorities also remains incomplete. By focusing on the acquisition by immigrants of certain skills, particularly language skills, and familiarization with the way of life of the host 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.¹³⁸

The situation in the protection of the rights of the child is also far from being optimistic. The lack of access by the French-speaking minority to French-language education in the Brussels-Capital region; the risk of school dropout caused by the ban on wearing religious symbols in public educational establishments; irregular attendance at nursery school and regional and socioeconomic disparities; the lack of data on Roma children, including to

¹³⁷ Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined twentieth to twenty-second periodic reports of Belgium. May 2021.

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

¹³⁸ European Commission against Racism and Intolerance report on Belgium (sixth monitoring cycle). Adopted on December 12, 2019. Published on March 18, 2020.

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

evaluate the effectiveness of the measures taken to facilitate their access to education; the de facto segregation of children based on their social background and the difficulties faced in schools by children with disabilities¹³⁹ – this is by no means an exhaustive list of issues of concern to the monitoring bodies.

Thus, CRC pointed to the growing trend of radicalization of children and incitement to hatred. Instances of bullying and violence in schools, not only by students but also by teachers, are still widespread in the country. Prejudice and discrimination make it difficult for migrant minors to receive education.¹⁴⁰

The health of children in Belgium is gradually deteriorating. CRC experts note that more and more children are exposed to stress, and the problem of suicide among minors is gaining more and more momentum. In this connection, it is pointed out that timely primary psychological aid, which is more effective in the initial stages of psychological problems, rather than common medical therapy and placement into psychiatric institutions, is insufficient.¹⁴¹

In addition, CRC noted that data on cases of child abuse, domestic violence, are underreported or under-recorded by the authorities, and also drew attention to the problem of sexual harassment in public places.¹⁴²

For its part, CESCR reported concern about the number of children born to Belgian nationals who were still in conflict zones and about their conditions there, in the absence of a clear and fair established procedure for the repatriation of all such children, with respect for the principle of the best interests of the child.¹⁴³

¹³⁹ Concluding observations of the Committee on Economic, Social and Cultural Rights on the fifth periodic report of Belgium. March 2020.
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fBEL%2fCO%2f5&Lang=ru

¹⁴⁰ Concluding observations of the Committee on the Rights of the Child on the combined fifth and sixth periodic reports of Belgium. February 2019.
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fBEL%2fCO%2f5-6&Lang=ru

¹⁴¹ Ibid.

¹⁴² Ibid.

¹⁴³ Concluding observations of the Human Rights Committee on the sixth periodic report of Belgium. December 2019.

National and international human rights defenders express the opinion that Belgian authorities often go too far in their counter-terrorist activity, using issues of fighting terrorism and ensuring security as reasons for limiting freedom of expression and interference in privacy. In particular, there is criticism of the legislative practice of massive supplying by employees of social organizations of personal information about their supervisees to the law enforcement authorities. Data transfer is organized through the "Departments of integrated safety on the local level" created in every Belgian commune. These organizations, bringing together police officers, representatives of district administrations and social assistants, systemize, in particular, information on radicalized elements registered in the district. Human rights defenders insist that such a system might imply violations of Article 23 of the Belgian Constitution, which guarantees equal rights to social protection, access to health care and legal aid.

Since September 2017, social assistants have been obliged to report to the police about any suspicions concerning the relations of their clients with terrorists. But in March 2019 the Constitutional Court cancelled this norm as violating the right to privacy.

In 2019, the HRCttee criticized the lack of legal safeguards regarding data collection and processing procedures to prevent and combat terrorism and violent extremism, as well as the provisions of the Code of Belgian Nationality and the Consular Code allowing the deprivation of nationality of a person posing a serious threat to public order or security.

CAT noted with concern the introduction of new methods of investigating terrorism-related crimes, in particular the possibility of conducting round-the-clock searches and infiltration of civilians for undercover work. This also includes the use of the vaguely defined notion of "radicalization" in order to a)

prevent terrorist threats through emergency measures and b) subject so-called "radicalized" prisoners to special security measures or place them in "D-Rad:Ex" ("deradicalization") units with significant restrictions, no respect for the adversarial principle and the possibility of reviewing the decision.

In July 2021, an international journalistic investigation called "Pegasus Project" revealed that spyware developed by the Israeli NSO Group had been used to spy on Belgian citizens, activists and senior politicians.

The problem of systematic unlawful use by police officers of official databases for personal purposes also remains unresolved.

There have been frequent cases of abuse of power and use of excessive force by law enforcement officials, including when dispersing demonstrations and protests. For example, law-enforcement officers used special means, including water cannons and tear gas, against those protesting about coronavirus restrictions.¹⁴⁴ According to local media reports, one demonstrator blacked out during the unrest after being hit by a water cannon truck.¹⁴⁵

HRCttee notes, in turn, the disparity between the number of complaints alleging ill-treatment by police officers filed with the Standing Committee for Police Monitoring and the number of judicial inquiries conducted by the Police Investigation Service for such acts and of convictions and disciplinary penalties handed down. In addition, experts also have persistent misgivings regarding the independence of the Standing Committee.¹⁴⁶

One of the most acute problems of the Belgian justice system is the overcrowding of prisons. The sharpest criticism from independent experts is

¹⁴⁴Report 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

¹⁴⁵ And in the morning they will tell us. Rossiyskaya gazeta. January 31, 2021.

<https://rg.ru/2021/01/31/v-briussele-na-nesankcionirovannom-mitinge-zaderzhali-200-chelovek.html>

¹⁴⁶ Concluding observations of the Human Rights Committee on the sixth periodic report of Belgium. December 2019.

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

levelled primarily at prison overcrowding. For example, HRCttee pointed to this problem in 2019.¹⁴⁷

According to the statistics published annually by the Council of Europe, Belgium regularly finds itself among the countries with the highest prison occupancy rates in Western Europe. In 2022, there were 108 prisoners per 100 prison places. In December 2021, the Antwerp prison with a capacity of 439 places held 748 inmates.

International experts in their reports draw the attention of official authorities to the insufficiency of alternatives to deprivation of liberty.¹⁴⁸ However, it should be noted that from the early 2000s the federal government has been trying to reduce the number of inmates. Under the current Cabinet of Charles Michel the goal was set to the Ministry of Justice to reduce the rate of persons serving sentences to 10,000. Attempts have been made to decrease this number by preventing offenses, rendering lesser sentences for low-level crimes (replacing imprisonment by house arrest with mandatory wearing of an electronic bracelet or by corrective labor). In November 2018, the Belgian minister of Justice, Koen Geens, declared that the goal was achieved and there were less than 10,000 persons detained in the prisons of Belgium. But, as of January 2019, this rate surpassed the established level again and amounted to 10,305 persons.

Another important problem of the penitentiary system in Belgium is the prohibition of carrying firearms for prison staff. Personnel are authorized to carry as equipment only batons, more rarely electric stunning devices, and radio sets. There is a special outfit in case of a prison riot, consisting of a protective suit and a shield. Usually, in the event of an emergency prison staff is charged to block all the exits and to wait for the armed police. All this leads to reduced

¹⁴⁷ Ibid.

¹⁴⁸ Concluding observations of the Human Rights Committee on the sixth periodic report of Belgium. December 2019.
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fBEL%2fCO%2f6&Lang=ru

safety levels in penitentiary facilities, increasing chances for inmates to escape. An illustrative case was reported from the prison near Ostend, when the accomplices of an inmate rented a helicopter in a private firm, flew in it to the prison and took him away directly from the exercise yard. Due to the lack of any defense means, security personnel were unable to act.

As demonstrated by the studies, most prison staff suffer from chronic diseases due to permanent stress, including neurotic disorders and, as a result, overweight. Strikes of prison staff requiring better working conditions are frequent in the Kingdom. In this regard, international monitoring bodies continue to point out to the authorities that such staff strikes have a very negative impact on the situation of prisoners.¹⁴⁹

Other problems highlighted by experts include lack of access to health care and services for persons deprived of liberty and, at the same time, the use of overmedication in penitentiary facilities, the detention of persons with mental disorders in psychiatric wards of prisons, where the care is insufficient and appropriate treatment is lacking and high suicide rates in detention.¹⁵⁰

There was a high-profile case of a Tunisian, N.Trabelsi,¹⁵¹ whose extradition to the US was ruled illegal by the Brussels Court of Appeal on September 12, 2022. The Court found that the decision by the Belgian Ministry of Justice had violated the statutory principle *non bis in idem*. The victim is entitled to a payment of 10,000 euros for each year spent in a US prison (the total is close to 100,000 euros). The authorities have been instructed to advise Belgian participants in the US trial to refrain from testifying because they would otherwise facilitate the violation of the defendant's rights. In addition, according to the Court's appeal decision, the US Department of State must be requested to

¹⁴⁹ Ibid.

¹⁵⁰ Ibid.

¹⁵¹ In 2003, al-Qaeda follower N. Trabelsi was sentenced to ten years in prison in Belgium for attempting to attack Kleine-Brogel Airbase. After having served his time in prison, at the request of Washington and in violation of the ECtHR verdict, he was extradited to the US in 2013 where he was charged with endangering the lives of US military personnel.

return N.Trabelsi to Belgium. The media have been drawing attention to the inhumane conditions of Trabelsi's detention – in a soundproofed, 24-hour lighted cell with practically no contact with his family. As a result of his prolonged detention in such conditions, he has developed numerous chronic illnesses.

CERD has criticized the persistence of trafficking in persons and the significant increase, in recent years, in the number of cases that have been closed without referral to the prosecutor's office. There is a lack of both financial and human resources to effectively combat this phenomenon, including for the detection of specific cases and the protection of victims.¹⁵²

A scandalous case generated wide coverage in Belgian media in July 2022 when over 150 people, mainly Filipinos and Bangladeshis, were used as forced labourers during the construction of the Borealis factory in Antwerp.

International monitoring bodies have also identified a number of problems in protecting the right of Belgian citizens to work. Thus, according to the HRCtee, the country has a very low employment rate for persons with disabilities in the private sector, the unemployment and underemployment of young people and people over 55 years of age. In addition, experts are concerned about: the termination of measures to promote employment for persons over 50 years of age; the disproportionate gap in the unemployment rate between different employment categories, according to the level of skill; and the lack of legal recognition for the right to strike.¹⁵³

In addition, the CESCR identifies discrimination against women in the economic and social spheres as a concern, especially the persistent wage gap

¹⁵² Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined twentieth to twenty-second periodic reports of Belgium. May 2021.

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

¹⁵³ Concluding observations of the Human Rights Committee on the sixth periodic report of Belgium. December 2019.

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

between men and women and the obstacles faced by women in gaining access to decision-making positions in the public and private sectors. There are also difficulties encountered by women, especially women with children, in accessing stable employment.¹⁵⁴

According to a high-profile survey carried out by the University of Ghent in June 2022, 81 per cent of women and girls aged between 16 and 69 had experienced sexual violence in Belgium.

The number of victims admitted to the three centres specialized in the reception of victims of sexual violence decreased during the first lockdown (March and April 2020). According to a research conducted in February 2021, that was a decrease of 50 per cent compared with the same period in 2018 and 2019. The lockdown therefore was an obstacle to the provision of support services for victims.¹⁵⁵

The international human rights community has expressed some concern about the situation of the independent work of the media in Belgium. According to "Reporters without Borders", Belgium is ranked 23rd in the press freedom index for 2022 (in 2021 it was 11th).

Since the start of Russia's special military operation to denazify and demilitarize Ukraine, Belgium has witnessed an increase in unfriendly attitudes towards citizens and natives of Russia. Some private entrepreneurs, for example, refuse to cooperate with Russian legal entities and individuals with no explanation. There have been cases when businesses used self-imposed restrictions on contacts with Russians for fear of being sanctioned.

Belgian authorities have suspended the issuance of tourist visas to Russian citizens.

¹⁵⁴ Concluding observations of the Committee on Economic, Social and Cultural Rights on the fifth periodic report of Belgium. March 2020.

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fBEL%2fC.O%2f5&Lang=ru

¹⁵⁵ EU Agency for Fundamental Rights report 2022

https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-fundamental-rights-report-2022_en.pdf

Governments of certain Belgian regions also undertake discriminatory actions against Russian citizens. For example, such a decision was taken by the Flemish Government which closed the possibility for Russian applicants to participate in the Mastermind student exchange programme, which provides subsidies (up to 8,400 euros per academic year) to foreign undergraduate graduates who wish to upgrade their skills at master's level at Flemish universities. However, young people who are already in Flanders may continue their education. But the respective bodies will not consider new scholarship applications "until the end of the armed hostilities in Ukraine". This was announced by Minister of Education of Flanders, B.Veits, in his Twitter account.

Before February 2022, cases of discrimination against Russian compatriots were few, but no less xenophobic. The case of discrimination against the Russian citizen E.Tynyanskaya, a former citizen of Ukraine, seems unprecedented. E.Tynyanskaya, a native of the city of Sevastopol, had lived in Belgium since 2007. After recognition as a Russian citizen and obtaining a foreign passport as a Russian citizen in 2015, E.Tynyanskaya was deported.

The COVID-19 pandemic has exposed a number of flaws in the Belgian human rights record. The most vulnerable to the new disease have been older persons, who have often been denied medical care and institutionalization because they are less likely to recover. The guidelines issued by the Belgian Society for Gerontology and Geriatrics were subsequently amended to make it clear that patients should not be refused hospital admission on the grounds of their age.

Studies confirm that only about 19 per cent of people over 65 have been tested for COVID-19, while the figure for other age groups is about 24 per cent. In addition, older persons have difficulty in accessing medical advice. Only 13 per cent of people in this age group have been able to do so, compared to 28 to 29 per cent of those aged 25-44.

In such a situation, nursing homes accounted for 53 per cent of all deaths due to coronavirus. Following the publication of this data, the official Brussels stated that the statistics included all suspicious deaths and that COVID-19 was actually confirmed in only 10 per cent of cases.

The pandemic has also put people with disabilities in a difficult situation. Physical distancing and other hygiene requirements, in particular, eventually affected the speed of school buses, so that children with disabilities had to spend up to five hours in them every day. The Flemish government is to be commended for having allocated two million euros to fund extra buses. In addition, the authorities in the same region temporarily granted a 25.5 per cent increase in benefits for people with disabilities. This measure was aimed at compensating additional costs incurred when care facilities were unavailable.¹⁵⁶

At the end of March 2021, the Brussels Court of First Instance issued a decision obliging the Belgian State to lift the emergency measures taken in the face of the pandemic within 30 days. The Human Rights League had previously filed a lawsuit to challenge the extension of these measures until 1 April 2021 by a direct ministerial decree without sufficient legal justification. In support of its verdict, the court referred to Article 159 of the Belgian Constitution, according to which courts and tribunals apply rules only if they are consistent with the law. In its view, however, the suspension of classes in schools, restrictions on public and private gatherings, the closing of a number of institutions, and other similar steps taken by the government, and not by the country's legislature, are not consistent with the law on emergency situations with "requisitions or evacuation measure" invoked by the official authorities.¹⁵⁷

¹⁵⁶ Coronavirus Pandemic in the UE – Fundamental Rights Implications: Focus on Social Rights. September 1 – October 31, 2020. European Union Agency for Fundamental Rights. November 27, 2020. https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-coronavirus-pandemic-eu-bulletin-november_en.pdf

¹⁵⁷ Human rights activists in Belgium secure the removal of emergency anti-COVID measures. Interfax. March 31, 2021. <https://www.interfax.ru/world/758873>

Bulgaria

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. The steps taken by the authorities in this regard are often formal or fragmented. The coronavirus pandemic has also had an impact on the human rights record. Measures that had initially targeted the spread of COVID-19 ended up having an additional negative impact on the most vulnerable segments of society.

Ensuring independence and reform of the judiciary was one of the declared priorities of the Bulgarian policy in the reporting period. More than ten relevant draft laws were submitted to the National Assembly of the 44th-46th convocations. As a result, the Witness Protection Bureau was removed from the jurisdiction of the Chief Prosecutor and placed under the control of the Ministry of Justice.

In July 2022, the European Commission published yet another report on the rule of law in EU countries. The part on Bulgaria highlights problems

related to the functioning and composition of the Supreme Judicial Council. These include the absence of regular competition for the promotion of magistrates, combined with an extensive use of secondments, risks to affect the independence of this branch of government. Challenges remain in the area of digitalization of justice.

With regard to the fight against corruption, the European Commission pointed out that a number of sector-specific corruption risks such as management of budget funds and control activities, including procurement were identified during the COVID-19 pandemic. Lobbying and protection of whistleblowers are still not properly regulated.¹⁵⁸

After six months in office,¹⁵⁹ K.Petkov's government failed to come close to achieving the goals stated in the election campaign and enshrined in the coalition agreement, i.e. limiting the powers and dismissal of Chief Prosecutor of Bulgaria, I.Geshev; and making changes in the work of the Commission for counteracting corruption and for seizure of illegally acquired property. The only tangible outcome was the decision to close the Specialized Court and Prosecutor's Office (April 2022), whose main task was to fight corruption in the higher echelons of government.

Several nationalist and frankly neo-Nazi structures are active in Bulgaria propagating racial hatred, ideas of national socialism and intolerance to national minorities living in the Bulgarian territory.¹⁶⁰ Cases of glorification of Nazis and their accomplices are reported. For example, since 2003 Sofia has been hosting the Lukov March, an annual neo-Nazi torchlight procession in memory of

¹⁵⁸ 2022 Rule of Law Report. The rule of law situation in the European Union. European Commission. 2022. https://ec.europa.eu/info/sites/default/files/10_1_193975_coun_chap_bulgaria_en.pdf

¹⁵⁹ On June 22, 2022, members of the National Assembly passed a vote of no confidence in K. Petkov's government, and his cabinet resigned on August 2, 2022.

¹⁶⁰ These include the Bulgarian National Union Edelweiss (BNU, founded in 2001, which positions itself as the successor to the Union of the Bulgarian National Legions, a fascist organization that operated in Bulgaria from 1932 to 1944); Bulgaria's branch of the international neo-Nazi organization Blood and Honour (founded in 1987 in Great Britain) in Plovdiv; far-right organization National Resistance (founded in 2008) and the Nationalist Party of Bulgaria (founded in 2013).

H.Lukov, a Bulgarian World War II Nazi figure and leader of the extremist nationalist organization, Union of the Bulgarian National Legions, which supported the alliance with the Nazis. Participants in the march wear military uniforms, nationalist symbols, and slogans with relevant content.¹⁶¹

Despite repeated attempts by the capital's administration to ban the Lukov March, Bulgarian courts have generally sided with the nationalists, invoking the provisions of the Law of the Republic of Bulgaria on Assemblies, Rallies and Manifestations. In 2021, the mayor of Sofia, Y.Fandakova, issued an order banning the torchlight procession in the centre of the capital on February 13, 2021, which was approved by the decision of the Supreme Administrative Court of Bulgaria. However, those wishing to "honour the memory" of the collaborator were allowed to gather at the site of H.Lukov's death. In 2022, the prohibition of this gathering by the mayor's office was again overturned by the courts. As a result, the neo-Nazi march, which de facto put Bulgaria on a par with the Baltic States, took place in central Sofia on February 12, 2022.

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. This was noted, for example, by the Committee on the Elimination of Racial Discrimination after consideration of the combined twentieth to twenty-second periodic reports of Bulgaria in May 2017¹⁶² and by the Human Rights Committee during the overview of the fourth periodic report of Bulgaria in October 2018.¹⁶³

¹⁶¹ It should be noted that the fact of holding the Lukov March in memory of the leader of the Union of Bulgarian National Legions, General Lukov, was noted by the HRC Special Rapporteur on Contemporary Forms of Racism in his report A/HRC/38/53 at the 38th session of the Council (June 2018).

¹⁶² Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined twentieth to twenty-second periodic reports of Bulgaria. May 2021.

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fBGR%2fCO%2f20-22&Lang=ru

¹⁶³ Concluding observations of the Human Rights Committee on the fourth periodic report of Bulgaria. October 2018.

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fCOC%2fBGR%2f32907&Lang=ru

According to the information submitted by the EU Agency for Fundamental Rights in 2022, the Bulgarian legal framework does not ensure that racist and xenophobic motivations are considered an aggravating factor in all crimes.¹⁶⁴

Hate speech against ethnic minorities living in the country is used mainly at the domestic level, isolated instances of hate speech, mainly anti-Semitic language, have been recorded during election campaigns.¹⁶⁵

Experts point to insufficient efforts by the authorities to integrate the Roma minority. In 2019, the Committee on Economic, Social and Cultural Rights (CESCR) stated that its members continued to face discrimination in the fields of employment, housing, health care and education, and that such discrimination was being exacerbated by a rise in anti-Roma sentiment.¹⁶⁶

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 (ACFC).¹⁶⁷ This state of affairs, according to experts, leads to violence and hate speech against them.

Biased attitudes towards this group were clearly evident during the COVID-19 pandemic. Disproportionate restrictions affecting Roma communities were reported during the first wave of the pandemic.¹⁶⁸ With this in mind, the Bulgarian government adopted in 2021 a new version of the National Strategy for Equality and Integration of Roma for 2021-2030, aimed at solving a number of "chronic problems" of this ethnic group.

¹⁶⁴ EU Agency for Fundamental Rights report 2022

https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-fundamental-rights-report-2022_en.pdf

¹⁶⁵ Ibid.

¹⁶⁶ Concluding observations of the Committee on Economic, Social and Cultural Rights on the sixth periodic report of Bulgaria. March 2019.

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/086/16/PDF/G1908616.pdf?OpenElement>

¹⁶⁷ Fourth Opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities on Bulgaria – adopted on May 26, 2020.

<https://rm.coe.int/4th-op-bulgaria-en/16809eb483>

¹⁶⁸ EU Agency for Fundamental Rights report 2022

https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-fundamental-rights-report-2022_en.pdf

According to experts with the Committee on the Elimination of Discrimination against Women (CEDW), 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 years of age.¹⁶⁹

ACFC 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.¹⁷⁰

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.

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 Religious Denominations Act have significantly limited the sources of foreign funding for religious organizations. Another approved regulation prohibits wearing in public places all kinds of "thick or semi-transparent fabric that covers or conceals the face", including scarves, masks, and other parts of clothing. 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.

¹⁶⁹ Concluding observations of the Committee on the Elimination of Discrimination against Women on the eighth periodic report of Bulgaria. March 2020.

file:///C:/Users/MApomerantseva/Downloads/CEDAW_C_BGR_CO_8-EN.pdf

¹⁷⁰ Ibid.

There have also been cases of vandalism in places of worship. Investigations into such cases rarely lead to the identification and prosecution of those responsible.

ACFC also noted that traditional local topographical indications in Bulgaria were 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. These facts, according to experts, show that there continues to be a lack of appreciation for the significant symbolic value that such names have for the population as affirmation of the long-standing presence of national minorities as a valued part of society in a particular territory.¹⁷¹

At the same time, in 2019, aids for teaching Turkish as a mother tongue in grades 1-7 were introduced in schools in Bulgaria. Work to produce materials for the mother-tongue teaching of Armenian, Hebrew and Romani is underway. As regards the media, some news bulletins are published with the support of the National Council for Co-operation on Ethnic and Integration Issues in minority languages. 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.¹⁷²

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.¹⁷³

At the same time, parties and NGOs defending the interests of the Turkish and Roma population operate freely in the country.

¹⁷¹ Ibid.

¹⁷² Ibid.

¹⁷³ Ibid.

There have been cases of detention of Russian citizens in Bulgaria. A high-profile case was that of S.Zonenko and his family members (October 2021) suspected of passing on secret information to the "Arsenal" arms factory in Kazanlak. The Russian scientist and his relatives were released on bail in December 2021.

A Russian citizen (who also has Bulgarian citizenship) was arrested in Sofia in March 2021 as part of a group of Bulgarian citizens accused of intelligence activities in favour of the Russian Federation. She was released from custody on bail of 1,000 euros by the Sofia Military Court of Appeal on March 22, 2022.

In June 2022, Interpol-wanted computer programmer, D.Emeljantsev (Kloster), was detained in the city of Bansko on charges of interfering in the US presidential election. On September 19, a Bulgarian court authorized his extradition to the US. The man himself did not object to the extradition and expressed his readiness to prove his innocence in the face of US justice.

A significant 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. 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.¹⁷⁴

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

¹⁷⁴ [Ibid.](#)

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.¹⁷⁵

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 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.¹⁷⁶ The statistics on physical abuse of children are alarming.

Attempts to limit the spread of coronavirus infection have had a negative impact on Bulgarians' access to secondary education: local schools were fully or partially closed for a total of 47 weeks during the pandemic period (from January 2020 to December 2021).

There has been little progress in ensuring freedom of the media. In the Reporters Without Borders ranking in 2022 Bulgaria slipped one position down to 112th place. This is the worst result among the EU member states. 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 policy of the "fourth estate". Most major publications remain under the control of a small group of

¹⁷⁵ 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

¹⁷⁶ Concluding observations of the Committee on the Rights of the Child on the combined third to fifth periodic reports of Bulgaria. June 2016.

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fBGR%2fCO%2f3-5&Lang=ru

oligarchs. Independent journalists, including those investigating criminal and corruption schemes, often receive threats.

Amid the special military operation to demilitarize and denationalize Ukraine launched by the Russian Federation, Russian media outlets have been targeted as well. Their coverage of events from a viewpoint that is different from the Russophobic stance of the official authorities, prompted the Bulgarian State Council for Electronic Media to decide on March 1, 2022 to suspend the broadcasting activities of Russia Today TV channel, Sputnik news agency, as well as related resources. They were technically blocked the same day.

Human rights activists report domestic and sexual violence against women. However, sexual violence committed within marriage continues to be outside the law, and the percentage of victims seeking help 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 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 the Protection from Domestic Violence Act, Bulgaria is obliged to create conditions for the implementation of programmes to prevent and protect against domestic violence and programmes to assist victims of domestic violence. In practice, most of this work is done by NGOs.

As CEDAW pointed out in its Concluding Observations, Bulgaria is a source and destination country for trafficking in women and girls for purposes of sexual exploitation and forced labour. At the same time, there are practically no protection and support services for victims of this crime in the country.¹⁷⁷

¹⁷⁷ Ibid.

CEDAW drew attention to the increasing occurrence of hate speech and sexism in the media, in particular in online social media. Misogynistic statements are also voiced by high-ranking politicians.¹⁷⁸

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 CEDAW¹⁷⁹ and CESCR.¹⁸⁰

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.

Experts of the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) carried out an ad hoc 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 institutions. The material conditions in a number of prisons were described by experts as poor and even unacceptable. Shortage of staff in general

¹⁷⁸ Ibid.

¹⁷⁹ Ibid.

¹⁸⁰ Concluding observations of the Committee on Economic, Social and Cultural Rights on the sixth periodic report of Bulgaria. February 2019.

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fBGR%2fCO%2f6&Lang=ru

and medical staff in particular was noted, as well as interruptions in the supply of medication and difficult access to psychiatric care.

The practice of isolating patients and using mechanical and chemical restraints continues. Experts in Kardzhali received evidence of patients being left in isolation rooms strapped to beds for more than 48 hours, with their hands secured over their heads, which had caused their limbs to ache, swell and lose sensitivity. Such treatment should, according to the report, be qualified as ill-treatment.

The CPT notes that this situation has been caused in no small measure by extremely low staffing levels in these institutions, which do not allow for adequate care and treatment to be provided. At the same time, the report indicates that a number of legally competent patients, who had signed consent to hospitalization, were nevertheless not truly consenting to their hospitalization. Such people frequently want to leave but are not allowed to do so, and are thus de facto detained.¹⁸¹ The chronic nature of these problems is evidenced by the fact that even earlier, in March 2020, CEDAW also expressed its concern over cases of death, abuse and ill-treatment in psychiatric and mental health institutions and social protection centres.¹⁸²

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

¹⁸¹ Report to the Bulgarian Government on the periodic visit to Bulgaria carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from October 1 to 13, 2021. October 18, 2022.

<https://rm.coe.int/1680a88ec1>

¹⁸² Concluding observations of the Committee on the Elimination of Discrimination against Women on the eighth periodic report of Bulgaria. March 2020.

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fBGR%2fCO%2f8&Lang=ru

the activities of educational institutions, private security companies, production of chemical, explosive and other dangerous substances).

Bosnia and Herzegovina

There were no major developments recorded in the human rights situation in Bosnia and Herzegovina (BiH) between 2021 and the first half of 2022. The legal framework that was established in the aftermath of the 1992 – 1995 armed conflict is still deficient. The country's population continues to face challenges related to the ethnic differentiation in society and persistent social and economic difficulties.

The implementation of a number of constitutional provisions of BiH (Annex 4 of the 1995 General Framework Agreement for Peace in Bosnia and Herzegovina – 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. For instance, the Committee on the Elimination of Racial Discrimination (CERD) following its consideration of the combined twelfth and thirteenth 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 schisms persist in the country, impeding legal, institutional and policy progress towards greater societal integration and reconciliation.¹⁸³

One of the main features of BiH is the existence to this day of an external protectorate in the form of the Office of the High Representative (OHR),¹⁸⁴ whose activities are completely contrary to the principles of the rule of law. The acts of the High Representative constitute essentially unilateral decisions of a

¹⁸³ Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined twelfth and thirteenth 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

¹⁸⁴ An international official functioning under the 1995 General Framework (Dayton) Agreement for Peace in BiH, with legally controversial powers of unrestricted intervention in any aspect of the situation in the country, using them extensively with the support of the West.

foreign citizen, which have supremacy over laws and cannot be appealed against, including in court. For example, in response to the refusal of Bosnian Serbs to accept the validity of "genocide" verdicts returned by the International Criminal Tribunal for the former Yugoslavia (ICTY), including in view of attempts to use them to promote the idea of "collective responsibility" of Serbs, the High Representative, bypassing parliamentary procedure, amended in July 2021 the Criminal Code to criminalize "genocide denial",¹⁸⁵ essentially allowing for 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 by the constituent peoples of BiH and all members of the Peace Implementation Council Steering Board (Russia was against 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 when the Council voted on July 22, 2021. Despite this, C.Schmidt "took office" on August 2, 2021 in contravention of all norms. Throughout 2022 he repeatedly interfered with BiH's law and practice,¹⁸⁶ contributing to a climate of general legal chaos,¹⁸⁷ lawlessness and insecurity.¹⁸⁸

A serious danger is the line supported by the collective West to revise the fundamental tenets of the Dayton Peace Agreement regarding the rights of the constituent peoples of BiH in favour of centralization and unitarization of the

¹⁸⁵ 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/>

¹⁸⁶ <http://www.ohr.int/decision-enacting-the-law-on-amendments-to-the-election-law-of-bosnia-and-herzegovina-8/>

<http://www.ohr.int/decision-enacting-amendments-to-the-constitution-of-the-federation-of-bosnia-and-herzegovina-3/>

¹⁸⁷ I danas protesti u Sarajevu: Bošnjaci traže od Šmita da odustane od izmena Izbornog zakona!

<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>

¹⁸⁸ Džaferović od Ustavnog suda BiH traži ukidanje Šmitovih odluka.

<https://www.euronews.rs/evropa/region/66790/dzaferovic-od-ustavnog-suda-bih-trazi-ukidanje-smitovih-odluka/vest>

country. In these circumstances, the Serbian people of Bosnia and Herzegovina are struggling to defend their constitutionally guaranteed rights and the constitutional powers of Republika Srpska. There is an ongoing struggle of the Croatian people living in BiH for equal representation in government bodies.

CERD expressed its concern regarding the limited representation of ethnic minorities in decision-making bodies and public positions at entity and local government levels.¹⁸⁹

International monitoring mechanisms have expressed concern that hate speech and statements are used in public discourse, both by public and political figures and in the media, including the Internet. This takes the form of nationalistic and ethno-religious discourse against returnees, anti-Semitism, intolerance and attacks against Roma. Only a small number of hate crimes have been effectively prosecuted. This problem was highlighted, for example, by the Human Rights Committee (HRCttee).¹⁹⁰

Another category of vulnerable groups in BiH are returnees and displaced persons. They face difficulties in their sustainable reintegration into society, full restitution of their property, and access to the labour market and social benefits.¹⁹¹

The UN human rights treaty bodies have observed high rates of locating and identifying persons reported missing during the 1992-1995 armed conflict. However, the work in this area is far from being complete. For instance, the Committee on Enforced Disappearances has noted that the fate and whereabouts

¹⁸⁹ Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined twelfth and thirteenth 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.

¹⁹⁰ Concluding observations of the Human Rights Committee on the third 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

¹⁹¹ Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined twelfth and thirteenth 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

of about one third of the 30,000 persons remain unknown. It observed the insufficient budget allocated to the Prosecutor's Office of Bosnia and Herzegovina and the lack of sufficient forensic experts to carry out the work in a timely manner.¹⁹² HRCtee also previously pointed to obstacles hampering the integration of returnees and internally displaced persons.¹⁹³

The judicial system is highly politicised, ethnocentric, and characterised by long case processing time.¹⁹⁴ There is prejudice against the Serbian people, who see 70-80 per cent of all war crimes cases from the period of the armed conflict filed against them.¹⁹⁵ However, atrocities committed by other ethnic groups are often dismissed.¹⁹⁶ Depending on which ethnic group is being prosecuted, the Bosnian Muslim-controlled courts arbitrarily apply the law of a particular period (former Yugoslavia or modern BiH) against the defendant, giving Serbs a harsher sentence.¹⁹⁷

A separate problem is an increasing tendency 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 Serbs¹⁹⁸, which is

¹⁹² Concluding observations of the Committee on Enforced Disappearances on the report submitted by Bosnia and Herzegovina. October 2016.

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CED%2fC%2fBIH%2fCO%2f1&Lang=ru

¹⁹³ Concluding observations of the Human Rights Committee on the third 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

¹⁹⁴ Čubrilović: Ustavni sud BiH odavno je instrument samo jedne politike i samo jednog naroda u BiH.

<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>

¹⁹⁵ Većina osuđenih ratnih zločinaca – Srbi?

<https://www.dw.com/sr/ve%C4%87ina-osu%C4%91enih-ratnih-zlo%C4%8Dinaca-srbi/a-6226266-0>

¹⁹⁶ 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/>

¹⁹⁷ Čedomir Antić za Glas Srpske: Srebrenica postala temelj bošnjačkog nacionalnog mita.

<https://balkanspravila.com/cedomir-antic-za-glas-srpske-srebrenica-postala-temelj-bosnjackog-nacionalnog-mita>

¹⁹⁸ Serbia says it can only rely on Russian support when facing new genocide accusations.

<https://tass.ru/mezhdunarodnaya-panorama/16197591>

why criminal proceedings against defendants of this nationality are conducted without regard to the statute of limitations for the acts imputed to them.¹⁹⁹

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, the bearer of anti-Semitic and fascist ideas during World War II.

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 2017²⁰⁰, CERD in August 2018 ((situation in some cantons of Central Bosnia and Herzegovina-Neretva was of particular concern to the committees),²⁰¹ the Committee on the Rights of the Child (CRC) in September 2019²⁰² and the Committee on Economic, Social and Cultural Rights (CESCR) in November 2021.²⁰³

¹⁹⁹ International Tribunal for the former Yugoslavia: activities, results, effectiveness.

https://inslav.ru/sites/default/files/editions/2012_mezhdunarodnyj_tribunal.pdf

²⁰⁰ Concluding observations of the Human Rights Committee on the third 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

²⁰¹ Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined twelfth and thirteenth 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

²⁰² Concluding observations of the Committee on the Rights of the Child on the combined fifth and sixth periodic reports of Bosnia and Herzegovina. September 2019.

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.²⁰⁴

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.²⁰⁵

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 the subject in Bosnian-Serbian educational institutions – "the language of the

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fBIH%2fCO%2f5-6&Lang=ru

²⁰³ Concluding observations of the Committee on Economic, Social and Cultural Rights on the third 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

²⁰⁴ European Commission against Racism and Intolerance conclusions on the implementation of the recommendations in respect of Bosnia and Herzegovina subject to interim follow-up. Adopted on December 10, 2019. Published on March 19, 2020.

<https://rm.coe.int/ecri-conclusions-on-the-implementation-of-the-recommendations-in-respe/16809cde0e>

²⁰⁵ Concluding observations of the Committee on the Rights of the Child on the combined fifth and sixth 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

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.²⁰⁶

In June 2021-March 2022, there were 113 hate crimes recorded on the territory of BiH, with an absolute majority of them motivated by intolerance towards persons belonging to other ethnic or religious groups. Only a small number of these incidents were publically denounced by the authorities; the number of prosecutions remains low as well. However, the very low number of cases of racial discrimination registered, investigated and brought before both the courts and the Ombudsman in BiH was criticized by CERD experts as early as in 2018.²⁰⁷

Human rights organizations note difficulties in ensuring the rights of a large (up to 30,000 persons) Roma community in the country. It remains the most marginalized group in BiH.

²⁰⁶ Concluding observations of the Committee on Economic, Social and Cultural Rights on the third 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

²⁰⁷ Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined twelfth and thirteenth 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

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 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 HRCttee in March 2017²⁰⁸, CERD in August 2018²⁰⁹ and CRC in September 2019.²¹⁰

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.²¹¹

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.²¹² In September 2019, CRC noted with concern the protracted process

²⁰⁸ Concluding observations of the Human Rights Committee on the third 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

²⁰⁹ Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined twelfth and thirteenth 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

²¹⁰ Concluding observations of the Committee on the Rights of the Child on the combined fifth and sixth 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

²¹¹ Concluding observations of the Committee on Economic, Social and Cultural Rights on the third 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

²¹² Concluding observations of the Human Rights Committee on the third periodic report of Bosnia and Herzegovina. March 2017.

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fBIH%2f

to harmonize legislation on domestic violence in the entities and local administrations on domestic violence.²¹³

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.

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.²¹⁴

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.

There have been no mass violations of the rights of Russian citizens and compatriots recorded in the country, nor any new cases of denial of entry to BiH for Russians.

[CO%2f3&Lang=ru; Concluding observations of the Committee against Torture on the sixth 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

²¹³ Concluding observations of the Committee on the Rights of the Child on the combined fifth and sixth 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

²¹⁴ Hram SPC u Mostaru opljačkan deseti put: Ponovo napad na srpke svetinje, u Sabornoj crkvi Svete Trojice strepe za bezbednost

<https://www.novosti.rs/republika-srpska/vesti/1180257/hram-spc-mostaru-opljackan-deseti-put-ponovo-napad-srpke-svetinje-sabornoj-crkvi-svete-trojice-strepe-bezbednost>

Previously, in 2018, there were such precedents: three Russian citizens, including writer Z.Prilepin, were denied entry to the country, allegedly on the grounds that their "presence threatens security, public order, peace as well as international relations of BiH".

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. 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.

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.²¹⁵ 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 Constitutional Court of BiH abolished the death penalty nationwide in October 2019. Previously, it had been provided for in the Constitution of the RS, even though it had never been applied. No acts of torture have been

²¹⁵ Bosnia: no restitution law for descendants of Holocaust victims – no entry to the EU. STMEGI News. February 17, 2019.

<https://stmegi.com/posts/67172/bosniya-bez-zakona-o-restitutsii-dlya-potomkov-zhertv-kholokosta-ne-popast-ves/>

recorded, and detention conditions are broadly in line with generally accepted standards.

According to the annual report of the Human Rights Ombudsman of BiH, the largest number of complaints in 2021 related to violations of political and civil rights, inefficiency of the judicial and administrative systems, and inadequate enforcement of economic and social rights. Youth, retired people, persons with disabilities and members of single-parent families remain among the most vulnerable segments of the population.

It should be noted that, by and large, human rights issues in BiH are being politicized, becoming an tool of struggle between ethno-political forces, on the one hand, and pressure on local elites by States of the "collective West", on the other.

United Kingdom (the)

The UK has positioned itself as a benchmark in the promotion and protection of human rights in seeking to mask the significant problems that exist in this area.

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 2021.²¹⁶

A Home Office statistic²¹⁷ shows that, as at 30 September 2022, there were 239 persons in custody for terrorism-connected offences in Great Britain; of those in custody, 66 were categorised as holding far right-wing ideologies (35 per cent more than in 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).

According to Hope Not Hate, an advocacy group, a total of 18 young people who support extreme right-wing ideas were convicted of terrorist crimes in 2021 (twice as many as in the previous year). Six of them were teenagers.²¹⁸

²¹⁶ 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>

²¹⁷ <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>

²¹⁸ State of Hate 2022: On The March Again. Hope not Hate. March 2022
<https://hopenothate.org.uk/2022/02/09/state-of-hate-2022-on-the-march-again/>

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 increasing number of law enforcement officials in the ranks of supporters of radical nationalism is an alarming symptom. A highly-publicised court decision was made in April 2021, when a 22-year-old Met Police officer, who had been a member of National Action, was found guilty on charges of terrorism. According to a spokesperson of the Metropolitan Police Counterterrorism Office, this is the first time a police officer has been officially recognised as a follower of such an ideology.²¹⁹

In December 2021, Ben Raymond, a co-founder of National Action, was sentenced to eight years in prison with the right to parole two years before the end of his term. In addition to his active involvement in the development of the neo-Nazi 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 became the 17th member of National Action to be prosecuted for membership in this organisation.²²⁰

At the same time as extreme right-wing attitudes are becoming increasingly widespread in the population, the rights of ethnic minorities are becoming a pressing issue in the country.

²¹⁹ 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>

²²⁰ National Action: Ben Raymond jailed for eight years. BBC News. 3 December 2021 <https://www.bbc.com/news/uk-england-wiltshire-59519211>

The Committee on the Elimination of Racial Discrimination (CERD) last considered the periodic report on the UK in August 2016. At that time, it was noted that people of African and Asian descent, Roma and other ethnic communities continued to face exclusion and were subject to negative stereotypes and stigmatisation in the media. Experts pointed out that many politicians not only fail to condemn, but promote and perpetuate prejudice, thereby encouraging individuals to commit acts of intimidation against ethnic or ethno-religious minority communities and visually different people.²²¹

Over the years, the government has taken a number of steps to remedy the situation, but overall, as human rights activists unanimously point out, racial inequality in the UK is "systemic" and the authorities' measures essentially fail to address the true social and economic causes of the alarming situation.

Furthermore, the ethnic composition of the majority of the police forces in the State party is not representative of the communities that they serve, particularly in Scotland.²²² Although some steps in this direction have been taken since 1999, the progress has been extremely slow. The situation has been criticized by Members of law enforcement agencies. For example, According to the Chair of the National Police Chiefs' Council Sara Thornton, progress on this issue will not be seen until 2052 at best, that is, not sooner than in 30 years.²²³

CERD noted, *inter alia*, persistent discrimination in access to health services and in the quality of care provided.²²⁴ A few years later, after the experts had prepared their respective concluding observations, this aspect of

²²¹ Concluding observations on the combined twenty-first to twenty-third periodic reports of the United Kingdom of Great Britain and Northern Ireland. Committee on the Elimination of Racial Discrimination. August 2016

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fGBR%2fCO%2f21-23&Lang=ru

²²² Ibid.

²²³ <https://www.theguardian.com/uk-news/2019/feb/22/police-leader-calls-for-laws-to-allow-positive-race-discrimination>

²²⁴ Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined twenty-first to twenty-third periodic reports of the United Kingdom of Great Britain and Northern Ireland. August 2016

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fGBR%2fCO%2f21-23&Lang=ru

ethnic inequality became especially evident during the COVID-19 pandemic. According to the Office for National Statistics²²⁵, a number of ethnic minority groups (of African, South Asian and Caribbean descent) were 1.5-2 times more likely to die from coronavirus than White Britons. What is more, the highest infection rate was registered in London Boroughs of Brent, Barnet and Harrow mostly populated by Black population. As a rule, these people are underpaid for their labour and have no adequate access to healthcare. A number of high-profile political figures urged the British government to immediately initiate an independent inquiry into the causes of the "abnormally high mortality" from coronavirus among ethnic minorities.

The risks associated with other diseases are also on the rise. The imbalance was highest among the male population – males of Black African ethnic background had 2.7 times higher chance of dying from COVID-19-related causes than White males. A similar trend was registered among those of African Caribbean and Bangladeshi descent. Females of Black Caribbean ethnic background had the highest rate (twice the number of White females) followed by females of Black African and Pakistani ethnic background. It is worth noting that after adjustment for geography, socio-economic status (level of income, education), and other factors, the statistical disparity in the mortality factor decreases but remains visible. Analysts offer various explanations to it, including racial discrimination.

On 16 March 2021, the final report of an independent Commission on Race and Ethnic Disparities²²⁶ was presented. The commission was created on the recommendation of Prime Minister Boris Johnson following the wave of protests by the Black Lives Matter movement, and included prominent figures from fields spanning education, science, business, healthcare and law

²²⁵ <https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/deaths/articles/updatingethniccontrastsindeathsinvolvingthecoronaviruscovid19englandandwales/deathsoccurring2marchto28july2020>

²²⁶ Commission on Race and Ethnic Disparities: The Report. March 2021
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/974507/20210331_-_CRED_Report_-_FINAL_-_Web_Accessible.pdf

enforcement; 9 out of 10 contributors, including the chairperson, represented ethnic minorities.

In contrast to the report of the Commission on Race and Ethnic Disparities prepared on the request of the UK government in 2016, which painted a bleak picture as regards ethnic and racial disparities, the new document offers a more optimistic view. It concludes that, although a post-racial society is yet to be achieved, the UK has become a beacon to other predominantly White countries in minority rights issues due to a significant progress in reducing inequality in education and economy. The authors conclude that they "no longer see a Britain where the system is deliberately rigged against ethnic minorities". The remaining disparity in many spheres is explained not by racial bias but rather by geography, family composition, socio-economic status, culture and religion.

The document recognizes that outright racism still exists in the UK, which has migrated to the internet. It is noted that members of ethnic minorities are hardly ever found at top jobs in some sectors. At the same time, the report sends a message that non-White British people should strive to play an active role in ensuring their participation in all the social spheres. What is more, the authors drew attention to "an increasingly strident form of anti-racism thinking" that seeks to explain all minority disadvantage through the prism of racism, and noted that the BLM movement might have pushed away the less political public from dialogue.

The conclusions implying a decrease in the significance of racist sentiments in the life of the nation caused an extremely negative reaction in some circles, above all ethnic minorities' organisations.

The UN Working Group of Experts on People of African Descent and the UN Special Rapporteur on Contemporary Forms of Racism E.Tendayi Achiume failed to agree with the report's conclusions. The experts were outraged by the Commission's failure to acknowledge "the pervasive role that

the social construction of race was designed to play in society, particularly in normalizing atrocity".²²⁷

Non-White Britons continue to be "disproportionately targeted throughout the criminal justice system".²²⁸ 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 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 Organised Crime Suspects Database has been criticised 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.²²⁹

Minors are victims of police brutality as much as adults. 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 medical office in London in 2020. The humiliation was prompted by suspicions from teachers that Child Q might have brought drugs into the school: they testified that she had clearly smelled of cannabis. As they could not find anything of interest in the girl's belongings, the teachers decided to call in the police for

²²⁷ UN Experts Condemn UK Commission on Race and Ethnic Disparities Report. 19 April 2021
<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27004&LangID=E>

²²⁸ Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined twenty-first to twenty-third periodic reports of the United Kingdom of Great Britain and Northern Ireland. August 2016

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fGBR%2fCO%2f21-23&Lang=ru

²²⁹ Report of the Working Group of Experts on People of African Descent A/74/274 Seventy-fourth session of the UN GA. October 2019
<https://undocs.org/ru/A/74/274>

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 (which could have been conscious or unconscious).²³⁰

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.²³¹ Children of Caribbean descent are 3.5 times more likely to be excluded from public schools than other students.

According an Opinion survey among members of ethnic minorities published by Guardian in May 2019, 71 per cent of respondents faced racial discrimination. At the same time, 50 per cent of respondents said that they come across racist behaviour on the internet and on social media on a daily basis.

In June 2020, the polling agency YouGov carried out a large-scale survey that found that 52 per cent of respondents thought racism was common in the UK (8 per cent thought it was "extremely common" and 44 per cent thought it was "fairly common"). However, 36 per cent thought the problem of

²³⁰ Local Child Safeguarding Practice Review. March 2022

<https://chsep.org.uk/wp-content/uploads/2022/03/Child-Q-PUBLISHED-14-March-22.pdf>

²³¹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/643001/lamy-review-final-report.pdf

racism was "exaggerated", while 6 per cent thought that it did not exist in the UK.

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 descent also reported changing their names. 42 per cent of non-indigenous British women say their superiors prioritize White employees when making decisions on promotion. 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 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.²³²

According to the official statistics of the Home Office (with numbers provided for England and Wales²³³ as a whole, then Scotland²³⁴, and Northern Ireland²³⁵ separately) in year ending March 2020, number of hate crime increased. In total, 111.9 thousand such offenses were recorded during this time (for 2018-2019 – 103.7 thousand, for 2017-2018 – 92.7 thousand). The overwhelming majority of them – 79.7 thousand (71.3 per cent) – were committed on the grounds of racial hatred. For comparison, in 2018-2019, their

²³² Broken Ladders: the Myth of Meritocracy for Women of Colour in the Workplace
<https://www.fawcettsociety.org.uk/broken-ladders>

²³³ Hate Crime in England and Wales, 2021 to 2022, 6 October 2022
<https://www.gov.uk/government/statistics/hate-crime-england-and-wales-2021-to-2022/hate-crime-england-and-wales-2021-to-2022>

²³⁴ Hate Crime in Scotland, 2021 to 2022, 14 June 2022
<https://www.copfs.gov.uk/media/d3jnt5t2/hate-crime-2021-22-publication-final.pdf>

²³⁵ Hate Incidents and Crimes in Northern Ireland in the period ending 31 March 2022 r. 12 May 2022
<https://www.gov.uk/government/statistics/hate-incidents-and-crimes-in-northern-ireland-period-ending-31-march-2022>

proportion was 72.9 per cent, in 2017-2018 – 74.1 per cent. At the same time, the observed increase in registered crimes may not necessarily be associated with a growing number of such offences. It may be about the growing willingness of victims to report crimes, as well as the readiness of the police to register their reports.

However, international human rights monitoring bodies have on a number of occasions over the years (CERD in August 2016²³⁶, Human Rights Committee (HRCttee) in July 2015).²³⁷ The Committee on Human Rights (CHR) in July 2015, the Committee against Torture (CAT) in May 2019.²³⁸ The Committee against Torture (CAT) in May 2019) 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. According to CAT, only 2 per cent of such cases result in convictions where racially motivated hostility is considered an aggravating factor.²³⁹

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*²⁴⁰, which stated that the current legal framework is not sufficient for combatting hate crime effectively (including that

²³⁶ Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined twenty-first to twenty-third periodic reports of the United Kingdom of Great Britain and Northern Ireland. August 2016

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fGBR%2fCO%2f21-23&Lang=ru

²³⁷ Concluding observations of the Human Rights Committee on the seventh periodic report of the United Kingdom of Great Britain and Northern Ireland. July 2015

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fGBR%2fCO%2f7&Lang=ru

²³⁸ Concluding observations of the Committee against Torture on the sixth periodic report of the United Kingdom of Great Britain and Northern Ireland. May 2019

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fGBR%2fCO%2f6&Lang=ru

²³⁹ Ibid.

²⁴⁰ Operating with Impunity. Hateful extremism: The need for a legal framework.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/963156/CCE_Operating_with_Impunity_Accessible.pdf

inspired by far-right ideology). The report acknowledges that full protection against hateful extremism is impossible and that attempts to fully resolve this issue would impede the freedom of speech. However, the paper makes a case for updating and tightening the rules in this area (not least due to the development of the digital space).

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. According to a report by the British NGO Community Security Trust, 2021 was the year with the highest number of anti-Semitic incidents in the organisation's history of keeping such statistics. A total of 2,255 incidents were recorded during this period, 34 per cent more than in 2020 (1,684 incidents). The previous record high was registered in 2019 at 1,805.²⁴¹

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 contemporary manifestations of racism and the fight against the glorification of Nazism, prepared in compliance with UN General Assembly resolution 73/157.²⁴²

Also, in recent years, manifestations of what can be described as reverse discrimination have taken place. The starkest example is a series of cases when inquiries into grave crimes committed by ethnic minority criminal gangs remained incomplete, while law enforcement agencies and local authorities were reluctant to cooperate with the investigation. The findings of a trial launched by the municipality of Telford, Shropshire, and published in June 2022 relating to a series of decades-long crimes involving the sexual exploitation of minors in the area drew considerable publicity. The investigation

²⁴¹ Anti-Semitic incidents report 2018 (2019)

<https://cst.org.uk/publications/cst-publications/antisemitic-incident-reports>

²⁴² Contemporary forms of racism, racial discrimination, xenophobia and related intolerance. E.Tendayi Achiume A/74/253, prepared pursuant to GA resolution 73/157 73/157. October 2019
<https://undocs.org/ru/A/74/253>

revealed that some 1,000 adolescent girls had been victims of a sex trafficking scheme, but authorities and law enforcement agencies in the town had long refrained from prosecuting the defendants, who were from the Pakistani diaspora. Moreover, even after the crimes were made public, local authorities apparently tried to draw public attention away from the perpetrators' origin, fearing that "racial tensions" would escalate.

There were no mass violations of the rights of Russian citizens in the UK, including in places of detention, prior to Russia's special operation to demilitarise and denationalise Ukraine. During 2021 the Russian Embassy received occasional messages from the Russian compatriots about prejudice from the wider population in connection with reports by local media alleging that the Russian-speaking diaspora had close links to the Russian security services.

There has been no evidence of the British authorities impeding the activities of Russian compatriot organisations and their "interest clubs". In particular, the "Union of Assistance to Russian Compatriots in the United Kingdom", established in March 2020, is actively working. Its main objective is to raise the legal awareness of representatives of the Russian-speaking diaspora and to provide assistance in resolving social and domestic problems.

At the same time, against the backdrop of the events in Ukraine, in February 2022, cases of harassment of Russian and Russian-speaking citizens have been registered across the country. The Russian Embassy in Great Britain continues to receive emails with relevant complaints. Leaflets with the slogan "GOOD Russian = DEAD Russian" were widely used by the owners of public places. Social networks are flooded with Russophobic comments with threats both against Russia's leadership and ordinary ethnic Russians and even people with indirect ties to Russia or the territory of the former Soviet Union.

The premises Consular Section of the Russian Embassy were 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 any place or service intended for the use of the general public, and to security of person and protection by the state were compromised. In particular, these include restriction of access to the Embassy's bank account, BMW's decision not to renew the contract for the service of the Embassy's car fleet, the disabling of the so-called alarm button in the Embassy and the Residence of the Russian Ambassador, as well, intrusion into the premises of the Embassy's country house and damage to its property.

Anti-Russian hysteria has not escaped the spheres of culture and sports. For example, British auction houses Christie's, Sotheby's, and Bonhams refuse to hold auctions of Russian art.²⁴³ The Royal Birmingham Conservatoire has banned a Russian graduate from participating in a music competition in Dubai.²⁴⁴ The Cardiff Philharmonic Orchestra refused to house a recital dedicated to the work of Tchaikovsky. Cardiff Philharmonic Orchestra announced on its website that they "feel the previously advertised programme including the 1812 Overture to be inappropriate at this time".²⁴⁵ The Royal Opera House has cancelled the Bolshoi Ballet's London tour.²⁴⁶ London's National Gallery decided to rename the painting *Russian Dancers* by Edgar Degas as *Ukrainian Dancers*.²⁴⁷

²⁴³ 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>

²⁴⁴ Controversy as young Russian pianists banned from international music competitions. Classic FM. 10 March 2022 г.

<https://www.classicfm.com/discover-music/instruments/piano/young-russians-banned-international-competitions/>

²⁴⁵ 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>

²⁴⁶ 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>

²⁴⁷ National Gallery of London renames 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

Russian teams and individual racers were banned from participating in any competitions in the UK. Nikita Mazepin, a Russian Formula One racing driver, was suspended from participation in the British Grand Prix.²⁴⁸ Russian tennis players were also threatened that they would be suspended from tournaments. Daniil Medvedev was asked to publicly condemn the Russian special operation if he wished to participate in Wimbledon.²⁴⁹

In March 2022 in Oxford, looters plundered the Church of St. Nicholas the Wonderworker. The altar was vandalized; holy relics, altar vessels, and the crucifix were stolen. The church bookstore and the donations collected by the congregation for refugees from Ukraine were taken. The Police opened an investigation into the case.²⁵⁰

The authorities of Warrington attempted to close a Russian school that educated children from Latvia, Lithuania, and Ukraine, among others. Nevertheless, a petition to preserve the educational space helped prevent the closure.²⁵¹

Restrictions have been imposed to cut off wealthy Russians' access to UK banks including GBP 50,000 limits on bank accounts.²⁵²

Finally, the Soviet War Memorial Trust Fund decided not to hold Victory Day commemorations in 2022, which it had organised in previous years.

Russian journalists and media workers have faced persecution for years. In July 2015 due to EU's introduction of personal sanctions against International

²⁴⁸ 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/>

²⁴⁹ Daniil Medvedev could be banned from Wimbledon unless he denounces Vladimir Putin. Independent. 16 August 2022

<https://www.independent.co.uk/sport/tennis/daniil-medvedev-putin-russia-wimbledon-b2037376.html>

²⁵⁰ <https://www.facebook.com/StNOrthodox/posts/4911983808877140>

²⁵¹ https://www.change.org/p/stop-closing-schools-for-teaching-russian-to-children?recruiter=870918672&recruited_by_id=d00a7980-40f6-11e8-b3e5-a7d7d17dbdf4&utm_source=share_petition&utm_campaign=share_petition&utm_term=psf_combo_share_initi al&utm_medium=copylink&utm_content=cl_sharecopy_32672193_en-GB%3A6

²⁵² Foreign Secretary imposes UK's most punishing sanctions to inflict maximum and lasting pain on Russia. <https://www.gov.uk/government/nes/foreign-secretary-imposes-uks-most-punishing-sanctions-to-inFLICT-maximum-and-lasting-pain-on-russia>

Information Agency Russia Today Dmitry Kiselev, Barclays, a British bank, froze the account of the RIA Novosti London Office. Explanations (included those provided by lawyers) that Mr. Kiselev was not the owner of this media outlet were ignored. At present, representatives of RIA Novosti in the UK still have no access to their corporate account, so the correspondent bureau is unable to function properly.

Since February 2016, Channel One correspondent Timur Siraziev has not been able to open an account at NatWest Bank or any other bank upon his arrival in the UK. He was not given any reasons for the refusal. So far, the problem has not been solved, which significantly hampers the correspondent's work in the country.

In February 2016, without any explanation, HSBC closed the corporate account of the British office of Rossiya 1 TV channel, as well as the personal account of correspondent chief Alexander Khabarov.

Since December 2018, Ofcom initiated legal proceedings into the work of the RT news channel citing an alleged violation of the principle of "impartiality" of the Broadcasting Code. The inquiry looks into seven programmes that aired between March 17 and April 26, 2018 (two of them were dedicated to the Salisbury incident, the others to glorification of Nazism in Ukraine and military operations in Syria).

Without waiting for the decision of the High Court in London, Ofcom published the results of its investigation into the RT materials and imposed a flagrantly high penalty of GBP200,000. In an appeal prepared with the help of British lawyers against the actions of the media regulator, RT presented extensive arguments refuting Ofcom's accusations. The main point of RT's appeal was that the UK media regulator failed to fulfil its obligations under Paragraph 3 of the UK Human Rights Act of 1998, according to which Ofcom should interpret and apply the principle of "due impartiality" in full accordance with Article 10 of the European Convention on Human Rights, in particular

ensuring the freedom of citizens and the media "to receive and impart information and ideas without interference from public authorities and independent of any public authority or national borders". Furthermore, RT pointed out that Ofcom did not take into account the fact that in its coverage of the Salisbury incident, the British media acted in line with the dominant narrative, which initially assumed that the poisoning of Sergei and Yulia Skripal was committed "on the instructions of the Kremlin". In this regard, RT did not consider it necessary to further explain the position of the British authorities on the Salisbury incident in its newscasts, and focused on explaining the position of the Russian side on the case.

Having considered the appeal in June 2019, the High Court in London found that RT's lawyers had presented "a provable set of arguments that should be fully analysed" and allowed RT to challenge the regulator's decision in further proceedings. However, in late March 2020, the same court dismissed RT's claim that the GBP 200,000 penalty imposed by Ofcom was unlawful. Lord Justice Dingemans, Court of Appeal Judge, called RT's argument regarding the dominant media narrative "vague". The court also dismissed the argument of the broadcaster that the requirement to be impartial interfered with its right to freedom of expression. The Judge mentioned that "the only requirement was that, in the programme as broadcast, RT provided balance to ensure that there was due impartiality".

In April 2020 RT filed a second appeal to the High Court of London in an attempt to overturn the Ofcom ruling and gave further clarification of its position, only to be dismissed at the end of 2021.

The Sputnik news agency also faces restrictions in the UK. The Sputnik, like the correspondents of RT, were denied accreditation to cover the Global Conference for Media Freedom in July 2019. Foreign Office citing Ofcom's accusations explained the exclusion with the "active role of RT and Sputnik in spreading misinformation". The then Foreign Secretary Jeremy Hunt publicly

supported the ban of RT and Sputnik from joining the event, calling them "not free media, but mouthpieces of the Russian state".

A similar situation occurred in December 2019, when an RT employee was accredited but subsequently not allowed to attend the NATO summit. Having arrived at the media centre, an RT representative was detained by the local security service, after which police officers searched the journalist, checked his documents and equipment, and said that his accreditation had been cancelled. The police cited the Terrorism Act to justify their actions. RT's inquiries with the organising committee of the NATO summit and the organisation itself were left without response.

Russian media in the UK continue to face difficulties, mainly due to a constant pressure from the country's authorities. Our correspondents experience difficulties in obtaining information and establishing contacts. There have been cases when Russian journalists were made to wait for long periods of time for the British authorities to extend their working visa, which effectively bound them to one location and prevented them from normal journalist work. What is more, representatives of the Russian media are facing difficulties with initial issuance of UK visas.

Against this backdrop, it is not surprising that the coverage of the Russian special military operation to demilitarise and denazify Ukraine should, in the opinion of Ofcom, be exclusively pro-Western. The refusal to describe the events as an 'invasion of a sovereign state' cost RT its broadcasting licence in the United Kingdom. To justify its decision, Ofcom cited 29 simultaneous investigations into the media outlet in order to verify the "due impartiality" of its reporting on the events in Ukraine.²⁵³

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

²⁵³ Ofcom revokes RT's broadcast licence. Ofcom. 18 March 2022
<https://www.ofcom.org.uk/news-centre/2022/ofcom-revokes-rt-broadcast-licence>

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". The Secretary General of Reporters Without Borders, Christophe Deloire, 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 European Court of Human Rights.

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.

Another practice that draws attention is the crackdown on undesirable civil actions, which, in London's view, does not conflict in any way with the principles that underpin the 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 people were sentenced to prison for taking part in such groups, 10 of whom were members of the Insulate Britain campaign for thermal insulation in homes by 2030. 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 *The most high-profile cases of human rights violations in certain countries*, published in 2022, provides an extensive list of the disproportionate use of force against activists of the Extinction Rebellion and Insulate Britain, as well as statistics on detentions.²⁵⁴

In addition, the high-profile George Floyd incident in the US was a catalyst for the outpouring of discontent over racism in the UK. The wave of mass demonstrations in UK's major cities led to clashes with police and attacks on historical monuments linked in one way or another to the slave trade.

However, the most public outcry came from disproportionate and unjustifiably brutal actions by the Met police during a peaceful commemoration of S.Everard in London. 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 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 presses like the eco-activists. They took to the streets as a

²⁵⁴ *The most high-profile cases of human rights violations in certain countries*. Report of the Ministry of Foreign Affairs of the Republic of Belarus. 2022 г. https://mfa.gov.by/kcfinder/upload/files/22.07.04_report_HR_2.pdf

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 disproportionate crackdown by law enforcers has been criticised even in the UK itself, notably by London Mayor Sadiq Khan and UK Home Office chief Priti Patel. The opposition has also called for the resignation of Metropolitan Police Commissioner Cressida Dick.

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 introduced in April 2022 provides for more complex procedures for authorising marches and gatherings, increasing the powers of the police to respond to protests where there is an greater risk that the rights of people and organisations will be violated in the vicinity of the event (for example, if protesters making too much noise). The Home Secretary may introduce a clear definition of "disorderly conduct" into secondary legislation. The act also provides for an increase in the maximum term of confinement (up to 51 weeks) and higher fines (up to £2,500) for organisers 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.

At the same time, the human rights community has criticised the government's steps to tighten counter-terrorism legislation. The HRCtee²⁵⁵ and CERD²⁵⁶ have noted that the Counter-Terrorism and Security Act 2015 introduces broad powers for intelligence agencies to seize and temporarily withhold a person's travel documents (if there is reason to suspect that they intend to travel abroad to engage in terrorism-related activity) and to monitor suspects at significant distances from their homes. Experts were also concerned about the vague wording of the regulations regarding the interception of communications and transmitted data, which allowed for widespread violations of the right to privacy. In particular, there was a practice of issuing non-specific warrants for the interception of external private communications and data transmitted or received outside the United Kingdom. In addition, the Data Retention and Investigatory Powers Act 2014 established broad powers to retain and access such information.

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

²⁵⁵ Concluding observations of the Human Rights Committee on the seventh periodic report of the United Kingdom of Great Britain and Northern Ireland. July 2015
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fGBR%2fCO%2f7&Lang=ru

²⁵⁶ Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined twenty-first to twenty-third periodic reports of the United Kingdom of Great Britain and Northern Ireland. August 2016
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fGBR%2fCO%2f21-23&Lang=ru

is not always met by the authorities. In this connection, British human rights activists draw attention to the position of persons formerly associated with ISIS and currently living in refugee camps in Syria (according to media reports, this may include several hundred people, primarily the wives and children of militants). The most telling example is considered to be that of former UK citizen Shamima Begum, who left the UK for ISIL-held territory in 2015 at the age of 15. Begum, who had been stripped of her British citizenship, subsequently initiated an appeal procedure. However, in February 2021, the UK Supreme Court denied her the right to enter the country to participate in the proceedings and also ordered that until her participation was otherwise resolved, the proceedings would be suspended. 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.

Human rights activists are also dissatisfied with the government's June 2018 Counter-Terrorism Strategy, which, according to Sajid Javid, then head of the Home Office, is based on the principle of "ensuring there is no safe space for terrorists internationally, in the UK or online". The document requires British intelligence agencies to share operational information with municipal authorities and the government as much as possible. In addition, the strategy seeks to quickly address vulnerabilities in critical infrastructure, strengthen security measures in crowded areas and respond to suspicious purchases. It even provides for the involvement of private companies in counter-terrorism activities, which should alert the police to questionable purchases (chemicals) and strange behaviour of customers (e.g., renting a car, etc.).

Human rights activists also called attention to the Counter-Terrorism and Border Security Act 2019, which, among other things, provides for stricter penalties for the distribution of illegal content in electronic form via the Internet. In their opinion, its vague provisions can be interpreted as broadly as possible by law enforcement agencies, with the result that perfectly legitimate

actions, including exposure to extremist materials for academic, research and professional purposes, can be considered criminal. There is also a continuing and lively discussion about toughening responsibility for posting extremist content on the Internet, as well as strengthening the instruments of 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 Counter-Terrorism and Sentencing Act, which came into force in April 2021 and aimed, inter alia, to significantly increase the counter-terrorism powers of security agencies, with an emphasis on preventive measures, has been assessed negatively by UK's experts and members of the public. It has been proposed, among other things, to change the practices of law enforcement agencies using so-called "terrorism prevention and investigation measures", including the imposition of curfews on individuals, house arrest, forced relocation to a new place of residence, prohibition of participation 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 defenders accused Boris Johnson's Cabinet of disregarding the UK's human rights obligations and intending to punish certain individuals out of court on the suspicion of security agencies, rather than on hard evidence of their guilt. It was noted that the introduction of the bill in the

midst of the coronavirus pandemic was "not accidental". The move was said to have been intended to push the document through Parliament without proper public debate.

Furthermore, since 2014, the UK has had an electronic facial recognition system in place, which has drawn very mixed reactions from the public. 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 from human rights groups and the general public.

The way the system works is as follows. The software reads faces in standalone mode, capturing dozens of individual features of a scanned face to produce a unique "fingerprint" which is automatically checked against a database of wanted criminals, as well as missing children and people in 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 questioning.

The British NGO Big Brother Watch, which defends the right to privacy and freedom from surveillance by the state and "tech giants", has been actively fighting its implementation through pickets, lawsuits and petitions to Parliament. According to statistics from this NGO, 93 per cent of "recognitions" resulting from 10 tests were found to be incorrect. According to research conducted by Professor Peter Fussey, an expert on surveillance systems at the University of Essex, the accuracy of the system is no more than 19 per cent.

Allan Hogarth, an Amnesty International spokesperson has commented: "The Met Police's decision to introduce facial recognition tech poses a huge threat to human rights [...] This technology puts many human rights at risk, including the rights to privacy, non-discrimination, freedom of expression, association and peaceful assembly. [...] This is no time to experiment with this

powerful technology that is being used without adequate transparency, oversight and accountability".

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.²⁵⁷ 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.

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

²⁵⁷ 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>

for the abolition of mining and sponsorship of cultural projects by the above-mentioned corporation.

The UK Ministry of Defence's policy of "exonerating" British servicemen who may have been involved in committing crimes while fighting in other countries continues. In April 2021, the Overseas Operations Act came into force, aimed at protecting servicemen from prosecution for crimes committed during overseas campaigns. The law establishes only a five-year statute of limitations on criminal liability for such acts. Its extension is only possible in exceptional cases at the discretion of the prosecutor general. There is also provision for limiting the possibility to extend the standard limitation period in civil cases of damages caused during such military operations (which in no case can exceed six years).

In July 2022, a story published by the BBC, revealing numerous killings by British Special Air Service troops of unarmed detainees in Afghanistan in 2010-2011, drew a wide response. According to the materials, at least 54 people were victims of such war crimes in that period. It has also been suggested that senior officers not only turned a blind eye to what was happening but also refused to provide evidence for the subsequent military police investigation.

The UK Ministry of Defence, commenting on the situation, referred to the fact that an internal investigation into the events had already been conducted and ended inconclusive due to insufficient evidence. However, critics, including former members of the British Army, have questioned the transparency of such proceedings within the defence department.

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.²⁵⁸ In 2018,

²⁵⁸ See, for example, Concluding observations of the Human Rights Committee on the seventh periodic report of the United Kingdom of Great Britain and Northern Ireland. July 2015
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fGBR%2fCO%2f7&Lang=ru

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.²⁵⁹

In the meantime, human rights organisations and law firms representing victims have reported unprecedented pressure put on the country's judicial system by the military lobby in order to promptly "close" pending cases.

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.²⁶⁰

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

²⁵⁹ Concluding observations of the Committee against Torture on the sixth periodic report of the United Kingdom of Great Britain and Northern Ireland, May 2019.

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FCO%2FGBR%2FCO%2F6&Lang=en
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FCO%2FGBR%2FCO%2F6&Lang=ru

²⁶⁰ Baldwin C. The ICC Prosecutor Office's Cop-Out on UK Military Crimes in Iraq. Human Rights Watch. 18 December 2020 г. <https://www.hrw.org>.

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.²⁶¹

The human rights groups have raised concerns about the situation in the UK penitentiary system. Overcrowding and poor conditions in men's prisons in England and Wales are identified as major problems. In addition, the experts note the disproportionate representation of ethnic minorities among the prison population of both sexes 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.²⁶² It is pointed out that the use of tasers in British prisons has increased, including against children and young people. These are used disproportionately against members of minority groups. Between March 2017 and March 2019, there were eight violent deaths and 160 suicides²⁶³ in various prisons across the country.

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 men's 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 still locked up in their cells for 22 to 23 hours a day without any activity.

²⁶¹ UK Parliament must not introduce impunity for war crimes, say UN experts. The Office of the High Commissioner for Human Rights. 5 октября 2020 г. <https://www.ohchr.org>

²⁶² Concluding observations of the Committee against Torture on the sixth periodic report of the United Kingdom of Great Britain and Northern Ireland, May 2019. https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FCO%2F6&Lang=en

²⁶³ Concluding observations of the Committee against Torture on the sixth periodic report of the United Kingdom of Great Britain and Northern Ireland, May 2019. https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FCO%2F6&Lang=en

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 cases among women increased dramatically. Moreover, due to their frequent use of ligatures, the risks of lethal incidents increased. In one prison, there were several women with severe mental health problems who did not receive appropriate care.²⁶⁴

British human rights activists are concerned about the government policy concerning migrants. The provisions of the Nationality and Borders Act, passed by British Parliament in April 2022, sparked a wave of strong criticism. It effectively deprives foreigners of the right to apply for asylum to the UK authorities if they arrive in the country illegally and not directly from a state/territory where their "life or liberty is threatened". The measure is essentially aimed at illegal migrants entering the UK in small boats across the Channel (28,500 in 2021, and over 10,000 in the first half of 2022) who, after staying in France and other Continental states, by default do not meet the criterion of arriving directly from a "dangerous" country.

According to specialist non-profit organisations, such an interpretation conflicts with humanitarian considerations, especially given the fact that undocumented migrants are taking serious risks with their lives on their way to the UK. Notably, these individuals now actively invoke the right to respect for private and family life (Article 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms) to justify their demands for the right to reside in the UK.

In January 2022, Ms Siobhán Mullally also expressed concerns over the Nationality and Borders Bill, whose provisions, according to Ms Mullally, promote discrimination and serious human rights violations. In particular, the

²⁶⁴ 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>

document does not require the state to ensure the protection of migrants and children seeking asylum, while specific norms raise the risk of increasing the number of persons without nationality.²⁶⁵

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 adjoining 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 offences 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 as it was scrutinised by Parliament.

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).

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, 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.

²⁶⁵ UN human rights activists criticise Britain's Borders Bill. 14 January 2022
<https://news.un.org/ru/story/2022/01/1416912>

Public organisations and victims see a potential human rights violation in the actions of the British authorities in the way they responded to information about a small boat with migrants in distress in the English Channel on 24 November 2021 (resulting in the deaths of at least 27 persons). The survivors said that the British rescue services initially refused to accept requests for assistance after the emergency, claiming that the vessel was in French waters.

The French non-profit organisation Utopia 56 has brought claims against the British Coast Guard and its French counterpart for unintentional negligent homicide and failure to assist people in distress. It is also possible that the British authorities will conduct their own investigation into what happened. In addition to the human rights dimension, there may be a violation of the aforementioned maritime conventions. However, credit must be given to British rescue workers and border guards. They provide assistance to migrants in small vessels in the English Channel in the vast majority of cases, even in the absence of an emergency situation.

In June 2022, Siobhán Mullally also criticised London's agreement with Rwanda in April 2022 for the transfer of international protection-seekers who had entered the UK illegally to Rwanda. Special Rapporteur said that such a practice breaches the international law principle of non-refoulement and does nothing to prevent or combat human trafficking. UN human rights expert urged the United Kingdom to halt plans of forcible transfer of asylum seekers to third countries.²⁶⁶

Not only human rights defenders criticized this decision as inhumane, but also Theresa May, ex-Prime Minister (2016-2019) and Home Secretary (2010-2016). She voiced her displeasure with the new migration policy and doubted its "legality and efficacy". The hierarchs of the Anglican Church were

²⁶⁶ 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>

among the critics, as well as Prince of Wales, who commented on the new policy in a private conversation.

Practical implementation of the arrangement has so far been prevented due to the pro-active position of the asylum-seekers to be deported to Kigali, as well as human rights advocates who have undertaken to file necessary complaints with the judicial authorities. The first "deportation" flight to Kigali was scheduled for June 2022, but was cancelled just before departure on the decision of the European Court of Human Rights to take interim measures against one of the passengers on board. However, British authorities have not given up trying to enforce the measure and are reportedly making preparations for a second transfer.

International human rights groups 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. In reality, however, only 480 were accepted, after which in July 2018 the government announced it was scrapping the programme. A subsequent attempt by Refugee Aid to challenge the decision in court failed. The High Court in London upheld it and rejected a subsequent appeal.

The plight of asylum-seekers was also highlighted by UN human rights treaty bodies, including CERD, CEDAW, CAT, the HRCtee 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 activists have drawn attention to the lack of clear time limits for the duration of detention in removal centres. The mistreatment of this group in holding centres as well as in prisons and detention centres remains a serious problem, which has been documented in a large number of complaints. This has been pointed out by UN human rights treaty bodies, including the

HRCttee in July 2015²⁶⁷ and CAT in May 2019, who have reflected these facts in their Concluding Observations. According to CAT statistics, between 2013 and 2018, more than 6,500 investigations were conducted into allegations of misconduct and 2,600 correctional officers were disciplined, including 50 for physical abuse²⁶⁸.

The human rights community has repeatedly highlighted the social inequalities experienced by certain vulnerable groups in the UK. CESCR was concerned that changes in fiscal policy, such as the increase of the minimum base from which inheritance tax and value added tax are payable, as well as the gradual reduction in income tax, are affecting the state's ability to address persisting social inequalities. This is true, despite the fact that the State has sufficient resources to fully implement economic, social and cultural rights for the benefit of disadvantaged citizens and marginalized individuals and groups, the Committee believes.

It was emphasized that reforms to the legal aid system and the introduction of fees for proceedings in labour courts had led to a reduction in fair justice in the areas of employment, housing, education and social security. Committee experts noted that, despite higher employment, unemployment rates for some disadvantaged and marginalised groups, including people with disabilities, young people and those of ethnic, religious or other minority backgrounds, were still higher than for other groups in the UK. Changes to the rules on welfare entitlements and reductions under the Welfare Reform Act 2012 and the Welfare Reform and Work Act 2016 have also been a cause for concern. These include reductions in the maximum total amount of benefits per

²⁶⁷ Concluding observations of the Human Rights Committee on the seventh periodic report of the United Kingdom of Great Britain and Northern Ireland. July 2015
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fGBR%2fCO%2f7&Lang=ru

²⁶⁸ Concluding observations of the Committee against Torture on the sixth periodic report of the United Kingdom of Great Britain and Northern Ireland, May 2019.
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FGBR%2FCO%2F6&Lang=en

household, the amount of the housing subsidy in case of a spare room ("bedroom tax"), a four-year freeze on some benefits and the amount of child tax credits. CESCR was particularly concerned about the negative impact of these changes on the enjoyment of the rights to social security and to an adequate standard of living of disadvantaged and marginalized individuals and groups, including women, children, persons with disabilities, low-income families and families with two or more children.

The Committee noted with concern that certain groups, in particular persons with disabilities, persons from ethnic, religious or other minorities, single parent families and families with children, were more affected by or were at higher risk of poverty.

In addition, CESCR highlighted the critically low levels of accessibility to finance and housing in the UK, partly as a result of cuts to welfare benefits paid by the state. The shortage of social housing has led to households moving into the private rented sector with higher costs of living unaffordable for those living on welfare.²⁶⁹

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 has had a negative impact on the social security system. The welfare reform has effectively 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.

²⁶⁹ Concluding observations of the Committee on Economic, Social and Cultural Rights on the sixth periodic report of the United Kingdom of Great Britain and Northern Ireland. June 2015.
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fGBR%2fCO%2f6&Lang=ru

In response, the government tried to accuse Philip Alston of "substituting concepts", stressing the alleged absence of extreme poverty in the country and pointing out that the remarks do not characterise the general situation in the social sphere.

The coronavirus pandemic worsened the situation. In the first three months alone, six thousand Britons lost their homes and moved into temporary accommodation. A report from the charity Shelter found that the number of homeless people housed in state-run centres reached 253,000 – the highest number in 14 years.²⁷⁰

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 to the disproportionate impact of austerity measures on women, who are assessed to be the vast majority of single parents and tend to have no steady employment and therefore no stable income. Reduced budgetary allocations to the public sector, which employs more women than men, and reduced funding for organizations providing social services to women were also mentioned. The Committee believes that this move has led to an increased burden on women specifically, including in the area of childcare.²⁷¹

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 income gap between the two sexes currently reaches 10 per cent among full-time employees and 34.5 per cent

²⁷⁰ The number of homeless people in temporary accommodation in England reaches an all-time high. *Rossiyskaya Gazeta*. 20 December 2020

<https://rg.ru/2020/12/20/v-anglii-chislo-bezdomnyh-v-mestah-vremennogo-prozhivaniia-pobilo-rekord.html>

²⁷¹ Concluding observations of the Committee on the Elimination of Discrimination against Women on the eighth periodic report of the United Kingdom of Great Britain and Northern Ireland. February 2019
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fCO%2fGBR%2fCO%2f8&Lang=ru

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 £140k less than men over the course of their career. In addition, 54 per cent of women in part-time jobs (2.8 million) hold low-paying dead-end jobs 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 pension 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.

Journalism, law and business in the UK also present significant disparities. Women hold only 6.1 per cent of senior positions in top companies and just 3 per cent of board seats. Women account for 23 per cent of the judiciary. Many higher courts continue to be closed "men's clubs", with members blocking the appointment of women to senior positions.

The situation regarding the protection of children's rights in institutions continues to be depressing. A report published in January 2017 on the investigation into institutional abuse, partly revealing the extent of physical and sexual abuse in orphanages and other residential institutions run by religious, charitable and state organisations in Northern Ireland between 1922 and 1995. The CPT noted this problem, stressing that the recommendations of the investigation have not been implemented and, as a result of the authorities' inaction, identified victims of abuse have not received financial or any other compensation or remedy for the physical or mental harm.

At the same time, CAT expressed concern about the facts cited in a report published in February 2019 by the Independent Panel of Inquiry into Child Sexual Abuse. Between 2009 and 2017, 1070 cases of sexual abuse of minors were reported to have taken place in detention facilities across the UK. It was noted that investigations into complaints received were very rare. The Committee also mentioned an investigation into institutional practices not covered by the above-mentioned enquiry was pending, in particular the infamous St. Magdalene laundries and some other mother and baby homes.

The coronavirus pandemic forced the authorities to take measures which, although limiting a number of basic human rights and freedoms, were necessary to contain the spread of the disease. However, the struggle against COVID-19 exposed a number of human rights problems. According to the Office for National Statistics, a number of ethnic minority groups (of African, South Asian and Caribbean descent) were 1.5-2 times more likely to die from coronavirus than White Britons. What is more, the highest infection rate was registered in London Boroughs of Brent, Barnet and Harrow mostly populated by Black population. As a rule, these people are underpaid for their labour and have no adequate access to healthcare. A number of high-profile political figures urged the British government to immediately initiate an independent inquiry into the causes of the "abnormally high mortality" from coronavirus among ethnic minorities.

There have been problems in safeguarding the rights of the elderly. For example, in April 2020, 17 nursing homes refused to accept residents who had been previously hospitalised with coronavirus and had been discharged from hospital after recovery. The owners said they did so because they did not want to run the risk of spreading the disease further, even though they had received health certificates from those persons. The government's Care Quality Commission has been looking into the reports.

Among other things, incidents of forced labour in the UK became more common as a result of the COVID-19 pandemic. For example, the number of phone calls to Unseen, an anti-slavery hotline, increased during the lockdown. According to the organisation, the largest number of victims of exploitation were identified in the construction industry. Construction workers continued to work throughout the lockdown without following basic hygiene regulations.²⁷²

Emergency measures to control the pandemic, such as switching to distance working, had a negative impact on wages. The difference in earnings between skilled workers performing their duties from home and those who continued to come into the office was 13 per cent.

Low-income families with schoolchildren were struggling. The transition of all British schools to distance learning meant that education continued mainly through video lessons, both live and pre-recorded by the teacher. However, this format of learning was not available to all students, as many low-income families could not afford a computer altogether. So, some children in the UK were simply excluded from the educational process.

The food parcels provided to children who would normally be eligible for free school meals and intended to last one school week were found to be meagre and unsatisfactory. Amid a wave of criticism from parents, the authorities decided to give them a choice starting from 18 January 2021 – either continue to receive pre-packaged kits or switch to food stamps so that parents could buy their children's food themselves.²⁷³

The forced self-isolation led to the exacerbation of an already serious problem of domestic violence. At the end of April 2020, the number of calls to the domestic violence helpline increased by 49 per cent since the start of the lockdown, and the number of fatalities in domestic conflicts doubled. According

²⁷² Construction was modern slavery hotspot during lockdown. Garner-Purkis Z. Construction News. 12 October 2020

<https://www.constructionnews.co.uk>.

²⁷³ Carrots, banana and a can of beans, *Rossiyskaya Gazeta*. 13 January 2021

<https://rg.ru/2021/01/13/chto-vozmutilo-britancev-v-produktovyh-pajkah-dlia-maloimushchih-shkolnikov.html>

to the Counting Dead Women Project, 14 female victims and two children were reported.²⁷⁴

Information from relevant NGOs suggests that the lifting of anti-covid measures had a positive effect on the emotional state of people, and in 2022 there was a significant drop in the number of domestic violence cases compared to the 2021 figures.

However, the chances of the UK overcoming this human rights challenge appear dubious, given that domestic violence is prevalent, including among law enforcement officers. More than 1,000 officers and police officers who were accused of this crime were not dismissed and remain in service, according to a Guardian report published in March 2022.²⁷⁵

In early 2019, Birmingham protests against the inclusion of "sex education" lessons in a number of schools to "promote equality and combat homophobia" received wide publicity. The protesters objected to the decision arguing that such "courses" should at best be optional, rather than compulsory.

The government policy was primarily to marginalise the protesters, most of whom were Muslims. They were positioned in the media as a "violent minority" and "extremists". The Secretary of State for Education Damian Hinds called the protests "disrespectful to teachers and school staff", claiming "the danger to students posed by the demonstrators". Proponents of alternative viewpoints were subjected to criticism. For example, statements by the MP for the House of Commons, Esther McVey, to the effect that parents should decide whether or not their children attend such classes, were fiercely attacked by fellow party members, in particular former Secretary of State for Education Justine Greening (in a same-sex marriage) and former Secretary of State for

²⁷⁴ Number of domestic violence victims doubles in three weeks in Britain, *Rossiyskaya Gazeta*, 27 April 2020 <https://rg.ru/2020/04/16/koronavirus-prepodal-britanskim-shkolam-svoj-urok.html>

²⁷⁵ 80% of UK police accused of domestic abuse kept jobs, figures show. The Guardian. 17 March 2022 <https://www.theguardian.com/uk-news/2022/mar/17/80-percent-of-uk-police-accused-of-domestic-abuse-kept-jobs-figures-show>

Work and Pensions Amber Rudd (known to be a strong supporter of greater rights for the LGBT community).

As a result, on 31 May 2019, the High Court of Justice upheld a claim by Birmingham City Council and ruled that protests in the vicinity of educational institutions should be banned because they allegedly "affect the safety and health of school staff, students and their parents". The organisers said they would appeal the verdict to a higher authority.

Hungary

Hungary, in general, meets international humanitarian standards with respect to fundamental human rights and freedoms.

No gross violations of authority by law enforcement officers have been reported in the country; steps are being taken to prevent manifestations of xenophobia, racism and religious intolerance with enough success. The state fully guarantees freedom of expression and public assembly.

The coordinated campaign of criticism against the ruling conservative parties by international human rights organisations and NGOs has become a familiar element of the human rights landscape in Hungary. Budapest, in turn, has accused these bodies of interfering in domestic politics in order to influence the current leadership of the country.

The complaints include claims that Hungarian legislation purportedly restricts the activities of NGOs in the country and prohibits the promotion of LGBT ideology among minors, as well as allegations of widespread corruption, interference by the authorities in the judiciary and pressure on the media.

True to tradition, early 2022 was marked by the publication of country reports for 2021 by three major international watchdogs – Transparency International, Amnesty International and Freedom House. All the sources largely agree on a critical assessment of the human rights situation and the "quality of governance" in Hungary.

In 2022 on the commission of the Civitas Institute, Transparency International published the second volume of the Black Book, which, according to the authors, describes "the characteristics and practical implementation of corruption in Hungary" since the previous parliamentary elections in 2018 up to 2021. The first section of the book contains reflections on the "state capture and the destruction of the rule of law, the impact of corruption on economic development, the systemic abuse of the public procurement system and the EU funding system, and, finally, the colonization of the media along political

interests". The second section describes specific corruption cases that received previous coverage in the opposition press. The publication concludes that in Hungary "state power and corruption are closely intertwined and abuses of power often go unpunished".

The report by Freedom House mainly critiques Hungary's June 2021 Child Protection Act, prohibiting the promotion of gender and sexual diversity in schools, media, advertising, etc. The government launched a referendum to further restrain the use of LGBT ideology in education. Held alongside the parliamentary elections on 3 April 2022, the plebiscite was not recognised as valid as the necessary electoral threshold was not reached.

The fact that in February 2021 the Hungarian National Assembly voted to restructure higher education institutions in order to increase their competitiveness has also sparked harsh criticism from NGOs. As a result, the control of 11 state universities along with billions of euros worth of state assets was handed over by the Hungarian government to foundations labelled quasi-public in the aforementioned report, whose boards of directors are allegedly dominated by government allies.

The issue of the alleged excessive involvement of the state in the activities of private academic centres in the implementation of the mentioned processes was not ignored by UN Special Rapporteur for Freedom of Opinion and Expression Irene Khan.²⁷⁶ In her view, the actions of the Hungarian authorities to optimise the private higher education institutions present risks for the freedom of academic and research activities and can undermine the autonomy of these institutions.

Freedom House drew attention to the abolition in January 2021 of the Equal Treatment Authority, which was considered to be one of Hungary's most effective institutional mechanisms for combatting discrimination. Its powers

²⁷⁶ <https://www.ohchr.org/en/press-releases/2021/11/hungary-governments-stranglehold-media-poses-serious-risks-human-rights-un>

were transferred to the Commissioner for Fundamental Rights, whose independence and efficacy were questioned by Freedom House.

European structures and international NGOs use neoliberal values as a pretext to put pressure on the Hungarian leadership. In particular, Hungary has been criticised for passing the legislation in June 2021 prohibiting and restricting access to LGBT content for minors. This law is said to discriminate against LGBT minorities. Furthermore, it is pointed out that gender discrimination is evidenced, *inter alia*, by the fact that many government policies and messages allegedly actively reinforce gender stereotypes, relegating women to homemaking and downplaying the importance of gender equality. The COVID-19 pandemic has further reinforced these inequalities. This was highlighted, in particular, the Amnesty International Report 2021/22: The state of the world's human rights.

On 15 July 2022, the European Commission filed a lawsuit to the European Court of Justice against Hungary and Poland over the legislation regarding LGBT issues in those countries. In their statement, the European Commission hypocritically described the protection of minors as a legitimate public concern of the Hungarian authorities, which the EU shares and seeks to promote. European officials displayed an obvious double standard on this matter, noting that the information provided by the Hungarian authorities on the legislation in place did not explain why "exposure of children to LGBT content may be detrimental to their well-being or not in the best interests of the child".²⁷⁷

The situation of the Roma community has also been criticised by international human rights bodies, the vast majority of whom have low social status and reportedly suffer from various forms of discrimination. Various human rights NGOs have repeatedly highlighted the problems of this group. For example, the EU Agency for Fundamental Rights and Amnesty International in

²⁷⁷ https://ec.europa.eu/commission/presscorner/detail/en/ip_21_3668

their recent reports mentioned a number of cases where children from disadvantaged Roma families had been separated from their parents and placed in long-term state care. It is noted that this practice is prohibited by the Hungarian Child Protection Act. Another concern of NGOs is the prevalence of racist hate speech against Roma and other minorities. In addition, human rights activists have spoken about a large number of Roma ghettos in the country, especially in the north-east, which are not fully controlled by the authorities and do not contribute to either the improvement of living standards or the social adaptation of Roma.

The problems of the Roma community have been highlighted by the Committee on the Rights of the Child²⁷⁸, the Committee on the Elimination of Racial Discrimination²⁷⁹, the Human Rights Committee²⁸⁰ as well as the European Commission against Racism and Intolerance²⁸¹ and the Advisory Committee on the Framework Convention for the Protection of National Minorities (FCNM).²⁸² The recent report of the EU Agency for Fundamental Rights also drew attention to the unfavourable situation of the Roma community in Hungary. In particular, they noted the low accessibility of education for Roma children, the incident around forced eviction of the Romani families, as

²⁷⁸ Concluding observations of the Committee on the Rights of the Child on the sixth periodic report of Hungary. February 2020 https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/HUN/CO/6&Lang=En

²⁷⁹ Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined eighteenth to twenty-fifth periodic reports of Hungary. June 2019 https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fHUN%2fCO%2f18-25&lang=ru

²⁸⁰ Concluding observations of the Human Rights Committee on the sixth periodic report of Hungary. March 2018 https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fHUN%2fCO%2f6&Lang=ru

²⁸¹ ECRI conclusions on the implementation of the recommendations in respect of Hungary; subject to interim follow-up. Adopted on 21 March 2018; Published on 15 May 2018. <https://rm.coe.int/interim-follow-up-conclusions-on-hungary-5th-monitoring-cycle/16808b57f9>

²⁸² Fifth opinion on Hungary. Advisory Committee on the Framework Convention for the Protection of National Minorities (ACFC). Adopted on 26 May 2020, published on 12 October 2020 <https://rm.coe.int/5th-op-hungary-en/16809eb484>

well as the restrictive measures imposed due to the coronavirus pandemic, which have significantly affected the Roma.²⁸³

Starting from July 2020 a scandal has been unfolding around Pegasus spyware made by an Israeli company NSO Group amid allegations of mass wiretapping of telephones of oppositional journalists, entrepreneurs, lawyers and politicians. A group of international journalists, including Amnesty International and the Hungarian portal Direkt36, investigated the issue as part of Pegasus Project. More than 80 journalists from 17 newspapers in ten countries each conducted their own investigations, the overall coordinator being Forbidden Stories, a Paris-based NGO. Their investigation revealed that the Pegasus software had reportedly been acquired by ten other countries besides Hungary. At least 180 journalists from 20 countries are listed as potential victims of the spy software between 2016 and 2021.

Human rights defenders also draw attention to violations of the rights of refugees and migrants in Hungary. European agencies and human rights activists are particularly dissatisfied with the refusal of the Hungarian authorities to subscribe to EU migration quotas and their complaints about the possibility of a large number of Muslims entering the country. Amnesty International has criticised in its latest report the sweeping measures introduced in 2016, which the NGO says have compromised Hungary's commitment to ensuring effective access to international protection for asylum seekers.

The Special Rapporteur on the human rights of migrants at the UN Human Rights Council, migrants Felipe González Morales, following his visit to Hungary in July 2019, expressed concern about the grave situation of migrants in the country.²⁸⁴ Among the problems he highlighted were the compulsory stay of migrants and asylum-seekers in transit zones, where they are

²⁸³ European Union Agency for Fundamental Rights. 2022 Report

https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-fundamental-rights-report-2022_en.pdf

²⁸⁴ Report of the Special Rapporteur on the human rights of migrants Felipe González Morales following his visit to Hungary. UN Human Rights Council, A/HRC/44/42/Add.1. May 2020 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G20/111/59/PDF/G2011159.pdf?OpenElement>

effectively detained, poor living conditions in such zones, problems with medical care for migrants, the serious difficulty for such persons to appeal in court against decisions on their detention, and denial of access to human rights workers in transit zones (except for lawyers acting for human rights organisations). At the same time, the Special Rapporteur commended the Hungarian authorities' programme of university education for students from 70 countries, which promotes development through education and addresses the root causes of migration.

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 against migrants and refugees, as well as human rights advocates who helped them.²⁸⁵

Human rights bodies and NGOs have criticised the Hungarian authorities for restricting the activities of the media. For example, on 22 November 2021, following her visit to Hungary, UN Special Rapporteur for Freedom of Opinion and Expression Irene Khan, said that the entire media sector had been reshaped by the efforts of the Hungarian authorities. To this end, Budapest used its influence on the national media regulator, allocating state funding to pro-government media and repressing opposition media, she said. According to Irene Khan, such actions by the Hungarian government have undermined the diversity of the media and violated the principle of its independence.²⁸⁶

The 2022 State of Press Freedom Report by Reporters Without Borders ranks Hungary 85th out of 180 countries (92nd in 2021) 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

²⁸⁵ <https://www.ohchr.org/en/press-releases/2021/11/hungary-governments-stranglehold-media-poses-serious-risks-human-rights-un>

²⁸⁶ <https://www.ohchr.org/en/press-releases/2021/11/hungary-governments-stranglehold-media-poses-serious-risks-human-rights-un>

to political, economic, and regulatory pressures". Further, the report mentions the suspension of the broadcasting license of independent radio station Klubrádió. Reporters Without Borders also condemn the Hungarian government for using the COVID-19 pandemic as a pretext to accuse independent media of spreading false information and to limit their access to public information. Similarly, the watchdog expresses concern that the funding of independent media in Hungary – in the absence of a real opportunity to monetise content – is threatened by the discriminatory distribution of state advertising in favour of pro-government media outlets.

According to an international survey conducted by Action and Protection Foundation in 2021, Hungary ranks third (after Greece and Poland) out of 16 countries with respect to the level of anti-Semitic sentiments in society. The survey showed that 42 per cent of Hungary's population is extremely or moderately prejudiced against the Jews – 24 per cent of citizens are openly anti-Semitic, and 18 per cent have moderately anti-Semitic views. In terms of party affiliation, Our Homeland leads with 45 per cent of its supporters, followed by Jobbik with 40, the Hungarian Socialist Party with 31 per cent, while 28 per cent of Fidesz-HDNP's active supporters are people who share anti-Semitic views. The figure is 18 per cent for the liberal Democratic Coalition and 14 per cent 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.

However, the EU Agency for Fundamental Rights in its 2022 Report mentioned Hungary as one of the countries (along with Bulgaria, Lithuania, Finland, the Netherlands, Poland, Germany and Sweden) that have not fully

implemented European norms on criminalising certain forms of hate speech and Holocaust denial in national legislation.²⁸⁷

Amnesty International points out that there are serious challenges to the rule of law in Hungary, citing a relevant annual report of the European Commission. "The Commission was not able to identify any substantial improvements as compared to the findings of the 2020 report. Hungary's system of checks and balances, as well as the transparency and quality of the legislative process, remained a source of concern".

As early February 2018, the European Commission submitted an application to the European Court of Justice (ECJ) requesting that investigations into the compliance of Hungarian legislation with EU regulations be initiated. This was prompted by the NGO law adopted in June 2017, which required NGOs to specify in all their publications, printed materials and websites that they were "foreign-supported organisations". This requirement is made mandatory for NGOs if they receive foreign financial aid of more than HUF 7.2 million (about USD 28,000). In June 2020, The European Court of Justice found the provisions of the law to be in conflict with EU norms, arguing that they breach the right to free movement of capital, to privacy and protection of personal data, and to freedom of association. Hungarian Prime Minister Viktor Orbán reacted negatively to the ruling accusing the EU of gross interference in the country's internal affairs.

These laws are being reviewed by European institutions together with a package of "Stop Soros" legislative initiatives adopted by Hungary in 2018, which outlaw helping illegal immigrants. The EU Court of Justice also found them to be in violation of EU law.

The UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression Irene Khan, also joined in criticising

²⁸⁷ European Union Agency for Fundamental Rights. 2022 Report
https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-fundamental-rights-report-2022_en.pdf

Hungarian activities in this field and following her visit she noted specifically the negative effect of the NGO Law and called on Budapest to review its policy on civil society organisations in light of the Court's decision.²⁸⁸

In April 2022, the European Commission launched a probe into Hungary's violations of EU norms, accusing Budapest of interfering with the judiciary and restricting media freedom.²⁸⁹ On 18 September 2022, the organisation toughened its stance by officially suggesting that for the first time in EU history it would freeze payments to Hungary from the EU budget. This was announced by European Commissioner for Budget and Administration Johannes Hahn. The Commission suggested that the EU Council suspend 65 per cent of all payments to Hungary from three operational programmes under the EU's balanced development fund, equivalent to about 7.5 bn euros.²⁹⁰

The criticism by international NGOs targeting the Hungarian authorities fails to evoke a noticeable public response in the country. The government, for its part, does acknowledge certain problems in the area of human rights and regularly signals a willingness to cooperate with the European institutions and international human rights organisations in order to solve them.

²⁸⁸ <https://www.ohchr.org/en/press-releases/2021/11/hungary-governments-stranglehold-media-poses-serious-risks-human-rights-un>

²⁸⁹ <https://sputniknews.com/20220918/eu-proposes-cutting-funds-for-hungary-amid-rule-of-law-row-1100931572.html>

²⁹⁰ <https://www.rubaltic.ru/news/18092022-evrokommisija-namerena-zamorozit-finansirovanie-venarii-iz-byudzheta-es/>

Greece

The Constitution of the Hellenic Republic of 1975, as amended in 1986, 2001, 2008, and 2019, enshrines a set of human rights and freedoms.²⁹¹ 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.

The human rights situation in Greece remains ambiguous. Following the efforts made by the Greek authorities in recent years to modernize the legislative framework and taking into account the recommendations of human rights organizations and European Union directives, national legislation has been brought in line with the provisions of international law. 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. Greece has been implementing national action plans on human rights, asylum reform, migration management, social integration of the Roma, and protection of the rights of the child. However, 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) have not yet been ratified. Besides, Greece has neither signed nor ratified the European Charter for Regional or Minority Languages (1992).

²⁹¹ <https://www.hellenicparliament.gr/Vouli-ton-Ellinon/To-Politevma/Syntagma/>

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.²⁹² 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 problem of mass arrivals from the Middle East and North Africa region and some Asian countries peaked in 2015-2016, when about 1,000,000 people tried to transit through Greek to other European countries. According to the authorities, there are currently more than 100,000 migrants in the country. The total number of refugees arriving in the EU Med5 (Italy, Cyprus, Greece, Malta and Spain) in 2022 is projected to reach 150,000 people.

The Office of the United Nations High Commissioner for Refugees has repeatedly drawn attention to the situation in reception centres.²⁹³ Despite some progress, human rights defenders are concerned about the conditions of detention: overcrowding, substandard sanitary conditions, lack of food and water, limited access to qualified medical care, as well as exceeding of maximum detention terms, violation of norms of separation of children and adults, non-provision of a qualified interpreter, etc. The provision of social services to this group of people has been affected by the restriction of

²⁹² <https://m.naftemporiki.gr/story/1771892/nees-kinitopoiiseis-prokirukse-i-poedin-enopsei-deth-ti-leei-gia-ta-nosokomeia-meta-tis-anastoles>

²⁹³ Greece must act to end dangerous overcrowding in island reception centres, EU support crucial. UNCHR. 1 October 2019. Available at: <https://www.unhcr.org/nes/briefing/2019/10/5d930c194/greece-must-act-end-dangerous-overcrowding-island-reception-cetres-eu.html>

movement of refugees living in migrant camps, as well as full or partial ban on receiving visitors.²⁹⁴

Migrant children and child asylum seekers face challenges in receiving school education. According to the Human Rights Watch (human rights organization), only 15 per cent of them have access to educational services. This NGO's²⁹⁵ report refers 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."²⁹⁶ However, in May 2020, the maximum term for detaining children was decreased from 45 to 25 days.²⁹⁷

Victims of violence face difficulties in accessing a safe environment. There are insufficient shelters and emergency accommodations and inconsistent coordination of services.²⁹⁸

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" that often endanger their health and lives.²⁹⁹ 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 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. 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

²⁹⁴ Coronavirus pandemic in the EU – Fundamental Rights Implications: Focus on Social Rights. 1 September – 31 October 2020. Report of the European Union Agency for Fundamental Rights. 27 November 2020. Available at: https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-coronavirus-pandemic-eu-bulletin-november_en.pdf²⁹⁵ <https://www.hrw.org/world-report/2022/country-chapters/greece>

²⁹⁵ <https://www.hrw.org/world-report/2022/country-chapters/greece>

²⁹⁶ <https://www.e-nomothesia.gr/kat-astynomikos-astynomia/idrysi-leitourgia-uperesion/nomos-4760-2020-phek-247a-11-12-2020.html>

²⁹⁷ <https://www.hrw.org/world-report/2021> Human Rights Watch // World Report 2021.

²⁹⁸ <https://www.hrw.org/world-report/2021> Human Rights Watch // World Report 2021

²⁹⁹

rights defenders in Greece, with Juan Fernando López Aguilar, Committee Chair, submitting a relevant appeal to the European Commission. Mary Lawlor, UN Special Rapporteur on the situation of human rights defenders, noted serious abuses by the Greek authorities following her visit to the country in June 2022.

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, 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.³⁰⁰

Experts observe 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.

In its 2020 annual report, Athens Racist Violence Recording Network (RVRN) comprised of more than 50 NGOs noted an increase in ethnic and religiously motivated beatings, grievous bodily harm and killings.³⁰¹ 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.³⁰²

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. Testing this knowledge in May 2021 showed that almost none of the applicants met these new requirements.

According to the annual Reporters Without Borders (NGO) report,³⁰³ Greece is ranked 108th out of 180 countries (it was 70th in 2021) in the 2022 World Press Freedom Index. It is noted that the police often resort to violence, while journalists are regularly prevented from covering migration-related issues and rallies in the capital.

According to the draft report of the Ad Hoc Committee of the European Parliament published in November 2022, spyware (Pegasus, Predator, etc.) was

³⁰⁰ <https://www.hrw.org/world-report/2022/country-chapters/greece>

³⁰¹ <https://www.unhcr.org/gr/en/19763-racist-violence-recording-network-annual-report-2020.html>

³⁰² <http://rvrn.org/en/press-conference-on-2021-annual-report>

³⁰³ <https://rsf.org/en/country/greece>

actively used by Greek and several European leaders for political purposes. It was used to spy on members of opposition, civil society, the business community, human rights defenders and journalists. In general, there are no infringements on freedom of assembly and religion 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).³⁰⁴

Meanwhile, there is some peculiarities with regard to ensuring the rights of the non-titular Muslim ethnic groups (Turks, Pomaks, Roma and others, over 120,000 people in total) living in the Thrace region in the northeast of the country and on several islands in the Aegean Sea. 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"³⁰⁵ in the name of any regional associations and unions. The HRCtee³⁰⁶ and CERD³⁰⁷ have repeatedly expressed concern that Greek Muslims might be denied the right to ethnic and cultural linguistic self-identify.

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 Archdiocese 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.

³⁰⁴ <https://www.protothema.gr/greece/article/1255976/egainiastike-to-proto-tzem-evi-stin-ellada-gia-tous-alevites/>

³⁰⁵ <https://azinlikca1.net/eidiseis/item/44269-η-μειονοτητα-της-θρακης-ειναι-μονον-θρ>

³⁰⁶ Concluding observations of the Human Rights Committee on the 2nd periodic report of Greece.

October 2015. Available at:

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fGRC%2fCO%2f2&Lang=en

³⁰⁷ Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 20th to 22nd periodic reports of Greece. August 2016. Available at:

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fGRC%2fCO%2f20-22&Lang=en

Since the beginning of the special military operation in Ukraine, Greece has ceased all cultural and humanitarian interaction with our country. 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.

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.³⁰⁸

Domestic Russophobia, actively promoted in the local media, is on the rise. 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!"³⁰⁹ leaving a seven-year-old girl injured. In the same month, a Russian female citizen was beaten by Ukrainians on a beach in the capital.³¹⁰ More than 75,000 migrants have arrived in Greece from Ukraine since the beginning of the special military operation; and the authorities say they are ready to accept more if necessary.

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,³¹¹ the Memorial of Admiral Fyodor Ushakov on Corfu Island³¹² and the Monument to the Squadron of Count Alexei Orlov on the island of Lemnos. There is still no official information on the outcome of the investigations into these offences.

³⁰⁸ <https://ria.ru/20220323/banki-1779646928.html>

³⁰⁹ <https://vz.ru/news/2022/4/3/1151872.html>

³¹⁰ <https://tass.ru/proisshestviya/14480019>

³¹¹ <https://ria.ru/20220319/pamyatnik-1779066642.html>

³¹² <https://ria.ru/20220326/pamyatnik-1780239271.html>

Moreover, about 40 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 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.

Denmark

Denmark has traditionally been at the top of the list of countries providing the most effective guarantees of human rights and freedoms. For several years in a row, the Freedom House (international NGO) has given Copenhagen one of the highest scores – 97 out of 100³¹³ (11th place in the world statistics). The statistics provided by the European Court of Human Rights (ECHR) also contributes to some extent to Denmark's human rights record: the Court issued only 53 judgments against Denmark between 1959 and 2019.

Given these clearly exaggerated assessments by pro-Western human rights NGOs, it is not surprising that Denmark occasionally tries to politicize human rights issues, especially within the UN Human Rights Council (HRC) and the Council of Europe, where Danish representatives often criticize the human rights situation in "unwelcome" countries.

Nevertheless, despite the declared flagship human rights positions, including those of Copenhagen itself, the situation is far from easy. This is illustrated, in particular, by the findings of the annual report of the Danish Institute for Human Rights (DIHR) on the main human rights problems of the Kingdom of Denmark.

International human rights organizations have regularly criticized the Danish authorities' harsh refugee and migrant policies, particularly the deportation of Syrians and plans to establish a refugee reception centre outside Denmark.

According to the European Commission against Racism and Intolerance report on Denmark (sixth monitoring cycle), published in 2022, as of 1 January 2021, there were 617,770 registered immigrants living in Denmark. Out of these, 260,304 were from Europe, the United States, Canada, Australia and New Zealand ("western", predominantly white immigrants) and 357,466 from the

³¹³ <https://freedomhouse.org/countries/freedom-world/scores>

remaining 157 countries ("non-western" immigrants, classified as ethnic and religious minorities by the Danish Statistical Office).³¹⁴ In March 2021, 34,494 persons were registered as people of western descent and 165,174 as having a "non-western" origin.³¹⁵ The report also draws attention to the fact that it has become ever more difficult for refugees and migrants to obtain permanent residence status in Denmark, which can usually only be granted after eight years and which is conditional on a set of restrictive criteria. With the new policy, all categories of refugees have their residence permit examined every one or two years.³¹⁶

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 conditions for obtaining social benefits were introduced.

Thus, for instance, there were different rules on family reunification for refugees with different statuses: persons subject to persecution 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 ECHR 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.³¹⁷

³¹⁴ Report of the European Commission against Racism and Intolerance on Denmark (sixth monitoring cycle), adopted on 29 March 2022, published on 9 June 2022.

Available at: <https://rm.coe.int/6th-ecri-report-on-denmark-/1680a6d5e4>.

³¹⁵ Data from the website of Statistics Denmark, available at Immigrants and their descendants – Statistics Denmark (dst.dk).

³¹⁶ Report of the European Commission against Racism and Intolerance on Denmark (sixth monitoring cycle), adopted on 29 March 2022, published on 9 June 2022.

Available at: <https://rm.coe.int/6th-ecri-report-on-denmark-/1680a6d5e4>.

³¹⁷ <https://amnesty.dk/menneskerettighedsdomstolen-syrisk-flygtning-vinder-retssag-mod-danmark-om-familiesammenfoering/>

The only concession the Danish authorities are currently discussing is a plan to shorten the waiting period for refugees to apply for family reunification from three to two years. However, human rights defenders consider the measure insufficient.

In June 2022, 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."³¹⁸

In 2019, the Kingdom passed a law that guarantees refugees only temporary protection under quotas of the United Nations High Commissioner for Refugees (UNHCR), meaning that if the authorities decide that the country of origin is safe for residence, the refugees will not receive an extension of their residence permit in Denmark. In 2021, Copenhagen recognized certain areas of Syria as such, with natives to be returned to their homeland.³¹⁹

Discriminatory attitudes towards migrants still persist in the country. This is reflected in the fact that second and third-generation migrants have very limited avenues for acquiring Danish citizenship by law. This category of persons, especially women, has little involvement in the labour market.³²⁰

The Danish Government has been criticized for its initiatives introduced in 2018 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 language, culture and legal environment. The programme was named "One Denmark without Parallel Societies: No Ghettos in 2030." Its provisions have been implemented in various sectoral regulations in the Kingdom.

³¹⁸ <https://menneskeret.dk/nyheder/brud-paa-menneskerettighederne-splitte-syriske-familier>

³¹⁹ <https://uim.dk/arbejdsmraader/vurdering-af-syreres-ophold-i-danmark/>

³²⁰ Concluding observations of the Committee on the Elimination of Discrimination against Women on the ninth periodic report of Denmark. March 2021. Available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT/CEDAW/COC/DN/K/44503&Lang=En

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. It is envisaged that if a person commits a crime in these areas, the punishment imposed by court may be twice the maximum penalty provided for this category of crimes in Danish Criminal Code. If the crime is punishable by a fine as a maximum penalty, it may be replaced by imprisonment. As additional policing measures, the Danish Government has also proposed increasing the police presence in ghettos, including through deploying mobile police units. 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.

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 the persons living there (the classification of areas as "ghettos" is defined 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, only results in discrimination based on ethnic origin and nationality, but also further marginalizes residents of disadvantaged areas.³²¹

³²¹ Concluding observations of the Committee on Economic, Social and Cultural Rights on the sixth periodic report of Denmark. October 2019. Available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E/C.12/DNK/CO/6&Lang=En

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 national composition of the inhabitants.

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."

To further reduce the influx of migrants into the country, Copenhagen is considering establishing a reception centre for refugees abroad (however, the initiative does not apply to those arriving under UNHCR quotas). In June 2021, the Danish parliament passed a law allowing for a similar agreement with a third country.³²²

In September 2022, Denmark and Rwanda signed a declaration on cooperation plans for the reception of refugees.³²³

The initiative has been criticized by the United Nations, the European Union and a large number of human rights organizations. Adalbert Jahnz, Spokesperson of the European Union for Internal Affairs, said that the right to asylum is a fundamental right in the EU and expressed concern about the compatibility of the new law with Denmark's international obligations, as well as at 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 is contrary to the spirit and letter of the 1951 Convention relating to the Status of Refugees."

³²² <https://www.retsinformation.dk/eli/ft/202013L00226>

³²³ <https://uim.dk/nyhedsarkiv/2022/september/danmark-og-rwanda-enige-om-faelles-erklaering/>

With regard to its compliance with 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 are present in the Kingdom upon the expiry of their residence permit.³²⁴ This mainly concerns people from Syria, who cannot be deported forcibly, since the Danish authorities do not have diplomatic relations with the regime of President Bashar Assad. Refugees who refuse to return home voluntarily, whether or not they have committed an offence, may be administratively sent to a detention centre for up to six months (up to 18 months in particular cases). The centre conditions resemble imprisonment in many ways,³²⁵ which in most cases forces refugees to leave the Kingdom. The DIHR urges to reduce duration of administrative detention of foreigners and use it only as a measure of last resort.

In April 2022, Denmark signed an agreement with Kosovo to lease 300 prison places for foreigners sentenced to deportation at Gilan prison since 2023.³²⁶ The Danish authorities note that, in accordance with the Kingdom's international obligations, prisoners will serve their sentences under conditions that are consistent with those in Danish prisons. However, human rights defenders have criticized the agreement, pointing out, among others, that the right of prisoners to see relatives and friends will be restricted.

On 1 January 2020, amendments allowing the Kingdom's police to search homes and seize personal belongings, including means of communication, of persons convicted of sexual offences without a court order, entered into force in Denmark.

A bill providing law enforcement bodies with similar powers in relation to those convicted under the anti-terrorism provisions of the criminal law has also been introduced to the Danish Parliament. As an additional punishment for such convicted persons, it is suggested that an indefinite ban on visiting certain

³²⁴ <https://www.dr.dk/nyheder/indland/skarp-international-kritik-udlaendingecenter-er-vaerre-end-et-faengsel>

³²⁵ <https://amnesty.dk/wp-content/uploads/media/6261/torturkommiteens-rapport.pdf>

³²⁶ <https://www.regeringen.dk/nyheder/2022/traktat-om-leje-af-faengselspladser-i-kosovo-nu-underskrevet/>

places and contacting certain persons should be imposed by a court. The DIHR believes that this is a violation of the right to inviolability of the home, as well as the right to privacy and the right to freedom of movement.

Attention is drawn to the uncontrolled use of surveillance data on citizens residing in the Kingdom by the Danish Security and Intelligence Service (PET) over a three-year period, which was revealed in 2020. The transfer of such data to the PET was made without a court order in direct violation of Danish Data Protection Act.

As for the right to privacy, the DIHR also draws attention to the reluctance of the Danish Parliament, contrary to the 2016 EU Court of Justice decision, to review the legal provisions requiring telecommunications service providers to collect and store users' mobile and Internet traffic data for law enforcement purposes (the review of such legal provisions has been delayed by the Folketing (the Parliament) for the ninth time since 2011). According to human rights defenders, this leads to large-scale indiscriminate surveillance of citizens, most of which are not involved in the commission of specific crimes.

The right to peaceful assembly has also been restricted.

Since the beginning of 2021, the country has witnessed waves of mass protests against the extension and intensification of COVID-19 restrictive measures. For instance, in late January – early February, hundreds of people took to the streets to protest against increased quarantine requirements due to the rapid spread of the new COVID-19 strain and the authorities' actions to tighten legislation. In particular, a digital vaccination certificate ("COVID-19 passport" or COVID-19 PAS) has been introduced, to which great importance is attached, and the Danish authorities have approved amendments to the Penal Code, doubling the punishment for crimes based on or linked to COVID-19.

The January protests very quickly escalated into mass clashes between protesters and security forces, resulting in several arrests by the police.³²⁷ The Danish authorities have taken harsh measures against certain protesters. In mid-March 2021, a court decision was made based on new amendments to the Penal Code: a female participant in the protests which took place in January 2021 was sentenced to two years in prison instead of one year.³²⁸ This led to a new wave of protests, in which some 600 people took part.

Despite public discontent, including new protests that resumed in Denmark in the first half of April 2021 and saw several hundred participants,³²⁹ the "COVID-19 passport" was introduced in the country. This certificate is issued to Danish residents over the age of 15 who have already been vaccinated against COVID-19 and have tested negative or had an infection (due to which they are immune). Holders of such a passport were free to visit restaurants and cafes serving outdoor, museums, art galleries, libraries, and enjoy other relaxations of restrictive measures.

There are problems in prisons. The DIHR has noted a significant increase in the number of cases where prisoners were placed in solitary confinement for more than 14 days as a punishment for breaches of discipline in prisons. In comparison, in 2015, this measure was applied seven times, while in 2019, prisoners serving their sentences were placed in solitary confinement for more than 14 days on 705 occasions.

In early 2020, the situation was brought to the attention of the delegation of the European Committee for the Prevention of Torture (CPT), following its

³²⁷ <https://webcache.googleusercontent.com/search?q=cache:KrpwRjeulAMJ:https://www.ukrinform.ru/rubric-world/3168373-v-danii-toze-massovo-protostovali-protiv-covidogranicenij-est-zaderzannye.html+&cd=7&hl=en&ct=clnk&gl=ru&client=firefox-b-e>, <https://news.cgtn.com/news/2021-02-07/COVID-19-Hundreds-protest-restrictions-in-Denmark-XGtx9mI0M0/index.html>

³²⁸ <https://www.ndtv.com/world-news/hundreds-protest-against-denmarks-coronavirus-law-corona-passports-2400348>

³²⁹ <https://www.euronews.com/2021/04/11/covid-19-20-arrested-in-anti-measures-protests-in-finland-denmark-norway>, <https://www.dw.com/ru/v-danii-proshli-protesty-protiv-koronavirusnogo-pasporta/a-57159080>

visit to Denmark in April 2019.³³⁰ The Committee criticized Copenhagen in general for failing to implement its 2014 recommendations and pointed to the continuing problem of overcrowding in Danish prisons, where two prisoners often have to share a single cell.³³¹

The Council of Europe representatives noted similar shortcomings with regard to the two Danish asylum temporary detention centres, calling on the Danish authorities to either renovate or close these facilities due to overcrowding and inadequate conditions for rejected asylum seekers.

In 2019, the ECHR noted two more shortcomings in the Danish human rights record. The first case involved the repeated refusals by the Danish prison authorities to allow a person in involuntary isolation³³² to have an independent review of his/her 2015 medical report, according to which he/she constituted a danger to society and should remain in involuntary detention. The Court concluded that Denmark had breached the right to liberty and security of person guaranteed by the European Convention on Human Rights.

In the second case, the ECHR, based on the famous 2016 case "Paposhvili v Belgium", found the Kingdom guilty of violating the right not to be subjected to inhuman and degrading treatment in relation to the deportation of a Turkish citizen suffering from a severe mental illness from Denmark to his home country.

In the context of ensuring non-discrimination guarantees, the number of religious and racially motivated hate crimes continues to rise in the Kingdom. According to information published by Danish law enforcement agencies, only in the first quarter of 2022, there had been 263 hate crimes, 32 per cent more

³³⁰ Full name: the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

³³¹ Report on the visit by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment from 3 to 12 April 2019. Published on 7 January 2020. Available at: <https://rm.coe.int/1680996859>

³³² A special type of non-forensic psychiatry compulsory social isolation in places of deprivation of liberty for persons serving a sentence for previously committed particularly grave crimes, including for recidivism. It is most often imposed on particularly violent offenders. It may be imposed for life term.

than in 2021. Muslims and Jews are among the most vulnerable religious groups (56 per cent and 23 per cent of the total number of such crimes, respectively).

According to the 2022 FRA report³³³, the number of registered hate crimes, many of which were related to the COVID-19 pandemic, increased by 12 per cent in the first half of 2021 compared to the previous year.³³⁴

As follows from the information provided in the Denmark's Government reply to the 6th questionnaire (2021) of the Council of Europe's European Commission against Racism and Intolerance (ECRI), Danish national police reported 100 cases of hate speech in 2019 (there were 68 such cases in 2018, 48 in 2017, and 56 in 2016).³³⁵

The ECRI report³³⁶ 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. The report also notes that the Danish Government has still not adopted a national action plan against racism, with a particular emphasis on preventing anti-Muslim discrimination (in January 2022, the majority in Folketing decided to prepare the said action plan).

On 19 March 2022, the Danish Institute for Human Rights published the report titled "Ethnic Profiling",³³⁷ which analyses how often Danish law enforcement officers, with no objective justification, use the factor related to ethnicity in control, surveillance or investigation activities. The report is based

³³³ The EU Agency for Fundamental Rights Report, 2022. Available at: https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-fundamental-rights-report-2022_en.pdf

³³⁴ Denmark, National Police (Rigspolitiet) (2021), Report on hate crimes (Hadforbrydelsser i 2020 – Rigspolitiets årsrapport vedrørende hadforbrydelser).

³³⁵ Denmark's Government reply to ECRI's 2021 6th questionnaire, page 11.

³³⁶ https://ec.europa.eu/migrant-integration/news/ecri-country-monitoring-denmark-sixth-report_en

³³⁷ <https://menneskeret.dk/udgivelser/etnisk-profilering>

on data from on charges (2.5 million preliminary cases) and arrests (270,000 cases) of permanent residents over 14 years of age collected in Denmark in the period 2009-2019.

The main conclusion of the report is that people from "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 much more likely to be wrongly detained and convicted and then pardoned than ethnic Danes.

The Committee on Economic, Social and Cultural Rights (CESCR) has pointed to a significant increase in the number of homeless people in the country and has also expressed concern about the criminalization of begging and homelessness.³³⁸ According to experts, the shortage of affordable housing in the Kingdom is exacerbated by the growing trend in property acquisition by private investors who, under the 1996 Act on Temporary Regulation of Housing Conditions, are authorized to increase rents up to the "value of the rented dwelling."

In 2021, the Committee on the Elimination of Discrimination against Women (CEDAW) drew attention to the feminization of poverty in Denmark. Moreover, the CESCR has expressed concern about the prevalence of violence against women. According to its experts, women and girls belonging to socially vulnerable segments of the population, especially migrants who face various forms of discrimination, are the most affected by these phenomena.

The CESCR also noted persisting gender segregation in the education sector at all levels in the country. In practice, this results in the majority of women and girls choosing a recognized "standard" specialization, with only a

³³⁸ Ibid.

low number of women and girls choosing non-traditional fields of study and career paths.³³⁹

In May 2022, an investigation³⁴⁰ published in the Danish press revealed that the Danish authorities in the 1960s and 1970s had conducted a campaign to reduce the birth rate in Greenland through forced contraception: half of girls and women of childbearing age (approximately 4,500 out of 9,000) were fitted with IUDs during that period, often without the consent of the patients or their parents, and in some cases without informing them. As a result, the birth rate on the island had more than halved by the mid-1970s.

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.³⁴¹ In June 2022, Mette Frederiksen, Danish Prime Minister, issued a formal apology to the victims.

In June 2022, experts began to work on a report to create "the conditions for reconciliation with Denmark and Greenland's past."³⁴² It, inter alia, will present the results of the investigation into the campaign for forced contraception of Greenlandic women.

The Danish Government's legislative initiatives against foreign terrorist and fighters (FTFs) who are citizens of the Kingdom are singled out in a separate block. In particular, amendments adopted in 2019 by the Danish Parliament allow for the administrative deprivation of Danish citizenship in absentia of persons who have caused "serious damage to the vital interests of

³³⁹ Concluding observations of the Committee on the Elimination of Discrimination against Women on the ninth periodic report of Denmark. March 2021. Available at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT/CEDAW/COC/DNK/44503&Lang=En

³⁴⁰ <https://www.berlingske.dk/danmark/institutter-kraenkende-spiralkampagne-i-groenland-boer-undersoeges>

³⁴¹ <https://menneskeret.dk/nyheder/spiralkampagne-groenland-udgoer-grov-kraenkelse-menneskerettighederne>

³⁴² <https://www.stm.dk/presse/pressemeddelelser/danmark-og-groenland-beslutter-historisk-udredning-af-de-to-landes-forhold/>

Denmark" by their actions (adopted due to the reluctance of Danes to return and prosecute their foreign terrorist fighters (FTFs) in the territory of Denmark). In addition, under these new regulations, children born of Danish FTFs are no longer entitled to automatic acquisition of Danish citizenship. This discriminatory provision is counter to Copenhagen's commitment to reducing statelessness (according to Danish counterintelligence officials, 40 Danish children now remain in the former ISIL-controlled regions of Syria and Iraq). Finally, FTFs who are Danish citizens and remain abroad may now be completely denied consular assistance in Danish foreign offices.

With regard to 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, is noteworthy.

The Commission was greatly concerned about the intentions of the ruling Social Democratic cabinet to continue the Western trend of combating the spread of "fake news" in the spirit of the Western trend. To this end, it has been proposed that control over social media should be strengthened and that there should be 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 general trend in Western countries to take control of the media and Internet and to "cleanse" the space of opinions alternative to those of the Government.

Besides, human rights defenders have criticized the increased penalties for threats and insults against Danish civil servants, including against senior officials. Now, such crimes are punishable in Denmark by a fine of up to DKK 5,000 (equivalent to about USD 800) or imprisonment for up to a year. It has been noted that the new legislation is vague and therefore there is a risk of penalizing citizens criticizing the actions of the authorities in a normal democratic debate, which ultimately results in self-censorship of media and Internet platforms.

Human rights defenders also criticize the 2016 amendments to Danish Penal Code that established liability for justifying unlawful violent acts in religious education (the "Imam Act"). In addition to these changes, the Danish law has been amended to tighten control over preachers, making it possible to limit funding for certain religious organizations and ban clerics who justify radicalization from entering the country.

In general, the adoption of such measures to combat extremism and terrorism is in line with the common European practice; however, the practice of their application in Denmark has been criticized by human rights defenders. At the same time, it is noteworthy that similar anti-extremist measures taken by Russian lawmakers are often used in Denmark to accuse Russia of allegedly attempting to restrict freedom of expression and suppress civil society.

Since the beginning of the special military operation (SMO) to denazify and demilitarize Ukraine and protect the civilians in the Donbass by the Armed Forces of the Russian Federation, the Danish authorities, in line with the Western approaches, have taken an extremely anti-Russian position. Thus, the media reported that the territory of the Kingdom had been used for cyberattacks on Russian institutions. However, the participants of these attacks have not been brought to justice.

Though the Danish authorities did not undertake legislative steps discriminating Russians and representatives of Russian-speaking community, our compatriots face infringement of their rights and psychological pressure in daily life.

When talking to representatives of Russian compatriot organizations living in Denmark, several Russian citizens confirm that they periodically become victims of the policy of "cleansing" everything Russian, including the mention of this word in the names of non-profit organizations.

There have been cases of the Danish authorities not promptly informing the Russian Embassy of incidents involving the detention of our citizens, as

well as the inappropriate refusal of private clinics to provide medical assistance to them. Though the law enforcement authorities of the Kingdom formally provide consular access to the detained Russians; however, the periods for approval of such visits are dragged on by them from time to time.

The Danish authorities do not impede open recruitment of nationals and citizens of other countries by the Ukrainian Embassy in the Kingdom of Denmark for participation in the military hostilities in Ukraine. The aggressive activities of the Ukrainian Embassy, violating the provisions of the Vienna Convention on Diplomatic Relations, is not limited to recruitment of mercenaries. Its information resources are also used to distribute photos and videos of the torture, abuse and brutal killings of Russian servicemen in Ukraine. The Ukrainian Embassy also stirs up inter-ethnic hatred by spreading insults and calls to kill Russians on the Internet.

There are cases of vandalism against the buildings of the Embassy, the Russian Centre for Science and Culture, the Church of St. Alexander Nevsky in Copenhagen, and memorials to Soviet servicemen in Copenhagen, Aarhus, and Allinge (island of Bornholm).

Ireland

Ireland brands itself as one of the world leaders in implementing human rights standards.

The rights and freedoms of its inhabitants 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.

Besides, 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 when addressing individual cases of human rights violations. According to human rights defenders, this system does not allow Ireland to be considered as a country fully compliant with the standards set by the international community in the field of 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 general, Dublin's human rights policy follows Western samples, which provide for maximum individual and civil liberties in line with the liberal paradigm. The Irish brands themselves as human rights "pioneers" of the world community, promoting relevant initiatives at international forums, including within the United Nations, which are often of questionable nature (on issues related to gender equality, promotion of the LGBT agenda, the artificial

overstatement of the role of women, youth and minorities in political life, settlement of armed conflicts and countering new challenges and threats). However, the Irish authorities have so far failed to achieve an exemplary human rights situation in their country.

Although the democratic institutions are well-developed in Ireland, its citizens living outside the country are effectively deprived of active 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 due to concerns that fellow citizens 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 Commission on Human Rights and Equality is established in Ireland by a special law, with 15 members appointed by the President. The Commission has offices in all Irish counties and major cities. The Commission publishes detailed annual reports, which are subject to a mandatory study by the competent authorities to redress violations mentioned therein. Moreover, Irish people have the right to appeal to the Ombudsman, who is designated by the President in consultation with both houses of Parliament. He/she is responsible to monitor how public authorities, health care, education and social welfare institutions comply with human rights standards.

As of 2021, the Commission had registered 1,811 human rights communications. The majority of complaints relate to violations of human rights laws (530) or equality issues (521). More than 20 per cent of complaints relate to discrimination by employers (334).

In 2014, the Irish Constitutional Convention recommended that the government organize a referendum on a matter of public concern regarding the enshrining of the right to housing in the Constitution. The government has pledged to implement the recommendation by 2020, but the plebiscite has yet to

take place. In the context of the country's deepening housing crisis, its dragging on has drawn sharp criticism by the Irish public and human rights defenders.

According to the Commission's report, the Irish mass media and international human rights NGOs, the areas of greatest concern are the protection of the rights of national and religious minorities, migrants, Roma, as well as the situation in places of detention.

Since 2004, a new version of the Equality Act has been in force in Ireland, 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 Equality Authority and the Equality Tribunal, as well as the Garda Racial, Intercultural and Diversity Office, are responsible for the observance and implementation of its provisions. The national Irish Network Against Racism NGO is active in the prevention of racism, racial discrimination, xenophobia and related intolerance.

The Equality Act does not prohibit 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.

Under Irish law, any case of racism, discrimination and xenophobia (Nazism and neo-Nazism are not mentioned due to their absence) is subject to review in a 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 it foresees imprisonment.

According to human rights defenders, despite existing legal framework to combat the spread of racism, xenophobia and other forms of intolerance, these phenomena are becoming intense, which contribute to continued discrimination against national and religious minorities in the country.

The anti-racist demonstrations in the United States in the summer of 2020 prompted an analysis of the situation in Ireland. 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 leadership and civil society began to recognize that refugees, migrants and other groups of national minorities have increasingly been regarded as a threat to "majority rights" in some parts of the Irish society. Under this pretext, some groups of local extremists have begun active racist and anti-Semitic criminal actions.

There is also racism in education (despite new legislation banning the practice of discriminatory children's school enrolment depending on their parents' religion).

As follows from the 2022 EU Agency for Fundamental Rights (FRA) report, research findings across the EU provide evidence of discrimination against ethnic minorities and migrants in education.³⁴³ Thus, more than a third (35 per cent) of staff from minority ethnic groups have been subject to racial and/or ethnic discrimination on campus or online in the course of their work, compared with 16 per cent of "white other" respondents and 3 per cent of "white Irish" respondents, according to a survey that the Higher Education Authority in Ireland conducted with 3,323 respondents.³⁴⁴

According to the iReport.ie Racist Incident Reporting System launched by the Irish Network Against Racism (INAR), there were 700 racist incidents reported in 2020 (530 cases in 2019), including 159 criminal offences. There was also mentioned the largest increase in the reports about manifestations of racism on the Internet, 334 cases (174 cases in 2019), including on social media

³⁴³ The EU Agency for Fundamental Rights report, 2022. Available at: https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-fundamental-rights-report-2022_en.pdf

³⁴⁴ 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.

and on the pages of the respected radio and printed mass media, on Facebook, with the largest number of such publications was recorded exactly on Facebook (119 cases). It is noted that this all contributes to an increase of amounts of far-right content.³⁴⁵ Moreover, in its 2021 report titled "Reports of racism in Ireland," the INAR highlighted that Chinese, South Asians and other Asians became the most frequent victims of racist crime, while the greatest discrimination in Ireland was experienced by people of African descent as well as by black Irish people.³⁴⁶

The Committee on the Elimination of Racial Discrimination (CERD) highlighted manifestations of racism in the Irish society, mentioning a high number of cases of racial profiling in the Irish police (Garda) and hate speech. There were also noted cases of racist speech and its frequent use by Irish politicians, especially during electoral campaigns. In this context, the CERD mentioned that the 1988 Prohibition of Incitement to Hatred Act turned out to be ineffective in the fight against hate speech, especially the ones published on the Internet.³⁴⁷

The CERD noted with concern the significant number of racial hate crimes targeted at ethnic minorities, mentioning that they are often accompanied by other grounds of discrimination such as gender and religious affiliation. It was mentioned that the existing Irish criminal laws do not criminalize cases where racial hatred would be the main cause; this circumstance is also not prescribed as aggravating one.

According to CERD experts, this leads to improper recording of such crimes, since their racist motives are systematically not taken into account during criminal proceedings. In the context of escalated far-right rhetoric and

³⁴⁵ <https://inar.ie/inars-2020-ireport-ie-reports-of-racism-in-ireland-published/>

³⁴⁶ <https://inar.ie/2021-reports-of-racism>

³⁴⁷ Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined fifth to ninth periodic reports of Ireland. December 2019. Available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD/C/IRL/CO/5-9&Lang=en

increased number of racial hate crimes targeted ethnic minorities, the Committee also indicated the absence of legal norms prohibiting racist organizations in the country.³⁴⁸

Human rights defenders still greatly concern about the Muslim community which has been steadily growing (more than 70,000 people). According to the Commission for Human Rights and Equality³⁴⁹ and the Immigration Council of Ireland³⁵⁰, 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 of the indicated human rights institutions mention that in fact, the actual figures are considerably higher, there are about 80 per cent.

Shortly after the beginning of the special military operation in Ukraine by Russian Armed Forces, the Irish Government, guiding by political reasons, allowed all Ukrainian citizens unhindered (without prior notification or visa requirements) entry, organizing a large-scale effort to welcome them as refugees.

However, the 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 among a number of human rights organizations that described such policies as "racist."

Following the decision of the Irish Government to suspend the 1959 European Agreement on the Abolition of Visas for Refugees for one year

³⁴⁸ Ibid.

³⁴⁹ Report of the Commission on Human Rights and Equality, 2019

³⁵⁰ Report of the Immigrant Council of Ireland, 2019

from 19 July 2022, the situation has been exacerbated. Thus, the Irish authorities are trying to relieve the burden on the migration and social services as a matter of urgency, 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.

Meanwhile, the Irish leadership categorically denies any plans to introduce any limits on the Ukrainians (over 50,000 people), who entered Ireland from 24 February to 24 August 2022, in the foreseeable future. This situation is a vivid example of Dublin's double standard in the humanitarian matters.

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 special reception centres (as a rule, these are hotels leased by the Government) where they are waiting for all the documents necessary to stay in the territory of Ireland. However, the excessively protracted legalization procedures has led to the situation where the vast majority of refugees have to live in such centres for a long time, which also causes discontent among members of the local community.

In 2019-2020, several of such institutions were set on fire, which has led to victims among refugees in certain cases. As a result, there has been a wave of protests across the country, demanding that the authorities reconsider the existing refugee reception process.

Ireland's new coalition government, formed in June 2020, has pledged to dismantle the centres and develop new procedures for the reception and accommodation of refugees.

The Committee on the Elimination of Racial Discrimination³⁵¹ and the European Commission against Racism and Intolerance³⁵² drew attention to the difficult situation of migrants in Ireland. In this context, slow processing of applications for international protection, unreasonably lengthy process of obtaining a work permit, long detention of migrants in poor conditions in the reception centres, and concealment of deaths in these centres were highlighted. There was also mentioned that the media, including the mainstream Irish media, spread anti-migrant sentiments.

The ECRI noted with concern that 40 per cent of migrant crew members working in Ireland's fishing fleet had reported racial verbal abuse insults and humiliation against them. According to the EU MIDIS II survey, Ireland had one of the highest rates of hate-motivated harassment experienced by immigrants and descendants of immigrants from Sub-Saharan Africa.³⁵³

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 very real problem in Ireland. This group in Ireland also encompasses Roma.

Irish Travellers experience racial discrimination, including in recruitment. However, it is difficult to assess the real extent of the problem since they rarely seek formal legal assistance. Meanwhile, human rights defenders indicate that members of this group are much more likely to encounter abuses by local law enforcement authorities. As noted by OHCHR experts, this explains, in particular, the disproportionate number of Travellers in Irish prisons.

³⁵¹ Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined fifth to ninth periodic reports of Ireland. December 2019. Available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD/C/IRL/CO/5-9&lang=en

³⁵² Report of the European Commission against Racism and Intolerance on Ireland (fifth monitoring cycle). Adopted on 2 April 2019, and published on 4 June 2019. Available at: <https://rm.coe.int/fifth-report-on-ireland>

³⁵³ Report of the European Commission against Racism and Intolerance on Ireland (fifth monitoring cycle). Adopted on 2 April 2019, and published on 4 June 2019. Available at: <https://rm.coe.int/fifth-report-on-ireland>

According to Irish human rights defenders, the official recognition of such people as ethnic minority in 2017 has not changed the general situation. Currently, more than 25,000 of these people still live in poverty. Between 30 and 50 per cent of prisoners of both genders in Irish detention centres are representatives of this group of society. The general public and human rights defenders of Ireland admit that the effective solution to the Travellers issue has not been found yet, which is explained primarily by their culture 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. In particular, it was mentioned that the Travellers and Roma, along with people of African descent, are disproportionately becoming victims of racial profiling by the police, as well as constitute the majority of prisoners. It is exactly this vulnerable group of population that the racist rhetoric in the mass media and on the Internet is directed. These ethnic minorities are poorly represented in the Irish public sector and political positions at all levels. They have restricted 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. In addition, local authorities demonstrate a reluctance to fully use the budgeted allocations for providing housing to 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 the 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 defenders believe that the real number of such episodes is three-four times higher.

The CERD indicated abuses based on race in Irish mother and baby homes, including racial discrimination in the adoption process and physical, emotional and sexual abuse which mostly affect children of mixed racial origin.³⁵⁴

A specific issue related to violence against women is historical abuses, ill-treatment of women and girls in the Magdalene Laundries (or shelters). Despite the adoption of the 2005 Redress for Women Resident in Certain Institutions Act, the Irish authorities did not managed to conduct independent, thorough and effective investigations that meet international standards in respect of all allegations of neglect of women and children in such shelters, 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 that took place under State patronage from 1922 to 1996 in the Magdalene Laundries have been repeatedly expressed by virtually all UN human rights treaty bodies, noting the need to investigate outrageous abuses.

The violations committed in the shelters were of particular concern to the Committee against Torture, which sent a request to the Irish authorities in May 2019 for action taken to investigate the abuses and compensate the victims of these shelters (it should be noted that this request was sent by the Committee following receipt of a report from the Irish authorities on the implementation of the Committee's recommendations in this regard).³⁵⁵

The problem of torture or inhumane treatment in detention facilities still needs to be addressed. According to the 2019 Equality and Human Rights

³⁵⁴ Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined fifth to ninth periodic reports of Ireland. December 2019.

Available at:

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD/C/IRL/CO/5-9&Lang=en.

³⁵⁵ Follow-up letter of the Committee against Torture of Ireland following a review of the report on the Committee's recommendations of February 2017 (CAT/Follow-up), 21 May 2019. Available at: https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/IRL/INT_CAT_FUL_IRL_34997_E.pdf

Commission report, about half of the penitentiary facilities of Ireland are overcrowded, and the 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 defenders 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 for having used complex and highly specific Irish legislation to rebut the charges in court. The Government refuses to take decisive action 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 acted decisively against participants in protests against COVID-19 quarantine restrictions, which were longer than in other European countries. According to media reports, a protest in Dublin city centre in late February 2021 was held with a heavy police presence and ended in clashes. Security forces attacked protesters with batons after an object similar to a lit firecracker was thrown at one of the police officers. 23 persons were arrested.³⁵⁶

On 6 March 2021, there were protests in different parts of the country involving a considerable number of participants. Thus, about 400-500 journalists 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.³⁵⁷

³⁵⁶ <https://ria.ru/20210227/protest-1599268266.html>

³⁵⁷ <https://rossaprimavera.ru/news/1aa1eaab>

Ireland receives the greatest number of positive comments for its progress on the rights of people of non-traditional sexual orientation. In practice, this led to aggressive incorporation of neo-liberal values and approaches, especially among children and the youth.

The Gender Recognition Act of the same year 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 fact, these and similar documents are aimed at promoting appropriate "values" and lifestyles among the younger generations, that are contrary to the traditional patterns of Irish society.

There is still a tendency to spread negative attitudes towards Russia in the public sphere. The Irish sections of international human rights NGOs, such as Amnesty International and Human Rights Frontline Defenders, work actively in this regard. Meanwhile, there were no cases of explicit discrimination against Russian journalists.

The sixth UN HRC Universal Periodic Review on Ireland in 2021 resulted in over 250 recommendations to Dublin in the following thematic areas:

- to ratify relevant international agreements and accede 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);
- to promote international human rights cooperation and assistance (one recommendation);

- to improve the constitution and legislation on reducing inequalities and building peace and justice (11 recommendations);
- to develop national human rights institutions (five recommendations);
- to ensure equality and non-discrimination, reduce inequalities, as well as to ensure decent work and economic growth, access to education, gender equality, sustainable cities and communities (47 recommendations);
- to counter racial discrimination (seven recommendations);
- to promote human rights in the business environment (two recommendations);
- to ensure the human right to a healthy environment (one recommendation);
- to mainstream human rights aspects of combating climate change (two recommendations);
- to prevent torture and ill-treatment, including of prisoners in custody (three recommendations);
- to improve prison conditions (nine recommendations);
- to ensure justice and fair trials (four recommendations);
- to combat human trafficking and contemporary forms of slavery (16 recommendations);
- to ensure the right to a decent life (one recommendation);
- to ensure the right to housing (nine recommendations);
- to ensure the right to health protection (five recommendations);
- to ensure the rights to marriage and a family (one recommendation);
- to protect sexual and reproductive health and rights (eight recommendations);
- to ensure the right to education (five recommendations);
- to counter discrimination against women (19 recommendations);

- to protect women from violence (four recommendations);
- to protect the rights of persons with disabilities (four recommendations);
- to ensure the integration of persons with disabilities and their independence (eight recommendations);
- to ensure the rights of the child (six recommendations);
- to protect children from exploitation (four recommendations);
- to ensure rights relating to name, personal identity and nationality (one recommendation);
- to ensure the functioning of a national body for the prevention of human rights violations (one recommendation);
- to ensure the functioning of national complaints mechanisms for human rights violations (one recommendation);
- to fight against sexual and gender-based violence (11 recommendations);
- to ensure the freedom of conscience, belief and religion (one recommendation);
- to ensure the freedom of assembly (one recommendation);
- to ensure economic, social and cultural rights (one recommendation);
- to promote women's rights (two recommendations);
- to establish juvenile justice (one recommendation);
- to protect minority rights (13 recommendations);
- to protect migrants' rights (six recommendations);
- to protect refugees and asylum seekers (five recommendations).

In July 2022, the OHCHR published an interim report on Ireland's response to these recommendations.

Among the comments made by international experts it is worth mentioning 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 and arbitrarily placed, including by the Catholic Church.

In addition, the OHCHR has made claims against Dublin regarding access to abortion, the State Commission's monitoring of human rights standards in places of detention, corruption and women's rights (a relevant national strategy expired in 2020 and after which the document was not updated).

The experts also pointed out the partial 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 increase 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 traditionally positions itself as one of the most active human rights defenders in the international arena. As of September 2022, Freedom House NGO ranked Iceland seventh in the world in terms of political and civil liberties (94 points out of 100).

At the same time, a number of government initiatives are controversial. For example, the Icelandic authorities are actively pursuing a neo-liberal agenda. Iceland has been particularly active in protecting the interests of the LGBT community. Since 2013, the country has participated in the UN Free and Equal campaign against homophobia and transphobia, the main purpose of which are the so-called "educational" activities around the world.

In 2022, Iceland has moved up five places (from 14th to 9th) in the ranking of European countries in terms of respect for the rights of sexual minorities (compiled annually by the ILGA-Europe).

Reykjavik has consolidated its position in this area, as in June 2019, at the initiative of Prime Minister Katrin Jakobsdottir, Althingi passed the Act on Gender Autonomy, which allows people to choose their own gender according to their personal preferences. The choice can be made once in a lifetime upon reaching the age of 15. Moreover, it recognises the right to be the so-called "gender-neutral" person. This regulatory legal act also stipulates that Icelandic names are no longer gender-specific, meaning that anyone can choose any name, regardless of gender (previously, the naming law stipulated that girls should be given female names and boys should be given male names).³⁵⁸

Activists who speak out against the state's neo-liberal agenda are often persecuted under various pretexts.

In recent years, Iceland has strengthened its position in international human rights cooperation. In July 2018, the country became a member of the

³⁵⁸ <https://www.icelandreview.com/news/name-changes-in-a-week-or-less-once-law-goes-into-effect/>

UN Human Rights Council (HRC) for the first time. Iceland received 172 votes in favour, taking the place of the United States, which withdrew from the HRC in June 2018.³⁵⁹ Gender equality, women's rights and the rights of sexual minorities have been declared Reykjavik's priorities in the Council's activities. The Icelandic government intends to nominate the country for membership in the HRC for 2025-2027.

In June 2018, Iceland's Bragi Gudbrandsson was elected to the Committee on the Rights of the Child for the period 2019-2022.

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.

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 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 (ECHR), to protect their rights. No legal proceedings on this issue have been recorded in the country in recent years, following high-profile lawsuits in 2013-2014 filed by a

³⁵⁹ The US returned to the HRC in 2022.

number of Icelandic families demanding that the authorities recognise the children's names not included in the approved list.

The prohibition of torture and cruel, inhuman or degrading treatment or punishment is generally respected in Iceland. However, there are cases of unjustified police brutality during the arrest of citizens, as well as the detention of juvenile offenders together with adult criminal.

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 necessary, as well as minimising the use of humiliating intimate searches of prisoners.³⁶⁰

According to the Walk Free Foundation international human rights organisation, there is no slave trade in Iceland (according to the 2018 report³⁶¹). Moreover, in July 2022, the US State Department listed Iceland among the 30 countries, where the government has taken the necessary measures to prevent human trafficking, in its annual report.

However, there are individual cases of people being forced to work against their will in the tourism and construction sectors, especially migrant workers from Eastern European countries. Between June 2020 and April 2021, the Icelandic Police filed 13 cases of human trafficking. The victims were predominantly women under the age of 40. The most common perpetrators were African and Asian nationals with residence permits in Iceland.³⁶²

In June 2021, Althingi approved amendments to the General Penal Code initiated by the Ministry of Justice. The amendments aim to protect victims of human trafficking, especially women and children.

³⁶⁰ Frettabladid newspaper, "Body searches in prison violate human rights", 31 May 2021, <https://www.frettabladid.is/frettir/likamsleit-a-holmsheidi-brot-a-mannrettindum/>

³⁶¹ The next report will be published at the end of 2022.

³⁶² Visir online edition, "Human trafficking is a hidden problem in Iceland", 26 October 2021, <https://www.visir.is/g/20212174384d>

The principles 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, there were cases of selective justice. For example, in 2019, businessman Olafsson appealed to the ECHR, 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 ECHR 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 2019.³⁶³

In December 2020, the ECHR 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.³⁶⁴

In 2021, Bragi Gudmundur Kristjansson won a case against Iceland in the ECHR. 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.³⁶⁵

The right to freedom of thought, conscience and religion is largely respected in the country. Violations were recorded in 2013-2015.

The St. Nicholas Parish of the Russian Orthodox Church in the Icelandic capital is implementing a project to build an orthodox church in Reykjavik. A lease agreement has been signed with the city administration for a land plot for the construction. The anti-Russian rhetoric of the municipal authorities amid the special military operation of Russia in Ukraine has not affected the project. A

³⁶³ Frettabladid newspaper, "Olafsson's case closed in Strasbourg", 30 December 2020, <https://www.frettabladid.is/frettir/olafur-dregur-kaeruna-til-baka/>

³⁶⁴ Official website of the Council of Europe, Case of Gudmundur Andri Astradsson v. Iceland, <https://www.coe.int/en/web/cdcj/caselaw-26374-1>

³⁶⁵ RUV state broadcasting company, "ECHR finds Iceland in breach of the European Convention on Human Rights", 31 August 2018, <https://www.ruv.is/frett/2021/08/31/mde-telur-rikid-hafa-brotid-gegn-mannrettindasattmala>

licensed Icelandic architectural firm is currently adapting the documentation to local standards and obtaining the necessary building permits.

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. As of September 2022, the Ministry of Justice is still considering the issue. According to the Ministry, a ban on propaganda could lead to a violation of the right to freedom of expression.³⁶⁶

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 authorized 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 National Court. In this case, the party insisting on divorce must provide evidence of the substantiation thereof (e.g. domestic violence).

The right to political participation and public administration is generally not violated in Iceland. However, there is an imbalanced proportionality in representation of different regions in parliament. According to the Act No. 55/1991 on the Standing Orders of Althingi, 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

³⁶⁶ Website of Althingi, <https://www.althingi.is/altext/150/s/1071.html>

metropolitan constituency, while each of the other five constituencies is represented by eight to ten MPs.

There is no legal limit to the number of terms a person can serve as President of Iceland, but this provision of the law may be amended. In January 2021, Prime Minister Katrin Jakobsdottir initiated constitutional amendments that would, among other things, make it impossible for the same person to serve more than two presidential terms (six years each). The issue remains on Althingi's agenda.

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 Co-operation 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.³⁶⁷

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. No further developments were reported in open sources.³⁶⁸

Crimes of online corruption of minors and distribution of child pornography have become more frequent in recent years. In 2021, the Icelandic Police reported an investigation into 36 sexual offences against school-age

³⁶⁷ RUV state broadcasting company, "Child allowance in Iceland is among the lowest in OECD countries", 6 December 2022, <https://www.ruv.is/frett/2021/12/06/barnabaetur-a-islandi-med-theim-laegstu-hja-rikjum-oecd>

³⁶⁸ RUV state broadcasting company, "School system violates children's rights", 17 August 2021, www.ruv.is/frett/2021/08/17/segja-skolakerfid-fara-a-svig-vid-rettindi-barna

children. According to media reports, perpetrators were engaged in conversation with minors and extorted intimate photos of them for a fee.³⁶⁹

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. Reykjavik has made considerable progress in this area. For example, according to data published by the Foreign Affairs magazine in March 2020, Iceland is one of the top 10 countries (and first among the Nordic States) where women excel in the workforce.

According to the World Economic Forum's July 2022 ranking, Iceland was listed first in the world in terms of gender equality. Countries were ranked on indicators such as women's participation in economic and political life of the State, and equal access to education and health care for both genders

Iceland is one of the leading countries in the Generation Equality Forum, which was launched in 2020 under the auspices of UN Women at the initiative of UN Secretary-General Antonio Guterres. The five-year project focuses on the active involvement of public authorities, international NGOs and private companies to promote gender equality. Icelanders attach great importance to the initiative and there is an ongoing task force led by Prime Minister Katrin Jakobsdottir.

The annual Women Leaders Global Forum on gender equality was held in Reykjavik in November 2021.

The Prime Minister's report on the situation in Iceland in this area published in August 2020 focused on fair pay and combating traditional occupational segregation between women and men.

³⁶⁹ RUV state broadcasting company, "Nine-year-olds exposed to sexual abuse online", 10 December 2021, <https://www.ruv.is/frett/2021/12/09/niu-ara-born-verda-fyrir-stafrænu-kynferdisofbeldi>

At the same time, domestic violence remains an acute problem. For example, in June 2022, the police received 36 per cent more corresponding appeals than in May of that year.³⁷⁰

The same trend in violence against women, especially committed by partners, is reflected in a study on the subject published in the *Scandinavian Journal of Public Health*. The study also points out that cases of violence are often not reflected in general statistics.³⁷¹

During the COVID-19 pandemic, the number of documented cases of domestic violence increased in Iceland, as in many other European countries. Human rights activists, citing data from the Commissioner of the Icelandic Police, note that while globally the rate of female homicides committed by a male partner is 38 per cent, in Iceland it stands at 50 per cent. However, a large percentage of such cases go unreported for a variety of reasons, including fear of further harassment or distrust of law enforcement.

Sexual violence is also widespread in Iceland. A survey by the University of Iceland found that every fourth Icelandic woman has been raped or sexually assaulted in her lifetime. However, according to the Icelandic Stígamót Centre for victims of violence, only about 12 per cent of victims actually report the crime.³⁷²

Racism and xenophobia are virtually absent in Iceland.

However, a high-profile incident took place on 31 March 2022. During a meeting with the Farmers' Association of Iceland, Sigurdur Ingi Johansson, the Minister of Infrastructure of Iceland and the head of the Progressive Party, made a racist remark about the Association's executive director, a woman of Indonesian origin, Vigdis Hasler. According to Hasler and her colleagues, Johansson refused to be photographed with her, saying that he did not want to

³⁷⁰ Website of the Icelandic Police, 13 July 2022,

<https://www.logreglan.is/tilkynningum-um-innbrot-fjolgara-a-milli-manada-3/>

³⁷¹ <https://journals.sagepub.com/doi/abs/10.1177/1403494820916093?journalCode=sjpc>

³⁷² <https://foreignpolicy.com/2020/07/15/the-misogynist-violence-of-icelands-feminist-paradise/>

be in a picture "with that black person". On 4 April 2022, after this information was published in the media, Johansson personally apologized to Hasler.³⁷³

Opposition MPs initiated the consideration 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.

According to the Iceland Monitor newspaper³⁷⁴, in March 2021 the Icelandic government agreed to allocate about 20,000 euros to raise a monument to Hans Jónatan who is considered the first black settler in Iceland (according to some sources, he had been a slave in Denmark and one of its Caribbean colonies before being an escapee to Iceland). The memorial is to be installed in Djúpivogur where Hans Jónatan lived.

In recent years, there have been isolated manifestations of neo-Nazi activity in the country, as well as spread of neo-Nazi or hate ideology.

Human rights community notes with concern a rise of hate speech in Iceland, especially towards ethnic and religious groups and foreign Muslims, cases of inciting racial hate and promoting ideas of racial superiority as well as using racist stereotypes, including in political debates, the media, the Internet and social networks.

It is noted that the measures taken by the Icelandic authorities to counter racism are insufficient. Furthermore, under Icelandic law, penalties are only imposed for serious and repeated offences, and this does not happen often. As a result, the effective prosecution and punishment of those responsible for spreading hateful ideas and speech faces difficulties.

Remarkably, there are no registered far-right organizations in Iceland. Therefore, efforts to spread racism and neo-Nazism in the country are conducted and coordinated from other states.

³⁷³ Visir online edition, "He sincerely apologized for his words about Vigdis", 4 April 2022,

<https://www.visir.is/g/20222244322d>

³⁷⁴ https://icelandmonitor.mbl.is/news/news/2021/03/06/memorial_to_rise_of_first_black_settler_in_iceland/.

In 2020, Icelandic neo-Nazis attacked members of the Jewish community living in the country: anti-Semitic posters denying the Holocaust and accusing Jews of abuse of women and paedophilia were distributed near synagogues and Jewish institutions. The action was organized not only in Iceland, but also in Denmark, Norway, and Sweden. These actions organized by right-wing radicals during the Jewish community's celebration of Yom Kippur sparked outrage from international Jewish organizations.

In October 2020, Simon Wiesenthal Centre for International Affairs director Shimon Samuels sent a letter to Icelandic Prime Minister Katrin Jakobsdottir, expressing concern about these events (letters were also sent to the leaders of Denmark, Norway, and Sweden). The letter noted that given the total population of the country of about 364,000, neo-Nazis could hardly remain unknown to the authorities. Reykjavik was called on to take action against the instigators of the anti-Semitic campaign.³⁷⁵

The Government of Iceland pays great attention to the implementation of UN recommendations on human rights protection.

In November 2021, Iceland published its ninth report on the country's implementation of the 1979 UN Convention on the Elimination of all Forms of Discrimination Against Women³⁷⁶, noting that between 2015 and 2021 the 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

³⁷⁵ <https://www.wiesenthal.com/about/news/wiesenthal-centre-breaking.html>

³⁷⁶ Website of the Government of Iceland, <https://www.stjornarradid.is/efst-a-baugi/frettir/stok-frett/2021/11/25/Niunda-skyrsla-Islands-um-Kvennasattmala-Sameinudu-thjodanna/>

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 Minister³⁷⁷, speaking at the first session of the Group, noted that Reykjavik had worked hard to address the shortcomings identified in the previous review in 2016 (by adopting a number of laws on gender equality, including the aforementioned Act on Gender Autonomy (ambiguously perceived in the human rights community), strengthening cooperation with human rights NGOs etc.). Priority is 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, and the 2011 the Council of Europe's Convention on Preventing and Combating Violence against Women and Domestic Violence.

In September 2016, the Government of Iceland also ratified the UN Convention on the Rights of Persons with Disabilities. In February 2021, the Cabinet of Iceland decided to establish a special state committee on the implementation of the convention, and in July 2022, the Prime Minister's Office

³⁷⁷ Website of the Government of Iceland,
<https://www.stjornarradid.is/efst-a-baugi/frettir/stok-frett/2022/01/25/Thridja-allsherjaruttekt-a-stodu-mannrettindamala-a-Islandi/>

and the Ministry of Social Affairs and Labour began developing a roadmap for this.

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.

Human rights activists have documented some problems with the implementation of religious freedoms.

In Iceland, human rights activists document certain problems with the implementation of religious freedoms and pointed to instances of intolerance against members of certain religious denominations. The media reported public protests against the construction of a mosque in the suburbs of Reykjavik, accompanied by acts of vandalism, and that the perpetrators have not been identified and brought to justice. Human rights activists also point out that the church is not separated from the state in Iceland and that the country's constitution gives special privileges to the Evangelical Lutheran church.³⁷⁸

³⁷⁸ <https://lib.ohchr.org/HRBodies/UPR/Documents/session12/IS/IEHA-IcelandicEthicalHumanistAssociation-eng.pdf>

There are issues linked to the reception of refugees and migrants in the country. The experts have linked the abovementioned protests over the construction of a mosque primarily to fears among parts of the population that this religious facility would contribute to the spread of Islamic radicalism in the country.

At the beginning of 2020, there were a number of rallies in support of refugees on the verge of expulsion from the country amid the growing activity of far-right entities spreading migrant-phobia.

According to the information of 28 February 2022, on the news portal RUS.IS, there is a rise of Russophobia in Icelandic society, incited by national media, declarations of government members and limited access to unbiased and comprehensive information.³⁷⁹

For example, on 27 February 2022, the Prime Minister of Iceland announced on TV the intention to cancel all visas issued to Russian citizens. The Ministry of Foreign Affairs of Iceland corrected her words and informed that only visas of specified categories would be revoked.³⁸⁰

Since late February 2022, Icelandic media published a huge amount of blatantly biased and highly emotional materials, professionally inciting xenophobic sentiments among ordinary citizens, showing developments in Ukraine only from a negative side for Russia, without citing alternative information sources, without any analysis of situation and neutral coverage of events.³⁸¹

Since the beginning of the special military operation of Russia in Ukraine two rallies (without public order infringement) were held in Iceland in front of the consular department of the Russian Embassy.³⁸² On 28 February 2022, Russian consulate was attacked. After the rally, one person with mental disorder

³⁷⁹ <https://rus.is/ot-redakcii/>.

³⁸⁰ <https://rus.is/ot-redakcii/>.

³⁸¹ Ibid.

³⁸² <https://russian.rt.com/world/news/969364-islandiya-napadenie-rossiya>.

broke down the gates and tried to knock down the camera.³⁸³ 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 department 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 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 office, but was subsequently detained and taken to the police station for questioning. Diplomats constantly receive insults and threats by e-mail and telephone.³⁸⁴

According to the compatriots, after the beginning of the special operation some members of the Russian diaspora experienced insults and threats on Facebook from Icelanders, as well as from Balts and Poles residing in the country. 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 local acquaintance.³⁸⁵ Following the release of the film, threats of "proceedings" with the Icelandic authorities and calls to "return home" continued.

In the beginning of March 2022 vandals desecrated the chapel at the construction site of the Russian orthodox church in Reykjavik, drawing two swastikas on it.³⁸⁶

The leading Russian news website 1tv.ru is blocked in the territory of Iceland from February 27, 2022.

³⁸³ <https://russian.rt.com/world/news/969364-islandiya-napadenie-rossiya>.

³⁸⁴ <https://russian.rt.com/world/news/969364-islandiya-napadenie-rossiya>.

³⁸⁵ <https://doc.rt.com/filmy/v-zone-otchuzhdeniya-diskriminaciya-rossiyan/>

³⁸⁶ <https://russian.rt.com/ussr/article/974510-russkie-emigranty-travlya-specoperaciya>

Spain

The protection of human rights has been identified as a priority of domestic and foreign policies of the Spanish government, regardless of party affiliation, and is under constant scrutiny. Nevertheless, the country's human rights record is far from perfect. Madrid's human rights problems have been highlighted by the UN Human Rights Council (HRC), the OSCE, the OECD, the Council of Europe, the European Union and international human rights NGOs (Médecins Sans Frontières, Amnesty International, Human Rights Watch, SOS Racismo, Movimiento contra la Intolerancia and others). Many particular cases are reported in the Spanish media.

In particular, in January 2022, during the regular round of the Human Rights Council's Universal Periodic Review (UPR) of Spain, a substantial list of recommendations regarding freedom of expression and assembly, as well as disproportionate actions of police officers against participants of public demonstrations, was presented to Madrid. High levels of violence against women, discrimination against minorities and restrictions on migrants' access to health-care services, harsh living conditions for asylum seekers and systematic violations of migrants' rights were also highlighted.³⁸⁷

Amid strict quarantine measures related to the new coronavirus pandemic in the EU Member States, the European Parliament reported an upsurge in violence against women (domestic, sexual and other types of violence). In Spain, where domestic violence against women and children has long been a systemic problem, since the beginning of the pandemic and until now, local hotlines have recorded a 55 per cent increase in the number of complaints about beatings and harassment. In this context, the authorities have developed special applications for mobile devices to enable rapid contact with law enforcement agencies.

³⁸⁷ Recommendations are listed in the Report of the Working Group on the Universal Periodic Review of Spain, A/HRC/44/7, March 2020.
<https://undocs.org/ru/A/HRC/44/7>

Statistical indicators reflect the difficult situation in this area. According to the Ministry of Equality of Spain, in 2021, 162,848 various acts of violence against women were reported to law enforcement agencies. In addition, 43 women were murdered in 2021 (47 in 2020) and 30 children were orphaned. As of 31 July 2022, 26 women were reported dead (19 children were orphaned).

According to the Spanish National Statistics Institute, in 2021, 3,012 women were recognized as victims of gender-based violence (2,915 in 2020) and 5,058 women were recognized as victims of domestic violence (5,082 in 2020).

According to surveys, 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. 6,900 men are serving criminal sentences for corresponding charges. 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.

The gender pay gap remains a problem in Spain. According to the Comisiones Obreras (Working Women's Committee) trade union, women earn around 24 per cent less than men. They are also often discriminated against in the workplace because of the need to take maternity leave.

The problem of street harassment and abuse of women persists in the country. According to the El Pais newspaper of 20 November 2019, around 92 per cent of Spanish women have been subjected to sexist remarks at various times.

Official statistics from the Ministry of the Interior of Spain show a quantitative increase in the number of hate crimes committed, with a total of 1,802 of such in 2021 (1,401 in 2020). This includes 678 xenophobic and racist crimes (485 in 2020) and 336 ideological crimes (326 in 2020).

Only properly recorded cases are covered. According to Spanish Interior Minister Fernando Grande-Marlaska, only 8 out of 10 instances of hatred come

to the attention of the police. However, the Minister noted that the increase in number of such offences was not a purely Spanish phenomenon, but a pan-European one.

In order to prevent hate crimes, the Ministry of the Interior of Spain has begun the execution of the Comprehensive Hate Crime Action Plan for 2022-2024 aimed at coordinating the efforts of the State in this sphere. The document provides for 86 specific measures, including the creation of special units within the existing hierarchy of the National Police Corps and the Civil Guard.

The Spanish Movimiento contra la Intolerancia NGO registers more than 4,000 hate incidents in the country every year. The vast majority of victims are migrants and homeless who often do not report such cases to the police because of the risk of collateral legal problems.

The EU Agency for Fundamental Rights notes that only one out of ten victims (i.e.10 per cent) of hate crimes in Spain informs thereof the law enforcement bodies. Such an elevated level of distrust to the police is explained by the lack of conviction that that the police would take it seriously or by fear of retaliation.³⁸⁸

The European Commission against Racism and Intolerance also noted the continuing problem of the Roma community in the country, in particular, the low rate of school attendance and school completion by Roma children, even though the Spanish authorities have taken steps in this regard.³⁸⁹

In its comments on the implementation of the 2018 recommendations, the Commission called on Spain to undertake additional measures to avoid school

³⁸⁸ 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

³⁸⁹ The European Commission against Racism and Intolerance, Conclusions on the Implementation of the Recommendations in Respect of Spain, Subject to Interim Follow-Up. Adopted on 1 December 2020. Published on 23 February 2021. <https://rm.coe.int/interim-follow-up-conclusions-on-spain-5th-monitoring-cycle/1680a17dc5>

segregation and early school leaving of Roma students. It found that no funding was allocated in this area.³⁹⁰

According to the FRA, hate speech and publications on issues related to coronavirus mostly targeted Roma people.³⁹¹

According to the Movimiento contra la Intolerancia, Spanish far-right groups consisting of more than 10,000 members hold mass events every year to spread their ideology. It is noted, that the Spanish segment of the Internet has become the new platform for racist demonstrations (more than 1,000 relevant websites have been registered).

Since 2007, the members of far-right organizations hold annually in February a procession through Madrid in memory of the fallen soldiers of the Blue Division, shouting anti-Semitic slogans and publicly displaying fascist symbols. The most recent event of this kind (unauthorized, unlike previous years) took place on 13 February 2022. Many of those involved in organizing and participating were fined under Spanish administrative law.

Curiously, the members of far-right groups (Bastion Frontal) tend to be involved in criminal cases involving grievous bodily harm, hooliganism, drug trafficking and robbery. It should also be noted that the Spanish far-right masses maintain stable relations with their like-minded counterparts from other European organizations, e.g. the Italian Casa Pound, the Greek Golden Dawn and others.

Such NGOs as Amnesty International and SOS Racismo draw attention to the practice of nationality-based discrimination when the Spanish authorities process asylum applications by refugees from Africa and the Middle East, as well as to the prejudicial treatment they receive by local police

Illegal migration remains one of the main and most complex problems. According to the Ministry of the Interior of Spain, 41,945 illegal migrants

³⁹⁰ 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

³⁹¹ Ibid.

entered the country in 2021 (22,316 of them via the Canary Islands), while 1,700 illegal migrants were expelled. According to the International Organization for Migration, the mortality rate of migrants trying to reach Spain with the help of organized criminal groups and smugglers remains high (875 adults, 80 minors).

The stringent measures taken by the Spanish government to prevent illegal migrants (including refugees) from entering the country remain a major concern for international monitoring mechanisms, human rights defenders, independent lawyers, and the public. In particular, they point to the dangerous practice of immediately deporting migrants, even if they have physically crossed the Spanish border, back to Morocco without examining their documents, formalizing protocol, and granting them the right to apply for asylum (these procedures are provided for by EU directives, as well as by international treaties signed by Spain). The Juvenile Chamber of the Ceuta Public Prosecutor's Office in Spain opened investigations on "hot returns" of unaccompanied children.³⁹²

According to the report by the Ministry of Foreign Affairs of the Republic of Belarus "The Most Resonant Human Rights Violations in Certain Countries", in August 2021, a Spanish court deemed the return of 55 unaccompanied children to Morocco unlawful. Soon afterwards, however, the Prime Minister reiterated the government's intention to continue expelling such children to Morocco.³⁹³

The experts of the Subcommittee on the Prevention of Torture, of the Committee on Enforced Disappearances, as well as the European Court of Human Rights (ECHR), highlighted the need for Madrid to legally abolish such practices. However, in June 2020, the ECHR softened its position and unexpectedly recognized the lawfulness of actions by the Spanish authorities in

³⁹² Ibid.

³⁹³ Report by the Ministry of Foreign Affairs of the Republic of Belarus "The Most Resonant Human Rights Violations in Certain Countries" (2022) https://mfa.gov.by/kefinder/upload/files/22.07.04_report_HR_2.pdf

several cases of expulsion of illegal migrants, mentioning the "aggressive behaviour of Africans". According to the FRA report, the issue of expulsion of illegal migrants persisted in 2021.

Human rights agencies remain concerned about the situation in overcrowded migrant temporary stay centres. Experts drew particular attention to inadequate reception conditions in migrant holding centres on the Canary Islands.³⁹⁴

On 24 June 2022, more than 20 migrants died and many were injured while attempting to cross the Moroccan-Spanish border (between Nador and Melilla). The International Organization for Migration and the United Nations High Commissioner for Refugees have therefore reiterated their call for all authorities to prioritize the safety of migrants and refugees, refrain from the excessive use of force and uphold their human rights.³⁹⁵

The following irregularities have been noted in the administrative expulsions of illegal entrants from Spain: failure to carry out proper medical examinations to confirm readiness to travel, unjustified use of handcuffs, arranging flights without prior notice to the expellees. Experts point to outdated and inaccurate methods of forced medical age verification of minor migrants.

There is still a problem with the temporary accommodation centres for migrants in Ceuta and Melilla, where the number of migrants often exceeds the permissible limits: over 1,500 and 1,000 migrants respectively, while the official capacity of the centre in Ceuta is 500 people and of the centre in Melilla – 780 people. For several years, documents from the Human Rights Council and the Council of Europe, opinions of the Supreme Court of Spain, studies by NGOs and Spanish universities have shown the lack of improvement of living conditions in detention centres for migrants.

³⁹⁴ 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

³⁹⁵ 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>

Cases of disproportionate use of force by law enforcement officials and ill-treatment of detainees have been recorded in Spain. The report of 1 July 2021 by the Spanish branch of Amnesty International highlights numerous cases of abuse of authority by Spanish law enforcement officers during the coronavirus pandemic.

The Council of Europe's European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) has also received a significant number of reports of ill-treatment of detainees by the Spanish National Police Corps. In order to force the suspects to provide information or to confess to crimes, as well as to punish them, law enforcement punched and kicked their victims to the body and head as well as, on occasion, used batons or other objects.³⁹⁶

International Trial Watch, an international NGO dedicated to arbitration and monitoring of court trials around the world, regularly prepares reports on the trial of three politicians (Oriol Junqueras, Jordi Sanchez, Jordi Cuixart) who, according to its experts, are being "illegally" detained in connection with the charges against them in the case of the illegal referendum on Catalan independence. The NGO also notes that the proceedings are politicized and highly irregular.

Spain's reaction to the press conference held by Russian Foreign Minister Sergei Lavrov after his meeting with the High Representative of the EU for Foreign Affairs and Security Policy Josep Borrell (a Catalan), is illustrative in this case. Sergei Lavrov noted at the press conference that noticed that some in Europe are also questioning the courts and what they decide. For example, the judicial authorities of Germany and Belgium urged the Spanish side to revoke "politicized decisions" in the case of the referendum in Catalonia. "This is what Spanish government authorities replied: 'You know, we have our

³⁹⁶ Report to the Spanish Government 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. 9 November 2021. <https://rm.coe.int/1680a47a76>

own judicial system. Don't even think of calling into doubt the decisions that we adopt in our courts under our laws.' This is exactly what we want from the West as regards reciprocity".³⁹⁷ Spanish Foreign Minister Arancha González Laya responded to these words by saying that "there are no political prisoners in Spain, there are imprisoned politicians".

In June 2021, the leaders of the Catalan independence movement were released from prison by a decision to pardon after almost four years of incarceration.

Problems in prisons are being recorded. In Spanish prisons, the treatment of prisoners with serious and chronic diseases is an acute problem. According to the Spanish Prison Health Association, almost half (around 4,000) of 9,500 patients with hepatitis C do not receive the necessary medication. The number of HIV-infected and persons with mental disorders in these institutions remains high. At the same time, there is an acute shortage of doctors.

The Supreme Court of Spain notes the dilapidated state of most remand centres in the Autonomous Community of Madrid. There is also evidence that Spanish prison officers complain of insufficient funding for maintenance and renovation, as well as understaffing. All this has security implications, with over 300 attacks by prisoners on guards recorded each year.

Following a visit to selected Spanish prisons in September 2020, the CPT noted in its report a large number of credible allegations of physical ill-treatment by staff. The widespread use of mechanical fixation in the country, including on juveniles, has been the subject of sustained criticism by international experts.³⁹⁸

The treatment and living conditions in the two prison psychiatric hospitals of Alicante and Seville that they visited were of separate concern. In

³⁹⁷ The Spanish Foreign Minister reacted to Lavrov's words on the convicted Catalan politicians. TASS. 5 February 2021. <https://tass.ru/mezhdunarodnaya-panorama/10637049>

³⁹⁸ Report to the Spanish Government 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. 9 November 2021. <https://rm.coe.int/1680a47a76>

particular, they were critical of the prolonged restrictions of liberty imposed on patients (for as long as four months) without appropriate legal safeguards and inadequate judicial review. The CPT also recommended that the Spanish authorities ensure full institutional and functional separation of hospitals from the prison service by putting the former under the responsibility of the national health-care system.³⁹⁹

The overall peaceful situation with the Russians living in Spain drastically changed after the Armed Forces of the Russian Federation began the special military operation in Ukraine for denazification and demilitarization.

Amid the atmosphere of intolerance towards all that is Russian, whipped up, among others, by the Spanish authorities, as well as the wide-scale anti-Russian campaign unfolded in the media, instances of discrimination of Russians residing in Spain began to be recorded. Thus, drastic growth of negative attitudes to compatriots in everyday life is noted. Besides, there is increased spreading of anti-Russian speech in social media. Messages regarding fighting with "Russian World promoters" come to Russian-language chats in Spain. These messages contain calls to collect information and personal data of Russians on a specially designated website. They promise to publish the collected materials in the media and send them to the Spanish authorities (the Foreigners' Bureau in Madrid). This "database" of Russians by its nature is similar to the notorious Ukrainian website Myrotvorets.

Our fellow citizens informed the Russian Embassy and other diplomatic missions in Spain about instances of discrimination of children of the Russian citizens residing in Spain as well as of their regular bullying in Spanish schools.

Spanish banks impeded up to mass-scale blocking of accounts both for the fellow citizens permanently residing in Spain and for the Russian diplomats. All our citizens, notwithstanding whether residents of the country or not, experienced problems with opening, servicing and replenishment of accounts

³⁹⁹ Ibid.

and cards. As the result of such restrictions our citizens could not pay for the basic services including healthcare services, rent of housing, insurance services, etc. Thus, for example, in the end of March 2022, a Russian family informed that the bank Sabadell refused to replace them a card with expired validity period with a new one, nor did they give out cash from the account. The reason given was that they were Russian.

The Madrid restaurant Nordin from time to time receives telephone calls with threats. Though its owner is from Morocco, his wife is of Russian origin. Some clients refused to visit this place, and its profits decreased twice.⁴⁰⁰

The unfolding anti-Russian hysteria also affected the honorary consuls of Russia (all of them Spanish citizens), who were subjected to aggressive rebukes and threats.

There were recorded cases where the Ministry of Transport of Spain temporarily seized the movable property (yachts) of the Russian citizens. According to the authorities, these actions are aimed at checking the ownership rights and establishing the possible appurtenance of the property to individuals and legal entities included in the EU sanctions lists.

⁴⁰⁰ Violations of the rights of Russian citizens and fellow citizens abroad in the period of the events in Ukraine in March – April 2022. Monitoring review by the Moscow Human Rights Bureau.

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.

In October 2022, the 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 underresourced institutions empowered to curb corruption. 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.⁴⁰¹

In early 2022, Russophobia manifested itself sharply in Italy amid the special military operation in Ukraine for denazification and demilitarization conducted by 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 characterized by a particularly strong escalation of anti-Russian sentiments. The Russian Embassy and consular offices regularly receive messages from compatriots on threats against them. Aggression towards representatives of Russia and Russian diaspora come mostly from representatives of the numerous Ukrainian diaspora in Italy, one of the largest in Europe.

Since the end of February, Russian citizens have been discriminated against by major banks refusing to service cards and open new accounts. There

⁴⁰¹ The Committee on Economic, Social and Cultural Rights, Concluding observations on the sixth periodic report of Italy, October 2022

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCESCR%2fCO C%2fITA%2f50522&Lang=en

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; observers estimate that by 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 look for other ways to earn money.

But then the hysteria began to wane. As of October 2022, the situation with Russian citizens in Italy had partially normalized.

The campaign against Russian culture and its representatives, launched in Italia, 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.⁴⁰² Receiving no reply to this ultimatum, the authorities of Milan announced that La Scala theatre "refuses further cooperation with the Russian conductor".

At the same time, as the general intensity of the Russophobic campaign declined, the management of La Scala began to demonstrate a balanced approach, refusing to join the campaign to "cancel" Russian culture. On 12 November 2022, the theatre refused to cancel the performance of the opera "Boris Godunov" by Modest Mussorgsky (with which the next theatre season was to begin), and also announced that it planned to stage works of other Russian classics. Earlier, the Ukrainian consul general in Milan had called for

⁴⁰² <https://www.classicalmusicnews.ru/news/la-scala-removed-valery-gergiev-from-queen-of-spades/>

the opera to be cancelled. In response, one of La Scala's board members, stage director Francesco Micheli, said it was an "act of intimidation".⁴⁰³

There are also problems with ensuring media freedom in Italy, in particular as regards the Russian media. According to a decision adopted by the Council of the European Union, the Russian media outlets RT and Sputnik are banned on the territory of the EU starting from 27 February 2022. This very fact has affected the access of Italian citizens to accurate information. The editorial policy of most major national media is to publish anti-Russian content.

According to the 2022 report by Reporters Without Borders, an international non-governmental organization, Italy ranks 58th place out of 180 countries in press freedom index. There are threats and attacks against journalists on account of their professional activities by the mafia and neo-fascists, and therefore some journalists are receiving police protection.

Experts note cases of unlawful use of force by law enforcement officials. For example, in July 2021, Italian prosecutors issued more than 50 orders against those involved in the investigation of beatings of prisoners in the Santa Maria Capua Vetere prison in the region of Campania. Earlier, on 17 February 2021, 10 former officers of the Italian Prison Police were sentenced to two years and eight months in prison: the court found them guilty of torturing prisoners in the San Gimignano prison in Siena.

Italian human rights activists express concern over the prison overcrowding. According to the Ministry of Justice of Italy, as of 31 March 2022, 54,509 people were detained in local prisons, with a nominal capacity of 50,853 people.

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

⁴⁰³ <https://ria.ru/20221112/opera-1831048085.html>

men. Furthermore, the persistence of stereotypes is cited as the reason for the concentration of women in traditionally female-dominated professions.⁴⁰⁴

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 2021, the hotline for women who have been abused or stalked received 16,446 calls. In most cases, however, women prefer not to contact law enforcement agencies or support centres. In this context, the reality is significantly different from the official reports.

According to the Italian Criminal Police Central Directorate, the number of femicides has been declining in recent years. Thus, 120 cases were reported in 2015, 115 in 2016, 113 in 2017, 86 in 2018 and 73 in 2019. However, amid the spread of the coronavirus infection and the related restrictive measures, the number of femicides increased to 117 cases in 2020 and to 118 in 2021.

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.⁴⁰⁵

In Italy, there is a continuing trend of increasing racial discrimination, particularly in the form of incitement to racial hatred. This was highlighted in particular by the UN High Commissioner for Human Rights, Michelle Bachelet, in her speech on 22 January 2022 at the meeting of the Italian Senate's

⁴⁰⁴ The Committee on Economic, Social and Cultural Rights, Concluding observations on the sixth periodic report of Italy, October 2022

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCESCR%2fCO C%2fITA%2f50522&Lang=en

⁴⁰⁵ The Committee on Economic, Social and Cultural Rights, Concluding observations on the sixth periodic report of Italy, October 2022

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCESCR%2fCO C%2fITA%2f50522&Lang=en

Extraordinary Commission against intolerance, racism, anti-Semitism and incitement to hatred and violence.⁴⁰⁶ 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 2019⁴⁰⁷, as well as the launch by Italian civil society organizations of the Map of Tolerance project⁴⁰⁸, which aims to examine discriminatory publications on social networks and the Internet.

As for the manifestations of xenophobia in Italy, according to experts, most of them are not related to the activities of neo-fascists and are of a domestic nature. The main reasons for the growth of xenophobic attitudes in recent years include the deterioration of the socio-economic situation of the population, high unemployment among young people and the presence of migrants from Africa and Asia, as the country has actually become one of the main "transshipment points" on its way from Africa to the rest of Europe. According to the Committee on Economic, Social and Cultural Rights, the country has a record of instances of hate speech inciting animosity towards migrant, religious and race-based communities, including proposals to deprive these communities of their rights.⁴⁰⁹

The increase of the number of migrants caused a growth of anti-immigrant rhetoric in political discussions, which was noted with concern by the ECRI⁴¹⁰. Experts stated the inefficiency and the lack of financial, organizational, and regulatory tools in Italy to counter this phenomenon.

⁴⁰⁶ <https://www.ohchr.org/ru/statements-and-speeches/2022/01/hearing-italian-senates-extraordinary-commission-against>

⁴⁰⁷ <https://moked.it/international/2019/11/04/news-italian-senate-approves-committee-antisemitism-hatred/>

⁴⁰⁸ The project is run by the VOX – Osservatorio italiano sui Diritti (Human Rights Observatory) NGO <http://www.voxdiritti.it>.

⁴⁰⁹ The Committee on Economic, Social and Cultural Rights, Concluding observations on the sixth periodic report of Italy, October 2022

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCESCR%2fCO%2fITA%2f50522&Lang=en

⁴¹⁰ The European Commission against Racism and Intolerance, Report on Italy (fifth monitoring cycle). Adopted on 18 March 2016, published on 7 June 2016. <https://rm.coe.int/fifth-report-on-italy/16808b5837>

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. The Human Rights Committee⁴¹¹, the Committee on the Rights of the Child⁴¹², the Committee against Torture⁴¹³, the Committee on the Elimination of Racial Discrimination⁴¹⁴ and the Committee on Economic, Social and Cultural Rights (in 2015⁴¹⁵ and 2022⁴¹⁶) have highlighted this. 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. This year, the problems faced by migrants in Italy were also highlighted by the EU Agency for

⁴¹¹ The Human Rights Committee, Concluding observations on the sixth periodic report of Italy, March 2017
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fITA%2fCO%2f6&Lang=ru

⁴¹² The Committee on the Rights of the Child, Concluding observations on the combined fifth and sixth periodic reports of Italy. February 2019
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fITA%2fCO%2f5-6&Lang=ru

⁴¹³ The Committee against Torture, Concluding observations on the combined fifth and sixth periodic reports of Italy. November 2017
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fITA%2fCO%2f5-6&Lang=ru

⁴¹⁴ The Committee on the Elimination of Racial Discrimination. Concluding observations on the combined nineteenth and twentieth periodic reports of Italy. December 2016
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fITA%2fCO%2f19-20&Lang=ru

⁴¹⁵ The Committee on Economic, Social and Cultural Rights, Concluding observations on the fifth periodic report of Italy. September 2015
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fITA%2fCO%2f5&Lang=ru

⁴¹⁶ The Committee on Economic, Social and Cultural Rights, Concluding observations on the sixth periodic report of Italy. October 2022
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCESCR%2fCO%2fITA%2f50522&Lang=en

Fundamental Rights.⁴¹⁷ 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*.⁴¹⁸

The problems of the migrants from African and Asian countries engaged in the commercial sphere in Italy drew the attention of the experts of the UN Working Group on Business and Human Rights following their visit in late September – early October 2021. They noted, inter alia, inhuman working and living conditions of many migrant workers caught in a vicious circle of exploitation and debt bondage, serious problems in the field of occupational health and safety. Agriculture, production of clothes and logistics were cited among the problematic sectors.⁴¹⁹ This problem was also highlighted by the Committee on Economic, Social and Cultural Rights in October 2022. The migration problem is also exacerbated by the large shadow economy sector, which employs a significant number of workers without labour and social security. The Italian authorities apply a punitive approach to such workers.

Cases of attacks on migrants have been recorded. However, there are also examples of perpetrators being brought to justice. In 2021, the citizen responsible for shooting six migrants in 2018 was sentenced to 12 years in prison. It is noteworthy that at the time of sentencing, the aggravating circumstance of racial hatred was confirmed.⁴²⁰

As practice shows, anti-Semitism is not over in the Apennines. According to a report published in January 2021 by the Eurispes Institute of Social and

⁴¹⁷ 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

⁴¹⁸ The term denotes a situation when a person is apprehended after an irregular border crossing and summarily returned to a neighbouring country without assessing their individual circumstances on a case-by-case basis.

⁴¹⁹ <https://www.ohchr.org/en/statements/2021/10/statement-end-visit-italy-united-nations-working-group-business-and-human-rights?LangID=E&NewsID=27607>

⁴²⁰ 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

Political Studies⁴²¹, there was an increase in the number of people in Italy in 2020 who deny the mass extermination of Jews by the Nazis – 15.6 per cent (by comparison, in 2005 there were only 2.7 per cent). 16.1 per cent of respondents say that the persecution of Jews resulted in "not many casualties." 61.7 per cent of respondents believe that cases of anti-Semitism in Italy "are isolated and do not indicate the existence of a problem." 19.8 per cent of respondents believe that "Benito Mussolini was a great leader who made a few mistakes."

These data correlate with numbers provided by the EU Agency for Fundamental Rights. In its overview of anti-Semitic incidents recorded in the European Union in 2011-2021 the FRA cites statistics of the Italian Observatory for Security against Acts of Discrimination (Osservatorio per la Sicurezza Contro gli Atti Discriminatori – OSCAD), which also show a rise in detected anti-Semitic incidents in Italy: 91 in 2019, as well as 101 in 2020 and 2021 each. The most common offences were incitement to violence (79 cases in 2021) and vandalism directed against Jewish sites (22 cases in 2021). It is also worth noting that notable differences in the number of such incidents for 2010-2018 and 2019-2021 are attributed to different methods of counting. But this difference does not affect the overall trend of anti-Semitic incidents in Italy: even for the first period there is a growth in number of anti-Semitic cases from 16 in 2010 to 56 in 2018, with a maximum value of 64 in 2014.⁴²²

The Map of Tolerance study, which analyses social media posts, also points to an increase in manifestations of anti-Semitism.⁴²³

Italy is a party to the 1950 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 2000. Article 6 of the Italian Constitution

⁴²¹ <https://eurispes.eu/news/eurispes-risultati-del-rapporto-italia-2020/>

⁴²² European Union Agency for Fundamental Rights. Antisemitism. Overview of antisemitic incidents recorded in the European Union. 2011-2021. https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-antisemitism-overview-2011-2021_en.pdf

⁴²³ <http://www.voxdiritti.it/nuovi-dati-della-mappa-dellintolleranza-in-4-mesi-cresce-lantisemitismo/>

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". The 1999 Law on Provisions to Protect the Historical Linguistic Minorities provides for a unified language policy in the country. 12 linguistic minorities (2.5 million people living in 14 regions of the country), existing 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. This effectively ignores the rights of numerous Roma communities living in the territory of Italy, which has repeatedly led to criticism of Rome by international human rights mechanisms.

When it comes to the situation of Roma in Italy, it is generally referred to illegal buildings on the outskirts of settlements. 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. The Committee on Economic, Social and Cultural Rights (September 2015 and 2022), the Committee on the Elimination of Racial Discrimination (December 2016), the Human Rights Committee (March 2017) and the Committee on the Rights of the Child (January 2019) drew attention to the importance of addressing the situation of the Roma, including in housing, access to social services and education, and the labour market. In October 2022, the CESCR noted that Roma continue to face segregation, with most living in settlements without any infrastructure, and discrimination against Roma children in education.

The latest survey by the EU Agency for Fundamental Rights on the situation of Roma in the European Union shows that anti-Romani sentiment in Italy is quite high: 40 per cent of those surveyed had experienced hate-

motivated aggression in the past year, and one in ten members of the Roma community had been physically attacked for the same reasons⁴²⁴.

In March, the Court of Cassation sentenced four Italians to between two and four years in prison for organizing an informal Roma encampment in the outskirts of Turin in 2011.⁴²⁵

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 Committee noted that 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 that efforts to control the budget deficit and public debt might require the adoption of further austerity measures. The Committee also noted the traditional 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

⁴²⁴ Roma in 10 European countries. Main results. European Union Fundamental Rights Agency survey 2021. https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-roma-survey-2021-main-results_en.pdf

⁴²⁵ 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

same time, there is a high level of absolute poverty among non-nationals, a significant proportion of whom are migrants.⁴²⁶

As of August 2022, the unemployment rate among the working age population was 7.8 per cent. The rate is traditionally high among young Italians (15 to 24 years of age) – 22.6 per cent. According to data published in June 2022 by the Italian National Institute of Statistics (ISTAT), at the end of 2021 there were 5.6 million people in Italy who were completely poor (9.4 per cent of the population) and 6.61 million people who were relatively poor (11.1 per cent of the population).

⁴²⁶ The Committee on Economic, Social and Cultural Rights, Concluding observations on the sixth periodic report of Italy. October 2022
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCESCR%2fCO C%2fITA%2f50522&Lang=en

Canada

In its domestic and foreign policies, the "Maple Leaf Country" proudly proclaims its commitment to justice, equality and democratic values. In reality, however, Canada's human rights record continues to be poor. During Canada's Universal Periodic Review of the UN Human Rights Council (HRC), the Office of the UN High Commissioner for Human Rights, citing the Canadian Human Rights Commission, noted that there has been little progress in addressing many long-standing issues, including the situation of Indigenous peoples and other vulnerable groups.⁴²⁷

The Indian, Métis and Inuit peoples have been among the most oppressed and marginalized elements of Canadian society for many decades. The boarding schools for Indian children, which existed from 1883 to 1996, caused the greatest moral, psychological and social damage to First Nations. Violence used against students was widespread and could even result in death. Children were intentionally taken from their families and sent to such schools. The students of the boarding schools were not only forbidden to see their relatives, but they were even forbidden to use their mother tongue in communication and to follow their own traditions. At the same time, developing skills in primitive manual labor was one of the main tasks of such schools. Living conditions in the boarding schools were very poor: children suffered from poor nutrition, lack of good medical care, hard physical labor, and maltreatment, which contributed greatly to the high mortality rate in these institutions. 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 deceased and missing persons.

⁴²⁷ Report of the Office of the United Nations High Commissioner for Human Rights (Summary of Stakeholders' submissions on Canada), prepared for the thirteen session of the Universal Periodic Review. March 2018
<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/059/71/PDF/G1805971.pdf?OpenElement>

The UN Human Rights Council's Special Rapporteur on contemporary forms of racism, E.Tendayi Achiume, citing relevant sociological and historical studies in her report to the 74th session of the UN General Assembly on reparations for racial discrimination in the era of slavery and colonialism, noted that the aim of the Indian Residential School System established by the Canadian government was to assimilate Aboriginal children by denying them the opportunity to adopt the traditions, customs, values and languages of their people. Also, "deliberate and often brutal strategies were used to destroy family and community bonds" under this system. In addition, about one in three of the children were subjected to physical, sexual, and emotional abuse.⁴²⁸

In May 2021, the remains of 215 minors were discovered in Kamloops, British Columbia. Another 93 graves were discovered in Williams Lake, British Columbia on January 25, 2022. The total number of Aboriginal burials investigated over the two-year period reached 1,685.

After admitting guilt in 2008 for violence in former aboriginal schools, the federal government supported Indian leaders' demands that the Catholic Church (which ran up to 60% of the schools) apologize for crimes committed in the 19th and 20th centuries. The Pope had responded to the demands by apologizing to First Nations twice: first on April 1, 2022, at the Vatican during a meeting with a delegation of Indians, Métis and Inuit, and on July 25, 2022, in Edmonton during an apostolic visit to Canada, officially called the "Pilgrimage of Repentance". The Pope recognized the policy of forced assimilation and the destruction of the cultural identity of the Aboriginal 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.

⁴²⁸ Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Tendayi Achiume, prepared pursuant to General Assembly resolution 73/262 on reparations for racial discrimination rooted in slavery and colonialism.
<https://undocs.org/A/74/321>

The Trudeau's Liberal government declares a desire to turn the "shameful page" of Canadian history as fast as possible. The 2022 budget includes CA\$209.8 million to locate burial records of Indian children, create memorial sites at former boarding schools and build a new National Centre for Truth and Reconciliation in Winnipeg. Among other things, CA\$10 million will be used to open the office of the Special Coordinator, and another CA\$55 million will be used to digitize archives, work with the police, and improve monuments. In July 2022, a national advisory committee on residential schools and unmarked graves was established.⁴²⁹ In 2021, Truth and Reconciliation Day, celebrated on September 30, was added to the national calendar of commemorative events.

At the same time, there have been a number of attempts by the Canadian authorities to challenge court rulings in favor of the payment of significant sums of money to victims of abuse. In March 2022, for example, the Trudeau government asked the Federal Court of Appeal to overturn a verdict on the satisfaction of the class action of the Indigenous people for compensation in the amount of CA\$600 million for material and moral damages caused by members of the Royal Canadian Mounted Police.⁴³⁰

Thirty-two long-term drinking water advisories remained in effect on 28 Indian reservations as of September 2022.⁴³¹ In July 2021, the Government of Canada reached a CA\$8 billion court settlement with First Nations to

⁴²⁹ The Government of Canada and the National Centre for Truth and Reconciliation announce the new National Advisory Committee on Residential Schools Missing Children and Unmarked Burials. Indigenous Services Canada. 20 July 2022

<https://www.canada.ca/en/crown-indigenous-relations-northern-affairs/news/2022/07/the-government-of-canada-and-the-national-centre-for-truth-and-reconciliation-announce-the-new-national-advisory-committee-on-residential-schools-m.html>

⁴³⁰ 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>

⁴³¹ Ending long-term drinking water advisories. Indigenous Services Canada. September 2022
<https://www.sac-isc.gc.ca/eng/1506514143353/1533317130660>

compensate 142,000 people, having previously acknowledged its inability to fully resolve the water access issue by a target date of March 2021.⁴³²

In June 2022, the Committee on the Rights of the Child (CRC) raised serious concerns about the plight of Anishinaabe Indian children in northwestern Ontario. The water in the area is contaminated with mercury, resulting in chronic and very serious health problems for the local population, both physical and mental. In particular, the Committee notes that children suffer from speech disorder and learning disabilities and are prone to seizures.⁴³³

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.⁴³⁴

In June 2019, the water supply in two tribal areas (Attawapiskat and Eabametung) was found to have excessively high levels of harmful chemicals that can cause cancer.

In early April 2019, it was reported that Norse Caribou Lake Township had requested funding from the federal government to repair a sewer that was polluting the local lake, the township's main source of drinking water. The community had previously been promised CA\$265,000 in funding. However, the funds had not yet been received.

In February 2016, the weakening of environmental regulations, including for extractive industries, was noted by the Committee on Economic, Social and Cultural Rights (CESCR).⁴³⁵ This has exacerbated the already adverse situation

⁴³² 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>

⁴³³ Concluding observations of the Committee on the Rights of the Child on the combined fifth and sixth periodic reports of Canada. June 2022

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fCAN%2fCO%2f5-6&Lang=en

⁴³⁴ 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>

⁴³⁵ Concluding observations of the Committee on Economic, Social and Cultural Rights on the sixth periodic report of Canada. February 2016

surrounding indigenous lands being damaged by these activities. Decisions on environmentally harmful 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.⁴³⁶ In this context, the 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.⁴³⁷

In 2019, the Trudeau government initiated the Impact Assessment Act, which established a legal framework for federal policy to manage the environmental risks of economic activities on Canadian territory, including Indigenous lands. The Act created the Impact Assessment Agency, which is charged with collecting information on proposed industrial projects and determining the extent to which they are consistent with the principles of sustainable development, i.e. protecting the environment, promoting the social and economic well-being of citizens, and protecting their health.

The company or organization proposing an economic project must provide the Agency with detailed information on the schedule of works, research results and forecasts of potential risks, as well as measures to prevent undesirable consequences. Experts and public associations are involved in reviewing and discussing the documentation. It also takes mandatory consultation with Indigenous peoples: Aboriginal peoples are given the

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fCAN%2fCO%2f6&Lang=ru

⁴³⁶ See also Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined twenty-first to twenty-third periodic reports of Canada. August 2017; Concluding observations of the Committee on Economic, Social and Cultural Rights on the sixth periodic report of Canada. February 2016; Concluding observations of the Human Rights Committee on the sixth periodic report of Canada. July 2015

⁴³⁷ Concluding observations of the Committee on Economic, Social and Cultural Rights on the sixth periodic report of Canada. February 2016

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fCAN%2fCO%2f6&Lang=ru

opportunity to express their views on the impact of the project on their communities and on their rights under treaties with the government regarding the use of historical tribal area.

For each project, a separate First Nations Participation and Interaction plan is developed. It lists the tribal chiefs to be consulted, defines the format of communication between the Agency's staff and these chiefs, and sets out the parameters for the use of Aboriginal traditions and the assessment of the impact on their treaty rights. Financial support is available through government funding for Indigenous peoples involved in this work. Since 2019, the Canadian government has spent CA\$21.2 million on training and education for Indigenous professionals and organizations on impact assessments.

Canada's fulfillment of its obligations under the UN Declaration on the Rights of Indigenous Peoples is also ensured by federal law approved in 2021. It requires the government to develop a road map for implementing the Declaration into national law by June 2023 and to report annually on the results achieved. In this way, the Trudeau's government intends to ensure that one of the main principles of the UN instrument is respected in Canada, which is obtaining the "free, prior and informed consent" of Indigenous peoples when making decisions about major infrastructure construction projects.

Despite the steps Ottawa has taken in recent years to legally recognize the importance of consultations with Aboriginal 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 and sometimes lead to lawsuits or confrontations with the police.

Mass protests against the construction of the CA\$6.6 billion Coastal GasLink Pipeline in British Columbia in February 2020 were among the most high-profile cases. The trigger for the escalation was a BC Supreme Court injunction of December 31, 2019, that the police crackdown on First Nations demonstrations against the pipeline was lawful. Hereditary chiefs of the

Wet'suwet'en people cut and felled 100 trees on a forest road, blocking the contractor's workers from accessing the construction site. Aboriginal rights activists rallied in support, organizing rallies across the country and setting up barricades on highways, including those connecting western and eastern Canada. To resolve a crisis that had the potential for serious economic damage, the Government of Canada had to use force and to negotiate with Indian chiefs. As a result of negotiations, the then-Minister of Crown-Indigenous Relations C. Bennett announced that Ottawa recognized the rights to manage the historical tribal lands. A few days later, construction at the site was resumed.

The situation around construction of the second pipeline of the Trans Mountain Pipeline in western Canada is evidence of the continuing mistrust of Aboriginal people 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 August 30, 2018, in response to public unrest, the Trudeau government purchased 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 June 18, 2019, the Trudeau government re-approved the project. On February 4, 2020, the FCA dismissed a lawsuit against the ruling cabinet, 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 ruling.

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, demanding that they stop using force to disperse Indians protesting the Coastal Gaslink Pipeline and Trans Mountain Pipeline construction and suspend the projects.

The CERD cited the example of the Site C dam, which was the subject of opposition by Indigenous peoples whose territories, including sacred lands and burial sites, were affected by the project. Nevertheless, the work on the project was not halted despite a joint review by the Canadian federal and provincial governments of its harmful environmental impacts and irreversible consequences for First Nations.

Another example is the Mount Polley field development project, which was approved without any environmental impact assessment and without consultation with Indigenous peoples. 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 peoples living in the area.⁴³⁸

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 the early 1970s in Igloolik, Nunavut. 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 palm). Both the author of the study (Professor J. Dossetor) and the official authorities, represented by the Ministry of Indigenous Affairs and Health Canada, refused to inform the public.

⁴³⁸ Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined twenty-first to twenty-third periodic reports of Canada. August 2017
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fCAN%2fCO%2f21-23&Lang=ru

According to official data, Canada has one of the lowest TB rates in the world, with reported 1,772 cases annually. But in northern regions, where a large part of the population is Inuit, the number of patients with the infection is 300 times higher than in the rest of the country. In 2018, the federal government committed to eradicating the disease among Inuit by 2030, with \$13 million in funding. However, new cases are still identified in remote communities. In November 2021, Nunavut officials announced an outbreak of tuberculosis – the largest in five years – in the community of Pangnirtung. In August 2022, there were 161 cases registered in the community of 1,600 people, which are 22 more cases than three months earlier.⁴³⁹

Suicide is another acute problem among the peoples of the Canadian North. In October 2022, G.Eggenberger, the Chief Investigator of the Northwest Territories, reported that the region experienced the first recorded increase in suicides in a decade. In 9 months of 2022, 18 people committed suicide (11 people in 2021); 45% of them were men between the ages of 20 and 29.⁴⁴⁰

On July 14, 2022, the Senate of Canada Standing Committee on Human Rights released the second part of the report, the first part of which was made public a year earlier, on June 3, 2021,⁴⁴¹ on the results of the investigation into forced sterilizations that began in 2019.⁴⁴² In preparation for the report, four sittings were held. During these sittings, nineteen witnesses were questioned, including nine victims (mostly indigenous women). All complained that they had not given free, prior and informed consent to be operated on. The medical

⁴³⁹ Nunavut's tuberculosis outbreak continues after more than 20 new cases identified in Pangnirtung. The Globe and Mail. 26 August 2022

<https://www.theglobeandmail.com/canada/article-nunavuts-tuberculosis-outbreak-continues-after-more-than-20-new-cases/>

⁴⁴⁰ Decade-high suicide statistics in N.W.T. 'devastating': health minister. Globe and Mail. 4 October 2022
<https://www.theglobeandmail.com/canada/article-decade-high-suicide-statistics-in-nwt-devastating-health-minister/>

⁴⁴¹ Forced and Coerced Sterilization of Persons in Canada Part I. Report. Senate Committee on Human Rights. June 2021

https://sencanada.ca/content/sen/committee/432/RIDR/reports/2021-06-03_ForcedSterilization_E.pdf

⁴⁴² The Scars that We Carry: Forced and Coerced Sterilization of Persons in Canada Part II. Report. Senate Committee on Human Rights. July 2022

https://sencanada.ca/content/sen/committee/441/RIDR/reports/2022-07-14_ForcedSterilization_E.pdf

staff threatened the patients and misled them about the necessity of the procedure, as well as its consequences. In some facilities, tubal ligations were performed without any consent of the patient at all. The report notes that the hearings reaffirmed the problem of racism existing in obstetrics and discrimination against ethnic minorities in the Canadian health care system.

According to the report of the Committee Against Torture (CAT) of November 2018, at least 55 Indigenous women filed a class action lawsuit against doctors and health care workers at Saskatoon City Hospital for performing tubal ligations without proper consent.⁴⁴³

In light of the human rights violations revealed, the Senators called on the Canadian authorities to amend the Criminal Code by adding a separate article for forced sterilization procedures, introducing (thus, Bill S-250 was introduced in Parliament in June 2022), to develop a program of compensation for victims, to issue a public apology, and to increase funding for the training of medical practitioners on Indian reservations.

International human rights monitoring bodies have paid considerable attention to the issue of disappearances and killings of Indigenous people, especially women. The Committee on the Elimination of Discrimination against Women (CEDAW),⁴⁴⁴ the Human Rights Committee (HRCtee),⁴⁴⁵ the CESCR,⁴⁴⁶ CERD⁴⁴⁷ and CAT⁴⁴⁸ have all addressed the importance of

⁴⁴³ Concluding observations of the Committee Against Torture on the seventh periodic report of Canada. November 2018

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fCAN%2fCO%2f7&Lang=ru

⁴⁴⁴ Concluding observations of the Committee on the Elimination of Discrimination against Women on the combined eighth and ninth periodic reports of Canada. November 2016

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fCAN%2fCO%2f8-9&Lang=ru

⁴⁴⁵ Concluding observations of the Human Rights Committee on the sixth periodic report of Canada. July 2015

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fCAN%2fCO%2f6&Lang=ru

⁴⁴⁶ Concluding observations of the Committee on Economic, Social and Cultural Rights on the sixth periodic report of Canada. February 2016

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fCAN%2fCO%2f6&Lang=ru

⁴⁴⁷ Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined twenty-first to twenty-third periodic reports of Canada. September 2017

investigating such cases and the need to establish a national body to do so in their concluding observations. It should also be noted that disappearances and killings of Indigenous women were examined by CEDAW in 2013, with a separate report published in March 2015.⁴⁴⁹

Under the pressure from international human rights legal arrangements, the Canadian authorities established a National Inquiry into Missing and Murdered Indigenous Women and Girls (later referred to as the "National Inquiry"), which concluded its work in early June 2019.⁴⁵⁰ The main conclusion of the experts was that for centuries the Canadian authorities had systematically subjected the Aboriginal peoples to socio-economic, cultural and linguistic discrimination based on colonial, ethnocentric and racist beliefs rooted in Canadian society. In this context, it was recommended that there should be an urgent government commitment to the creation of a new social fabric that would be free of colonial ideology.

The report mostly focused on the destruction of cultural heritage and identity of Aboriginal women, both in the re-education process in residential schools and in the implementation of government policies for the forcible removal of tribes from newly incorporated territories.

The National Inquiry also came to disappointing conclusions when considering the issue of access to health care for First Nations women: when Indigenous women do seek health care, they receive lower quality services than

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fCAN%2fCO%2f21-23&Lang=ru

⁴⁴⁸ Concluding observations of the Committee against Torture on the seventh periodic report of Canada. November 2018

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fCAN%2fCO%2f7&Lang=ru

⁴⁴⁹ 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>

⁴⁵⁰ The report is available at the links:

https://mmiwg-ffada.ca/wp-content/uploads/2019/06/Final_Report_Vol_la.pdf and

https://mmiwg-ffada.ca/wp-content/uploads/2019/06/Final_Report_Vol_lb.pdf (consists of two volumes)

their white counterparts. 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.

The importance of conducting such an analysis, uncovering the truth, and allowing victims to be heard was noted by the then-UN High Commissioner for Human Rights, M.Bachelet, following her visit to Canada in June 2019.⁴⁵¹ 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 J.Trudeau publicly referred to the government's policy toward Indigenous Canadians as "Canadian genocide",⁴⁵² but later the Chief of Staff and some of his ministers, concerned about the international legal consequences of such a hasty "heartfelt admission" (especially in light of OAS Secretary General Almagro's call for an independent body under the Inter-American Commission on Human Rights to conduct an investigation), chose to use more muted language in public.

The CEDAW expressed concern about the high percentage of girls who suffer discrimination and sexual harassment in schools and about the disproportionately high number of migrants, refugees, asylum-seeking and Indigenous girls who continue to face difficulties in accessing quality education.⁴⁵³

⁴⁵¹ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24714&LangID=E>

⁴⁵² 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-mmivg-genocide-1.5161681>

Trudeau accepts inquiry finding of genocide, but says focus must be on response, The Canadian Press, 5 June 2019

<https://youtu.be/k81aqStX-vg>

⁴⁵³ *Ibid.*

The HRC Special Rapporteur on the Rights of Indigenous Peoples noted the adoption of legislation that removes some of the discriminatory effects of previous provisions under which Indigenous women, as well as all their descendants, who marry "non-status" men lose their Indian status, while non-Indigenous women married to "status" Indians retain it. He noted that this status continues to be denied to certain categories of people because of historical discrimination against maternal descendants.⁴⁵⁴

The CRC urged the Canadian authorities to review the legislation in order to ensure equal opportunities for men and women to pass on Indian status to their grandchildren. In addition, the Committee's experts suggested taking measures such as restoring names on birth certificates where they have been illegally altered or erased, as well as legislative and administrative measures that would take into account the rights of Indigenous children to keep their names, to preserve their native culture and language, and grant these children opportunities to learn about their cultural identity.⁴⁵⁵

The CRC also criticized the difficulty for indigenous parents to access the birth registration process.⁴⁵⁶

A structural nature of discrimination against Indigenous children and children of African descent was also criticized by the CRC. Experts noted that education, health and adequate standard of living remained the most problematic aspects.⁴⁵⁷

⁴⁵⁴ Report of the Special Rapporteur of the UN Human Rights Council (HRC) on the rights of indigenous peoples on the twenty-seventh session of the Council. *Addendum: The situation of indigenous peoples in Canada*. A/HRC/27/52/Add.2. July 2014

<https://undocs.org/A/HRC/27/52/Add.2>

⁴⁵⁵ Concluding observations of the Committee on the Rights of the Child on the combined fifth and sixth periodic reports of Canada. June 2022

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fCAN%2fCO%2f5-6&Lang=en

⁴⁵⁶ *Ibid.*

⁴⁵⁷ Concluding observations of the Committee on the Rights of the Child on the combined fifth and sixth periodic reports of Canada. June 2022

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fCAN%2fCO%2f5-6&Lang=en

The CERD expressed concern about reports of unequal distribution of educational resources and inadequate funding for mother-tongue education programs, resulting in unequal access to quality education for certain groups of children, particularly Afro-Canadian and Indigenous children, and potentially leading to socio-economic disparities among these groups.⁴⁵⁸

A report on the state of northern dialect studies in Nunavut schools found that despite the inalienable right of indigenous peoples to be educated in their native language, only 11 institutions in the region offer a set of basic subjects in Inuktitut (one of the main Inuit dialects), and only up to and including Grade 5. In high school, to the great detriment of their national identity, students study either in English or French. The report notes that the territorial government's program to hire teachers who are required to speak local languages is a 10-year effort and will take a long time to produce results.⁴⁵⁹

In addition, the CERD has highlighted that black students are disciplined more harshly than other students, which often forces them to drop out and leads to a school-to-prison pipeline.⁴⁶⁰ This problem was also highlighted by the CESCR in February 2016, emphasizing that Afro-Canadian and Indigenous children have lower educational indicators and academic performance, resulting in higher dropout rates among this group at all levels of schooling.⁴⁶¹

Youth poverty and vagrancy among Aboriginal people are widespread in Canada. According to the report by the Assembly of First Nations, NGO, the percentage of poor Indigenous children is several times higher than among

⁴⁵⁸ Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined twenty-first to twenty-third periodic reports of Canada. September 2017
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fCAN%2fCO%2f21-23&Lang=ru

⁴⁵⁹ A full version of the report is available at the link:
<http://s3.documentcloud.org/documents/5977981/NuLinguicideReportFINAL.pdf>

⁴⁶⁰ Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined twenty-first to twenty-third periodic reports of Canada. August 2017
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fCAN%2fCO%2f21-23&Lang=ru

⁴⁶¹ Concluding observations of the Committee on Economic, Social and Cultural Rights on the sixth periodic report of Canada. February 2016
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fCAN%2fCO%2f6&Lang=ru

white Canadian population. The highest rates – 47% – are found among Indian tribes (up to 65% in the provinces of Manitoba and Saskatchewan).

Over the past decade, the situation in one of the most economically developed provinces, British Columbia, has deteriorated sharply. The worst situation is seen in Kamloops and its suburbs, with a population of about 300 thousand people, including 84 thousand Indians, where poverty among people under 18 years of age reaches 30%. According to experts, there are 7.7 socially disadvantaged children per 1,000 people (twice the national rate), 78% of whom are Aboriginal.⁴⁶² 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 the CERD have pointed out that First Nations children are more likely to be isolated from their families, communities and culture and to be placed in child care.⁴⁶³

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 to be victims of violence and abuse and to suffer from a lack of attention from caregivers.⁴⁶⁴

⁴⁶² The province of Manitoba topped the list, with January 2019 data showing that 90% of the 11,143 children who receive subsidies are Indigenous

⁴⁶³ Concluding observations of the Human Rights Committee on the sixth periodic report of Canada. July 2015 https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fCAN%2fCO%2f6&Lang=ru:

Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined twenty-first to twenty-third periodic reports of Canada. August 2017

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fCAN%2fCO%2f21-23&Lang=ru

⁴⁶⁴ Concluding observations of the Committee on the Rights of the Child on the combined fifth and sixth periodic reports of Canada. June 2022

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fCAN%2fCO%2f5-6&Lang=en

In January 2022, the federal government and Aboriginal organizations reached an agreement in principle⁴⁶⁵ to pay CA\$40 billion to compensate the victims of welfare discrimination against children on Indian reserves between April 1, 1991 and March 31, 2022. In July 2022, the parties signed the first part of the CA\$20 billion agreement, but it still requires the approval of the Canadian Human Rights Tribunal and the Federal Court.⁴⁶⁶ At least 200,000 people have been victims of the Canadian welfare system, according to the Assembly of First Nations, NGO. As part of the second part of the agreement, Ottawa plans to conduct an audit of the department's services to aboriginal people.

The CEDAW was concerned by reports that indigenous women and girls in the foster care and child welfare systems are at particular risk of being trafficked for sexual exploitation.⁴⁶⁷

The National Aboriginal Circle Against Family Violence (NACAFV) has indicated that in most Canadian communities, social services are funded through provincial or territorial governments. However, on First Nations reserves, these services are generally funded by the federal government. In many areas, the federal government provides significantly less per capita funding for programs and services than the provincial and territorial governments do.⁴⁶⁸

The HRC Special Rapporteur on the Rights of Indigenous Peoples also pointed out that the housing situation of Inuit and First Nations communities has

⁴⁶⁵ Ottawa releases early details of landmark \$40B First Nations child welfare agreement. CBC. 4 January 2022 <https://www.cbc.ca/news/politics/first-nations-child-welfare-agreements-in-principle-1.6302636>

⁴⁶⁶ Final settlement agreement on compensation signed for First Nations children and families. Indigenous Services Canada. 4 July 2022 <https://www.canada.ca/en/indigenous-services-canada/news/2022/07/final-settlement-agreement-on-compensation-signed-for-first-nations-children-and-families.html>

⁴⁶⁷ Concluding observations of the Committee on the Elimination of Discrimination against Women on the combined eighth and ninth periodic reports of Canada. November 2016 https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FCO%2FCA%2FCO%2F8-9&Lang=ru

⁴⁶⁸ Report of the Office of the United Nations High Commissioner for Human Rights (Summary of Stakeholders' submissions on Canada), prepared for the thirteen session of the Universal Periodic Review. March 2018 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/059/71/PDF/G1805971.pdf?OpenElement>

reached crisis levels. People are living in overcrowded conditions and their homes are in need of repair.⁴⁶⁹

In January 2019, a state of emergency was declared on the Cat Lake Indian Reserve in Ontario due to the emergency condition of the housing stock. Lacking basic amenities, the cardboard homes of local residents 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 Municipal Council urgently asked the provincial and federal authorities to intervene and consider evacuation. In December 2018, CA\$200,000 were approved to inspect 110 homes.

The number of Aboriginal people in Canada's correctional facilities is steadily increasing. According to official data, their share in federal prisons exceeded 32% in 2021⁴⁷⁰ (compared to 25% in 2016) and 54% in the western provinces (Alberta, Manitoba, Saskatchewan).⁴⁷¹ Since 2010, the number of First Nations people in federal prisons has increased by 43%, while the number of people of other categories have decreased by 14%. The incarceration rate for Indigenous women reached an all-time high of 50%. In provincial prisons, the share of Indigenous people increased from 21% to 30% between 2008 and 2018. Aboriginal people are mostly sent to maximum security prisons, serve longer sentences, and are often placed in solitary confinement. Recidivism rates for Indigenous people in the western provinces are as high as 70%.⁴⁷²

⁴⁶⁹ Report of the Special Rapporteur of the UN Human Rights Council (HRC) on the rights of indigenous peoples on the twenty-seventh session of the Council. *Addendum: The situation of indigenous peoples in Canada*. A/HRC/27/52/Add.2. July 2014
<https://undocs.org/A/HRC/27/52/Add.2>

⁴⁷⁰ Nearly half of federally incarcerated women are Indigenous, evidence of "public policy failures". *The Globe and Mail*. 17 December 2021
<https://www.theglobeandmail.com/politics/article-rate-of-federally-incarcerated-indigenous-women-nears-sad-milestone/>

⁴⁷¹ The Indigenous people killed by Canada's police. *Al Jazeera*. 24 March 2021
<https://www.aljazeera.com/features/2021/3/24/the-indigenous-people-killed-by-canadas-police>

⁴⁷² 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>

The Minister of Justice and Attorney General of Canada, D.Lametti, acknowledged the government's inability to find a way out of the situation. He hoped that progress would come from the incorporation of the UN Declaration on the Rights of Indigenous Peoples into national law and the passage of Bill C-5, which would repeal mandatory minimum sentencing for more than 20 types of offences.⁴⁷³

The overrepresentation of Indigenous and Afro-Canadians at all stages of the justice system, from arrest to incarceration, was noted by CERD in September 2017. The human rights body attributed the reasons for this situation primarily to widespread poverty and inadequate social services for members of this group.⁴⁷⁴ The fact that Indigenous peoples and people of African descent in Canada are disproportionately more likely to face poverty than the rest of the population was also criticized by the CERD.⁴⁷⁵

In 2019, after analyzing the results of a survey of 491,000 Canadians, researchers at the University of Toronto found that black people are more affected by food insecurity. Only 10% of Caucasian families experienced a food crisis, while the figure was twice as high for people of African descent, at 28.4%.⁴⁷⁶ According to NGOs, CA\$25 million allocated by the federal government in March 2019 to support black communities never reached recipients.

At the same time, the CESCR's concluding observations noted with concern the decrease in already scarce funding for indigenous peoples, both on

⁴⁷³ Ottawa will implement legislation to decrease Indigenous incarceration, Canada's Justice Minister says. Globe and Mail. 16 May 2022

<https://www.theglobeandmail.com/canada/article-justice-minister-adamant-high-rate-of-indigenous-incarceration-will/>

⁴⁷⁴ Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined twenty-first to twenty-third periodic reports of Canada. September 2017

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fCAN%2fCO%2f21-23&Lang=ru

⁴⁷⁵ Concluding observations of the Committee on the Rights of the Child on the combined fifth and sixth periodic reports of Canada. June 2022

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fCAN%2fCO%2f5-6&Lang=en

⁴⁷⁶ Race and food insecurity. Foodshare. November 2019

https://foodshare.net/custom/uploads/2019/11/PROOF_factsheet_press_FINAL.6.pdf

and off reserves. The experts also noted that this situation is exacerbated by jurisdictional disputes between the federal and provincial governments over funding for indigenous peoples.⁴⁷⁷

In May 2022, the Auditor General of Canada, K.Hogan, discovered as a result of an audit of the Correctional Service of Canada that officers of this agency, guided by long-outdated instructions, disproportionately placed people of color and Indigenous people in cells with enhanced security. As a result, inmates were forced to stay in jail longer than their court sentences required. Hogan said it was a strong indication of systematic racism. Auditors had previously called attention to the problem in 2015, 2016 and 2017.

Compared to other ethnic groups, the percentage of Blacks and Indians in maximum security cells is 51%. The situation is even worse for convicted First Nations women: 70% of them are in such cells. The statistics do not favor minorities of color either: 53% of women of color, 46% of men of color, and only 33% of white citizens are transferred to maximum security cells.⁴⁷⁸

For Canadian law enforcement officers, racial profiling is a common practice. It has a particularly detrimental effect on Aboriginal people, as well as Muslims, Afro-Canadians and other ethnic minority groups.⁴⁷⁹

The UN Working Group of Experts on People of African Descent reported the frequency of racial profiling in Canada. Experts noted that approximately 1,500 Ontarians have been racially profiled by police in the workplace, educational institutions, hospitals, shopping malls, and the airport in

⁴⁷⁷ Concluding observations of the Committee on Economic, Social and Cultural Rights on the sixth periodic report of Canada. February 2016

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fCAN%2fCO%2f6&Lang=ru

⁴⁷⁸ 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. 6 June 2022

⁴⁷⁹ Concluding observations of the Committee Against Torture on the seventh periodic report of Canada. November 2018

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fCAN%2fCO%2f7&Lang=ru

Report to the Human Rights Council 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>

their report to the 74th UN General Assembly, citing the Ontario Human Rights Commission's report "Under Suspicion: Research and Consultation Report on Racial Profiling in Ontario."⁴⁸⁰

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), over one-third (28%) 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 4% 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.⁴⁸¹

Black-skinned 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% of drivers in Ottawa, people of African origin were stopped 7,238 times over the course of two years, accounting for 8.8% of all motorists stopped during that time.⁴⁸²

A team of independent experts who looked into cases involving Montreal police detaining residents between 2014 and 2017 also came to the conclusion that particular racial groups were routinely targeted by law enforcement. Thus, natives and black-skinned people are stopped in the street four times each, and Arab people are stopped twice as often as white people.⁴⁸³ The NGO Black

⁴⁸⁰ 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/ru/A/74/274>

⁴⁸¹ Halifax, Nova Scotia: Street Checks Report.

https://humanrights.novascotia.ca/sites/default/files/editor-uploads/halifax_street_checks_report_march_2019_0.pdf

⁴⁸² 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/ru/A/74/274>

⁴⁸³ Les interpellations policières à la lumière des identités racisées des personnes interpellées/ le Centre de recherché interdisciplinaire sur la diversité et la démocratie (CRIDAQ).

Coalition of Quebec filed a class action complaint in a Montreal court in August 2019 about arbitrary police arrests and interrogations of people of non-European appearance.⁴⁸⁴

The murder of African-American George Floyd in the United States on May 25, 2020, set off a powerful wave of protest in Canadian society. Major cities around the country hosted numerous "Black Lives Matter" anti-racism protests. The demonstration in Ottawa on June 6, 2020 was attended by Justin Trudeau, who knelt in solidarity with the participants. Furthermore, the Prime Minister openly admitted the presence of "systemic racial discrimination" in the country in June 2020. However, some of Canada's senior officials disagreed with this interpretation. The Premier of Quebec, François Legault, refused to accept the thesis that there are structural problems of racism in his province. RCMP Commissioner Brenda Lucki also initially questioned the need to use such harsh language in relation to law enforcement, but after criticism of her and calls for her to leave her post she changed her viewpoint to the diametrically opposite.

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 racial and ethnic diversity, the numbers are biased toward Afro-Canadians and Indigenous people.⁴⁸⁵

In the debate about systemic prejudice 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 color. On May 27, 2020, Reggie

https://cridaq.uqam.ca/wp-content/uploads/2019/10/Rapport_Armony-Hassaoui-Mulone-1.pdf

⁴⁸⁴ Lawsuit coming to examine Montreal police racial discrimination. CTV Montreal. August 13, 2019.

<https://montreal.ctvnews.ca/lawsuit-coming-to-examine-montreal-police-racial-discrimination-1.4547602>

⁴⁸⁵ 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/ru/A/74/274>

Korczynski Packett, 29, who suffered from mental illness, fell from the balcony of her own apartment on the 24th floor in Toronto during a police raid. A 20-year-old Inuit who was under the influence of alcohol was struck and killed by a police car on June 1, 2020 in Kingait Township, Nunavut Territory. He was assaulted at the detention center by a fellow inmate and had to be hospitalized⁴⁸⁶ On June 4, 2020, in Edmundston, New Brunswick, law enforcement officers shot and killed 26-year-old Chantel Moore (according to the investigation, she attacked a police officer with a knife) during an operational check. On June 12, 2020, an indigenous man named Rodney Levy was killed by police in New Brunswick. In June 2020, video surfaced of the March police beating of Athabasca Chippewan tribal chief Allan Adam in Fort McMurray, Alberta, for expired license plates on his car. A 62-year-old Pakistani man with schizophrenia was shot and killed by a police officer in Peel, Ontario on June 20, 2020. Journalists estimate that since April 2020, six indigenous people in Winnipeg, New Brunswick and Nunavut have been killed in Canada.

Cases of openly barbaric treatment of the indigenous population, and not only by law enforcement officials, have also been recorded. On December 20, 2019, police in Vancouver used force while detaining an Indigenous man at a bank who was trying to open an account for his 12-year-old granddaughter. In February 2020, Inuit women in Nunavut who were victims of domestic violence were arrested for drinking alcohol. In June 2020, the Métis of British Columbia asked authorities to verify information about emergency room employees who, they said, were playing guessing blood-alcohol levels in "First Nations" patients.

At the same time, there is the issue of law enforcement personnel's formal attitude against indigenous people and their unwillingness to investigate crimes

⁴⁸⁶ The death rate in police stations in Nunavut is higher than in other provinces. Since February 2020, there have been three cases of police officers using guns.

committed against this community. The facts of the questionable quality of law enforcement officers' work on First Nation Indian reserves 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.⁴⁸⁷

After two years of work, Montreal's Office of Public Consultation presented a report on June 15, 2020, arguing that the metropolitan police force has a culture of impunity, accompanied by apathy to allegations of racial violence and prejudice. Furthermore, just 7.7% of the city's police enforcement organizations are made up of people of color, and less than 1% of management officers (35% of Montreal's total) are made up of people of color.⁴⁸⁸

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.⁴⁸⁹

⁴⁸⁷ Toward Peace, Harmony, and Well-Being: Policing in Indigenous Communities. Council of Canadian Academies.

<https://www.scienceadvice.ca/wp-content/uploads/2019/04/FullReport-Toward-Peace-Harmony-and-WellBeing.pdf>

⁴⁸⁸ Summary Report: Public Consultation on Systemic Racism and Discrimination within the Jurisdiction of the City of Montréal. Office de consultation publique de Montréal. June 15, 2020

https://ocpm.qc.ca/sites/ocpm.qc.ca/files/pdf/P99/resume-reds_english.pdf

⁴⁸⁹ Report of the Special Rapporteur of the UN Human Rights Council on the rights of indigenous peoples, Victoria Tauli-Corpuz, pursuant to HRC resolution 33/12. A/74/149.

<https://undocs.org/ru/A/74/149>

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 centers designated for them, and existing legal provisions aimed at punishing such persons, yet containing no solution to the problem itself. This was brought to the CESCR's attention in 2016, among other places. The Committee also pointed to insufficient state building funding, including a lack of social housing, an insufficient share of the housing subsidy in social assistance income, and an increase in evictions for rent arrears.⁴⁹⁰

In April 2022, the human rights organization B'nai Brith (Sons of the Covenant) published its 2021 report on anti-Semitism in Canada. A total of 2,799 such incidents were recorded, including assaults on citizens, vandal attacks on synagogues, and the depiction of swastikas in schools. Compared to 2020. (2,460) the number of criminal acts increased by 9%. Simultaneously, the number of violent incidents climbed sevenfold, from nine to 75. The leaders in statistics are Quebec (828), Ontario (821) and British Columbia (409). Students were identified as the main "breeding ground" for antisemitism. Members of the Jewish community were most often insulted and abused at institutions of higher learning.⁴⁹¹

⁴⁹⁰ 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

⁴⁹¹ Antisemitism in Canada at record levels in 2021 with surge in violence, audit finds. CBC News. April 25, 2022
<https://www.cbc.ca/news/canada/canada-antisemitism-violence-report-1.6430495>;
 Annual Audit of Antisemitic Incidents 2021. B'nai Brith Canada. 2022
<https://drive.google.com/file/d/1X2wPDzEol3edqk1DtBuVeCvaZSM7lzM5/view>

Instances of antisemitism have been documented at York, McGill, Ryerson, and Toronto universities, among others.⁴⁹² The Edmonton Journal (Alberta) was convicted of intentional hate propaganda in connection with the publication of an offensive cartoon.⁴⁹³ There have been calls on social media for a boycott of small and medium-sized businesses owned by Israelis.⁴⁹⁴ Statements by Quebec politician Gillett recognized by the leadership of the Liberal Party as a manifestation of intolerance towards an ethnic group.⁴⁹⁵ Racist graffiti was sprayed on election posters of members of the Jewish community.⁴⁹⁶ People were attacked, anti-Semitic slurs were made repeatedly,⁴⁹⁷ and there were multiple acts of damage,⁴⁹⁸ including the display of Nazi emblems.⁴⁹⁹

In November 2020, Canadian Prime Minister Justin Trudeau, recognizing that anti-Semitism was on the rise in Canada and the world, appointed a Special Representative for Holocaust Remembrance and Combating Anti-Semitism.⁵⁰⁰

⁴⁹² Antisemitism on Canadian campuses. The Jerusalem Post. December 10, 2019.

<https://www.jpost.com/opinion/antisemitism-on-canadian-campuses-610537>

⁴⁹³ Edmonton newspaper under fire for 'anti-semitic' cartoon. The Canadian Jewish News. August 8, 2019

<https://www.cjnews.com/news/canada/edmonton-newspaper-under-fire-for-anti-semitic-cartoon>

⁴⁹⁴ BDS campaign targeting Toronto businesses backfires. The Canadian Jewish News. September 6, 2019.

<https://www.cjnews.com/news/canada/bds-campaign-targeting-toronto-businesses-backfires>

⁴⁹⁵ Montreal Liberal candidate turfed following anti-Semitism allegations. Global News. August 30, 2019

<https://globalnews.ca/news/5838086/montreal-liberal-antisemitism-allegations/>

⁴⁹⁶ Campaign signs across Canada are being defaced with hateful graffiti. The Hill Times. September 23, 2019.

<https://www.hilltimes.com/2019/09/23/campaign-signs-across-canada-are-being-defaced-with-hateful-graffiti/215779>

⁴⁹⁷ Taxi company fires driver behind alleged anti-Semitic assault. CTV News. August 1, 2019.

<https://montreal.ctvnews.ca/taxi-company-fires-driver-behind-alleged-anti-semitic-assault-1.4533089>

⁴⁹⁸ Montsion defence requests additional security after men yelled anti-Semitic slurs in courthouse confrontation. Ottawa Citizen. March 13, 2019.

<https://ottawacitizen.com/news/local-news/montsion-defence-requests-additional-security-after-men-yelled-anti-semitic-slurs-in-courthouse-confrontation/>

⁴⁹⁹ Police looking for suspects after 6 hate crimes, some anti-Semitic, reported in Burlington. Global News. June 5, 2019.

<https://globalnews.ca/news/5354368/six-hate-crimes-burlington-halton-police/>;

Two charged in relation to anti-Semitic graffiti at Beth Jacob Synagogue. The Hamilton Spectator. October 11, 2019.

<https://www.thespec.com/news/crime/2019/10/11/two-charged-in-relation-to-anti-semitic-graffiti-at-beth-jacob-synagogue.html>;

London police investigate swastika vandalism at Muslim newcomer home. CBC News. March 22, 2019.

<https://www.cbc.ca/news/canada/london/london-ontario-swastika-vandalism-1.5066841>

⁵⁰⁰ Prime Minister announces Special Envoy on Preserving Holocaust Remembrance and Combatting Antisemitism. Office of Prime Minister of Canada. November 25, 2020.

<https://pm.gc.ca/en/news/news-releases/2020/11/25/prime-minister-announces-special-envoy-preserving-holocaust>

However, crimes in this area have not ceased. For example, in January 2021, an act of vandalism to a synagogue in Westmount, Quebec Province, garnered widespread condemnation after a young man painted a Nazi swastika on the walls.⁵⁰¹

On the proposal of the federal government, the Parliament of Canada amended the Criminal Code of Canada in June 2022, providing for prison penalties of up to two years for public denial of the Holocaust or downplaying the role of the Nazi regime in the mass murder of Jews. The federal budget also allocated C\$70 million to support the Jewish community. 20 million for the renovation of Montreal's Holocaust Museum and 2.5 million to support a Toronto educational center.⁵⁰²

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 served in France during World War I. The unit was formed in 1916 in Nova Scotia. Black Canadians who were members of the Construction Battalion No. 2 faced discrimination, including confinement in concentration camps and denial of basic medical care, food, and equipment.⁵⁰³

Notably, Justin Trudeau was accused of racism during the September 2019 campaign after archive images of him wearing blackface makeup were published. Later, the politician admitted to "unconscious racism" and apologized to Canadian minorities.⁵⁰⁴

⁵⁰¹ SPVM's hate crime unit investigating after Westmount, Que., synagogue defaced by swastikas. Global News. January 13, 2021.

⁵⁰² Ottawa to outlaw Holocaust denial, playing down the Nazis' murder of Jews. Globe and Mail. April 8, 2022. <https://www.theglobeandmail.com/canada/article-ottawa-to-outlaw-holocaust-denial-downplaying-the-nazis-murder-of-jews/>

⁵⁰³ Prime minister apologizes for anti-Black racism experienced by No. 2 Construction Battalion. CBC News. July 9, 2022. <https://www.cbc.ca/news/canada/nova-scotia/canadian-government-apologizes-to-relatives-of-no-2-construction-battalion-1.6513861>

⁵⁰⁴ "Deep disappointment": Trudeau revisits blackface in Black History Month reception. Canadian Press. February 25, 2020. <https://globalnews.ca/news/6591552/trudeau-blackface-black-history-month/amp/>

The results of the 2019 Stats Survey, published in February 2022, revealed that one in every five Canadians (19%) experienced prejudice between 2014 and 2019. And black citizens are harassed far more often than others. Almost half of African Canadians (46%) reported violations of their rights. In 2014, this figure was much lower – 28%. Among the indigenous population, one in three (33%) experienced discrimination. Specifically, Indians 44%, Métis 24%, and Inuit 29%.⁵⁰⁵

Hate crimes increased considerably in Canada during the first year of the coronavirus outbreak. According to a February 2022 report circulated by the Stats Service,⁵⁰⁶ there were 2,669 such offenses in 2020, a 37% increase over 2019. (1946). The number of violent occurrences has also increased from 865 to 1,143. The sharpest rise in numbers were in Ontario (+316), British Columbia (+198), Quebec (+86) and Alberta (+84). More than fifty percent of the 1,594 instances were aimed at members of a certain racial or ethnic group. People of African (663), Asian (388), and Native American (73) origin faced the most discrimination. There were 321 incidences of religiously motivated aggression directed at Jews, 182 directed at Muslims, and 12 directed at members of other religions.

Statistics Canada previously disclosed data on the huge spike in insults directed against racial minorities since the COVID-19 pandemic began in July 2020.⁵⁰⁷ According to a survey of 43,000 people, one in every five (21%) "colored" Canadians has faced discrimination. People of African descent (26 per cent), Koreans (26 per cent), Chinese (22 per cent), and Filipinos (22 per cent) were the most frequent victims.

⁵⁰⁵ Discrimination experiences among Canada's Black and Indigenous people, 2019. Statistics Canada. February 16, 2022

<https://www150.statcan.gc.ca/n1/pub/85-002-x/2022001/article/00002-eng.htm>

⁵⁰⁶ Police-reported hate crime in Canada, 2020. Statistics Canada.

<https://www150.statcan.gc.ca/n1/pub/85-002-x/2022001/article/00005-eng.htm>

⁵⁰⁷ Perceptions of personal safety among population groups designated as visible minorities in Canada during the COVID-19 pandemic. Statistics Canada. July 8, 2020

<https://www150.statcan.gc.ca/n1/pub/45-28-0001/2020001/article/00046-eng.htm>

According to the March 2021 report of the NGO COVID Racism,⁵⁰⁸ 1,150 people reported anti-Asian racism between March 10, 2020 and February 28, 2021. Attacks were mainly against vulnerable segments of the population (the elderly, young people, the poor). The incidents most often occurred in public places. Sixty percent of the victims were women. On March 23, 2021, initiated by the opposition New Democratic Party, the House of Commons unanimously approved a resolution condemning racism against people of Asian descent.

In Vancouver, Canadian entrepreneurs of Chinese origin were forced to reduce business activity by 50-70%.⁵⁰⁹ In the Greater Toronto Area, Chinese restaurant sales are down 30-80%.⁵¹⁰

One in six respondents to a study of ethnic Chinese people taken between June 15 and June 18, 2020, reported altering their daily routine to avoid confrontational situations in public. Survey respondents reported being threatened 43% of the time and insulted 50% of the time throughout the outbreak.⁵¹¹

On April 8, 2020, Canadian Human Rights Commissioner Marie-Claude Landry expressed concern about the "outbreak of racism" that occurred in the aftermath of COVID-19.⁵¹²

⁵⁰⁸ A Year Of Racist Attacks: Anti-Asian Racism Across Canada. One Year Into The Covid-19 Pandemic. Report. March 23, 2021.

https://mcusercontent.com/9fbfd2cf7b2a8256f770fc35c/files/35c9daca-3fd4-46f4-a883-c09b8c12bbca/covidracism_final_report.pdf

⁵⁰⁹ Vancouver's Chinese-Canadian businesses report up to 70 % business drop amid virus fears. Global News. February 17, 2020.

<https://globalnews.ca/news/6560530/vancouver-chinatown-business-drop-coronavirus/>

⁵¹⁰ Chinese restaurants in GTA see large drop in sales in weeks after coronavirus outbreak. The Globe and Mail. February 11, 2020.

<https://www.theglobeandmail.com/canada/toronto/article-chinese-restaurants-in-gta-see-large-drop-in-sales-in-weeks-after/>

⁵¹¹ Blame, bullying and disrespect: Chinese Canadians reveal their experiences with racism during COVID-19. Angus Reid Institute. June 22, 2020.

<https://angusreid.org/racism-chinese-canadians-covid19/>

⁵¹² Racism in response to COVID-19 harms us all. Statement of Marie-Claude Landry, Chief Commissioner of the Canadian Human Rights Commission.

<https://www.chrc-ccdp.gc.ca/eng/content/statement-racism-response-covid-19-harms-us-all>

Canadian politicians also indulged in fomenting nationalist sentiment. In April 2020, Conservative Party member of the House of Commons Derek Sloan, expressing dissatisfaction with the actions of Canada's Chief Medical Officer Theresa Tam to combat the COVID-19 pandemic, accused her of aiding and abetting the PRC. Despite the outrage of the Chinese diaspora, who condemned the incident as racist, the MP refused to apologize to the official.

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.⁵¹³

According to the report, Police Registered Crime Statistics, released on August 2, 2022, the overall number of criminal offenses motivated by hate continued to grow in 2021, increasing by 27% over the previous reporting period. Jews were found to be the most at risk (487 crimes), followed by blacks (642 crimes). Overall, there was a rise in hate crimes committed against religious minorities: Jews increased by 47%, Muslims by 71%, and Catholics by 260%.⁵¹⁴

CERD experts, in their recent concluding observations on Canada's next periodic report, expressed concern that the actual number of racially motivated hate crimes in Canada may be much higher than the statistics, as not all incidents of offences are reported to Canadian law enforcement. The Committee noted that the number of reported racially motivated hate crimes against Muslims increased by 61%.⁵¹⁵

⁵¹³ Independent senators push to suspend Beyak again, despite apology. National Post. February 26, 2020. <https://nationalpost.com/pmn/news-pmn/canada-news-pmn/independent-senators-push-to-suspend-beyak-again-despite-apology>

⁵¹⁴ Police-reported crime statistics in Canada, 2021. August 2, 2022 <https://www150.statcan.gc.ca/n1/en/pub/85-002-x/2022001/article/00013-eng.pdf>

⁵¹⁵ Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 21st to 23rd periodic reports of Canada. August 2017.

For more than five 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 color for slavery and compensate their representatives.⁵¹⁶

Extremist ideas, especially neo-Nazi and right-wing extremist ideas, are becoming more and more entrenched in Canadian society. 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 options were determined to be ineffective.⁵¹⁷

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 British Columbia, Alberta, Ontario, and Quebec. The radical agenda includes xenophobia, hostility toward immigrants, hatred of women, and power-grabbing upheaval. To some extent, tight limitations on persons who have not been

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fCAN%2fCO%2f21-23&Lang=ru

⁵¹⁶ Report of the Working Group of Experts on People of African Descent on its mission to Canada. August 16, 2017

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/239/62/PDF/G1723962.pdf>

⁵¹⁷ Canadian military not doing enough to detect, prevent extremism in the ranks: report. CBC News. April 25, 2022

<https://www.cbc.ca/news/politics/military-report-racism-1.6429794>

immunized against COVID-19 have contributed to an upsurge in societal radicalism. To spread their ideas, extremists use little-known social networks that do not have the technology to filter illegal online content.⁵¹⁸

On June 19, 2020, the Institute for Strategic Dialogue 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.

The CERD noted that anti-racism framework law does not exist in all Canadian provinces and territories.⁵¹⁹ Another barrier to resolving racial prejudice is that Canada does not routinely gather statistics "by skin color" to measure socioeconomic disparities in society. As a result, on June 15, 2020, the Alberta government stated that it saw no sense in applying such procedures.

Another form of xenophobia – Russophobia – is becoming increasingly commonplace in Canadian society. After the Russian Armed Forces launched a specific military campaign to demilitarize and denazify Ukraine, ethnic discrimination against the Russian and Russian-speaking population became extremely common. Russian diplomatic missions in Canada began receiving regular complaints of threats and insults received in person and over e-mail by our compatriots, as well as property damage and harassment at schools and universities. Ukrainian neo-Nazis in Montreal sent letters to Canadian companies demanding that they fire Russians from their jobs and compiled lists of prominent Russian-speaking lawyers. Private Russian-language schools have

⁵¹⁸ 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>

⁵¹⁹ 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

been compelled to operate remotely since March 2022 as a result of the current circumstances.

Previously, the COVID-19 pandemic had an impact on the Russian-language educational environment. There were active private schools that taught Russian history, language, literature, and geography, employed teachers who were Russian compatriots, and used Russian educational resources in addition to the mandatory subjects required by the Canadian educational system, in many major Canadian cities, including Winnipeg, Vancouver, Halifax, Calgary, Montreal, Ottawa, Toronto, and Edmonton. However, in order to combat the coronavirus, the Canadian government has reduced class numbers and maintained social distance, which has led a number of Canadian educational institutions to unilaterally cancel their leasing agreements with Russian schools that had been housed on their property.

There have been instances of physical violence, and the cause of the hostility may have been the straightforward use of the Russian language, regardless of the speaker's race. One example is the assault on a Moldovan citizen by three teenagers when they overheard the woman speaking Russian on the phone, the teenagers threw her to the ground.

There is noticed serious administrative and public pressure on business connected with Russia. Aggression against all things Russian forces private company owners to remove all references to Russia and the Russians. For example, on March 10, 2022, the Russian Spoon bakery in Vancouver was forced to remove the word "Russian" from its name because of threats.

The sphere of culture fell under the restrictions. The Canadian side cancelled the concerts of the young Russian virtuoso pianist Alexander Malofeev in Vancouver and Montreal. The Canadian Council for the Arts has refused to sponsor creative projects involving Russian or Belarusian cultural leaders until the Russian military has left Ukraine's borders.

On March 16, 2022, the Canadian media regulator formally voted to prohibit RT and RT France from airing in the country at the request of the federal government. At the same time, local cable TV providers announced that they were excluding all Russian channels from their networks. As a result, the Canadian authorities continued their program of purging Canada's information field, denying its residents and Russian compatriots living in the country access to alternative information.

Russophobic manifestations occurred in this nation before February 2022, largely as a result of the activities of the Ukrainian population in Canada, especially the offspring of Stepan Bandera and Roman Shukhevych's adherents. The controversy surrounding the customary Victory Day celebration by Russian compatriots in Ottawa near the T-34 tank housed at the War Museum of Canada is one of the most striking examples. In 2018, the management of the cultural institution decided to ban the event from its premises. The Ukrainian Canadian Congress (UCC) Ottawa branch's open letter to museum director James Fleck, in which the commemoration of the Great Patriotic War's triumph was decried as glorifying of the "criminal Soviet regime," served as the impetus for this. Even so, on their own initiative, concerned locals continue to place flowers to the "T-34" tank on the museum's property.

Pro-Banderite organizations circulated murder threats on social media the night before May 9 of 2022 against anyone who would be confronted with a St. George's ribbon. One of the event's organizers in Calgary was struck by a car bearing Ukrainian flags and lacking license plates. The law enforcement agencies did not search for the attackers.

The Canadian authorities are against and even repress the patriotic actions of the Russian-speaking diaspora. Canadian law enforcement authorities have fired people of Russian heritage and conducted administrative audits and interrogations of them. The forthcoming World Congress of Compatriots will

feature representatives from the Coordinating Council of Russian Compatriot Organizations, which is why the special services are paying more attention.

There have also been restrictions on freedom of opinion and expression in the past, specifically targeting journalists of the Russian media. For instance, in 2019, Canada's foreign policy agency denied accreditation to the Lima Group meeting to a number of them, including TASS's own correspondent Daniil Studnev, who was already accredited in Canada. It's important to note that the spokesperson for the Canadian Foreign Ministry cited the fact that "Russian agencies have not been kind to the minister in the past" as the reason for their decision.

The CERD specialists drew attention to the deteriorating state of immigrant rights in Canada, which is in part due to the large number of immigrants in this category who are admitted by the Canadian government each year. 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. Inadequate medical and psychiatric care in federal and provincial migrant detention centers has also been noted, in some cases leading to death.⁵²⁰

Migrant children are also detained and are often held with adults. The same problem was brought to the attention of the HRCtee and CAT.⁵²¹

In Canada, there are problems in the penitentiary system. The HRCtee 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

⁵²⁰ 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

⁵²¹ Concluding observations of the Committee against Torture on the seventh periodic report of Canada. November 2018.

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fCAN%2fCO%2f7&Lang=ru

particularly acute in women's prisons.⁵²² 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. Of serious concern to the Committee was a violent incident at Dorchester Prison that resulted in the unexpected death of prisoner Mathew Ryan Hines on May 26, 2015. The February 15, 2017 report of the Office of the Correctional Investigator on the investigation into the incident did not address the Committee's concerns. In addition, experts noted an 18 per cent increase in the number of pretrial detainees between 2013 and 2016. There has been an increase in the number of prisoners with disabilities, including those with mental disorders, in federal prisons.⁵²³

On March 12, 2020, Joe Friday, Public Sector Integrity Commissioner of Canada, submitted a report pointing out the inadequacy of measures taken by management at the Archambault Correctional Facility, Quebec, to prevent insubordination and sexual harassment at the mental health center for inmates. In particular, the document reflects facts of discrimination of convicts and medical staff by warders.⁵²⁴

Experts have documented the excessive use of force by law enforcement officials, including during protests. The HRCttee noted that such incidents occurred during indigenous actions, students, social policy events, and the G20 Summit in Toronto. It is noted that complaints of police misconduct are not

⁵²² 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=ru; Concluding Observations of the Committee against Torture on the seventh periodic report of Canada. November 2018. https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fCAN%2fCO%2f7&Lang=ru

⁵²³ Concluding observations of the Committee against Torture on the seventh periodic report of Canada. November 2018. https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fCAN%2fCO%2f7&Lang=ru

⁵²⁴ Prison service took inadequate action to deal with insubordination, harassment at Quebec penitentiary: report. The Globe and Mail. March 13, 2020. <https://www.theglobeandmail.com/canada/article-prison-service-took-inadequate-action-to-deal-with-insubordination/>

always investigated promptly, and if perpetrators are prosecuted, the penalties imposed are lenient.⁵²⁵

According to released internal documents from the Royal Canadian Mounted Police, police officers used force more than 20, times between 2017 and 2019, a 10 percent increase over the previous three-year period. The police pointed their guns at people 5,500 times, and pulled the trigger 99 times (resulting in 26 deaths).⁵²⁶

The coronavirus pandemic has uncovered decades of problems in Canada's protection system for seniors. Chronic staffing shortages, low levels of medical care and provision of medications contributed to the rapid spread of the new infection in public and private nursing homes (the epidemic reached a total of 971 institutions). The most shocking story took place at Montreal's Residences Herron boarding house, where 31 of 154 patients died within a month. As a result, Canada topped the list of OECD countries with the highest mortality rate among retirees. Their share of the total number of deaths was 81% (6,000 out of 8,454 people).⁵²⁷ A Department of National Defense Canada report on the situation in Ontario's social care facilities, which was released to the media in late May 2020, documented gross violations of sanitary and epidemiological norms and standards of inpatient social and medical care.⁵²⁸

⁵²⁵ 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=ru

⁵²⁶ Number of times Mounties have used force has risen since 2017, data show. Globe and Mail. June 18, 2020

⁵²⁷ Pandemic Experience in the Long-Term Care Sector. Canadian Institute for Health Information. June 2020 <https://www.cihi.ca/sites/default/files/document/covid-19-rapid-response-long-term-care-snapshot-en.pdf>

⁵²⁸ OP LASER – JTFC observations in Long-Term Care Facilities in Ontario. May 14, 2020

Cyprus

The human rights situation in the Republic of Cyprus remains at an acceptable level. The rights and fundamental freedoms guaranteed by the national Constitution and international agreements are generally respected.

The national human rights monitoring bodies operating on the island include the Commissioner for Administration and the Protection of Human Rights, the Commissioner for Children's Rights, the Office for Combating Racism and other Discrimination, and the Office for Equal Treatment.

The de facto division of the island into the Republic of Cyprus and the unregulated by the official authorities and unrecognized by the international community so-called "Turkish Republic of Northern Cyprus" ("TRNC") remains the main and invariable obstacle to the realization of international human rights standards in Cyprus. The continuing tensions between the Greek Cypriot and Turkish Cypriot communities of the island has a negative impact on the enjoyment of rights such as the right to freedom of movement, the right to use private property, the right to seek asylum, etc.

Many Cypriots remain internally displaced. Formally, they have the right to freely cross the buffer zone, the so-called "green line" (the location of the UN peacekeepers), in order to get from one part of the island to another through nine official checkpoints. In fact, the authorities of both communities often impose undue restrictions on the free movement of the population, which also affects foreigners. Cases of refusal of citizens of other countries, including Russians, to enter the Republic of Cyprus through international checkpoints (Larnaca and Paphos airports) on the grounds that they intended to enter the territory of "TRNC" were repeatedly recorded.

Other long-standing problems related to the division of the island include the unresolved issue of the protection of the property rights of Greek Cypriots and Turkish Cypriots. The most pressing issue is Greek Cypriot property in the closed area of Varosha, Famagusta. It is compounded by the unilateral decision

of the Turkish Cypriot authorities to open part of the territory and to commercialize real estate in violation of UNSC resolutions 550 (1984) and 789 (1992).

The most difficult situation is that of the rights of migrants and refugees, whose illegal flow continues to increase. According to the Ministry of Internal Affairs of the Republic of Cyprus, from January to October 2022, about 17,000 potential refugees entered the territory of the country illegally. In the first five months of 2022, the authorities received about 11,000 applications for refugee status. (For the whole of 2021 – more than 15,000).

The EU Agency for Fundamental Rights (FRA) noted "significant difficulties" in ensuring adequate reception conditions for asylum seekers in Cyprus.⁵²⁹ In May 2017, the Committee on the Elimination of Racial Discrimination (CERD) noted the limited number of reception centers for refugees.⁵³⁰ The two detention centers on the island are overcrowded and the living conditions are extremely poor. In an attempt to address the problem, the authorities are creating densely populated areas for certain groups of migrants in small settlements, which cause resentment among the local population and anyway often result in denial of the rights of those seeking international protection.

The already difficult situation of residents of the centers was further exacerbated during the coronavirus infection pandemic. At that time, the lack of access to health care, education and even recreation was particularly acute, as was the increase in physical and sexual violence.⁵³¹

⁵²⁹ EU Agency for Fundamental Rights report for 2022.

https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-fundamental-rights-report-2022_en.pdf

⁵³⁰ Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined twenty-third and twenty-fourth periodic reports of Cyprus. May 2017.

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fCYP%2fCO%2f23-24&Lang=ru

⁵³¹ Concluding observations of the Committee on the Rights of the Child on the combined fifth and sixth periodic reports of the Republic of Cyprus. June 2022.

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FCYP%2FCO%2F5-6&Lang=en

Against this background, the simplified reception regime for Ukrainian refugees in the Republic of Cyprus in accordance with the EU directive is noteworthy. According to the local Ministry of Internal Affairs, from the end of February to November 2022, a total of about 65 thousand people arrived on the island from Ukraine. Ukrainians and members of their families are granted temporary protection status in an accelerated manner (more than 17 thousand persons have been granted this status since February), which allows legal residence in Cyprus for one year, adequate accommodation, access to the labour market, health care, social benefits, education for minor children, and the right of the holder to family reunification. Temporary protection status is valid until March 4, 2023, and can be automatically extended for another year (based on 6-month periods). The processing of the relevant applications by migrants from other countries take more than a few months, while they are waiting for the decisions of Cypriot authorities in overcrowded detention centers.

Lack of space in detention centers has a negative impact on the rights of refugee minors who, according to the Cyprus Commissioner for Children's Rights, live in inhuman conditions. For example, the "Pournara" center in the village of Kokkinotrimithia, intended for the temporary detention of migrants, has a permanent population of about 300 children, with two toilets and one shower. The rooms hold 15 people each, forcing children to share single beds or sleep on the floor.

The lack of respect for the rights of refugee and migrant children is of concern to experts of the Committee on the Rights of the Child (CRC). In June 2022, they reiterated to the Cypriot authorities that this category of minors was deprived of access to health care and social services due to their nationality, residence and legal status of parents. Access to non-segregated education remains problematic.⁵³²

⁵³² Concluding observations of the Committee on the Rights of the Child on the combined fifth and sixth periodic reports of Cyprus. June 2022.

With regard to unaccompanied children, throughout the asylum procedure in Cyprus, there is no legal representation.⁵³³

Another concern of international experts is the excessive use of medical age determination while there are no mechanisms to challenge the results of such examinations.⁵³⁴

According to FRA, in 2021, there were regular reports from Cyprus of forced expulsions of migrants, including to countries where their lives and health were at risk, often with violence.⁵³⁵ According to CRC, the use of such practices by border guards often resulted in the separation of families. At the same time, applications for their reunification, as well as any applications for international protection, are considered with considerable delay. Such an approach rarely takes into account the State's obligation to act in the best interests of the child.⁵³⁶

The Committee against Torture (CAT) was alerted to the criminalization and routine detention of irregular migrants.⁵³⁷ In December 2019, experts from the monitoring body welcomed information that asylum seekers are no longer detained under the Aliens and Immigration Regulations. However, CAT also noted with concern that during the refugee determination process, they continued to be detained for long periods of time, including during the judicial review of their cases, which reportedly may take up to two years.⁵³⁸

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FCYP%2FCO%2F5-6&Lang=en

⁵³³ Ibid.

⁵³⁴ Ibid.

⁵³⁵ EU Agency for Fundamental Rights report for 2022.

https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-fundamental-rights-report-2022_en.pdf

⁵³⁶ Concluding observations of the Committee on the Rights of the Child on the combined fifth and sixth periodic reports of Cyprus. June 2022.

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FCYP%2FCO%2F5-6&Lang=en

⁵³⁷ Concluding observations of the Committee against Torture on the fifth periodic report of Cyprus. December 2019.

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fCO%2f5&Lang=ru

⁵³⁸ Ibid.

The Committee on the Elimination of Discrimination against Women (CEDAW) noted with concern the difficulty of access to justice for foreign domestic workers, because of their possible detention and subsequent deportation pending trial.⁵³⁹

An ad hoc delegation of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) visited Cyprus from 7 to 9 November 2022. The purpose of the experts was to examine the treatment in that country of nationals of other States deprived of their liberty under the law on foreigners and the conditions under which they were held, in particular at the Menoya centre. CPT also observed the transport of persons to be returned to the Democratic Republic of the Congo to Larnaca airport, as well as their transfer to the Cyprus Police responsible for boarding foreigners on a flight to Kinshasa.⁵⁴⁰ At the time of writing, the report on the findings of the visit had not yet been published on the official website of the CPT.

Challenges remain in protecting the rights of women and girls. According to the Gender Equality Commissioner of the Republic of Cyprus, I. Antoniou, one out of every three women in this category of citizens is subjected to physical or sexual violence. However, only 1 in 10 girls is willing to seek help from law enforcement agencies. According to Cyprus Police, in 2021 there was a 30 per cent increase in the number of complaints related to violence against women. Eradication of this type of crime remains a priority for the country's authorities.

The protection of children's rights is no less complex. According to a study by the Cypriot NGO "Hope for Children", in 2020 there were 324 cases of

⁵³⁹ Concluding observations of the Committee on the Elimination of Discrimination against Women on the eighth periodic report of Cyprus. July 2018.
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fCYP%2fCO%2f8&Lang=ru

⁵⁴⁰ Council of Europe anti-torture Committee monitors treatment of foreign nationals during return flight from Belgium and Cyprus to the Democratic Republic of the Congo. 14 November 2022.
<https://www.coe.int/en/web/cpt/-/council-of-europe-anti-torture-committee-monitors-treatment-of-foreign-nationals-during-return-flight-from-belgium-and-cyprus-to-the-democratic-republ>

sexual violence against minors in Cyprus. In the first 10 months of 2021 there were already more than 420 such cases. Most of these crimes, according to the organization, are committed by people close to the victim, including relatives and acquaintances.

Disaggregated data on such cases remains insufficient. In particular, this is due to under-reporting and lack of coordination among competent authorities. At the same time, both investigation and sentencing rates are low.

In addition, CRC noted, among other factors that hamper the improvement of the situation under review, the lack of training of persons working with child victims, the failure to take into account the specificities of interaction with children, as well as the statutory requirement for parental consent to a child's medical examination and psychological and psychiatric assistance.⁵⁴¹

Human rights defenders continue to draw attention to overcrowding in the only prison in the Republic of Cyprus in Nicosia. The Council of Europe Annual Penal Statistics 2021 mentions this in particular, according to which Cyprus has more than 110 convicted per 100 places of detention (the fourth place among the Council of Europe member countries).⁵⁴² The European average is 85.4. However, the situation with the rights of prisoners remains generally stable. In recent years there have been no cases of torture or inhuman or degrading punishment of detainees.

In accordance with the recommendations of the European Commission to the EU Member States on the Rights of Persons Subject to Pre-trial Detention, which entered into force on 8 December 2022, in Cyprus, there is no time limit

⁵⁴¹ Concluding observations of the Committee on the Rights of the Child on the combined fifth and sixth periodic reports of Cyprus. June 2022.

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FCO%2FCYP%2FCO%2F5-6&Lang=en

⁵⁴² Council of Europe Annual Penal Statistics 2021 (SPACE I). December 2021.
https://wp.unil.ch/space/files/2022/05/Aebi-Cocco-Molnar-Tiago_2022_SPACE-I_2021_FinalReport_220404.pdf

for the period of pre-trial investigation and thus for the detention of persons suspected or accused of crimes.

The residents of the island enjoy full religious freedom. According to the Constitution of the Republic of Cyprus, all religions, faiths and rites which are not exercised in secret are free and equal before the law. The majority of the population profess Orthodoxy, in the so-called "TRNC" Islam prevails. Religious leaders of Cyprus remain committed to joint dialogue and freedom of religion within the framework of the "Religious Track of the Cyprus Peace Process" under the auspices of the Swedish Embassy in the Republic of Cyprus. After the complete lifting of coronavirus restrictions in May 2022, the practice of annual pilgrimages from the north to the Muslim shrine, the Hala Sultan Tekke Mosque in Larnaca, resumed.

Previously, in 2015, the Human Rights Committee had expressed concern about the unjustified obstruction of the right to freedom of religion and belief of some minorities, particularly Muslims, due to restricted access to the Hala Sultan Tekke Mosque, as well as reports of inadequate care of Muslim cemeteries.⁵⁴³

The members of the Greek Cypriot community include three religious groups whose status is enshrined at the constitutional level: Armenians, Maronites and Latins. According to the Council of Europe's Advisory Committee to the Framework Convention for the Protection of National Minorities (FCNM), a general climate of tolerance prevails on the island, especially with regard to the above-mentioned groups. The State assists them in preserving their identity, especially in the field of education and culture. Members of these religious groups, especially in the Parliament of the Republic

⁵⁴³ Concluding observations of the Human Rights Committee on the fourth periodic report of Cyprus. March 2015.
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fCYP%2fCO%2f4&Lang=ru

of Cyprus, take an active part in political decision-making on matters affecting them.⁵⁴⁴

At the same time, the FCNM Committee notes that the State's interaction with religious and ethnic communities, whose status is not enshrined in the Constitution, is insufficient. Thus, according to the official position of the authorities, the Roma living in Cyprus are considered part of the Turkish Cypriot community. This makes it difficult for them to access and exercise certain rights, while the Roma community remains economically and socially marginalized. In this regard, one of the main recommendations of the Nicosia FCNM Committee was the development of a detailed action plan for the social integration of Roma and their participation in socio-economic life in general, to be carried out in close cooperation with representatives of this population group.⁵⁴⁵

Furthermore, the Committee encouraged the authorities to consider the establishment of a State institution with a mandate to address the problems of national minorities, Roma communities and other groups whose status is not enshrined in the Constitution, as well as interaction with relevant structures.⁵⁴⁶

In May 2017, CERD noted with concern the spread of racially motivated verbal abuse and physical attacks by extreme right-wing extremist and neo-Nazi groups against persons of foreign origin, including persons of African descent, as well as human rights defenders and Turkish Cypriots. The Committee has also expressed concern at the prevalence of racist stereotypes and hate speech in society, often at the hands of the media, against members of certain ethnic minority groups as well as Roma who are Muslims. The experts pointed to the

⁵⁴⁴ Fifth opinion on Cyprus. Advisor Committee on the Framework Convention for the Protection of National Minorities. 7 November 2019.

<https://rm.coe.int/interim-follow-up-conclusions-on-cyprus-5th-monitoring-cycle-/168094ce05>

⁵⁴⁵ Ibid.

⁵⁴⁶ Ibid.

lack of legal provisions to prosecute such acts, as well as insufficient law enforcement efforts in this area⁵⁴⁷.

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 to resolve the Cyprus problem, the increasing number of migrants on the island and the unresolved social situation nationalist ideas resonate around economic issues. The "National Popular Front" right-wing party is their conduit. It opposes the presence of migrant workers from developing countries as a cause of unemployment in Cyprus and increasing the tax burden on its indigenous citizens, the deportation of all irregular migrants and the establishment of quotas for migrants from EU member states.

In February 2022, the Commissioner for Administration and the Protection of Human Rights in the Republic of Cyprus, M.Stylianou-Lottidis, expressed concern about the increase in attacks against migrant food delivery drivers since the beginning of this year. The Ombudsman perceives them as xenophobic and calls on the various agencies to work together in a coordinated and resolute manner within the framework of a responsible State policy to combat racism and discrimination. According to her, Cyprus has a sufficient legal basis for this, but individual hate crimes are still common to Cypriot society and require a collective response.

As a positive illustration of the efforts made by Cyprus to combat manifestations of racism and xenophobia in its territory, the following case was brought to the attention of the EU Agency for Fundamental Rights in 2022. The Attorney General of Cyprus appealed against the verdict handed down by the court of first instance in 2019 in relation to a group of persons who had attacked a resident of the island of Russian origin. In the presence of her minor child, the

⁵⁴⁷ Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined twenty-third and twenty-fourth periodic reports of Cyprus. May 2017.
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fCYP%2fCO%2f23-24&Lang=ru

victim was not only insulted because of her nationality but also physically assaulted. The Supreme Court found an aggravating circumstance in the case of an act motivated by racial hatred and agreed to increase the previous sentence: 3,000 euros fine (instead of 750 euros) and an increase in the term of probation⁵⁴⁸.

At the same time, after the start of a special military operation by Russia to denazify and demilitarize Ukraine, discriminatory manifestations were recorded in Cyprus against Russian citizens both in everyday life and on the Internet.

In this case, the aggression against Russians comes mainly from nationalist representatives of the Ukrainian diaspora and refugees from Ukraine. There have been cases of moral and physical pressure on some of our compatriots to publicly condemn the actions of the Russian authorities and support Ukraine, as well as the tracking of the personal data of participants of pro-Russian actions and subsequent posting of information on social networks with calls to violence.

Anti-Russian protests took place with the participation of deputies of the House of Representatives (Parliament) of Cyprus.

Here are some concrete examples: on 1 March 2022, the Russian flag was torn from the flagpole in front of the Honorary Consulate of Russia in Limassol. On 22 August 2022, in Larnaca, an ethnicity motivated hate attack was carried out on a participant of a motor rally under the auspices of the Coordinating Council of Russian Compatriots in Cyprus, a Russian citizen L.Chuikova. This incident goes beyond the usual threats and has clear signs of a terrorist attack. The Russian Federation calls upon the Cypriot authorities to conduct a thorough, objective and impartial investigation and to impose, within the

⁵⁴⁸ EU Agency for Fundamental Rights report for 2022.
https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-fundamental-rights-report-2022_en.pdf;
http://www.cylaw.org/cgi-bin/open.pl?file=/apofaseis/aad/meros_2/2021/2-202107-4-21etc2.htm

framework of the criminal proceedings initiated, punishment to the full extent of the law.

Cases of Russophobia in educational institutions have been identified. There were also incidents of harassment of Russian-speaking children, including from mixed families, by classmates.

Following complaints by the Russian Embassy in Cyprus to the leadership of the country, the necessary measures were taken to ensure the security of the Russian and Russian-speaking inhabitants of the island. Citizens' allegations of threats and aggression are investigated by the local police and, where there are sufficient grounds, procedural responses are taken. Special instructions have been issued for Cypriot school and university management to prevent misconduct. Regular actions in support of Russia are held in coordination with the authorities, a large-scale procession of the "Immortal Regiment" was held, Cypriot law enforcement officers ensure adequate security of such events.

There are financial difficulties due to Nicosia's accession to illegal anti-Russian restrictive measures imposed by the European Union. There have been recorded cases of unauthorized blocking of transfers from Russian banks that were not subject to sanctions.

The social rights of Cypriots and residents of the island are guaranteed by a fairly effective social security system and support for the poor. The Republic of Cyprus does not yet have a minimum wage, but there are minimum wage rates for the most vulnerable groups, including migrant workers. At the same time, there are still cases of abuse of the labour of illegal foreign nationals who work in violation of the working regulations established by law and for low wages. CERD noted in 2017 that migrants are employed in jobs that require mainly unskilled manual labour, particularly in agriculture, livestock and

fisheries.⁵⁴⁹ In addition, foreign domestic workers, especially women, continue to be at risk of exploitation and abuse. This was pointed out by CERD and CEDAW.⁵⁵⁰

Cyprus legislation prohibits discrimination against persons with disabilities in employment, education, political participation, access to health care and other public services. In practice, this group of citizens still does not have full access to all infrastructure. Also in Cyprus, there are still no special institutions to help people with intellectual disabilities in need of permanent care.

The Republic of Cyprus has a fairly democratic electoral system with the possibility of monitoring the voting by international observers. In addition to members of the Greek Cypriot community, Turkish Cypriots with permanent residence in officially controlled territory have been participating in the electoral process since 2005. In the elections to the European Parliament, all citizens of the Republic of Cyprus, EU citizens residing in Cyprus and Turkish Cypriots have the right to vote and be elected (polling stations are deployed only in the territory controlled by the Republic of Cyprus).

However, a number of shortcomings are highlighted by human rights defenders. In particular, there is no national independent electoral body in Cyprus (these functions are performed by the MoI). Also, local legislation does not include provisions for national and international observers, making it difficult for them to travel to the island. Among other things, smaller political parties have less information capacity and are in fact disadvantaged in the conduct of electoral campaigns than larger parties, as the coverage is related to

⁵⁴⁹ Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined twenty-third and twenty-fourth periodic reports of Cyprus. May 2017.
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fCYP%2fCO%2f23-24&Lang=ru

⁵⁵⁰ Concluding observations of the Committee on the Elimination of Discrimination against Women on the eighth periodic report of Cyprus. July 2018.
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fCYP%2fCO%2f8&Lang=ru

the number of votes cast in the previous elections. Sources of electoral funding also remain opaque.

Citizens' right to free and accessible education is generally respected. Exceptions noted by CRC experts in this regard include children with disabilities, children from minority backgrounds, children from families with socio-economic difficulties and children in alternative care⁵⁵¹. There are still some restrictions on joint educational programmes in the universities of both parts of the island.

The FRA indicated that in 2021 foreigners in Cyprus were denied equal with Cypriots access to COVID-19 vaccinations, which constituted discrimination on the basis of citizenship⁵⁵².

Cyprus continues to develop a civil society that is playing an increasingly active and visible role in the public debate. The right to freedom of expression and the press is freely exercised and citizens have unrestricted access to the Internet. There had been no reported cases of journalists being prosecuted for carrying out their work.

According to the draft report of the European Parliament Select Committee published in November 2022, the leadership of several EU countries actively used spy software (Pegasus, Predator, etc.) for political purposes. It was used to spy on members of the opposition, civil society, business, human rights defenders and journalists. In many cases, these software products were acquired 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 programmes because of the inadequacy of its national legislation and oversight mechanisms for IT economic operators.

⁵⁵¹ Concluding observations of the Committee on the Rights of the Child on the combined fifth and sixth periodic reports of the Republic of Cyprus. June 2022.

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FCYP%2FCO%2F5-6&Lang=en

⁵⁵² EU Agency for Fundamental Rights report for 2022.

https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-fundamental-rights-report-2022_en.pdf

In its opinion (June 2019), the Council of Europe's European Commission against Racism and Intolerance (ECRI) drew attention to Cyprus' failure to implement two recommendations of the European Commission: Country Report Cyprus 2016. In particular, it is noted that the Office of the Commissioner for Administration and the Protection of Human Rights of the Republic of Cyprus has not carried out activities in support of vulnerable sections of the population since 2016, nor has it published reports and recommendations on discrimination. The second recommendation concerns the need for the Commissioner for Administration and the Protection of Human Rights to be involved in the selection of candidates for appointment to his office. Now, according to ECRI, the appointment is made exclusively by the Public Service Commission.⁵⁵³

⁵⁵³ ECRI Conclusions on the implementation of the recommendations in respect of Cyprus subject to interim follow-up. Adopted on 3 April 2019. Published on 6 June 2019.
<https://rm.coe.int/interim-follow-up-conclusions-on-cyprus-5th-monitoring-cycle-/168094ce05>

Latvia

Human rights situation in the Republic of Latvia (RL) remains quite unfavorable. The nationally oriented ruling coalition continues to pursue a policy of a monoethnic state. Latvian authorities deliberately distort the facts and interpret history to justify their own unseemly actions. A similar approach is used everywhere to substantiate the obvious glorification of Latvian SS legionaries, Nazi accomplices and an open fight against the memory of Red Army soldiers who liberated Latvia from Nazism. A significant part of the country's Russian-speaking population is in a disadvantaged position being regarded by the authorities solely as an alien and destabilizing element.

After the start of a special military operation of the Russian Federation to denazify and demilitarize Ukraine, Latvia took the most anti-Russian stance among the Baltic states, there was a sharp upsurge of Russophobia in the country, violations of the national minorities' rights became more frequent. In general, The Ukrainian crisis has become a convenient pretext for Latvian politicians to realize their Russophobic aspirations. Under the pretext of fighting the symbols of "Russian aggression" in the country, the authorities are going over to another stage of war on historical memory and Russian-speaking residents, thereby trying to divert attention from the rapidly deteriorating economic situation.

The official Riga presents this state of affairs as a stalwart intention to continue support to Ukraine. According to Arturs Krišjānis Kariņš, Prime Minister of Latvia, the Baltic countries have shown by their own example that "it is more important to support Ukraine, rather to think about short-term benefit, leaving some ties with the Russian Federation open".⁵⁵⁴

Meanwhile, the residents of Latvia, as well as neighbouring Lithuania and Estonia, felt the effect of the anti-Russian policy of their own authorities very

⁵⁵⁴ <https://www.rubaltic.ru/news/10122022-premer-latvii-rasskazal-kakie-strany-bolshe-vsekh-postradali-ot-antirossiyskikh-sanktsiy/>

soon and in full measure. Inflation, an increase in utility tariffs, a GDP and industrial production dip, among others, affected the economic situation. In October 2022 the Latvian authorities stated a 22.2% increase in consumer prices.⁵⁵⁵ The price hike is even more impressive in annual terms. Food prices in general rose by 27.5%, sugar – by 63.5%, flour – by 62.2%, butter – by almost 52%, milk – by 43.7%. Utility tariffs went up by 51.6% for the year⁵⁵⁶.

According to OECD, the Latvian economy is facing recession in 2023. In June, the OECD forecast that Latvia's GDP would grow by 3.5% and 1.6% in 2022 and 2023 respectively. But, having studied the situation in the republic in early December 2022, experts of the Organization changed their forecast for the worse. According to updated OECD estimates, Latvia would see an increase in the harmonized consumer price index by 17% in 2022, 10.7% in 2023 and 5% in 2024. In turn, the unemployment rate in Latvia in 2022 would be 6.7%, and in the next two years – 7% and 6.8%, respectively⁵⁵⁷.

The lack of Latvian citizenship remains the main problematic aspect of the human rights sphere for a significant part of the population. According to the Central Statistical Bureau (CSB) it was 9.7%, or 182,300 inhabitants as of January 2022; according to the Office of Citizenship and Migration Affairs (OCMA) of the RL Ministry of Internal Affairs it was 191,036 people as of 1 July 2022.

At the moment, the "non-citizen" status is no longer reproduced – all children of "non-citizens" born after 1 January 2020 obtain citizenship automatically. It is difficult to call this decision revolutionary: the amendments to the *Citizenship Law* that came into force on 1 October 2013 already significantly simplified the procedure for registering newborn children of "non-citizens", and over 2014-2019 only 301 individuals have obtained this status.

⁵⁵⁵ <https://www.rubaltic.ru/article/ekonomika-i-biznes/20221214-takogo-ne-bylo-nikogda-pribaltika-platit-za-rusofobiyu-nebyvalym-rostom-tsen/>

⁵⁵⁶ <https://www.rubaltic.ru/article/ekonomika-i-biznes/20221209-pogruzhenie-prodolzhaetsya-sanktsii-protiv-rossii-uvlekayut-strany-pribaltiki-na-dno/>

⁵⁵⁷ <https://www.rubaltic.ru/news/03122022-latvii-prognoziruyut-skoryy-spad-ekonomiki/>

The issue of the final elimination of mass statelessness in Latvia, a shameful phenomenon for the modern Europe, will not definitely return to the agenda in the near future.

"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". "Non-citizens", 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).

Official statistics illustrates the adverse situation in the field of "naturalization": the rate of obtained citizenship declines every year (725 individuals naturalized in 2020, 419 in 2021, and just 166 as of April 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 (51.6 thousand 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 number of "non-citizens" is reducing now already due to the natural loss of this population category and its migration outflow only.

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 being reflected in the State Security Service (SSS) annual reports.

It should be noted that against the backdrop of the Ukrainian crisis, "non-citizens" who have obtained Russian citizenship are being discriminated against. Thus, on 22 September 2022, the Saeima of Latvia finally adopted amendments to the *Immigration Law* which reads that from 1 September 2023 on, citizens of the Russian Federation who were previously citizens or "non-citizens" of the Republic of Latvia, will need to confirm at least A2 level of state language proficiency in order to maintain a permanent residence permit.

International universal and regional human rights mechanisms have published more than 50 recommendations on this serious problem, to include those related to a simplified naturalization procedure, grant of voting rights to "non-citizens", and the entire package of language rights of national minorities. However, the official Riga continues to ignore all numerous recommendations.

Latvia has never signed the European Charter for Regional or Minority Languages of November 5, 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.

The approach of narrowing the scope of non-state languages actively introduced by authorities is becoming more and more noticeable in the context of the coercive de-Russification policy. 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% of Latvia's population. According to the Central Statistical Bureau latest data (2017), about 78% of Latvians speak Russian as a foreign language. Meanwhile, according to the surveys conducted in 2019 for the *State of the Tongue in Latvia in 2016-2020* report, 96% of Latvian respondents confirmed to have a command of the Russian language.

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%. This trend is typical for all regions, except for Latgale (Latvia's south-east region with the highest proportion of Russian-speaking population), where Russian is native to 54.5% of the population. The concentration of Russian speakers in Riga also remains significant – about 56% 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. 273347 people (24.88% of the participants) voted "in favour". The opinion of the 15% of (then) "non-citizens" who were deprived of the right to vote even on such a significant issue still remained "outside the scope" of the survey. The Russian language expectedly received significant support in Latgale – 55.6% (in Daugavpils, region's capital – 85.2%, in the Zilupe region bordering on Russia – 90.3%). 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. Over 60% of all cases on this issue are related to the state language underuse in the discharge of professional or 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 labor 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 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, upright propaganda of discrimination on the linguistic grounds has been launched in the country.

With this in mind, the Latvian government is working systematically to squeeze the Russian language out of all the domains of country's public life. On 16 June 2022, the Saeima approved in the second reading the National Bloc-

sponsored amendments on election campaigning in the state language only. On 22 September 2022, the country's parliament adopted in the first reading the *Law on Ensuring the Status of the Latvian Language as the Only State Language* suggested by the New Conservative Party. The document provides for the use of EU official languages only, including the private sphere and communication of people outside state and municipal institutions. Non-EU languages are also banned from telecommunications and other public service industries.

Moreover, the ruling circles hurried up to pull out the National Bloc proposal to conduct election campaigning only in the state language (under consideration by Seimas commissions since September 2020). On 16 June 2022 these amendments were approved by parliament in the second reading already.

Along with this, the Latvian state apparatus began to massively reject the use of the Russian language. Thus, Minister of Welfare Gatis Eglitis and Minister of Economics Ilze Indriksone ordered to communicate in the state language only within their ministries which became the case from 1 September 2022 in the Ministry of Economics and from 1 October 2022 in the Ministry of Welfare. 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* is now available only in Latvian and English.

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). These discriminatory innovations were spectacularly supported by the judiciary. Thus, in 2019 and 2020 the Constitutional Court of Latvia recognized the provisions on the de-

Russification of education and introduction of compulsory education in the Latvian language at various levels of education as constitutional.

The initiatives to finally eliminate Russian-language education were promoted at an accelerated pace in 2022, considering that 1 September 2021 was the end date of the school reform transitional period. This implies almost complete teaching in the state language in all basic and secondary schools starting from the 2021/2022 academic year already: grades 10-12 were taught only in Latvian, for grades 7-9 a new language proportion is introduced of 80% to 20%. Lawsuits by parents of national minority schoolchildren regarding this reform are currently being adjudged by the European Court of Human Rights. The "de-Russification" of educational institutions was recognized as fully legitimate by Constitutional Court decisions in 2019.

The Latvian authorities used Russia's special military operation to demilitarize and denazify Ukraine as a convenience to force the rejection of the Russian language in education. 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.

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 maintained. It should be noted that education had been Latvianized even earlier in private educational and preschool institutions. On May 14, 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 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 common family of the European Union", announced 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.⁵⁵⁸

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. For 2018-2022 The SLC identified 396 teachers (114 for the period from January to April 2022 only) who do not speak the state language at a proper level.

The trend to oust non-state languages (primarily Russian) has become quite noticeable in other spheres of public life in Latvia. A consistent policy to oust the Russian language from the media has been pursued. Over the years, regulations have been adopted 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.

⁵⁵⁸ <https://www.rubaltic.ru/news/21112022-v-ministerstve-obrazovaniya-latvii-nazvali-sroki-otkaza-ot-izucheniya-russkogo-yazyka/>

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", concluding labour contracts with employees without knowledge of the Latvian language and reluctance to ensure its use at work. Printed promotional products must be circulated among Latvian citizens in Latvian only. An exception is possible if a citizen has agreed to receive materials in other languages.

This restriction had a serious impact on the mass vaccination in the country in 2021, despite the critical situation in the healthcare sector and significant problems 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 the law, thereby limiting our compatriots' access to vital information.

On 16 June 2022, the *Political Parties Law* was also amended to make possible 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 favor of maintaining ties with Russia.

Meanwhile, a draft law on the financing of election campaigning in the state language only was adopted in the second reading.

The actions in the linguistic field by the Latvian authorities who take active measures to create a monolingual society, have been repeatedly criticized by international human rights mechanisms. According to an Advisory Committee of the Framework Convention for the Protection of National Minorities opinion adopted back in 2018, the Latvian leadership's language

policy leads to a limited space for the use of national minorities' languages.⁵⁵⁹ 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% of the population (Latvian – 61.3%).⁵⁶⁰

The AC FCCNM 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.⁵⁶¹

The opinion of the European Commission for Democracy through Law (Venice Commission of the Council of Europe) on educational reform in Latvia of June 2020 also pointed out problems in the field of education for national minorities. In the 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.

The Committee on Economic, Social and Cultural Rights also expressed concern over the measures taken by the official Riga to Latvianize education. In particular, he 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

⁵⁵⁹ Advisory Committee on the Framework Convention for the Protection of National Minorities. Third Opinion on Latvia adopted on 23 February 2018 <https://rm.coe.int/3rd-op-latvia-en/16808d891d>

⁵⁶⁰ <https://www.csb.gov.lv/en/statistics/statistics-by-theme/population/search-in-theme/2747-latvian-mother-tongue-608-population-latvia>

⁵⁶¹ Advisory Committee on the Framework Convention for the Protection of National Minorities. Third Opinion on Latvia adopted on 23 February 2018 <https://rm.coe.int/3rd-op-latvia-en/16808d891d>

Cabinet Decree No. 716 of 21 November 2018 had a discriminatory effect on minority groups and created unreasonable restrictions on the teaching and learning in minority languages, both in public and private schools of the pre-school and primary education system.⁵⁶²

The resolution of the Committee of Ministers of the Council of Europe 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.⁵⁶³ 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.

On 25 March 2022, the Human Rights Committee began to consider the complaint of the Latvian Human Rights Committee about the non-compliance of the recent 2018 school reform with the International Covenant on Civil and Political Rights. The experts asked the government of Latvia to clarify the nature of the introduced changes.

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. He pointed out to possible violations of international law

⁵⁶² Concluding observations of the Committee on Economic, Social and Cultural Rights on the second periodic report of Latvia. 30 March 2021

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E/C.12/LVA/CO/2&Lang=Ru

⁵⁶³ 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

in the implementation of this initiative and recalled the importance for children to receive 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 RL Ministry of Justice, illustrative in this regard, mentions that there is supposedly 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.

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 to put pressure on the radical left forces (for this reason, for example, co-chairman of the Russian Union of Latvia party (RUL) Tatjana Ždanoka cannot participate in the elections). Also, since 2013, there has been a procedure of deputy mandate divestment for insufficient knowledge of the state language (it was applied to mayors of the cities of Zilupe and Daugavpils, as well as several deputies from predominantly "Russian" self-governments).

The situation of the Russian-speaking diaspora in Latvia has become very vulnerable. The efforts of community activists to protect the right to use their native language and preserve the memory of exploits of the Red Army who liberated Latvia from Nazism faced a harsh reaction from the authorities. It resulted in the constant persecution of activists of the Russian-speaking community, putting pressure on them with demonstrative "punitive actions". As a rule, compatriots are charged with "anti-state activity", "assistance to a foreign state in its activities against Latvia", "organization of riots", "espionage". The Latvian authorities have practiced this before, but after the start of the Russian special operation Latvia witnessed a sharp surge of Russophobic sentiments.

"Show trials" to combat "dissent", criminal cases initiated under far-fetched pretexts against pro-Russian diaspora activists and summoning them for "preventive conversations" became more frequent in 2022.

Among other things, the pressure by Latvian special services has increased on the Russian Union of Latvia (RUL), which is the country's only political force that consistently opposes the official anti-Russian policy. In April 2022, the local State Security Service (SSS) issued a warning to the party for alleged "inconsistency of the activities of the RUL and its members with the democratic values and national security interests of Latvia." Government funding of the RUL in accordance with the Latvian legislation (based on the results of the previous parliamentary elections) was terminated.

The Latvian authorities considered a ban on the activities of parties disagreeing with the official interpretation of the Soviet era and assessments of the Ukrainian crisis. In May 2022, the Saeima commission on security, internal affairs and fight against corruption submitted a draft law to amend the *Political Parties Law*. Pursuant to the amendments, "parties in their activities are prohibited from publicly praising, denying or justifying genocide, crimes against humanity, crimes against peace, war crimes or any actions aimed at undermining the territorial integrity, sovereignty, independence or constitutional order of democratic countries." Experts note that the vague wording makes it possible to use the document for repressions against parties relying on the Russian-speaking electorate who for the most part does not agree with the anti-Russian policy pursued by Latvia and denigration of the Soviet period in the RL history.

The Latvian authorities have adopted a set of legislative measures seeking to criminalize any form of support to Russia and its special operation. Thus, there is an article in the Criminal Law of Latvia stipulating responsibility "for the justification and glorification of crimes" of Russia on the territory of Ukraine. On 31 March 2022 the Saeima adopted a law to amend the criminal

law to criminalize the use of the letters Z and V in public space "in order to support the aggressor." Such kind of symbolism also implies the St. George ribbon, also banned in Latvia earlier. All such acts are punishable by up to 5 years in prison.

As of August 2022, the SSS was in charge of 26 criminal cases initiated in connection with "glorification of genocide and war crimes", "incitement of ethnic hatred", etc., in most cases for online comments or participation in Victory Day events. The charges are brought under RL Criminal Law article 74.1 "Justification of genocide, crimes against humanity, crimes against peace and war crimes" (support to the Russian military special operation). As of July 2022, state police opened about 80 lawsuits related to the Ukrainian crisis. The accusations are mainly brought under the mentioned RL Criminal Law article 74.1 "Justification of genocide, crimes against humanity, crimes against peace and war crimes". Student Alexander Dubyago was under arrest (for demonstrating the Russian flag at the monument to Soldiers – Liberators of Riga and Latvia from Nazi invaders). From 21 June to October 2022, public figure and publicist Vladimirs Lindermans was imprisoned.

Other lawsuits are ongoing against local Russian-speaking public figures. Alexander Gaponenko, a well-known human rights activist and public figure, co-chairman of the United Congress of Russian Communities and head of the Congress of Non-Citizens, was sentenced to a suspended sentence on 8 February 2022. The reason for this prosecution, as for a similar earlier one, was his statements that many residents of Latvia voluntarily agreed to cooperate with the Nazi Germany in the 30s-40s of the 20th century. Mr. Gaponenko's case is now at the stage of appeal. On 29 October 2021, publicist and public figure Yuri Alekseev was found guilty on falsified charges of stirring up interethnic hatred and possession of cartridges. On 30 January, 2023 the Latvian Court of Appeal dropped one of the articles of the charge (possession of

cartridges) after an appeal against the verdict, but the term was reduced by only a month.⁵⁶⁴

In January 2023 Latvian special services detained Marat Kasem, editor-in-chief of the Sputnik Lithuania agency, on suspicion of violating sanctions and espionage. On January 5, he was ordered to be held in custody as a preventive measure. The Latvian authorities put pressure on the Russian journalist in order to compel a confession. During his imprisonment, Mr. Kasem's health deteriorated sharply: he developed an allergy and chronic diseases aggravated in solitary confinement under unsanitary conditions. Prison staff and medical workers ignore Mr. Kasem's complaints and diagnosis.⁵⁶⁵

Criminal proceedings were initiated against RUL Board member and permanent author of the Russian analytical portal *Rubaltic.ru* Alexander Filey (for glorification of the "Soviet occupation") and a number of other fellow citizens. The well-known human rights activist, Euro-MP Tatjana Ždanoka is also subjected to serious pressure by the government (the proceedings initiated in August 2020 against her and a number of other activists of the Russian community in connection with the organization in 2018 of the All-Latvian Parents' Meeting were terminated; later on, proceedings resumed against the well-known public person Vladimirs Lindermans). The case against O.Burak is in the second stage of appeal.

The largest organization of country's retired military servicemen, the Republican Association of Veterans in Latvia, was subjected to significant pressure by the authorities; it was closed based on a court decision under a formal pretext (violations of account keeping rules were mentioned as the reason)., Chairman of this organization, the 76-year-old Russian retired military serviceman V.Norvind, was separated from his family and forcibly expelled

⁵⁶⁴ <https://www.rubaltic.ru/news/30012023-apellyatsionnyy-sud-latvii-vynes-prigovor-zhurnalistu-yuriyu-alekseevu/>

⁵⁶⁵ <https://www.rubaltic.ru/news/03022023-stalo-izvestno-o-kriticheskom-sostoyanii-shefredaktora-sputnik-litva-marata-kasema/>

from Latvia on 6 October 2020, notwithstanding a heart attack. Latvian authorities cancelled his residence permit.

Russophobic hysteria so consumed the Latvian authorities that in August 2022 the Latvian parliament declared Russia a "terrorist supporter state."

The SSS and state police actually began "hunting" people with dissenting opinions since late February 2022. There was an outbreak of summoning activists for "preventive conversations" to these agencies all over the country. In particular, journalist Yuri Alekseev whom Latvian intelligence services threatened with new criminal proceedings for his active civic position, informed about such summoning on his social media page. Information is available that Latvian intelligence 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 addition to criminal prosecution, Russian residents of Latvia faced massive intimidation, insults and threats in everyday life. 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. This media has published the personal data of Latvian Russian-speaking journalists, including those who were victimized by intelligence services for "cooperation" with the Russian media, as well as of Russian-speaking community activists, including RUL members.

Notably, the Latvian government did not find this website unlawful. The State Data Inspection of Latvia found no violations there making a cynical

remark that the data on the website had been processed with due consideration of the right to freedom of expression.

Besides, the "cancel Russia culture" became introduced countrywide. In June 2022, an SLC-agreed request was submitted to the Riga City Council to rename the streets of the capital named after Russian scientists and cultural figures.

Under the far-fetched pretexts of fighting "Russian propaganda", the "cleansing" of Latvian information field from any "dissent" continues, as a result of which serious pressure is systematically exerted on Russian-language media contributors.

The persecution intensified since late February 2022, when rebroadcasting of all Russian 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, *Belarus 24* was suspended, and rebroadcasting licenses were withdrawn in respect of *First Baltic Channel Estonia* and *First Baltic Channel Lithuania*. On 7 March 2022 the Latvian National Electronic Media Board decided to switch off 18 more Russian channels in the country: *THT – Comedy*, *THT 4*, *THT 4 International*, *THT*, *THT Music*, *ПЯТНИЦА (FRIDAY) International*, *KHL TV*, *Kinopremiera*, *Kinosvidanie*, *Men's Cinema*, *A-Minor TV*, *Auto Plus – Auto-Plus TV Channel*, *Nostalgie*, *Live!*, *Who is Who*, *Baby TV*, *Russian Night*, *Zee TV*.

When it became clear that the ban failed to affect the popularity of Russian channels and Latvian residents still watch them using "illegal decoders" and satellite dishes, the Latvian Parliament, working to foster country's media landscape, endorsed the amendments establishing administrative liability for unlawful watching the banned Russian channels content. An up to EUR 700 fine may be imposed for such offence.

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".⁵⁶⁶

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 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 "recruit" Latvian residents in the territories of their countries.⁵⁶⁷

Discriminatory initiatives against citizens of the Russian Federation are being promoted. In particular, amendments to the *Immigration Law* of 22 September 2022 provide for the refusal to renew temporary residence permits issued to Russian citizens in exchange for investments and purchase of real estate in Latvia. The government also approved the proposal by Minister of the Interior Kristaps Eklons to test Latvian language fluency of Russian and Belarusian citizens applying for a residence permit. Since 19 September 2022 Russian citizens are prohibited from entering the territory of Latvia even if they have a valid Schengen visa. The Embassy of Latvia in Russia now issues visas for "humanitarian reasons" only.

⁵⁶⁶ <https://www.rubaltic.ru/news/10122022-v-latvii-muzhchinu-zaderzhali-za-ustanovku-rossiyskikh-telekanalov/>

⁵⁶⁷ <https://www.rubaltic.ru/news/22122022-sluzhba-gosbezopasnosti-latvii-prizvala-zhiteley-vozderzhatsya-ot-poezdok-v-rossiyu-i-belarus/>

After the start of the Russian special operation, the Latvian ruling circles have repeatedly mentioned the need for the unity of Latvian people in a crisis, but their utterances often only exacerbated interethnic confrontation. Thus, on 26 May 2022 Seima member (National Bloc) 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." 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 A.Kiršteins, a Saeima member, proposed deporting 250,000 Russian-speaking 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."⁵⁶⁸

Such Russophobic manifestations 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% of respondents either became victims and 33% witnesses of hate incidents or discriminatory manifestations, or heard of such cases. 13% of respondents were victims, or heard about other victims of attacks. According to respondents, hate incidents were motivated by race (36%), ethnicity/xenophobia (25%), language (22%), religion (6%). Over 40% of third-country nationals reported to have been discriminated against, for example, when contacting government bodies,

⁵⁶⁸ <https://www.rubaltic.ru/news/16122022-v-posolstve-rossii-v-latvii-raskritikovali-initsiativu-deputata-deportirovat-russkoyazychnykh/>

police, medical institutions, when passing through border checkpoints, as well as in the street and public transport.⁵⁶⁹

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 noted that Islamophobic rhetoric strengthened in socio-political discussions in Latvia.⁵⁷⁰

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.⁵⁷¹ The Latvian authorities regularly prove this remark of the Committee in practice. The statement by Minister of Defense of Latvia A.Pabriks is an example hereto. Amid the coronavirus infection, instead of treating those who came to the Liberators of Riga monument on May 9, 2020 to pay tribute to the Red Army soldiers, he proposed to oblige them to pay for the treatment of "those whom they surrounded".

The Committee on Economic, Social and Cultural Rights expressed concern about 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 reported prevalence of prejudice and discrimination based on colour, language, religion, national or ethnic origin, sexual orientation and gender identity that hinder

⁵⁶⁹ ECRI Report on Latvia (fifth monitoring cycle). Adopted on 4 December 2018. Published on 5 March 2019. <https://rm.coe.int/fifth-report-on-latvia/1680934a9f>

⁵⁷⁰ Ibid.

⁵⁷¹ Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined sixth to twelfth periodic reports of Latvia. September 2018. https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fLVA%2fCO%2f6-12&Lang=ru

disadvantaged and marginalized groups' access to economic, social and cultural rights.⁵⁷²

Discriminatory attitude towards migrants is reported in Latvia as well. Many international human rights mechanisms noted this problem. The United Nations High Commissioner for Refugees representation for the Nordic and Baltic countries 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 RL 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."

In July 2022 *Amnesty International* also expressed concern about 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.

These concerns are underpinned by real-life examples. In mid-December 2022 Belarusian border guards found a refugee who was forcefully expelled out of the Latvian territory. According to the foreigner, he was 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 Belarusian Border Committee, the refugee said that he had stayed in

⁵⁷² Concluding observations of the Committee on Economic, Social and Cultural Rights on the second periodic report of Latvia. 30 March 2021
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E/C.12/LVA/CO/2&Lang=Ru

Latvia with his brother. However, his relative died in a Latvian hospital, where he was taken after being beaten by local police officers.⁵⁷³

As to hate crimes as offence category, there was no separate statistics on such offences in Latvia before. However, given the seriousness of this problem, the RL Ministry of the Interior created a working group in July 2021 to analyse it.

Recently, cases of desecration of Ukrainian flags hung in public places are considered as such crimes. Some of them eventually qualify under the article on inciting ethnic, racial and other hatred. According to Minister of Foreign Affairs of Latvia Edgars Rinkēvičs, "physical or verbal attacks on people from Ukraine or damage to property with Ukrainian symbols are exactly hate crimes in essence."

Latvia is making deliberate efforts to falsify history and glorify former Waffen-SS legionnaires, as well as Nazi accomplices, who are elevated to the rank of "national liberation movement" participants. The collaborationism is being justified along with inculcating in the public mind the idea of identity of the Nazi Germany and the Soviet Union. In practice, this takes the shape of cultivating nationalist and Russophobic sentiments among the broad masses. Such policy began almost immediately after Latvia withdrew from the USSR. The declaration "On the Latvian Legionnaires in World War II" adopted by the Saeima on 29 October 1998, laid a foundation for such a course. In defiance of the facts, it stated that "the soldiers who were called to arms or voluntarily joined the legion intended to protect Latvia from the Stalinist regime restoration" and that they "never participated in Hitler's punitive actions against the civilian population." With the government support and donations from the *Daugava Hawks* organization created by veterans of the Latvian Legion, a

⁵⁷³ <https://www.rubaltic.ru/news/14122022-beloruskie-pogranichniki-nashli-bezhentsa-na-granitse-s-latviey/>

memorial complex to cherish the memory of members of that same criminal formation was opened in the village of Lestene in 2000.⁵⁷⁴

In line with this policy, public efforts to distort and falsify history and justify collaborators are made by representatives of not only right-wing radical forces, but also Latvian authorities, including country's leaders. Among other things, there are known instances of coordinated efforts by the leaders of three Baltic States in this area. Among them are the joint statement made on 7 May 2020 by the presidents of Lithuania, Latvia, and Estonia on the occasion of the 75th anniversary of the end of World War II in Europe (where the liberation of the Baltic States from the Nazis is called "occupation", allegedly "because one totalitarian regime was replaced by another") and the video message by heads of the three Baltic States posted in June 2021 on the occasion of the 80th anniversary of deportation from these countries (14 June 1941) making a false point of equal responsibility of the Nazi Germany and Soviet Union for starting World War II.⁵⁷⁵

There have also been attempts to whitewash Latvian accomplices of the Nazis from a legal standpoint. In this regard, it is worth mentioning a decision made in February 2019 by the Prosecutor General of Latvia to terminate the criminal proceedings on the possible involvement of Latvian pilot Herberts Cukurs (who was a member of the Arajs Kommando – a unit of the Latvian Auxiliary SD Police – and nicknamed "the butcher of Riga") in the extermination of the Jewish population of Latvia during World War II. The investigation had been lingering since 2006 under Article 71 – Genocide – of the Latvian Criminal law. The proceedings were terminated due to the fact that

⁵⁷⁴ Accomplices of Nazi crimes. 96 veterans of the Latvian SS 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/Легионеры_4_light.pdf

⁵⁷⁵ The Baltic presidents came up with lies about Soviet deportations again. Website of the project "Remembrance, research, justice: the legacy of World War II in the 21st century". 15 June, 2021. <https://remembrance.ru/2021/06/15/pribaltijskie-prezidenty-vnov-vystupili-s-lozhju-o-sovetskih-deportacijah/>

Latvian Prosecutor's Office did not find the *corpus delicti* provided for in Article 71 in Cukurs' actions.

To promote the attitudes of "occupation doctrine" supporters, all kinds of pseudo-scientific works on "occupation" are published (e.g. Crimes of the USSR occupation army in Latvia. 1940 – 1991 by Jānis Riekstiņš). Moreover, books aimed at shaping a positive image of the Nazis and their accomplices are used as supplementary history books in schools.

This topic is promoted in Latvia, in particular, through organizing tourist paths along memorable sites related to the forest brothers. Guided excursions are provided along a tourist path near Stompaku bog in Viļaka⁵⁷⁶ with various tasks and historical recitals. In general, the Baltic States implement a number of measures to incorporate locations related to the forest brothers into a sightseeing network. In May 2021, Latvia and Estonia created a map and a brochure listing military and historical tourist sites related to the forest brothers (over 150 well-kept former military sites with exhibitions, as well as natural sites such as battlefields, trenches and bunkers).

Nazi symbols also appear in everyday life. In late November 2022, swastika decorations on the city Christmas tree in Lielvarde became public knowledge.⁵⁷⁷ 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.⁵⁷⁸

By contrast, any attempt to paint over the Nazi symbol is persecuted by the authorities. So, in April 2022, the Latvian police detained three Russian

⁵⁷⁶ During World War II and thereafter, battles took place in this area between the Soviet state security agencies and "forest brothers". The "forest brothers" detachment was headed by Peteris Supe, who had previously been trained in the German Abwehr and then in October 1944 joined the German *Lapland* reconnaissance group tasked to unite anti-Soviet groups and detachments scattered in the vicinity of Abrene, Viļaka, Balvi, Aluksne, Gulbene, Valka, Cesis and Madona.

⁵⁷⁷ <https://www.rubaltic.ru/news/29112022-v-latvii-gorodskuyu-novogodnyuyu-yelku-ukrasili-svastikami/>

⁵⁷⁸ <https://www.rubaltic.ru/news/14122017-zhiteli-latvii-v-preddverii-prazdnikov-pozhalovalis-na-svastiki/>

sailors who were trying to paint over the swastika painted on the Russian state flag in the center of Riga.⁵⁷⁹

It should be noted that the efforts of Latvian authorities to glorify Nazism and justify the crimes of Nazi collaborators assumed unprecedented, previously unseen forms and proportions in 2021-2022.

For many years, the Latvian political establishment has made efforts to achieve the legal ban on May 9 celebrations, public demonstration of the symbols associated with the Victory over Nazism, and public events near Soviet military memorials.

On 11 November 2021, the Saeima passed several amendments to the laws on *Security of Public Recreational Events and Celebrations* and *Holidays and Commemorative Days* that prohibit the use of St. George's Ribbon.

On 31 March 2022, the Saeima adopted a series of amendments to the *Security of Public Events Law* which banned events within 200 meters of any memorial that "glorifies the victory and memory of the Soviet Army or its servicemen in Latvia".

On 7 April 2022, the Saeima adopted a law on *Establishing a Day of Remembrance of the Dead and Wounded in Ukraine* which proclaimed May 9 a day of mourning and banned public events and celebrations on this date. The law had "one-time application" and ceased to be in force on 11 May 2022. However, the same may happen in the coming years and be legitimized for a long term.

In addition to legal bans, Riga authorities also made practical steps to prevent people from laying flowers to the Monument to Liberator Soldiers in city Victory Park on 9 May 2022: the night of 8 May 2022, the State police fenced off the Monument without prior notice and closed the nearby public transport stops. However, these restrictive measures did not stop local residents

⁵⁷⁹ <https://www.rubaltic.ru/news/18042022-v-rige-arestovali-russkikh-moryakov-za-popytku-zakrasit-svastiku-na-flage-ri/>

from honoring the memory of fallen Soviet heroes. The outcome was 35 persons detained and 49 administrative proceedings initiated, mostly related to the "use of symbols that glorify military aggression and war crimes", implying St. George's Ribbon. On the morning of 10 May 2022, the authorities used an excavator to barbarically remove flowers laid on the square by the Monument. Such blasphemous actions against the memory of fallen liberators caused justifiable outrage among many Riga residents who continued to bring flowers to the Monument on 10 May 2022. The same evening, Latvian nationalists helped by the State police forced all visitors out of the Victory Park blocking access to the Monument until 31 August 2022.

The Latvian authorities did not stop at just restricting access to the monument. On 12 May 2022, deputies of the Saeima of Latvia urgently legitimized the dismantlement of the Monument in Victory Park, suspending article 13 of the 1994 Russia – Latvia Intergovernmental Agreement on the Social Protection of War Pensioners, under which Latvia pledged to protect Soviet memorials in its territory. Members of the Saeima's Foreign Affairs Commission who sponsored the amendments, supported this cynical decision by openly stating that "Latvia's commitments under article 13 of the Agreement do not extend to such structure as the Monument any more".

Deputies of the Riga City Council endorsed the above decision to bring down the Monument to Liberator Soldiers by majority voting (39 against 13 votes) at an extraordinary meeting on 13 May 2022.

The Monument to Liberator Soldiers in Riga was annoying right-wing nationalists long time before that. There were suggestions to rename or transform the memorial, allegedly to reflect its "true meaning". An initiative to demolish it was discussed within a working group formed in the Saeima of Latvia. The Internet was used as well. Google Maps displayed an incorrect "translation" into Latvian – Okupācijas piemineklis ("Monument to

Occupation") – next to the Russian name of the Victory Monument. Admins of the web-site did not respond to complaints.

The Monument to the Liberators of Riga was one of the first victims of vandalism against monuments to Red Army soldiers who had liberated the country from Nazism during World War II, another surge of which has spread throughout Latvia since the beginning of the special military operation. On 24 February 2022, the Monument was poured over with paint. After that, a vandal tried to destroy the Monument with a hammer. The offender was however detained by police. In this context Jānis Bordāns, Latvia's Minister of Justice, urged for demolition of the Monument, calling it a threat to national security, and encouraged Latvian authorities to find loopholes to circumvent provisions of the treaty with Russia that protected the memorial.

On 16 June 2022 the Saeima speedily adopted a law on the *Prohibition of Exhibiting in the Republic of Latvia of Items Glorifying the Soviet and Nazi Occupation Regimes* that obliged municipalities to demolish Soviet memorials before 30 November 2022, including the Monument in Riga. Roughly 300 Soviet memorials to Red Army soldiers who liberated Latvia from Nazism are covered by this law.

President Egils Levits publicly supported this act, noting that behind it was a desire to prevent "any glorification of Russia's imperial ideology in the public space".

It is also indicative that the Latvian authorities, in the nationalist frenzy of their campaign to demolish the Monument to the Liberators of Riga, completely ignored the opinion of international human rights mechanisms and their obligations under international treaties. On 26 August 2022 the Human Rights Committee appealed to the Latvian Ministry of Foreign Affairs in connection with complaints received regarding violations of the International Covenant on Civil and Political Rights (an attempt by public activists to suspend the dismantling of the Monument to the Liberators of Riga and Latvia). The appeal

of the Committee failed to prevent the demolition, however, the Government of Latvia was instructed to give explanations to HRCttee experts on this situation by 26 February 2023.

Parallel to the intense fight against Soviet memorials and historical heritage, Latvian authorities continued efforts to glorify Latvian Waffen-SS Legionnaires and harbour surviving collaborators from the court.

In September 2021, the Latvian competent authorities denied Belarus legal assistance in the criminal case on genocide during the Great Patriotic War, not allowing to interrogate 22 Latvian SS Legion members with a reference to possible "damage to the sovereignty of the Republic of Latvia". The Prosecutor General's Office of Belarus made the above request in June 2021,⁵⁸⁰ after the Historical Memory Foundation and the Foundation for the Support and Development of Jewish Culture, Traditions, Education and Science had published a report titled *Supporters of Nazi Crimes. 96 Latvian SS Legion veterans who are still alive*. It included information about almost a quarter of about 400 former Latvian SS Legionnaires living in Latvia and abroad, at least some of whom may have been involved in serious crimes during World War II. It identified, among others, 22 former Latvian SS Legion members.⁵⁸¹ 23 more Nazi collaborators were identified in the Foundation's 2021 report *Retired Butchers. Latvian Nazi Criminals in CIA Service*. The report clearly demonstrates that most Latvian CIA agents served the Nazis during World War II, and many of them were directly involved in crimes against humanity, including the Holocaust, punitive operations against civilians of Soviet republics, the blockade of Leningrad. Among these criminals was Jānis Cīrulis,

⁵⁸⁰ The Prosecutor General's Office of Belarus will summon the Latvian SS Legion living veterans for questioning. Historical Memory Foundation. June 24, 2021. <http://historyfoundation.ru/2021/06/24/genprokuratura-belarusi-vyzovet-na-dopros-nyne-zhivyh-veteranov-latyshskogo-legiona-ss/>

⁵⁸¹ Accomplices of Nazi crimes. 96 veterans of the Latvian SS 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/Легионеры_4_light.pdf

who, as part of a Security Police and the SD special unit, took part in mass murders of civilians in Latvia and the USSR, including near the village of Zhestyanaya Gorka (Novgorod Oblast).

The violent reaction of Latvian ultra-patriots to the Belgian authorities' decision to demolish the monument to Latvian legionaries in Zedelgem that was installed in 2018 (dismantled on 31 May 2022) is indicative of the true attitude of the official Riga to Nazi accomplices. In December 2021, Latvian Minister of Culture Nauris Puntulis (National Alliance) spoke in defense of the monument, urging "to respect the memorial", and spokesperson of the mentioned political party Laima Melkina stated that "attempts to accuse Latvian legionaries 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 Flanders leaders.

Besides, honoring former Waffen-SS legionnaires continues in Latvia.

On 16 November 2021 the Saeima officially approved the establishment of the National Partisan Armed Resistance Remembrance Day on March 2 to commemorate forest brothers' fights near Stompaku bog in Viļaka.

In 2022, the events to commemorate this day were for the first time held under the aegis of the official public Remembrance Day, during which President of Latvia Egils Levits opened a memorial to the so called "national partisans" – in fact, open Nazi collaborators – forest brothers buried in Stompaku.

On 16 March 2022, the Latvian Waffen-SS legionaries remembrance day, there was a traditional procession of "national heroes" sympathizers attended by *Daugava Hawks* members traditionally 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 deputy Jānis Dombrava – took part in the procession to the songs of the Waffen-SS Legion. Meanwhile, Riga City Council rejected the Latvian

Anti-Nazi Committee application to hold a parallel event against justifying Latvian punitive division crimes. On the same day, Speaker of the Saeima Ināra Mūrniece laid flowers and delivered another revisionist speech at the legionary cemetery in Lestene.

Latvian Waffen-SS legionaries marched another time on 16 March 2023. The event was traditionally guarded by Latvian special services and police, whereby Jelgava City Council deputy Andrei Pagora, who went to a single picket with an anti-fascist poster, was detained. On the occasion of this event in support of the Nazis, President Egils Levits issued a statement where he equaled Latvian legionaries and "forest brothers" to national resistance members who advocated an independent Latvia.

The international community has heavily criticized the marches of Waffen-SS veterans. ECRI has repeatedly expressed concern in its reports about the annual commemoration of Latvian Waffen-SS legionaries on 16 March. ECRI noted that MPs from the National Alliance which is part of the ruling coalition, had been seen attending the ceremonies. Commission experts have repeatedly recommended Latvian authorities to condemn all attempts to commemorate persons who fought in the Waffen-SS and collaborated with the Nazis, as well as to call on MPs to abstain from attending such ceremonies.⁵⁸²

The Latvian authorities take care of the burial places of former SS men. On 13 October, 2022 a draft law was adopted in the first reading on the *Lesten Lutheran Church* in the cemetery of which Latvian Waffen-SS legionaries are buried. This memorial is a kind of mecca for nationalists from the Latvian political establishment. Speaker of the Seima Ināra Murniece regularly attends the annual events held there to honor the SS.

In February 2023, it became known that this year the Ministry of Culture of Latvia would allocate 300 thousand euros for the shooting of a film

⁵⁸² ECRI Report on Latvia (fifth monitoring cycle). Adopted on 4 December 2018. Published on 5 March 2019. <https://rm.coe.int/fifth-report-on-latvia/1680934a9f>

glorifying another SS man – Ernest Laumanis, company commander in the 21st Liepaja Schutzmannschaft Battalion, later Latvian SS Legion member, who participated in the extermination of Jews in Latvia and securing the Nazi blockade of Leningrad.

Given the trends described above, it is no surprise that 2022 witnessed a sharp upsurge of the desecration of Soviet military memorials in Latvia. The Latvian government began eliminating Soviet memorial heritage on a larger scale than all the Baltic countries, immediately addressing the issue of iconic monuments that are widely known outside the republic.

While the Embassy of Russia in Latvia recorded four acts of vandalism against Soviet monuments in the territory of the country throughout 2021, there were dozens of such cases in the first half of 2022 already.

As of the end of June 2022, 13 cases of desecration of memorials to Red Army soldiers were recorded, municipalities illegally demolished 7 monuments and eliminated a mass grave. In several cases, such blasphemous actions were approved by local legislative authorities, as was the case in Ogre and Jelgava.

It is remarkable that several Latvian municipalities have been proactive in demolishing Soviet memorials without waiting for legislative amendments to come into force. For example, on 31 May 2022, Sigulda authorities announced their plans to demolish three monuments: a Panfilov Division memorial in the village of Mālpils, a Young Communist League memorial and a Soviet prisoners of war memorial stone in Sigulda.

On 14 June 2022 in violation of Latvia's international legal obligations, Jēkabpils authorities began executing the regional council's illegal decision to eliminate the mass military burial on 205, Rīgas street in close vicinity of the memorial complex. Heavy duty equipment demolished the pedestal of the monument to Soviet artillerymen, the remains of three Soviet officers buried underneath were exhumed. On the same day, the adjacent complex in memory of the Heroes of the Soviet Union who perished in the Krustpils operation was

demolished. Head of Jēkabpils local council Raivis Ragainis allowed himself to publicly call the dismantled memorial stones "pieces of concrete without any historical value".

The Jēkabpils monument had been attacked by vandals previously as well. On 24 February 2021, the 76 mm gun was stolen from the monument's pedestal. Despite the fact that Latvian law enforcement agencies initiated a criminal case on the matter, the perpetrators have not been prosecuted.

On 25 October 2022, Liepaja authorities demolished the defenders of the city monument installed on the Liepaja Canal embankment in 1960 in memory of the defence of the city from Nazi troops on June 22–29, 1941.⁵⁸³

In late October 2022, a part of the Friendship Mound memorial located near the border of Latvia, Russia and Belarus, was damaged by heavy equipment.⁵⁸⁴ The memorial complex was built in 1959. It is a symbol of the heroic struggle of Russian, Belorussian and Latvian partisans during the Great Patriotic War. A month later, Latvian authorities destroyed the pedestrian bridge across the Sinyukha river near this monument.⁵⁸⁵

On 31 October, two monuments to Soviet soldiers were demolished in Daugavpils – a stele in the Square of Glory and a memorial on November 18 Street, opposite the Fraternal Cemeteries. Notably, the mayor of the city and local residents opposed the dismantling of monuments. On the demolition day, the police cordoned off the monument and, as a result, detained 37 people, made up reports on them, including for singing songs allegedly glorifying combat actions.⁵⁸⁶

On 6 November 2022, a monument to Soviet partisans, memorial plates and a tombstone with the names of buried Red Army soldiers (about 30 people)

⁵⁸³ <https://www.rubaltic.ru/news/25102022-v-liepae-snosyat-pamyatnik-zashchitnikam-goroda/>

⁵⁸⁴ <https://www.rubaltic.ru/news/29102022-v-latvii-razrushili-chast-memoriala-kurgan-druzhby-na-granitse-s-rossii-i-belarusyu-video/>

⁵⁸⁵ <https://www.rubaltic.ru/news/24112022-latviya-razrushila-peshkehodnyy-most-u-kurgana-druzhby-na-styke-granits-rossii-i-belarusi/>

⁵⁸⁶ <https://www.rubaltic.ru/news/31102022-v-latvii-snesli-dva-pamyatnika-sovetskim-voinam-vopreki-protestam-zhiteley/>

were demolished in the village of Šķaune. The monument was razed to the ground by heavy construction equipment. Exhumation of the remains, as far as is known, was not carried out.

On 9 November 2022, the last of the large monuments to Soviet soldiers in the country was demolished – a monument in the city of Rezekne, known as "Alyosha". Mayor of the city Aleksandrs Bartaševičs said that the demolition of "Alyosha" is a desecration of memorials and an act of vandalism. But the central authorities failed to listen to him.⁵⁸⁷ In an address to the townspeople on 8 November, the mayor stated that the options he proposed, involving transfer of the monument to the territory of a city cemetery, were rejected by Riga. Latvia also ignored the opinion of the Human Rights Committee who urged that the monument be preserved.

On the evening of 19 November 2022, unidentified persons stole 16 memorial plates from the military fraternal cemetery in the Jurmala Bulduri district where Soviet soldiers are buried.⁵⁸⁸

Official information by Latvian authorities shows that Latvia is actively implementing its policy of destroying Soviet memorials. As of 14 November 2022, 124 monuments to Red Army soldiers have been dismantled in Latvia. This was stated by Ms. L.Kokale, head of the public relations department of the Ministry of Culture. According to her, self-governments of the Baltic Republic reported to have demolished 69 sites to be dismantled by a Cabinet of Ministers decree by 15 November. Municipalities demolished another 55 objects on their own initiative.⁵⁸⁹

Indicative in this regard is the fact that the official Riga widely uses repressions against those who oppose their line. Latvian special services initiate investigations and disciplinary checks against those mayors who are trying to

⁵⁸⁷ <https://www.rubaltic.ru/article/politika-i-obshchestvo/20221125-potomki-kollaborantov-prodolzhayut-perepisyvat-istoriyu-pribaltiki/>

⁵⁸⁸ <https://www.rubaltic.ru/news/20112022-v-latvii-oskvernili-bratskoe-zakhoronenie-sovetskikh-soldat-/>

⁵⁸⁹ <https://www.rubaltic.ru/news/14112022-v-minkultury-latvii-nazvali-chislo-snesennykh-sovetskikh-pamyatnikov/>

resist the demolition of Red Army memorials or "sabotage" (delay) it. In particular, on 9 November 2022, Daugavpils mayor Andrejs Elksniņš was summoned to the Latvian State Security Service for explanations in relation his interview to a local TV channel where he condemned the dismantling of Soviet memorials in Latvia and called Crimea part of Russia.

It is regrettable to note that a similar negative tendency has developed in Latvia as a whole. The Latvian side has not asked for the agreement of the Russian side to the above monument destruction "works" and exhumation of the remains of Soviet soldiers, as provided in the relevant bilateral treaties. Protest notes of the Russian Embassy with demands to fulfill the international legal obligations assumed by Latvia and prevent such unilateral illegal actions have been left without a coherent answer.

Moreover, the Latvian authorities deliberately distort the facts and interpret history in order to justify their own unseemly actions. Now a similar approach is being used to justify the obvious glorification by Latvia of the Latvian SS legionaries, Nazi accomplices and an open fight against the memory of Red Army soldiers who liberated Latvia from Nazism.

On 14 October 2022, a month and a half after the Liberators of Riga monument was dismantled, the Latvian Foreign Ministry responded to Russia's protests sent on 24 August. Parallels were drawn between the modern Russia and USSR who "occupied" Latvia after *Molotov-Ribbentrop* Pact. It was then concluded that the Soviet Army exploits were cultivated by Russia to justify its own "aggressive geopolitical ambitions". On this basis, the protest of the Russian side and accusations of violating obligations under Article 13 of the bilateral agreement were rejected, indicating that Latvia had been "honestly" fulfilling it for 30 years.

This was then followed by a conclusion that with 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 a

conclusion followed that "aggression" was forcing the world community to reconsider its attitude towards the symbols associated with the USSR army. (Thus, it appeared that the Latvian side cited its own interpretation of the international context as a basis for a unilateral, without legal grounds, refusal to fulfill its obligations under the current agreement without any legal steps to withdraw from it).

All of the above facts testify to the intentional efforts by the Latvian authorities to forcibly revise historical events, glorify Latvian legionaries under the false pretext of their alleged participation in a "national liberation movement". Along with this, a course has been taken to exclude everything Russian from the country's public life and disqualify Russian-speaking inhabitants of this Baltic country.

Lithuania

The human rights situation in the Republic of Lithuania, unfavorable on the whole in any case, has continued to deteriorate over the recent year. There are still numerous cases of freedom of speech restrictions, national minority discrimination, primarily in the educational sphere, neo-Nazi and anti-Semite manifestations, persecution for political and other reasons.

A serious economic crisis manifesting itself not only in Lithuania, but also in other Baltic states, aggravates the state of affairs. Macroeconomic indicators have been rapidly declining in the three countries. They are among the EU leaders in terms of GDP and industrial production fall. Moreover, the local population is experiencing 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 an improved situation either. After the Baltic countries joined the Schengen zone, they turned out to be unattractive to live in and uncompetitive in the labor market in the eyes of their own youth.

More than 15 years have passed since Lithuania, Latvia and Estonia entered the Schengen zone, which led to record depopulation in these countries due to the mass emigration of young able-bodied 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 2022.⁵⁹⁰

According to media reports, in 2022 the economic situation in Lithuania has essentially rolled back to the state of the 1990s. The cost of certain types of inexpensive cereals has almost tripled in a short time: from 29 to 75 cents. The combined inflation rate amounted to 22.4%.⁵⁹¹ This is the highest figure since

⁵⁹⁰ <https://www.rubaltic.ru/article/politika-i-obshchestvo/20221221-vymiranie-na-obochine-es-prisoedinenie-k-shengenu-privelo-k-massovoy-emigratsii-iz-pribaltiki/>

⁵⁹¹ <https://www.rubaltic.ru/article/ekonomika-i-biznes/20221209-pogruzhenie-prodolzhaetsya-sanktsii-protiv-rossii-uvlekayut-strany-pribaltiki-na-dno/>

1996. At the same time, 10% of Lithuanians living below the poverty line are those who work full-time.⁵⁹²

According to a survey conducted at the end of November – beginning of December 2022 by the market and opinion research company *Baltijos tyrimai* commissioned by LRT (Lithuanian National Radio and Television), the vast majority of Lithuanian residents (87%) believe that the situation in the country is getting worse. Only 12% of respondents believe that it is improving. 1% of the respondents had no definite opinion on this issue. Over the past month, the number of pessimists has increased by three percentage points, and over the year – by 7 percentage points. People under the age of 30 living in big cities with a higher education and a monthly income of over 1.8 thousand euros predominate among the optimists.⁵⁹³

The deterioration of the economic situation has also affected the population's attitude toward the authorities. The survey conducted by the Lithuanian Public Opinion and Market Research Center "Vilmorus" in the first half of December 2022 showed a decrease in confidence, even in comparison with the previous month. The Lithuanian population has the greatest distrust in the government – 46.8% against 45% in November, in the Seimas – 58.1% (in November – 58.3%) and political parties – 60.7% against 56.7% in November. The level of trust is even lower: only 14.4% of Lithuanians trust the government, while a month ago there were 17.9%. Party structures faced a catastrophe with 3.7% of citizens trusting them (in November they had 7.1%). A decline in trust in the president of the country Gitanas Nausėda was recorded: while in November 44.1% trusted him, in December it was 37.9%. 56.1% of the respondents do not trust Prime Minister Ingrida Simonyte with only 27.2% of the respondents trusting her. Foreign Minister Gabrielius Landsbergis turned out

⁵⁹² <https://www.rubaltic.ru/article/ekonomika-i-biznes/20221214-takogo-ne-bylo-nikogda-pribaltika-platit-za-rusofobiyu-nebyvalym-rostom-tsen/>

⁵⁹³ <https://www.rubaltic.ru/news/28122022-bolshinstvo-litovtsev-nazvali-situatsiyu-v-strane-ukhudshayushcheyasya/>

to be the most unpopular politician: 65.7% of the respondents said he was not trustworthy and only 16.3% still trusted him.⁵⁹⁴

Official Vilnius is explicitly pursuing a policy of falsifying the history of the Second World War and placing Nazi collaborators on the same footing as national heroes, which is contrary to the conclusions of the Nuremberg Tribunal. Thanks to the efforts of the authorities, the crimes of the Nazi accomplices, the Forest Brothers, are being openly justified in the country.

In 2022, in a burst of historical revisionism, the Lithuanian authorities headed for accelerated demolition of monuments to Soviet soldiers located in places of burial of the Red Army servicemen all over the country. The authorities motivate this policy by a desire to get rid of the "totalitarian legacy". There is also a legal basis for this: Soviet symbols are prohibited by law in the republic. On 13 December 2022, the Lithuanian Seimas majority passed a Law on De-Sovietization of Public Spaces in Lithuania, which will come into force on 1 May 2023. The propaganda of totalitarian and authoritarian regimes and their ideologies will be banned in the country.⁵⁹⁵ The law creates an environment for the dismantling of unwanted monuments, memorial sites, as well as the renaming of street names and other toponyms.

In fact, the Lithuanian authorities used the Russian Federation's special operation to denazify and demilitarize Ukraine and protect the civilian population of Donbass as a pretext for such actions. Following the start of the special operation, settlements in Lithuania were subjected to a wave of vandalism resulting in the desecration of dozens of monuments, memorials and obelisks, mainly in military burial sites.

Although Lithuanian law enforcement agencies reported that investigations had been initiated into these incidents, nothing is yet known

⁵⁹⁴ <https://www.rubaltic.ru/article/politika-i-obshchestvo/20221227-pravitelstvo-nedoveriya-v-litve-pravyashchaya-koalitsiya-stremitelno-teryet-populyarnost/>

⁵⁹⁵ <https://www.rubaltic.ru/article/politika-i-obshchestvo/20221227-pravitelstvo-nedoveriya-v-litve-pravyashchaya-koalitsiya-stremitelno-teryet-populyarnost/>

about their results. It is clear that the Lithuanian authorities are not interested in solving such crimes and are ready to overlook them, as such actions are fully consistent with the policy pursued by them. An example is the monument to the Soviet soldier in Kurkliai, Anykščiai District, that was desecrated by vandals on 10 April 2022. On 18 May 2022, the Utena district prosecutor's office decided to stop the pretrial 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 on May 5.⁵⁹⁶

In addition, in April 2022, the Seimas of Lithuania approved amendments to the Code of Administrative Offences prohibiting the public display of the St. George ribbon, which was considered to be a symbol of the "totalitarian regime" that "promoted military aggression".⁵⁹⁷

Vandalism against Soviet monuments is condoned and even encouraged 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 propaganda".⁵⁹⁸ 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".⁵⁹⁹ Simonas Kairys, Lithuanian Minister of Culture (the 16th Minister of Culture in about 30 years of the country's independence) also made his mark along these

⁵⁹⁶ <https://lt.sputniknews.ru/20220519/v-litve-zakryli-delo-ob-oskvernenii-pamyatnika-sovetskomu-soldatu-23254639.html>

⁵⁹⁷ www.lt.sputniknews.ru/20220419/seym-litvy-zapritel-publichnoe-ispolzovania-georgievskoy-lenty-22788067.html

⁵⁹⁸ <https://ru.respublika.lt/ru/naujienos/ru/politika/ne-miritsja-s-perezitkami-propagandi-i-razziganija-vojni-gnayseda-o-sovetskix-pamjatnikax/>

⁵⁹⁹ [https://www.lrt.lt/ru/novosti/17/1660229/evrei-litvy-osuzhdaiut-oskvernenie-memoriala-pamiaty-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%20o%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-pamiaty-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%20o%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)

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".⁶⁰⁰ 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 fulfill the relevant provisions of the relevant 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 Defense 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, the Lithuanian municipal authorities decided to dismantle tens of monuments, memorials, obelisks and statues, including in the largest cities. It has already happened 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.⁶⁰¹ On 4-6 July 2022, the dismantling of the sculpture of three soldiers, the sword,

⁶⁰⁰ <https://lrkm.lrv.lt/lt/naujienos/parengtos-rekomendacijos-savivaldybems-del-sovietiniu-paminklu-nukelim>

⁶⁰¹ <https://www.rubaltic.ru/news/26042022-v-kaunase-snesli-pamyatnik-na-zakhoronenii-sovetskikh-voinov/>

and the red star and the eternal flame effectively destroyed the memorial to Red Army soldiers in Klaipėda.⁶⁰²

Supporting the Russophobic hysteria, in June 2022, the Vilnius authorities decided to demolish a memorial to Soviet soldiers in the Antakalnis cemetery where Lithuania's largest burial site is located. At a meeting of the city council, mayor Remigijus Šimašius called the monument "a militaristic monstrosity not fitting the graves".⁶⁰³ The centerpiece of the memorial were six steles with images of Soviet soldiers. For decades, this particular monument has been the main venue of wreath-laying ceremonies by the Russian Embassy on memorable days of World War II. On such days Russian compatriots gathered there as well. At the end of November 2022, demolition of the steles⁶⁰⁴ began and was completed on 9 December. A call by the Human Rights Committee to the Lithuanian authorities not to destroy the memorial did not prevent its destruction. Commenting on the actions of Vilnius authorities, who ignored the appeal of the international body, mayor Remigijus Šimašius called this act of vandalism a response 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".

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 Raudonė, Jurbarkas district. The remains of 190 Red Army soldiers and officers, who liberated the city from the Nazis and their henchmen in October 1944, are buried in this military cemetery.

The policy of whitewashing and glorifying the Forest Brothers (in Lithuanian interpretation – "partisans") as alleged "heroes of the national liberation movement" and "fighters against the Soviet regime" continues.

⁶⁰² https://www.1tv.ru/news/2022-07-05/432684-v_klaypede_nachalsya_snos_monumenta_sovetskim_voinam_kotorye_pogibli_osvobozhdaya_litvu_ot_fashizma

⁶⁰³ <https://lenta.ru/news/2022/06/08/pamyatnik/>

⁶⁰⁴ <https://www.rubaltic.ru/news/30112022-v-vilnyuse-nachali-demontirovat-memorial-sovetskim-voinam/>

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% of the Jewish population living in the country at that time). Witnesses say that the Forest Brothers came from the very villages whose residents they murdered and robbed.⁶⁰⁵ After the war, the Forest Brothers 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.⁶⁰⁶

Celebrations in honor of the Forest Brothers take place in 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 re-buried, memoirs of collaborators are published and disseminated, etc.

In May 2021, a monument to another Forest Brother Antanas Kraujelis, nicknamed "Siaubūnas" ("Monster" in Russian) was opened in one of the cemeteries of the Lithuanian capital in the presence of members of parliament and representatives of the executive branch, including Deputy Defense Minister Žilvinas Tomkus, Lieutenant General Valdemaras Rupšys, commander of the Lithuanian army, and Arūnas Bubnys, director of the LGGRTC.⁶⁰⁷ The tombstone was consecrated personally by Catholic Archbishop Gintaras Grušas.⁶⁰⁸

⁶⁰⁵ <https://iz.ru/1137992/andrei-razumovskii/banditskii-fors-v-litve-proslavliaiut-lesnykh-bratev>

⁶⁰⁶ https://lt.baltnews.com/freedom_of_speech/20220411/1021506655/Litovskiy-sindrom-mezhdu-geroizatsiey-natsizma-i-istoricheskoy-pravdoy.html

⁶⁰⁷ The organization is funded by the state. Its task is to study the "crimes of the Soviet occupation".

⁶⁰⁸ https://lt.baltnews.com/vnutri_Lithuania_politika_novosti/20210520/1020805098/Litovskiy-standart-vozvyszenie-prestupnikov-stanovitsya-gosudarstvennoy-normoy.html

In December 2021, Vilnius authorities opened a new square in the capital and named it in honor of "hero" Juozas Lukša, one of the most well-known leaders of the Lithuanian anti-Soviet movement, a 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). The event was preceded by the decision of the Lithuanian parliament to declare 2021 the year of Lukša. The demand 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.⁶⁰⁹ Earlier, on the day of Lukša death, Lithuania honored his "heroic deeds" in the fight against Soviet authorities. The event was attended by Lithuanian Defense Minister Arvydas Anušauskas, members of the Seimas of the Republic, mayors, and local residents. President G.Nausėda recalled in this regard that Lukša's remains have 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.⁶¹⁰

Antisemitic manifestations continue to be recorded in Lithuania. This is also facilitated by controversial actions of the Lithuanian authorities. In 2020, the Lithuanian 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 EUR to the Good Will Foundation, which is considered a tool for compensating surviving members of the Jewish community and their family

⁶⁰⁹ <https://lt.sputniknews.ru/politics/20200716/12640637/V-Litve-razgorelsya-skandal-vokrug-zayavleniya-glavy-EOL-o-partizane.html>

⁶¹⁰ https://lt.baltnews.com/vnutri_Lithuania_politika_novosti/20210906/1021036996/Agent-s-Zapada-Kak-posobnik-natsistov-zasluzhil-zvanie-geroya-Litvy.html

members for property taken from them during the war. The fund also finances other projects to support the Lithuanian Jewish community.⁶¹¹

At the same time, the local establishment shamefully conceals the facts of the direct participation of ethnic Lithuanians in the mass murder of Jews on the territory of this Baltic republic during the war. The country is still not ready to be honest about Lithuanian responsibility for the genocide of the Jews in Lithuania. Some attempts to tell the truth face fierce resistance from the authorities (one such example is the book "Our People" by journalist Ruta Vanagaite, published in 2016).

Vandalism at Jewish cemeteries has been a regular occurrence for many years, and as a rule, the perpetrators are not found. For example, in the spring of 2022, unknown persons desecrated the memorial to Holocaust victims and World War II victims in Paneriai near Vilnius four times. In a statement condemning these incidents, the JCL noted the "apathy of the responsible agencies and public tolerance of such attacks".⁶¹²

In November 2021, Lithuanian authorities in Šiauliai were forced to halt the construction of a bicycle route because it was discovered that it passed through a mass grave of Holocaust victims. The city's leaders did not make the decision immediately: it was only after the Jewish community had raised the alarm.⁶¹³

In September 2021, an act of vandalism took place at the old Jewish cemetery Pirmontas (Šnipiškės) in Vilnius.⁶¹⁴ A Nazi swastika was painted on a plaque calling for respect for the final resting place of the Jewish people.

⁶¹¹ <https://www.timesofisrael.com/lithuania-passes-law-allocating-38-million-in-restitution-for-holocaust-survivors/>

⁶¹² <https://lt.sputniknews.ru/20220401/v-litve-oskvernili-pamyatnik-zhertvam-kholokosta-v-paneryae-22451502.html>

⁶¹³ https://baltnews.lt/vnutri_Lithuania_politika_novosti/20211118/1021198979/Snova-skandal-Litva-zakhotela-krutit-pedali-na-kostyakh.html

⁶¹⁴ https://baltnews.lt/vnutri_Lithuania_politika_novosti/20210909/1021046743/Vandalizm-po-raspisaniyu-v-Litve-khudozhniki-izobrazili-svastiku.html

Official statistics published by the EU Agency for Fundamental Rights⁶¹⁵ do not contain data on antisemitic manifestations in Lithuania for 2021. Three such cases were recorded in 2020 and five in 2019. These officially recorded data do not allow for a full assessment of the level of antisemitism.

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.⁶¹⁶

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.

The Lithuanian judicial system is also subject to claims under the ECtHR. The observations made over the years about the lack of progress following the ECtHR decision in the Paksas v. Lithuania case were not satisfied by Vilnius until the spring of 2022. As is known, the unlawful decision taken by the Lithuanian Constitutional Court in 2004 excluded Rolandas Paksas, former president, from the political life of the country for a period.⁶¹⁷

⁶¹⁵ https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-antisemitism-overview-2011-2021_en.pdf

⁶¹⁶ 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

⁶¹⁷ Rolandas Paksas, president of Lithuania from 26 February 2003 to 6 April 2004, was dismissed from office following the impeachment proceedings after the Constitutional Court of Lithuania ruled that Paksas had grossly violated the Constitution of Lithuania by granting citizenship to the Russian businessman Yuri Borisov and violating his oath of office. On 25 May 2004, the Constitutional Court of the Republic of Lithuania forbade the former head of state to be elected president or a deputy of the Seimas for life and to hold any other public office requiring an oath. In 2005, an expanded panel of the Supreme Court of Lithuania fully acquitted Rolandas Paksas, and in 2011, the ECtHR found the aforementioned lifetime ban to be illegal and disproportionate, obliging the Republic of Lithuania to change the law accordingly. Among other things, the Court found that

The final statement of the Committee of Ministers of the Council of Europe of 5 December 2019 on Lithuania's unconditional commitment to comply with the court ruling said that more than eight years after the ECtHR issued its final decision, Rolandas Paksas' situation, which violates the European Convention on Human Rights, persists and must be resolved no later than the parliamentary elections in 2020 for the former president to be eligible to run for office. However, the Seimas did not support the required constitutional amendment until April 2022.⁶¹⁸ It provides that a person excluded by impeachment may be elected and assume duties requiring an oath of office.

In addition to the above-mentioned 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 provisions are used by the 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 states the involvement of Forest Brothers in the Holocaust and the mass murder of civilians. Some human rights defenders say that Lithuania has developed an entire system of measures and methods to influence dissenters. 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

Lithuania had violated Article 3 of Protocol 1 of the Convention for the Protection of Human Rights and Fundamental Freedoms, which guarantees the right to free elections.

⁶¹⁸ <https://delfi.lt/ru/news/article/php?id=89232507>

"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 demonstrated double standards. 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.⁶¹⁹

One more revealing example of discrimination by the Lithuanian authorities against Russian citizens is the case of the former officer of Riga Special Purpose Mobile Unit (OMON) of the MIA of the USSR Konstantin Nikulin 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 660,000 EUR. Despite the fact that in 2021 this Russian citizen was recognized as having group III disability status, the prison

⁶¹⁹ <https://www.rubaltic.ru/article/politika-i-obshchestvo/20230113-svoi-strelyali-v-svoikh-chto-stoit-za-gosudarstvennym-mifom-litvy-o-borbe-za-nezavisimost/>

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 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".

The gross violations by the Lithuanian authorities of the right to freedom of opinion and expression are clearly seen in the campaign of harassment and intimidation of a group of Russian and Lithuanian citizens and local journalists launched by the country's main intelligence agency, the State Security Department, under the pretext of spurious accusations of espionage for Russia. The criminal prosecution of a well-known local politician Algirdas Paleckis, who visited Russian Crimea and has his own point of view, distinct from that of the official authorities, about the events in Vilnius in January 1991, is continuing. It is 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 seizure of personal documents. On 27 July 2021, the court found the politician guilty and sentenced him to six years' imprisonment.⁶²⁰ His lawyer told the media that the disgraced politician was being held in solitary

⁶²⁰ <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

confinement and was severely malnourished and suffering from health problems.⁶²¹ The Vilnius entrepreneur Deimantas Bertauskas, who pleaded guilty in this criminal case and testified, was exempted from criminal responsibility.

In the summer of 2022, it became known that the Lithuanian Prosecutor General's Office initiated a pre-trial investigation against the International Forum for Good Neighbourhood association⁶²² founded by Algirdas Paleckis under the Criminal Code article, which provides for responsibility for aiding another state in its actions against Lithuania. The organization is suspected of illegal activities since its activists express an interpretation of recent Lithuanian history and current events in the country and in the world that differs from official Vilnius and advocate the normalization of relations between Lithuania and Russia and Belorussia. A widespread campaign to discredit the Forum was launched in the media with the involvement of 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 for aiding 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 E.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.⁶²³

A Russian national, journalist and historian Valery Ivanov, who is a witness in the Paleckis case, continues to be under scrutiny of local law enforcement agencies. In June 2020, the Vilnius District Court convicted Valery

⁶²¹ <https://lv.sputniknews.ru/20220506/sud-litvy-otlkonil-zhalobu-osuzhdenного-za-shpionazh-v-polzu-rf-paletska-21726124.html>

⁶²² <https://lt.sputniknews.ru/20220805/v-litve-protiv-foruma-paletska-nachato-esche-odno-rassledovanie-24098360.html>

⁶²³ <https://www.rubaltic.ru/news/28122022-v-litve-nachalsya-sudebnyy-protsess-o-likvidatsii-mezhdunarodnogo-foruma-dobrososedstva/>

Ivanov "for illegal possession of firearms" (a defective starter pistol was found during a search) – he was sentenced to a two-year ban on leaving Vilnius and his place of residence during nighttime hours.

Such persecution of human rights defenders in Lithuania has occurred before. In March 2020, Aleksejus Greicius, leader of the Juvenus youth organization and organizer of the "Immortal Regiment" in Klaipeda, was subjected to repression. On the occasion of the seventieth anniversary of the Victory, his organization published brochures about the liberation of Klaipeda and handed them over 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 file, the human rights defender is accused of collecting and transmitting information about the events he organized, photographs of people who participated in these events, video materials and articles, a video report about the trial of the Klaipeda politician Vyacheslav Titov, and information about employees of the State Security Department to "the special services of the Russian Federation". On 5 July 2022, the Court of Appeal of Lithuania upheld the sentence of the human rights defender.⁶²⁴ 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".⁶²⁵

In late 2019, a harassment campaign was launched against the head of the Lithuanian Association of Russian School Teachers Ella Kanaite. As a result, she was fired from the school where she worked as a teacher and was not employed anywhere else. In 2019, a criminal case was initiated against Victor Orlov, head of the Forgotten Soldiers Association, which searched for the

⁶²⁴ <https://lt.sputniknews.ru/20220705/litovskomu-pravozaschitniku-ostavili-prezhniy-srok-zaklyucheniya-zashpionazh-23750586.html>

⁶²⁵ <https://delfi.lt/ru/news/article/php?id=88668731>

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.⁶²⁶ 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, Sergei Dmitriyev, is also constantly under all sorts of attacks and threats.

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 European Court 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 Central Electoral Commission of the Republic of Lithuania did not admit opposition politician V. Titov to the elections to the Seimas by refusing to register some of the signatures he had collected. He accused the ruling elite of "bureaucratically blocking" a non-systemic politician. In 2019, V. Titov was fined 10 thousand EUR for criticizing the memorialization of Adolfas Ramanauskas-Vanagas, one of the above-mentioned Forest Brothers commanders.

Because of persecution by Lithuanian authorities, the Chairman of the Socialist People's Front, anti-fascist Giedrius Grabauskas, who also opposes the

⁶²⁶https://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 start of the special military operation to denazify and demilitarize Ukraine, there has been a sharp increase in Russophobia and discrimination against Russians and natives of Russia in Lithuania. The media was the first one to be subjected to restrictions. A large-scale attack on Russian mass media was launched. The Lithuanian Radio and Television Commission (LRTC) first suspended the broadcasting of RBC and Mir-24 channels for five years and applied similar sanctions to six more Russian and Belarusian channels. In March, the LRTC disconnected other TV programs of interstate TV and radio company Mir from the Lithuanian airwaves and blocked more than 50 news websites and several official portals belonging to the Russian authorities. In April, the LRTC suspended re-broadcasting of 32 TV channels in the Russian language (in particular, Kinokomedia, NTV Mir, Pyatnitsa, Indian Cinema, TNT, Malysh-TV, and others) controlled by Russian company Gazprom-Media. As indicated in the LRTC report, Gazprom-Media holding is owned by Gazprombank, which has been sanctioned by the US Office of Foreign Assets Control (not Lithuanian!). Furthermore, according to the organization, the broadcasting or distribution of TV programs on the Internet, whose owners are subject to anti-Russian sanctions, is not in the "national security" interests of Lithuania.⁶²⁷ In September, the Seimas, on the pretext of the need to "protect its information space from the flow of disinformation, which is no less important than physical national security," decided to ban Russian and Belarusian channels from Lithuanian airwaves. The new ban will be in effect until 1 October 2024.⁶²⁸

The Lithuanian authorities adopted legislative measures aimed at countering the spread of supportive attitudes towards the Russian special

⁶²⁷ <https://lt.sputniknews.ru/20220420/v-litve-zapretili-retranslyatsiyu-bolee-30-rossiyskikh-telekanalov-22816590.html>

⁶²⁸ <https://www.rubaltic.ru/news/22092022-seym-litvy-zakryl-efir-dlya-rossiyskikh-i-beloruskikh-kanalov/>

military operation in Ukraine among residents of the country. On 17 March, the Seimas of Lithuania approved draft amendments to the Lithuanian Criminal Code which, under the guise of war propaganda criminalization, provide for criminal liability for its public support. At the same time, in mid-March, the Lithuanian Parliament approved legislative amendments governing public procurement, which enable the exclusion of companies of hostile states (meaning Russia and Belarus) from tenders and terminate contracts concluded with them.

On 19 April 2022, the Seimas of Lithuania adopted amendments to the laws on administrative offenses and on assemblies, which prohibit 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). Penalties for individuals are fines from 300 to 700 EUR, in case of repeated violations – up to 900 EUR, fines for legal entities are higher – up to 1200 EUR, and for repeated violations – up to 1500 euros.⁶²⁹

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 the movement of citizens, reached an in-principle agreement to restrict the movement of Russians across their borders with Russia

⁶²⁹ www.lt.sputniknews.ru/20220419/seym-litvy-zapretil-publichnoe-ispolzovania-georgievskoy-lenty-22788067.html

and Belarus. In line with this policy, on 14 September 2022, the Cabinet of Ministers approved blatantly discriminatory entry criteria, including in terms of Vilnius international human rights obligations, for Russian citizens into the country. On this basis, Russian citizens entering the territory of the Republic of Lithuania through all border checkpoints will be subject to individual enhanced inspection during the state of emergency.⁶³⁰ A month later, 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 aliens wishing to enter and reside in the country. These measures resulted in a special mandatory questionnaire for citizens of Russia and Belarus applying for a visa or residence permit. Some of the questions are about the attitude to what is happening in 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. Taking into account the overall policy pursued by official Vilnius to increase Russophobia, it is not surprising that the answers in this questionnaire serve as grounds to ban entry. In particular, refusals of entry on such grounds have been confirmed by Arnoldas Abramavičius, Deputy Head of the Lithuanian Ministry of the Interior.⁶³¹

The Lithuanian authorities, like other Baltic states, required the Russians staying in the country to condemn the Russian special operation. In March 2022, an active campaign was launched in Lithuania, with the support of the country's largest media outlets, calling on Russian-speaking residents of Lithuania to publicly condemn the policies pursued by the Russian Federation in Ukraine. In the same month, a plan to organize mass phone calls for psychological pressure on the Russian population was launched. To this end,

⁶³⁰ <https://www.rubaltic.ru/news/14092022-pravitelstvo-litvy-utverdilo-kriterii-dopuska-grazhdan-rossii-v-stranu/>

⁶³¹ <https://www.rubaltic.ru/news/09012023-v-litve-rasskazali-ob-otkaze-vo-vezde-belorusam-posle-voprosov-ob-otnoshenii-k-ukraine/>

huge posters titled "Call Russia" were installed in Lithuanian cities, inviting "all concerned" to make calls through the technological platform callrussia.org to Russian numbers and convince people to oppose the Russian special operation. The organizers alleged that this resource had 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. Furthermore, the organizers of the project suggested that participants call their friends and acquaintances in Russia for the same purposes.

The Lithuanian media placed a strong emphasis on the participation of the "intellectual" stratum of society in the "anti-war" movement. A special place 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 protest, and on Russian-speaking Lithuanians not to trust "Kremlin propaganda". One of the first to publish such a statement were the employees of the Faculty of Philology at Vilnius University together with the staff of the Alexander Pushkin Literary Museum in Vilnius.⁶³² In addition, the Lithuanian media actively published "repentant" interviews with Russian-speaking citizens of the country with calls for "anti-war" protests in Russia.⁶³³

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". Furthermore, the Lithuanian authorities imposed a concert ban on a number of Russian performers, and local radio

⁶³² <https://www.delfi.lt/ru/news/live/kultura-protiv-vojny-russkaya-intelligenciya-litvy-osudila-dejstviya-kremlya-i-podderzhala-ukrainu.d?id=89570813>

⁶³³ <https://www.delfi.lt/ru/opinions/comments/obraschenie-k-fanatam-putina-v-litve.d?id=89639411>

stations, following this unambiguous "signal," refused to broadcast Russian broadcasts and music as a gesture of support for Ukraine.⁶³⁴

Given all the efforts made by the Lithuanian authorities to denigrate and discriminate against everything related to Russia, since February 2022, there have been cases of hatred and discrimination against Russian citizens and Russian-speaking residents of the country. 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, in 2022 cases of threats to Russian-speaking residents became more frequent. It got to the point of smashing cars, attacking people on the streets.

Russophobic hysteria has also affected culture as well. Books by Russian classics began to be removed from Lithuanian libraries. Lithuanian publishers, including those that produce printed materials in Russian, are also 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 are reports that books of this publishing house were seized from libraries and stores under the influence of the Lithuanian Armed Forces Strategic Communication Department.⁶³⁵

Russophobic attitudes have also become pronounced at the local level. For example, Russian tourists are denied access to the largest Baltic Pakruojis manor.⁶³⁶

The Russian special military operation to denazify and demilitarize Ukraine and protect civilians in the Donbass was used by Vilnius as a pretext to put pressure on ministers of the Vilna-Lithuanian Eparchy of the Russian

⁶³⁴ <https://www.delfi.lt/ru/news/live/klajpedskaya-radiostanciya-otkazyvaetsya-ot-translyacii-rossijskoj-produkcii.d?id=89559861>

⁶³⁵ https://news.rambler.ru/world/48627304/?utm_content=news_media&utm_medium=read_more&utm_source=copylink

⁶³⁶ <https://ru.euronews.com/travel/2022/08/21/lt-tourist-site-bans-russians>

Orthodox Church (the Orthodox community is the second largest in the country). The Lithuanian authorities have begun to actively promote the idea of "restoring" the activity of the parishes of the Patriarchate of Constantinople on the territory of the republic. A relevant letter from Ingrida Šimonytė, Prime Minister of Lithuania, stating the Lithuanian government's willingness to support this process, was handed over to Patriarch Bartholomew in May 2022. On 19 September 2022, he held talks with a Lithuanian delegation led by Mantas Adomėnas, Vice-Minister of Foreign Affairs.

Thousands of laity and the vast majority of Orthodox clergy in the Archdiocese of Vilnius firmly stand for canonical unity with the Patriarchate of Moscow. Nevertheless, such sentiments did not prevent the leadership of the diocese from petitioning Patriarch Kirill in May 2022 to grant it the status of a self-governing diocese in seeking "greater ecclesiastical independence". The level of pressure exerted on the diocese by the authorities is evidenced by the fact that on 28 December 2022, the assembly of the Orthodox Church of Lithuania confirmed the policy of acquiring the status of a self-governing religious organization announced by Metropolitan Innocent, and adopted a corresponding appeal to the Holy Synod for the status of a self-governed church.⁶³⁷

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 specialized 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

⁶³⁷ <https://www.rubaltic.ru/news/28122022-sobranie-pravoslavnoy-tserkvi-litvy-utverdilo-kurs-na-samoupravlenie/>

migrants, Muslims and Roma, "hate speech" and insults against them, including antisemitic statements in the media and on the Internet.⁶³⁸

The Advisory Committee of the Framework Convention for the Protection of National Minorities (AC-FCNM) operating within the Council of Europe noted that the authorities' efforts to mitigate the negative effects of assimilation policies on minority language learners were insufficient, as well as the existence of problems regarding the use by linguistic minorities of their native languages.⁶³⁹

Among other human rights problems, international monitoring organizations note the existence in Lithuania of deeply rooted prejudices against vulnerable and minority groups, especially migrants, Muslims, Roma, and Jews. This has resulted in the widespread use of hate speech, particularly in the media, including Internet platforms, and in the political discourse.⁶⁴⁰

The international community remains concerned about the anti-discrimination provisions in Lithuanian law. Even the European Commission, which has been generally lenient with respect to Vilnius's Russophobic attitudes, has noted that provisions in Lithuanian law do not adequately integrate EU standards on criminal liability for certain forms of hate speech inciting violence or hatred. Thus, the legislation establishes liability for public connivance, denial or gross understatement of international crimes and the

⁶³⁸ 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

⁶³⁹ Fourth opinion of the Advisory Committee of the Framework Convention for the Protection of National Minorities on Lithuania, adopted on 30 May 2018. <https://rm.coe.int/4th-advisory-committee-opinion-on-lithuania-english-language-version/1680906d97>

⁶⁴⁰ 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;

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;

Fourth opinion of the Advisory Committee of the Framework Convention for the Protection of National Minorities on Lithuania, adopted on 30 May 2018.

<https://rm.coe.int/4th-advisory-committee-opinion-on-lithuania-english-language-version/1680906d97>

Holocaust in Lithuania only when public order is violated and only if such actions are committed on Lithuanian territory or against Lithuanian citizens.⁶⁴¹

The EU Agency for Fundamental Rights (FRA), citing national data for 2021, also noted an increase in the number of complaints about discrimination on the grounds of race and ethnicity to the relevant authorities in Lithuania.

Violations of the rights of national minorities still persist in Lithuania, mainly in education. Since the repeal of the 1989 Law on National Minorities in 2010, efforts to draft new comprehensive legislation to protect minorities have not been successful. The Seimas did not reach the point of adopting them. This, in particular, was pointed out by the Committee on the Elimination of Racial Discrimination in its concluding observations in 2019.⁶⁴²

The Advisory Committee of the Framework Convention for the Protection of National Minorities noted that efforts by the authorities to mitigate the negative effects of assimilation policies on students learning minority languages were insufficient. As noted, the 2011 Law on Education introduced a single Lithuanian language curriculum for all schools and a uniform state language exam at grades 10 or 12. This created significant difficulties for children belonging to national minorities, and a transition period of eight years was introduced in 2012. Students from minority language schools who sat this exam in 2013 had received 818 hours fewer of Lithuanian language lessons than their peers from Lithuanian language schools. The level of minority language proficiency in the final exams is not taken into account. Only examination results in Lithuanian, mathematics and one foreign language (usually English) are relevant, while Polish or Russian can be taken only as optional exams. Thus, representatives of national minorities, who scored the worst in the final exams,

⁶⁴¹ Fundamental Rights Report. 2022. European Union Agency for Fundamental Rights
https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-fundamental-rights-report-2022_en.pdf

⁶⁴² 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

were more disadvantaged than Lithuanians with regard to access to higher education.⁶⁴³

The number of hours of instruction in the Lithuanian language, as well as teaching aids and educational materials are still not sufficiently adapted to the needs of children of families speaking mostly minority languages. Many first graders start learning the national language almost as a foreign language and are overwhelmed by the requirements of a uniform curriculum.

Furthermore, the number of schools with instruction in Russian in the country is decreasing, while the number of subjects taught in Lithuanian is increasing, and the requirements for passing the Lithuanian language proficiency exam for graduates of ethnic minority schools and Lithuanian students are being fully equalized. As a result, in 2020, one in five graduates of secondary schools with instruction in a language other than the title language failed the state exam in Lithuanian, which prevented them from accessing free higher education. In 2021, the Lithuanian Ministry of Education, Science and Sport increased the compulsory Lithuanian language instruction in preschool institutions for ethnic minorities to five hours and provided funding for teachers to improve their professional skills in teaching the Lithuanian language to preschoolers. The Ministry of Education outlined the long-standing goal of discontinuing the teaching of the Russian language.⁶⁴⁴ For now, Russian language textbooks have been removed from circulation because they "glorify Russia". The publishers have also been instructed to review the contents of other manuals.⁶⁴⁵

In total, during the years of independence the number of Russian schools decreased from 85 to 27. In September 2022, the Alexander Pushkin

⁶⁴³ Fourth opinion of the Advisory Committee of the Framework Convention for the Protection of National Minorities on Lithuania, adopted on 30 May 2018.

<https://rm.coe.int/4th-advisory-committee-opinion-on-lithuania-english-language-version/1680906d97>

⁶⁴⁴ t.sputniknews.ru/20220829/v-litve-khotyat-otkazatsya-ot-prepodavania-russkogo-yazyka-v-shkolakh-24333577.html

⁶⁴⁵ <https://iz.ru.1396081/2022-09-15/v-litve-iziali-uchebnik-russkogo-iazyka-iz-za-proslavleniia-rf>

Gymnasium in Kaunas was renamed the Kaunas International Gymnasium, because, according to the head of the institution, the new name "better corresponds to the list of services provided and its specifications". Russian compatriots living in Lithuania are deprived of the opportunity to receive a full-fledged higher education in their native language.

The negative political and informational background surrounding education in languages of ethnic minorities in Lithuania has resulted in a constant discussion of Russian ideological influence on the Lithuanian population, interrogations of teachers at Russian schools by the State Security Department officers about student trips to Russian summer camps, and proposals by some Lithuanian government officials to close these educational institutions.

National minorities in Lithuania, especially the Russian and Polish, also need their rights protected in matters of authentic spelling of names in documents, as well as geographical names in their native languages. The Civil Code of the Republic of Lithuania specifies that names, family names and names of places in documents shall be written in accordance with the rules of the Lithuanian language. This is contrary to Article 11 of the Framework Convention for the Protection of National Minorities of the Council of Europe. According to the Council of Europe Advisory Committee on the Framework Convention for the Protection of National Minorities, the right to use a personal name in a national minority language and to have it officially recognized is a central linguistic right closely linked to personal identity and dignity.⁶⁴⁶

In this regard, persons with foreign names face legal challenges and are forced to defend their rights in court. In January 2022, Vilnius still legitimized the spelling of names with letters that are not present in the Lithuanian alphabet, but the right to use diacritic symbols of foreign languages was not supported.⁶⁴⁷

⁶⁴⁶ Ibid.

⁶⁴⁷ <https://tass.ru/obschestvo/13456467>

Relevant international agencies and nongovernmental organizations have documented gross violations of the fundamental human rights of illegal migrants entering the country.

Since April 2021, Vilnius has been taking measures to cope with the influx of refugees, illegal migrants and asylum seekers. In doing so, the authorities allow for discrimination by granting more favourable accommodations to some applicants, while others are subjected to violence and detention. The country experienced an influx of people, mostly from Asia and Africa, fleeing armed conflicts and dire living conditions at home. By August 2021, the number of migrants who entered Lithuania illegally was 4.2 thousand. The authorities announced a "crisis" and blamed it on the "Lukashenko regime," which is "supported by the Kremlin". Illegal immigrants were housed in tent camps, barracks, empty buildings, and former prisons. These temporary housing facilities were under armed guard to quell occasional riots (people repeatedly complained of inhumane conditions: lack of food, lack of warm clothing, denial of medical care, ban from leaving these "reservations").⁶⁴⁸

In July 2021, Lithuania passed a law⁶⁴⁹ limiting appeals against refusals to grant asylum and allowing for deportation in the appeal process. Even Lithuanian President Gitanas Nausėda had to admit that this expeditiously enacted law was "flawed" in terms of human rights. It is noted that the legislative amendments deprive asylum seekers of the right to appeal the decisions of the first instance court on appeal, although the Constitution does not allow for any legal regulation that denies opportunities to review the decisions of the first instance court and to remedy possible misjudgements of the court.

⁶⁴⁸ it.sputniknews.ru/20210726/zapretili-est-dazhe-detyam-na-yuge-litvy-migranty-ustroili-besporjadki-17769975.html

⁶⁴⁹ <https://www.lrt.lt/ru/novosti/17/1454930/nauseda-podpisa-popravki-k-zakonu-o-pravovom-polozhenii-inostrantsev>

On 1 August 2021, the Lithuanian authorities legitimized a "pushback" practice: migrants were simply forced to return to the territory of Belarus. The "pushback" principle is also enshrined in the Seimas State of Emergency Regulation, adopted on 13 September 2022.⁶⁵⁰

In January 2023 another step was taken in this area: the Cabinet of Ministers of Lithuania approved amendments to the law on the state border, establishing a procedure for the expulsion of illegal migrants trying to enter the country. When presenting this draft law at the meeting, Agnė Bilotaitė, Minister of the Interior, emphasized that one should distinguish between natural migration and migration as a political tool and "apply different procedures for responding to them".⁶⁵¹ Vilnius believes that the migration crisis of the last two years is "a consequence of the actions of the Belarusian authorities".

The media regularly published articles portraying the deplorable conditions in which foreigners were held: meager food, lack of medical care, overcrowding, etc. There were reports of repeated incidents of security abuse and even sexual violence by Lithuanian refugee workers.⁶⁵² The process of "pushing back" migrants trying to sneak into the country was also often accompanied by the use of force against them and the hounding of dogs.⁶⁵³ There were occasional reports of refugees dying from beatings at the border or from hypothermia in the woods. Furthermore, there were reports of repeated attempts by local border guards to forcibly displace refugees from Lithuania, as well as Latvia and Poland into the territory of Belarus. There is a case when Lithuanian soldiers forced an Afghan citizen to carry the corpse of a refugee across the border with Belarus. The State Border Committee of Belarus, in particular, reported a similar incident that occurred on the evening of 17 November 2022. A Belarusian ambulance crew on the scene recorded the

⁶⁵⁰ www.lrs.lt/sip/portal.show?p_r=35403&p_k=1&p_t=282203

⁶⁵¹ <https://www.rubaltic.ru/news/11012023-litva-uzakonila-vytesnenie-nelegalnykh-migrantov/>

⁶⁵² <https://www.rubaltic.ru/news/30042022-v-litve-rassleduetsya-delo-ob-iznasilovanii-mestnymi-pogranichnikami-afrikanskikh-bezhenok/>

⁶⁵³ vz.ru/news/2021/8/4/1112291.html

death of one of the refugees, while the other was taken to a hospital with bruises, signs of frostbite and exhaustion. The Afghan man said that Lithuanian soldiers brought him together with the corpse to the border fence, and then "at gunpoint forced him to carry the body through the gate to the Belarusian side".⁶⁵⁴

This state of affairs has been criticized both domestically (a report by the Lithuanian Seimas Ombudsman on inhumane conditions and degrading treatment of migrants⁶⁵⁵) and by numerous human rights organizations and structures (Amnesty International⁶⁵⁶, International Committee of the Red Cross⁶⁵⁷, Medecins Sans Frontiers⁶⁵⁸, Frontex⁶⁵⁹, Report by the Commissioner for Home Affairs Ylva Johansson⁶⁶⁰, Center for European Policy Studies⁶⁶¹, Human Rights Monitoring Institute, Lithuanian Red Cross, Human Rights Center, Diversity Development Group⁶⁶²). Their reports pointed out that the Lithuanian practice of "pushing back" refugees ran counter to the EU legal system, and that such actions against migrants were illegal. It has been established that the forcible expulsion of migrants to the territory of Belarus traumatizes them emotionally and physically, and, most importantly, directly threatens their safety and lives.

The humanitarian situation of migrants on the Belarusian-Lithuanian border (as well as on the Belarusian-Polish and Belarusian-Latvian borders) was

⁶⁵⁴ <https://www.rubaltic.ru/news/18112022-belorusskie-pogranichniki-obvinili-litovskikh-voennykh-v-peremeshchenii-trupa-s-pomoshchyu-bezhentsa/>

⁶⁵⁵ https://www.lrski.lt/wp-content/uploads/2022/01/Final_Ataskaita_Kybartai_2021.pdf

⁶⁵⁶ <https://www.amnesty.org/en/latest/news/2022/06/lithuania-pushbacks-illegal-detention-deception-and-abuses-against-refugees-and-migrants/>, 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/>

⁶⁵⁷ <https://www.delfi.lt/ru/news/live/litovskij-krasnyj-krest-vidit-problemy-v-svyazi-s-razvorotom-migrantov-na-granice.d?id=87869519>

⁶⁵⁸ <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>

⁶⁵⁹ <https://www.delfi.lt/ru/news/live/litva-poluchit-strogie-mezhdunarodnye-rekomendacii-nikakoj-politiki-razvorota-nelegalnyh-migrantov.d?id=89056983>

⁶⁶⁰ https://ec.europa.eu/commission/commissioners/2019-2024/johansson/announcements/commissioner-johanssons-speech-plenary-debate-pushbacks-eu-external-border_en

⁶⁶¹ <https://euobserver.com/migration/153161>

⁶⁶² www.delfi.lt/ru/news/article.php?id=87869519

critical. According to the AOHR, by the end of 2021, 8 thousand, 28 thousand and 4 thousand migrants, respectively, were not allowed into Lithuania, Poland and Latvia.⁶⁶³

The situation of migrants in Lithuania has been the focus of attention of international human rights monitoring mechanisms before. The Advisory Committee of the Framework Convention for the Protection of National Minorities⁶⁶⁴ and the CERD⁶⁶⁵ expressed concern about poor conditions at foreigners registration centers and unreasonably long periods of migrant detention (up to 18 months). The CERD emphasized, in particular, the lack of capacity to provide adequate housing for newly arrived asylum-seekers, especially families with children. The country also fails to take into account the special needs of applicants, particularly women and girls, who are not provided with safe places to stay.

Lithuanian authorities are not going to abandon the measures applied to migrants. Minister of Interior Agnė Bilotaitė in particular said that Lithuania considered the tactics of displacement of illegal migrants as a turning point in the fight against the migration crisis and was not going to abandon its decisions, despite criticism coming from human rights organizations. Vilnius justifies its harsh actions against migrants by the need to protect against the influx of illegal migration.⁶⁶⁶ Belarusian border guards have repeatedly noted that Lithuanian and Polish law enforcers are forcibly pushing migrants into their territory. The maximum number of displaced persons for 2022 was recorded on 18 July (80 persons)⁶⁶⁷.

⁶⁶³ 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

⁶⁶⁴ Fourth opinion of the Advisory Committee of the Framework Convention for the Protection of National Minorities on Lithuania, adopted on 30 May 2018.

⁶⁶⁵ Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined ninth and tenth periodic reports of Lithuania. June 2019.

⁶⁶⁶ <https://lt.sputniknews.ru/20220802/litva-prodolzhit-taktiku-vytesneniya-migrantov-zayavili-v-mvd-24065519.html>

⁶⁶⁷ <https://lt.sputniknews.ru/20220718/v-litve-za-sutki-vytesnili-v-belorussiyu-rekordnoe-chislo-nelegalov-23899430.html>

In contrast to Lithuania's treatment of migrants and asylum seekers from Africa and Asia, Ukrainians entering the country in recent months from both "frontline" cities and the "deep rear" of Ukraine receive a completely different welcome. From the first days of the Russian special operation, Lithuanian authorities at all levels expressed their readiness to accept thousands of Ukrainian refugees and urged their fellow citizens to place them in their own apartments. The rest were placed in vacant houses, hotels, holiday hotels, and, as a last resort, in school buildings. They were also assisted in finding and renting housing and in employment. Minors were immediately enrolled in public schools and universities. To date, about 66 thousand people from Ukraine have arrived in Lithuania. In this case, the country's leadership does not require them to know the state language. Furthermore, they are granted a special status that even allows them to avoid such requirements from the employer (which is stipulated by Lithuanian law with respect to local minority representatives).

The situation of migrants of African and Asian descent stands in stark contrast to this situation. Thus, the border service reported that over the year and a half it "pushed back" about 15.8 thousand illegal immigrants from Asia and Africa, in respect of whom back in the summer of 2021 it was said that "the resource for receiving refugees is fully exhausted".

International organizations have repeatedly documented violations of the rights of Roma and other ethnic minorities and some social groups in Lithuania. The persistence of discrimination against Roma, particularly in the exercise of their rights to housing, health care, employment, and education, has been noted with concern by UN human rights treaty bodies such as the Human Rights Committee and the Committee on the Elimination of Racial Discrimination, as well as the Advisory Committee on the Framework Convention for the Protection of National Minorities and the European Commission against Racism and Intolerance. In particular, it has been pointed out that the Roma community

faces social exclusion and is disproportionately affected by poverty. In particular, the ECRI noted the issue related to the legalization of Roma buildings in the Kirtimai community in Vilnius.⁶⁶⁸ In May 2019, CERD noted the prevalence of prejudice against members of vulnerable and minority groups, in particular migrants, Muslims and Roma, "hate speech" and insults against them, including antisemitic language in the media and online.⁶⁶⁹ The EU Agency for Fundamental Rights also noted unresolved housing issues for Roma, including in the mentioned community.

Another egregious case of human rights violations involves the organization of illegal prisons by the US Central Intelligence Agency on the territory of the country. So far, Vilnius has never made a public acknowledgment of its criminal complicity. In her 2022 report, the UN Human Rights Council Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism Fionnuala Ní Aoláin recalled that the European Court of Human Rights found Lithuania, along with several other states, complicit in the torture and enforced disappearance of detainees in United States rendition and secret detention programmes. The Special Rapporteur called for effective independent inquiries by governments, including Lithuania, into credible allegations that secret Central Intelligence Agency prisons ("black sites") had been established on its territory.⁶⁷⁰

The Lithuanian authorities evade the investigation of their involvement in torture in secret CIA prisons and continue to deny their presence in the country. However, in December 2021, the Lithuanian Ministry of Justice was compelled to compensate Abu Zubaydah, a Palestinian national, for his illegal detention in

⁶⁶⁸ ECRI conclusions on the implementation of the recommendations in respect of Lithuania subject to interim follow-up, adopted on 3 April 2019, published on 6 June 2019.

<https://rm.coe.int/interim-follow-up-conclusions-on-lithuania-5th-monitoring-cycle-/168094ce17>

⁶⁶⁹ Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined ninth and tenth periodic reports of Lithuania.. June 2019.

⁶⁷⁰ https://www.ohchr.org/sites/default/files/2022-04/A_HRC_49_45_AdvanceEditedVersion.docx

a secret CIA prison near Vilnius, based on the ruling of the European Court of Human Rights.⁶⁷¹

Violations of the right to peaceful assembly have also been reported in Lithuania. On 9 January 2023, the Vilnius District Prosecutor's Office brought to court a criminal case concerning riots near the Seimas of Lithuania on 10 August 2021, following a rally against government plans to restrict the rights of those unvaccinated against the coronavirus. The criminal case included 23 incidents. During the investigation, 101 persons were detained and 87 persons were charged.⁶⁷²

⁶⁷¹ <https://www.lrt.lt/ru/novosti/17/1583313/litva-vyplatila-100-tys-evro-palestintsu-za-sodezhranie-v-tiur-metsru-pod-vil-niusom>

⁶⁷² <https://www.rubaltic.ru/news/09012023-ugolovnoe-delo-o-besporyadkakh-u-seyma-litvy-doshlo-do-suda/>

Luxembourg

The authorities of the Grand Duchy of Luxembourg (GDL) are committed to complying with the State's international obligations for the promotion and protection of human rights and to addressing existing challenges in this area.

The implementation of the specific requirements of the universal and regional treaties by the commissioners 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 the capacity of a 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 body was established in 2000, and its competence, organizational structure and methods of financing were later enshrined in the law of 21 November 2008.

Several organizations are involved in combating various forms of intolerance: the Ministry of Family Affairs, Integration and the Greater Region, National Reception and Integration Office of Luxembourg, Ministry of Equality between Women and Men, Center for Equal Treatment, Inspectorate of Labor and Mines, etc.

However, the Committee on the Elimination of Racial Discrimination (CERD) receives reports about the lack of coordination between these institutions and the fact that this multiplicity of actors makes it difficult for victims to determine which is the most appropriate institution to contact. In addition, the Committee notes that the financial and human resources allocated

to some of these institutions remain insufficient for them to fulfill their mandates.⁶⁷³

International intergovernmental organizations and human rights bodies, including the European Commission against Racism and Intolerance (ECRI) of the Council of Europe, have often criticized certain gaps in Luxembourg's system for protecting citizens from possible manifestations of xenophobia. For example, the national penal code does not define crimes motivated by racial hatred as an aggravating circumstance⁶⁷⁴ and these crimes are not taken into account by courts when taking sentencing decisions.⁶⁷⁵ Furthermore, not a single legal act contains a provision on the recognition as illegal and prohibition of any organization that incites racial discrimination⁶⁷⁶, although the possibility of bringing legal persons to justice, in this case, is envisaged by legislation. Similar concerns have been raised by CERD. The experts also noted that the Act of 28 November 2006 on equal treatment did not include the criteria of national origin, colour or descent.⁶⁷⁷

Public opinion surveys on anti-discrimination issues, including EU-wide surveys (e.g., the 2019 EU Agency for Fundamental Rights (FRA) study "Being Black in the EU," conducted among nearly 6,000 respondents from 12 states) show that Luxembourg is in the bottom three in a number of indicators. Thus, 47 per cent of people of African descent experienced various forms of

⁶⁷³ Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined eighteenth to twentieth periodic reports of Luxembourg. May 2022.

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fLUX%2fCO%2f18-20&Lang=ru

⁶⁷⁴ Report of the European Commission against Racism and Intolerance on Luxembourg (fifth monitoring cycle), adopted on 6 December 2016, published on 28 February 2017.

<https://rm.coe.int/fifth-report-on-luxembourg/16808b589b>

⁶⁷⁵ FRA's annual Fundamental Rights Report, 2022.

https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-fundamental-rights-report-2022_en.pdf

⁶⁷⁶ Report of the European Commission against Racism and Intolerance on Luxembourg (fifth monitoring cycle), adopted on 6 December 2016, published on 28 February 2017.

<https://rm.coe.int/fifth-report-on-luxembourg/16808b589b>

⁶⁷⁷ Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined fourteenth to seventeenth periodic reports of Luxembourg. March 2014

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fLUX%2fCO%2f14-17&Lang=ru

harassment in this country, mainly in employment. At the same time, the average figure for other countries was 39 per cent.⁶⁷⁸

The authors of the study "Racism and ethno-racial discrimination in Luxembourg", published in March 2022, also concluded that people of African descent fell victim to racism and discrimination in employment, education and housing in significantly higher proportions than other population groups. In addition, according to the study, two-thirds of alleged victims did not report incidents, in particular because it could entail significant financial costs and difficulties in providing evidence and in accessing adequate legal assistance, which was usually limited, as well as because of fear of losing their jobs.⁶⁷⁹

So far, supranational human rights monitoring mechanisms have encountered difficulties in assessing whether different population groups fully enjoy the rights provided for in international treaties. The reason behind this is that Luxembourg does not collect statistical data disaggregated by ethnicity.⁶⁸⁰

According to the Committee on the Elimination of Discrimination against Women (CEDAW)⁶⁸¹, the Human Rights Committee⁶⁸² and ECRI⁶⁸³, antisemitic sentiments, Islamophobia and migrantophobia are widespread in Luxembourg, as well as and discriminatory stereotypes in the media and the Internet that contribute to prejudice against particular groups.

⁶⁷⁸ Being Black in the EU. Second European Union Minorities and Discrimination Survey. 11 November 2019. <https://fra.europa.eu/en/publication/2019/being-black-eu-summary#related>

⁶⁷⁹ Racism and Ethnic and Racial Discrimination in Luxembourg. Ministry of Family Affairs, Integration and the Greater Region, Center for Intercultural and Social Research and Education, Institute of Socio-Economic Research. 8 March 2022. https://ec.europa.eu/migrant-integration/library-document/le-racisme-et-les-discriminations-ethno-raciales-au-luxembourg_en

⁶⁸⁰ Ibid.

⁶⁸¹ Concluding observations of the Committee on the Elimination of Discrimination against Women on the combined sixth and seventh periodic reports of Luxembourg. March 2018. https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fLUX%2fCO%2f6-7&Lang=ru

⁶⁸² Concluding observations of the Human Rights Committee on the fourth periodic report of Luxembourg. September 2022. https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fLUX%2fCO%2f4&Lang=en

⁶⁸³ Report of the European Commission against Racism and Intolerance on Luxembourg (fifth monitoring cycle), adopted on 6 December 2016, published on 28 February 2017. <https://rm.coe.int/fifth-report-on-luxembourg/16808b589b>

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 Stoptline" 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.⁶⁸⁴

As noted above, several experts still note the presence of some antisemitic sentiments in Luxembourg society. According to Katharina von Schnurbein, EU Coordinator on combating antisemitism, who visited Luxembourg in May 2019, 13 manifestations of antisemitism were recorded during the year of her visit, which was quite a lot, given the small size of the Luxembourg Jewish community (1,500-2,000 people).

In light of the special military operation of the Armed Forces of the Russian Federation in Ukraine, there has been an increase in Russophobic sentiments among Luxembourgers. Cases of harassment of Russian children in schools and aggressive outbursts against compatriots have been reported. Leaflets with the Ukrainian flag and the call "Russians, get out of Luxembourg!" were thrown into their mailboxes.

On 7 March 2022, a Russian-speaking Ukrainian girl was attacked and severely stabbed in the center of Luxembourg under unclear circumstances. Since her nationality was not known, the Russian Embassy in Luxembourg sent a note to the Foreign Ministry of Luxembourg requesting an investigation into what had happened. The Ministry of Foreign Affairs of Luxembourg was also provided with information available to the embassy on particular cases of Russophobia.

Persistent appeals by the Embassy resulted in the Foreign Ministry of Luxembourg assuring that in all contacts with the Ukrainian community, it

⁶⁸⁴ Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined eighteenth to twentieth periodic reports of Luxembourg. May 2022.
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fLUX%2fCO%2f18-20&Lang=ru

warns against a recurrence of Russophobia and urges not to escalate the atmosphere and not to splash out negative emotions on the Russian-speaking population of the Duchy.

On 9 March 2022, Jean Asselborn, Minister of Foreign Affairs of Luxembourg, said that "under no circumstances should the Russian community be discriminated against in Luxembourg".

In light of the influx of refugees from Ukraine (4,300 persons as of August 2022), applicants for refugee status from other countries, especially Afghanistan, Syria and Eritrea, who traditionally accounted for most applications for refugee status in Luxembourg, complain about bureaucratic difficulties, in particular about the extended 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. At the same time, it was not clear where the evicted refugees from the Middle East and Africa had been sent. This fact caused discontent, including among local human rights organizations.

There have been some difficulties in the integration of refugees accepted by Luxembourg. According to many human rights defenders, the basic allowance they receive is insufficient for their livelihood and their employment opportunities are limited. Although Luxembourg has unimpeded access to the labor market, only 7 per cent of refugees managed to get a job. CEDAW expressed concern that local language requirements acted as barriers to foreigners and migrants in the labor market and education.⁶⁸⁵

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.

⁶⁸⁵ Concluding observations of the Committee on the Elimination of Discrimination against Women on the combined sixth and seventh periodic reports of Luxembourg.. March 2018.
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fLUX%2fCO%2f6-7&Lang=ru

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 labor standards. The provisions of the law regarding employer liability are excessively 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 (often exceeding the maximum permissible 48-hour working week to 70 hours).

In 2020, the NGO "Luxembourg Refugee Community" brought allegations against the Directorate of Immigration of the Ministry of Foreign Affairs of Luxembourg that some refugees had allegedly experienced intimidation by staff at the Office of Reception. Officials allegedly tried to persuade visitors not to apply for asylum.

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.

In the view of the HRCttee experts, the provisions governing the application for family reunification are too rigid. This applies in particular to the time limits for submitting applications, which do not require the provision of any funds, insurance and housing. The HRCttee experts also reported concerns about long delays in decisions on family reunification applications, which could be a serious obstacle to the integration of asylum-seekers⁶⁸⁶.

Regarding the "mass influx" of applicants for international protection, Luxembourg has pursued a policy of increasing the number of reception structures since 2015. These include the National Agency for Reception and

⁶⁸⁶ Concluding observations of the Committee on Human Rights on the fourth periodic report of Luxembourg. September 2022.

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fLUX%2fCO%2f4&Lang=en

Integration and the new integration unit of the Ministry for Family, Integration and the Greater Region, which was specially created in 2020.

Discrimination on the basis of nationality remains a sensitive issue for the GDL. With almost 58% of the population being foreigners (up to 70% in the capital), combating intolerance and xenophobia against them is of particular importance.

The CERD⁶⁸⁷ and the HRCtee⁶⁸⁸ have criticised the draft constitutional reform in this regard. The document proposes the retention of Article 10 bis (1) of the Basic Law, the wording of which – "Luxembourgers are equal before the law" – suggests the existence of inequality between citizens and non-citizens. This approach runs counter to the practice of the GDL Constitutional Court, which recognises equality regardless of nationality.

Human rights activists working with foreigners and stateless persons, in particular, regularly point to prejudice in the local labour market. The Duchy of Luxembourg requires a Luxembourg nationality for service in the Duchy's police force. There is, however, no such requirement for volunteers in the armed forces. The GDL Labour Code, the General Status of Civil Servants Act and the General Status of Municipal Employees Act do not prohibit discrimination on grounds of colour and origin.⁶⁸⁹

In addition, human rights activists have repeatedly pointed out to the official authorities the need to include measures to integrate foreign residents into Luxembourg's political life, in particular by granting them the right to vote. However, a referendum in 2015 showed that 78% of Luxembourgers were strongly opposed to such an initiative. In 2022, the Voting Law was amended so

⁶⁸⁷ Concluding observations of the Committee on Elimination of Racial Discrimination on the combined eighteenth to twentieth periodic reports of Luxembourg. May 2022.
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fLUX%2fCO%2f18-20&Lang=ru

⁶⁸⁸ Concluding observations of the Committee on Human Rights on the fourth periodic report of Luxembourg. September 2022.
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fLUX%2fCO%2f4&Lang=en

⁶⁸⁹ Ibid.

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.

On 8 March 2017, the Luxembourg Citizenship Act was adopted, simplifying the conditions and procedures for naturalisation, but the barrier is the Luxembourgish language test.

In 2019, ECRI declared that Luxembourg has fully implemented its recommendation to adopt a new national integration plan. This document was adopted by the Government Council of the GDL on 13 July 2018. It covers two major areas: the reception of applicants for international protection and the provision of social support, and the integration of all "non-Luxembourgers" permanently resident in the country.⁶⁹⁰

The practice of ill-treatment of detainees by law enforcement officials remains a focus for human rights defenders. According to statistics from the Inspectorate General of Police of the GDL, out of 75 cases of internal criminal investigations against police officers in 2019, more than one fifth of the charges related specifically to brutality in detention and further treatment of persons whose liberty was temporarily restricted. The HRCttee notes with concern that the criteria and limits for the use of force by law enforcement officials under Luxembourg law do not comply with the criteria of necessity and proportionality reflected in international standards and the requirements concerning the circumstances in which firearms may be used.⁶⁹¹

The Government of the Grand Duchy is actively instilling the theme of same-sex marriage and the promotion of "LGBT values" inside the country.

⁶⁹⁰ 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>

⁶⁹¹ Concluding observations of the Committee on Human Rights on the fourth periodic report of Luxembourg. September 2022.

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fLUX%2fCO%2f4&Lang=en

Thus, the fundamental changes in family legislation, positioned by the authorities as the main achievements (the Law of January 1, 2015 "On the possibility of same-sex marriage in Luxembourg", as well as a series of amendments in 2016 to the Civil Code on the procedure for recognizing same-sex marriages concluded abroad and acts of adoption of children by same-sex parents, issued before the adoption of the reform of the Family Code) caused a significant resonance in a society that adheres mainly to traditional Catholicism. In the development of this line, the authorities decided to replace the lessons of religion and morality in schools with a single lesson of social values.

In the field of protection of the rights of persons with disabilities, in September 2022, the HRCttee welcomed the adoption of the Law of January 7, 2022 "On accessibility of public places, public roads and apartment buildings for all". 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 "disabled person" and "reasonable accommodation" and qualify any refusal of reasonable accommodation as discrimination on the basis of disability – a criminal offense. At the same time, the HRCttee regretted that access to certain services and public financing is still conditioned by the degree of disability and that disabled persons are still underrepresented in the labor market⁶⁹².

There is a lack of resources to fulfill its mandate by the Center for Equality. The coronavirus pandemic has only worsened this situation, especially in terms of organizing transport for the disabled. The largest number of appeals to the Center in 2020 concerned "disability discrimination" (49 out of 203).

There is no information on the handling of cases of discrimination on grounds of disability by authorised government bodies, which indicates a lack

⁶⁹² [Ibid.](#)

of awareness among this category of persons of the existing mechanisms for the protection of their rights.

Equality of rights between men and women in the GDL has not yet been achieved. According to the Gender Equality Index 2020 published by the European Institute for Gender Equality, Luxembourg's score is only 44.8 out of a possible 100.

The authorities have developed a range of measures to remedy the situation, starting with the creation of a new "Equality Observatory" in March 2021, the adoption of an updated national action plan for gender equality and the revision of primary school education programmes to eliminate gender stereotypes.

The differences in the position of men and women in Luxembourg society are most clearly illustrated by the ratio of men and women in the civil service and in executive positions in companies. The Ministry of Gender Equality has drawn up an action plan to remedy this situation.

The problem of domestic violence, exacerbated during the period of forced self-isolation in the context of the COVID-19 pandemic, persists. According to human rights defenders, the GDL government has not developed a comprehensive approach to the issue. Statistics from annual police reports confirm that there are serious problems in this area, as well as inadequate legal protection mechanisms.

Luxembourg's initiative to prevent the re-victimisation of women subjected to domestic violence is commendable. In March 2019, the GDL courts began to adopt a new approach to the selection of special protective measures in court hearings. These are now to be 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 questions from the court via video link while in the next room to avoid direct contact with the accused⁶⁹³.

The largest number of comments from national and international monitoring bodies concerns the protection of children's rights. Evidence of the authorities' close attention to this problem was the transformation in 2020 of the Children's Affairs Committee into a legally independent mechanism of the Ombudsman for Children and Youth Affairs from the executive branch.

A stumbling block in this area remains the conflict between the provisions of the GDL Criminal Code and the need to guarantee children's rights as well as the overly broad powers of juvenile justice. Luxembourg law does not stipulate a minimum age of imprisonment for a juvenile⁶⁹⁴, as well as a minimum age of criminal responsibility. There are no procedural safeguards for children in detention as there are for adults. According to human rights defenders, the detention situation for juveniles (even in the Dreiborne detention centre built specifically for them) is close to critical. Moreover, the law still allows the detention of a child in a penal institution, while cases of children over 16 can be referred to the ordinary courts, and in some cases a lawyer is appointed for the child by the judge. There are no restrictions on the length of detention in centres for juvenile offenders in prison-like conditions. Those who serve their sentences can continue to be held there after reaching the age of majority. The practice of solitary confinement is common in these facilities, as well as in socio-educational boarding schools. This punishment is applied if the offender runs away again. According to experts of the Committee on the Rights of the Child (CRC), the lack of systematic review of temporary placements is also a significant deficiency.⁶⁹⁵

⁶⁹³ FRA Fundamental Rights Report 2020

https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-fundamental-rights-report-2020_en.pdf

⁶⁹⁴ Concluding observations of the Committee on the Rights of the Child on the combined fifth and sixth periodic reports of Luxembourg. June 2021.

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fCO%2fLUX%2fCO%2f5-6&Lang=en

⁶⁹⁵ Ibid.

A significant number of complaints are made about the treatment of children from migrant families: outdated, non-indicative and degrading techniques in the form of bone tests and photos of genital organs are used to determine whether they are minors. According to the CRC, unaccompanied children can be transferred several times from one reception centre to another, sometimes being placed with adults before being sent to specialised reception centres for unaccompanied children, which in some cases occurs without their prior consent. Under certain conditions and in certain 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.

Furthermore, according to CEDAW, migrant girls and young women are particularly vulnerable to bullying in educational institutions⁶⁹⁶.

International human rights mechanisms note that the children of immigrants and children without residence permits, as well as children of parents affected by unemployment and/or with low levels of education, and children in single-parent families, are more vulnerable to poverty, which levels only increase over time⁶⁹⁷.

An inter-ministerial committee consisting of representatives of children's rights organisations, relevant ministries and services was set up in accordance with a decision of the GDL Council of Government of 7 July 2017. This body, based on a case-by-case assessment of the interests of minors, decides either to return and organise the expulsion of irregular child migrants, subject to the

⁶⁹⁶ Concluding observations of the Committee on Elimination of Discrimination against Women on the combined sixth and seventh periodic reports of Luxembourg. March 2018.
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fCO%2f6-7&Lang=ru

⁶⁹⁷ Concluding observations of the Committee on the Rights of the Child on the combined fifth and sixth periodic reports of Luxembourg. June 2021.
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fCO%2f5-6&Lang=en

requirements of Article 10 of Directive No 2008/115/CE, or to grant them permission to stay in the country.

Nevertheless, international experts have questioned the independence and neutrality of this body, which includes officials responsible for the forced return of migrants to the countries of origin.⁶⁹⁸

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 (it is even possible to transfer to other countries). At the same time, as noted by CRC experts, police officers are regularly involved in enforcing court decisions to place children in special institutions. However, they can remove a child from home or school without informing the parents.⁶⁹⁹

The rights of minors and their parents are also violated at the trial stage of such cases: 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 to have a lawyer present and the right of the child to be heard. It is 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 second option, 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 include measures for inclusion in formal education. There is a shortage of qualified professionals, including speech therapists, child diagnostic psychiatrists, psychomotor therapists and

⁶⁹⁸ Ibid.

⁶⁹⁹ Ibid.

occupational therapists in the GDL. Other problems identified by the CRC include the lack of a clear Luxembourg policy on forced sterilisation of children with disabilities and the increased risk for girls with disabilities of becoming victims of domestic violence and sexual exploitation.⁷⁰⁰

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, especially the lack of a clear definition of child pornography and child prostitution.

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 intrusion by intelligence and law enforcement agencies into the private lives of citizens. According to a 2020 report by law firm DLA Piper, 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, which includes the possibility of round-the-clock searches, an increase in the maximum period of detention from 24 to 48 hours, wiretapping and monitoring of internet activity, is noted. Government and private GDL structures are having difficulty adapting the new European Regulation No 2016/679 on the Protection of Individuals with regard to Personal Data (in force 25 May 2019). It was only after criticism from human rights NGOs, including prominent online activist M.Schrems, that the National Commission for Personal Data Protection issued its first fines to offenders in 2021.

Indirectly related to this topic is freedom of the press in Luxembourg. In recent years, the journalistic corps has 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 campaign organised in 2018 by the official authorities against journalists who spread information

⁷⁰⁰ Ibid.

about the vulnerability of the website of the Chamber of Deputies, which allowed outsiders to access confidential documents.

In 2022, the HRCtee expressed concern about articles 443 and 444 of the penal code of GDL on defamation, which it considered should be decriminalized 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 of the GDL, which provide for liability for written and graphic material insulting objects of worship or the performance of religious rites.⁷⁰¹

The topic of protection of personal health data has gained prominence in the context of the COVID-19 pandemic. In Luxembourg society and human rights circles there has been a lively debate on how the principles of medical confidentiality and privacy, including in the context of the introduction of a mobile application to track contacts of patients with a new coronavirus infection, should be balanced against the need for epidemiological security throughout the country, especially in an "emergency situation". The National Ethics Commission of the GDL called on the government to take the respect of human rights and freedoms very seriously, despite the extraordinary circumstances.

The emergence and spread of coronavirus infection in 2020 has exacerbated some of the pre-existing human rights challenges. These include, for example, the shortage of decent and affordable housing. As an analysis of calls to the NGO Caritas coronavirus hotline shows, housing prices continued to rise despite the pandemic and the provision of affordable rental housing remained one of the most pressing challenges of the crisis response.⁷⁰²

⁷⁰¹ Concluding observations of the Committee on Human Rights on the fourth periodic report of Luxembourg. September 2022.

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fLUX%2fCO%2f4&Lang=en

⁷⁰² 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.

Another consequence of the pandemic has been an increase in unemployment. Thus, according to the FRA, the number of unemployed people under 30 years of age increased by a third between August 2019 and August 2020. It has become even more difficult for older people to find work. Research by analysts at the Idea Foundation found that the crisis could have dire long-term consequences for older people's career prospects and will only exacerbate the problem of long-term unemployment that already exists.⁷⁰³

Luxembourg's reservations to various provisions of the fundamental international human rights treaties deserve a separate analysis. These concern the interpretation of a number of rights and freedoms as absolute, that is, as if they were not subject to any restrictions. They 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". The essence of Luxembourg's reservation is its refusal to take the necessary legislative measures to give effect to this provision, on the grounds that it would contravene 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. However, local and foreign experts point to a number of human rights problems, many of which are long-standing and systemic in nature.

Tellingly, in the Economist magazine's annual democracy ranking for 2019, Malta lost its "full democracy" status for the first time since 2006 and was placed in the "imperfect democracy" category from 2019 to 2021.

The topic of media freedom and freedom of expression in Malta has recently come to the fore in light of the murder in October 2017 of prominent journalist, Malta Independent reporter D.Caruana Galizia, who covered corruption in local ruling circles and was under pressure from the authorities⁷⁰⁴ (at the time of her death, 42 libel suits had been filed against her and part of her property was seized).

Despite some progress in the investigation, Malta continues to be criticised by a number of representatives from the European Parliament and the Parliamentary Assembly of the Council of Europe (PACE), who accuse the authorities of dragging out the investigation and of having a "conflict of interest".

In June 2019, PACE passed a resolution based on a report by Dutch MP P.Omtzig on the case, saying that the rule of law in the island republic was "seriously undermined" by the "extreme weakness of checks and balances".

The protracted investigation was one of the main factors behind the wave of protests against corruption in late 2019. Thousands of people took to the

⁷⁰⁴ <https://www.kommersant.ru/doc/3441260>

Daphne Caruana Galizia has been investigating possible government corruption links as part of a Panama Papers database project by the International Consortium of Investigative Journalists (ICIJ) and the Centre for Public Integrity (CPI). Publications based on D.Caruana's Galicia and her son's material sparked a government crisis in Malta in the summer of 2017. The Panama dossier included the names of two Maltese ministers and allegations of links between the authorities and corrupt officials in the UAE, Eastern Europe and several other countries.

streets, demanding not only an effective investigation into the case, but also the resignation of a number of major political figures, including the country's Prime Minister J.Muscat. He was eventually forced to resign on 13 January 2020.

In December 2019, eight journalists' organisations published a joint open letter criticising the Maltese authorities for their continued practice of intimidating members of the media. In their message, they cited two cases as examples, both related to the coverage of the investigation into the high-profile murder of D.Caruana of Galicia.

The first concerned the unlawful restriction of freedom for journalists attending a press conference at the Castilian courtyard following an urgent government meeting during which a decision was taken to refuse to grant a presidential pardon to J.Fenech, a businessman accused of involvement in the massacre of D.Caruana Galicia. After Prime Minister J.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 the room until the politician had left the residence.

The second incident was an attempt to confiscate the phone of a Times of Malta journalist reporting on the chaotic Maltese parliament following the arrest of a 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 giving them access to information of public interest.⁷⁰⁵

In 2020 – early 2021, due to constraints imposed by the need to prevent the spread of the COVID-19 virus in the country, activists had to abandon

⁷⁰⁵ 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>

large-scale anti-corruption protests, but even so, they found ways to convey their position to the authorities through small-scale events.

For example, in November 2020, to mark the first anniversary of the protest movement, civil society representatives put up posters with images of politicians, both incumbent and retired, who they believed were encouraging corruption to take root in the country.⁷⁰⁶ However, in less than a day there was no trace of the action. All the posters had been removed by unidentified individuals. The authorities deny any involvement in the incident⁷⁰⁷.

In October 2020, S.Balzan, editor-in-chief of Malta's MediaToday, noted that the death of D.Caruana of Galicia had had the most negative effect on the work of journalists, provoking the development of self-censorship among them.

On 1 March 2021 a rally was once again held outside the Maltese Parliament in support of a fair trial in the protracted case. Those gathered (about 200 people) sat behind fences with 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.⁷⁰⁸

The July 2021 report of the Maltese Independent Public Inquiry Commission into the high-profile crime found the Maltese government guilty of "creating a climate 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

⁷⁰⁶ 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_galizia_assassination#.YHfol6Zn1B9

⁷⁰⁷ 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>

⁷⁰⁸ Valletta protesters call for justice for Caruana Galizia and country. Times of Malta. 1 March 2021.

<https://timesofmalta.com/articles/view/demonstrators-meet-in-valletta-call-for-justice-for-caruana-galizia.855055>

was directly linked to the anti-corruption investigative work she was conducting against senior government officials.

On the eve of the fifth anniversary of the murder of the Maltese woman on 14 October 2022, the two perpetrators of the murder, who were in custody, confessed and were sentenced to 40 years' imprisonment with the possibility of parole. However, public criticism is raised by the fact that only three of the 11 possible perpetrators of the murder have been convicted, while the alleged customer of the crime (J.Fenech) is still under investigation.

Malta is among the countries where the scandal has led to a setback in the right to freedom of expression, according to a report by the Reuters Institute for the Study of Journalism at Oxford University on the impact of the Panama revelations.⁷⁰⁹

An important legislative step in Malta was the decriminalisation of libel. However, it is still a civil offence, so the media and their representatives still have to bear the burden of frequent litigation.

The use of SLAPP (Strategic Lawsuit Against Public Participation) continues to be used as a way of pressuring the local press, with plaintiffs suing for defamation in US courts, at considerable financial cost to the defendants. As a result, many local publications are forced to take down material that is deemed unsatisfactory to the plaintiffs, under threat of a lawsuit. In the process of drafting the media law⁷¹⁰, the government refused to include measures aimed at protecting the press from SLAPP on the pretext that they contradict European Union legislation.

In this context, the Maltese journalistic community appealed in September 2022 to Prime Minister R.Abele to hold public consultations to

⁷⁰⁹ 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/>

⁷¹⁰ Entered into force in May 2018.

ensure that their suggestions and concerns were taken into account in the amendments under preparation to the mentioned law.

This appeal was supported by the Council of Europe's Commissioner for Human Rights, who stressed in her letter to the Maltese head of cabinet 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's murder in Galicia.

The above-mentioned facts are reflected in the relevant ratings compiled by various international NGOs. Statistics of recent years indicate a rapid deterioration of the situation with freedom of the press in the country. In particular, in the annual survey of the Reporters Without Borders movement for 2021, Malta again lost positions compared to 2020, dropping from 78 to 81 places (in 2019 – 77th place, in 2018 – 65th, in 2017 – 45th, and in 2010 – 16th place)⁷¹¹.

According to the NGO Freedom House, in 2020 Malta retained the status of a "free" country in terms of the media, but compared to 2019 it lost points again (the overall score decreased from 91 to 90)⁷¹², In 2021, Malta did not gain a single point compared to 2020, having frozen at the level of last year (90 points).

In June 2020, Malta's media regulator ordered state-owned Malta Television (TVM) not to broadcast journalists' questions to government officials at 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, following the decree, TVM interrupted the broadcasting of a press conference on Malta's response to the spread of

⁷¹¹ 2021 World Press Freedom Index. Reporters without Borders. <https://rsf.org/en/ranking#>

⁷¹² <https://freedomhouse.org/countries/freedom-world/scores>

coronavirus infection. In particular, the Malta Institute of Journalists condemned the decree, calling it an act of censorship⁷¹³.

In recent years, in the context of the so-called 'Panama revelations', a string of corruption scandals, as well as its 'passport-for-investment' scheme, Malta has come under external criticism for its flawed judicial and law enforcement systems and for its significant deficiencies in the rule of law, transparency and good governance.

The lack of any reaction from the authorities to the obvious cases of corruption in the highest echelons of government, in particular, was repeatedly pointed out by delegations from the European Parliament, which itself has recently been shaken by corruption scandals within its leadership.

In July 2022, in its annual report on the state of compliance with the rule of law in the EU countries, the European Commission once again criticized the Maltese justice system, which, in the opinion of this European structure, does not provide sufficient counteraction to corruption and proper punishment for its manifestations, especially in cases involving high-ranking officials.

Similar concerns were voiced in the report of the Committee on Civil Liberties, Justice and Home Affairs of the European Parliament published on July 11, 2022.

The European Commission for Democracy through Law (Venice Commission of the Council of Europe), functioning within the framework of the Council of Europe, made its recommendations to Malta in this regard⁷¹⁴.

A common complaint by human rights defenders against the Maltese judicial system is the excessive length of time it takes to adjudicate cases, many of which are human rights related.

⁷¹³ <https://freedomhouse.org/countries/freedom-world/scores>

⁷¹⁴ 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)

In its report the UN Human Rights Council Working Group on Arbitrary Detention (UNHRC) also noted that the Maltese judicial system is still characterised by long waiting times for justice⁷¹⁵.

In January 2016, the ECtHR ruled for the first time in history that a Maltese court violated the fair trial provisions of the European Convention on Human Rights. In December 2016, the same court issued another similar ruling.

According to local authorities, Malta only solves around 70% of homicides (the EU average is 85%).

Local human rights organisations have been sounding the alarm for years over the numerous complaints of ill-treatment and substandard medical care in the country's only penitentiary institution. It is noted that 14 prisoners have died in the prison over the past three years, seven of whom committed suicide. The last such case, which occurred in October 2021, led to the resignation of the prison's director-general, A.Dalli. The new management of the institution has promised extensive work to improve the situation, the results of which, however, are still too early to judge.

The situation regarding the protection of the rights of stateless persons remains very pressing for the island republic. Malta is one of the few EU member states not party to the 1954 UN Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. In addition, Valletta has signed but not yet ratified the 1997 European Convention on Nationality. The UNHCR field office periodically urges the government and parliament to sign the 1954 and 1961 conventions. The European Statelessness Network has issued a country report, which makes a set of recommendations to Valletta in this regard.

The Constitution of Malta and a number of other legislative acts prohibit racial discrimination. In particular, the Criminal Code (article 82A) provides for

⁷¹⁵ Report of the UN Human Rights Council Working Group on Arbitrary Detention on its visit to Malta. <https://digitlibrary.un.org/record/850281>

punishment in the form of imprisonment for a period of 6 to 18 months for actions aimed at inciting racial intolerance. Article 83 B qualifies manifestations of racism and xenophobia as an aggravating circumstance. These measures are evaluated by human rights defenders (including the local branch of the European Association of Law Students) as generally adequate to prevent misanthropic rhetoric and incitement to violence.

However, there is no legal ban on organisations and movements that promote racial discrimination and glorify Nazi ideology in Malta. In 2019, the far-right (locally referred to as neo-fascist) Imperium Europa party was officially registered in the country. Its leader, Norman Lowell, is an ultra-nationalist who openly denies the Holocaust⁷¹⁶. In his statements he has repeatedly made positive references to Hitler, as well as repeatedly praising Carmelo Borga Pisani, a Fascist of Maltese origin who worked for Italian intelligence during the Second World War. However, the party is not popular with the population - the island republic inherited the two-party system of the former metropolis, neo-fascists do not get the necessary number of votes to be elected to the House of Representatives or the European Parliament. In general, Malta is characterised by a respectful attitude to history and the absence of any significant forces promoting the ideas of fascism in its political space

Domestic xenophobia and racist attitudes towards irregular migrants – mainly 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 European Court of Human Rights (ECtHR) in recent years.

Racist and xenophobic attitudes towards migrants in Malta, including racially motivated violence and racial discrimination in accessing employment,

⁷¹⁶ 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

housing and services, as well as the low enforcement of laws against xenophobia, were highlighted by the UNHRC Universal Periodic Review of Malta.

The Council of Europe Advisory Committee on the Framework Convention for the Protection of National Minorities (AC on the FCNM) has also noted cases of discrimination on grounds of racial or ethnic origin in employment, access to housing and health care.

According to the Committee, circumstantial evidence pointed to the commission of racially motivated crimes, bullying in schools, treating people of colour as perpetrators of crimes rather than as victims or innocent bystanders. It is noted that a number of educational materials portray groups of people of non-Muslim origin in a negative light, and that the timetable of educational institutions does not take into account the religious or cultural festivals of this section of the population.⁷¹⁷

In its latest report on Malta, the AC on the FCNM cited a public opinion survey that showed that 38% of immigrants from sub-Saharan Africa surveyed had experienced discrimination on the grounds of skin colour. In relation to employment, 20% of the respondents reported that their ethnicity or origin had led to discrimination in recruitment. A further 15% reported that they had experienced discrimination in the workplace.⁷¹⁸

According to the AC on the FCNM, these factors can hinder the integration of migrants, asylum seekers and refugees.⁷¹⁹

Experts at the Council of Europe's European Commission against Racism and Intolerance (ECRI) note that refugees remain the most vulnerable and

⁷¹⁷ Fifth opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities on Malta, adopted 5 October 2020.

<https://rm.coe.int/5th-op-malta-en/1680a173fd>

⁷¹⁸ Report by Malta under the Fifth monitoring cycle of the Framework Convention. on National Minorities. Received 24 May 2019. <https://rm.coe.int/5th-sr-malta-en/168094b1cc>

⁷¹⁹ Fifth opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities on Malta, adopted 5 October 2020.

<https://rm.coe.int/5th-op-malta-en/1680a173fd>

marginalised group in Malta, facing isolation and relatively low levels of interaction with the local population.

ECRI also repeatedly referred to Malta's lack of implementation of recommendations to protect the rights of migrants and asylum-seekers, including those related to the granting of citizenship by naturalisation. It noted that many of the irregular migrants complained about low wages and exploitation by employers who preferred to employ migrants without proper legal status. The authorities' overly rigid policy that holders of temporary humanitarian protection status (as opposed to refugee status) are not entitled to family reunification has also been criticised.⁷²⁰

According to ECRI, social media in Malta is rife with violent content and a platform for racist speech, and public opinion is largely negative towards migrants.

According to an opinion poll conducted in May 2019 by The Times' journalists, more than 70% of the Maltese population recognize that racism is a problem in the country. However, 46% "feel threatened" by other cultures and 45% believe there are too many migrants living on the island.

Maltese research also shows that over 60% of Black Africans regularly experience intolerance in everyday life and tend to avoid interacting with locals as much as possible. Around 30% of them have 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.

Discrimination against migrants in the provision of health services has recently been increasingly highlighted in the Maltese media. In December 2021, news broke of the death of a 22-year-old woman due to the negligence of staff at a public health centre. According to the report, such treatment of migrants is

⁷²⁰ ECRI Report on Malta (fifth monitoring cycle).
<https://rm.coe.int/fifth-report-on-malta/16808b592b>

widespread: instead of providing proper medical care, doctors often recommend that they take painkillers.⁷²¹ Concerns about the frequent lack of necessary medical care were also raised by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT).⁷²²

In 2019, there were several high-profile cases in the country. For example,

On 6 April, a man of Côte d'Ivoire was shot dead and two other people of African descent were seriously injured. This is the first case of a racially motivated murder in Malta. Two soldiers were arrested on suspicion of involvement in the crime. One of them confessed to hating people of African descent.

The President of Malta and the Armed Forces of Malta have issued press releases condemning the murder and warning of the "dangers of racist, xenophobic and extremist rhetoric" in this regard. In addition, the Commander of the Armed Forces launched an internal investigation into the incident to ascertain whether the two attackers acted independently or whether there were xenophobic groups or tendencies within the Maltese Army.⁷²³

The Times of Malta published an interview with a Thai student who complained of racism not only in her daily life, but also in her dealings with Maltese officials.

The situation has not escaped the attention of relevant international organizations. The HRC Special Rapporteur on the rights of migrants recommended that Valletta fully implement its legislation to combat direct and indirect racial discrimination with regard to the enjoyment of economic, social

⁷²¹ 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_prescripti_on_dies_in_her_sleep#.YfIPJRaOHDt

⁷²² Report to the Maltese Government 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>.

⁷²³ EP election: Imperium Europa now Malta's third largest party. <https://www.independent.com.mt/articles/2019-05-27/local-news/EP-election-imperium-Europa-now-Malta-s-third-largest-party-6736208703>

and cultural rights by immigrants, in particular refugees and asylum seekers, including access to private rental housing and the labour market.⁷²⁴ Malta was recommended to step up its efforts to eradicate stereotypes and discrimination against migrants while promoting tolerance and respect for diversity⁷²⁵, and to take measures aimed at investigating racially motivated violence.⁷²⁶

As there is no systematic collection of data on the prevalence of racially motivated crimes or incidents of incitement to racial hatred in the country⁷²⁷, in 2021 the AC on the FCMN called on Valletta to establish a publicly available system for collecting such data.⁷²⁸

According to 2021 ECRI conclusions on Malta's implementation of the relevant recommendations, the absence of the aforementioned system is due to the fact that the number of hate crimes is small enough, which is why the Malta Police Force records the number of hate crimes reports in general.⁷²⁹

According to the same document, the Hate Crime and Speech Unit, established on 24 October 2019, which works closely with the Maltese Police Force, compiles statistics and processes cases of hate crime and hate speech.⁷³⁰ The unit also supports victims of such crimes through the provision of free therapeutic and legal services.⁷³¹

⁷²⁴ https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/29/36/Add.3

⁷²⁵ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/MLT/CO/2&Lang=Ru

⁷²⁶ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/MLT/CO/2&Lang=Ru

⁷²⁷ Fifth opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities on Malta, adopted 5 October 2020.

<https://rm.coe.int/5th-op-malta-en/1680a173fd>

⁷²⁸ Fifth opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities on Malta, published 18 February 2021.

<https://rm.coe.int/5th-op-malta-en/1680a173fd>

⁷²⁹ 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>

⁷³⁰ Fifth opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities on Malta, adopted 5 October 2020.

<https://rm.coe.int/5th-op-malta-en/1680a173fd>

⁷³¹ 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>

By 19 January 2021, the Unit had received 249 reports, 193 of which were filed against individual alleged perpetrators.⁷³²

The Maltese authorities seek to limit the influx of migrants as much as possible. Charity Sea-Eye reported that the Maltese coordination centre regularly ignores distress signals in the Maltese search and rescue zone from vessels carrying migrants (most recently on 11-12 May 2022⁷³³).

In 2019, Prime Minister of Malta (then J.Muscat) and leader of the opposition (then A.Delia) made public remarks about the "dominance of migrants" in the Maltese labour market.

In May 2019, one prominent businessman, Icelandic Honorary Consul to Malta M.Mizzi, said that illegal Muslim migrants should be banned from coming to the island republic, which he would like to see as a "Catholic country". He said too many Muslim families were now arriving in the country, which would "eventually" lead to a "takeover" of Malta.

HRCtee noted long periods of detention of migrants arriving in Malta (up to 18 months for irregular migrants and up to one year for asylum seekers). Cases 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 noted.

In March 2021, the European Court of Human Rights published its decision in the case *Feilazoo v Malta*, which found the Maltese authorities guilty of violating articles 5(1) and 34 of the European Convention on Human Rights by detaining a Nigerian national for over the legal maximum period (14 months instead of nine) and preventing him from going to court.

NGO representatives note that living conditions in the temporary migrant detention centres often do not meet international standards, which periodically leads to riots (the last such riot took place in January 2020). Complaints

⁷³² 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>

⁷³³ "Malta accused of violating basic human rights because of migrants"
<https://rossaprimavera.ru/news/a1567957>.

continue to be received from the closed "centre" residents about the quality of food and water, and the lack of heating and air conditioning systems.

The most vulnerable groups, such as young children with their parents and unaccompanied minors, are in a particularly difficult situation. They are detained under general conditions and held in inadequate conditions together with unrelated adults.⁷³⁴

The Council of Europe Commissioner for Human Rights, who visited the mentioned Maltese centres in October 2021, noted in her report a number of problems in the conditions of detention of refugee children. The Commissioner was particularly critical of the accommodation of refugees in overcrowded barracks with no heating and no ventilation, while the number of irregular migrants arriving in Malta is decreasing for the third consecutive year (832 in 2021, 2281 in 2020, 3033 in 2019). In addition, she pointed out that children living in these centres said they were not attending school or any sports or creative activities, and "generally have a poor view of their future".

Despite the deliberate restriction of migration flows to Malta, the authorities of the island republic listen to the views of relevant international organisations.

A number of educational measures aimed at promoting a culture of tolerance and mutual respect, and combating racism, racial discrimination, xenophobia and intolerance have been implemented in the country. When it comes to these aspects, education for children and youth is built in accordance with the national educational strategy for the period 2014-2024, as well as the framework programme "Respect for All", adopted in 2014. The implementation of the UNESCO project "Education for Global Citizenship" is underway. It

⁷³⁴ Report to the Maltese Government 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
<https://rm.coe.int/1680a1b877>

includes measures to promote programmes in educational institutions aimed at countering violent extremism.

In 2021, the ACFC 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.⁷³⁵

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 co-ordinating body and a consultative forum were created, where organisations representing the interests of migrants could come forward. The Action Plan provides for, among other things, lessons in Maltese and English 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.⁷³⁶

It is indicative that Malta positions itself as 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.⁷³⁷

The Jewish community in Malta consists of about 200 people. There are 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 Russian community is deeply integrated into the local society, actively engaged in public life; it makes a noticeable contribution to the social and economic development of Malta, which is also noted by the Maltese

⁷³⁵ Fifth opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities on Malta, adopted 5 October 2020. <https://rm.coe.int/5th-op-malta-en/1680a173fd>.

⁷³⁶ Fifth opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities on Malta, adopted 5 October 2020. <https://rm.coe.int/5th-op-malta-en/1680a173fd>

⁷³⁷ Report by Malta under the Fifth monitoring cycle of the Framework Convention. on National Minorities. Received 24 May 2019. <https://rm.coe.int/5th-sr-malta-en/168094b1cc>

authorities. There are no ethnic conflicts between our 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 R. Abela's statement that "xenophobia is unacceptable towards Russians and Russian-speaking people living in the country" (April 2022).

At the same time, verbal aggression in Maltese online communities increased sharply against the background of the EU's Russophobic campaign, after the start of the special military operation in Ukraine. There have been regular attacks on compatriots living in Malta, usually by members of the small Ukrainian diaspora (around 1,000 people).

There is information about individual cases of inappropriate behaviour against Russian-speaking children in local schools. The Russian embassy is working specifically with compatriots and local authorities to resolve the problem. The problem was brought to the attention of the Maltese authorities, who took adequate measures. As a result of this work, the Ministry for Education of Malta brought recommendations on interaction with Russian-speaking students to the notice of the heads of educational institutions.

Law enforcement has responded appropriately to incoming reports (of threats, xenophobia, etc.). However, some wealthy compatriots have had problems in the banking sphere with the freezing of accounts and financial transactions.

It is also worth noting that between March and May 2022 there were a number of small anti-Russian rallies in Malta (including near the Russian Embassy), held by local NGOs and representatives of the Ukrainian diaspora. The demonstrations went off without any incidents and in the presence of police.

The Maltese government is regularly criticised for not having a sufficiently effective anti-trafficking policy.

According to the US Department of State, forced labour and sexual slavery have and continue to occur 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 do not fully comply with the minimum requirements of the law to protect victims of trafficking, although some efforts have been made 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 the 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 national 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 Maltese government has periodically been criticised for alleged violations of privacy rights. In recent years, reports by Facebook have been repeatedly quoted in the press as saying that the Maltese authorities sent the largest number of requests between 2013 and 2021 for disclosure of personal data (per capita) to the social network in the world.

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.⁷³⁸

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 is also reported that 628 cases of discrimination against persons with disabilities were investigated during 2021, an increase of 30% from 2020.

According to the World Economic Forum report, Malta has slightly improved its position in the global gender equality ranking (i.e. equality between women and men), rising from 91st place in 2018 to 85th place in 2022 (2017 – 93rd, 2016 – 108th) out of 149. However, statistics show that disparities persist in the areas of employment (women's employment rate is much lower than men's), pay (women earn on average 11% less), and politics, education and healthcare.⁷³⁹

Despite the April 2021 law on gender parity in public administration (Malta has one of the lowest representation of women in executive and legislative bodies in the EU, at around 15% compared to the EU average

⁷³⁸ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fMLT%2fCO%2f1&Lang=ru

⁷³⁹ Global Gender Gap Report 2021. World Economic Forum.
<https://www.weforum.org/reports/global-gender-gap-report-2021>

of 35%), the number of women in middle and senior government positions currently does not exceed 30%. The legalisation of abortion continues to be another hot topic related to women's rights. The practice is completely prohibited in Malta, under penalty of imprisonment for between one and a half to three years.

The most recent high-profile case was in June 2022, when US citizen A.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% of respondents supported the legalisation of abortion, in July 2022, according to local human rights activists, their number was already 55%. Against this background, on 21 November 2022, the government introduced a bill in parliament that would allow doctors to perform abortions in cases where the mother's life is in danger. This shook the Maltese public and divided the population into two camps. On 4 December 2022 mass protests against the initiative took place in front of the Maltese prime minister's office. According to the organisers of the protest, around 20,000 people took part in the demonstrations, including the Archbishop of Malta, C.Shikluna. The final decision on the legalisation of abortion is due to be taken by parliament in 2023.

The human rights community points to the problems in Malta with regard to the protection of children's rights.

In its report the UN Human Rights Committee and the 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 the Convention on the Rights of the Child to which Malta is a party. Valletta recommended that persons under the age of 18 be detained separately from adults in correctional facilities and detention centres.

Children of different ages were also held together in residential homes. CRC noted with concern that cases of sexual abuse of children within families and/or by persons in their circle of trust were regularly reported. According to the experts, the risk of sexual exploitation of children in travel and tourism was also high.⁷⁴⁰

In its report, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (a Council of Europe body) has expressed concern about the practice of placing children exhibiting problematic behaviour in a closed psychiatric institution and has 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.

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, same-sex "civil unions", "gay marriage" and the adoption of children by such families have been allowed, a law banning so-called "conversion therapy" (the practice of changing orientation from homosexual to heterosexual) has been passed and regulations have been passed which allow citizens (including children) to choose their own gender (without resorting to surgical intervention), as well as designate their gender in

⁷⁴⁰ Concluding observations of the Committee on the Rights of the Child on the combined third to sixth periodic reports of Malta.
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fCO%2fMLT%2fCO%2f3-6&Lang=ru

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.

These efforts are reflected in the European rankings of 'progressive' countries published by LGBT organisations, in which Malta consistently ranked first in 2016-2021.

The debate on the decriminalisation of recreational cannabis use, which has been ongoing since 2017, culminated in the adoption of a legalisation 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 specialised establishments.

In addition, targeted articles appear periodically in the press, apparently designed to probe Maltese society for its attitudes and willingness to legalise prostitution.

Finally, in the context of a human rights analysis, the difficulties encountered by the authorities and the population in relation to the unpreparedness of the Maltese health system for the scale of the COVID-19 pandemic deserve attention. 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 has announced a significant increase in the proportion of the budget allocated to health, including to make a rapid testing system available.⁷⁴¹

⁷⁴¹ Coronavirus Pandemic in the EU – Fundamental Rights Implications: Focus on Social Rights. 1 September 2020 – 31 October 2020. EU 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

Over the last five years Malta has made some efforts, under pressure from various international and national bodies, to implement some of their recommendations.

In particular, Malta has ratified Protocol 12 to the European Convention on Human Rights, incorporated the Convention on Preventing and Combating Violence against Women and Domestic Violence into local legislation, adopted a Law on Cohabitation (protects the interests of couples wishing to register their cohabitation and ensures legal recognition of their rights and obligations), significantly optimized legislation to combat tax evasion and laundering of proceeds from crime (resulting in June 2022 Valletta was excluded from the FATF's "grey list" of unreliable jurisdictions), and also took a number of other measures.

Discriminatory restrictions on political participation persist in Malta and are reflected in significantly restricted rights for overseas voters. According to the legislation, citizens lose the right to vote if they have been in Malta for less than six months within a year and a half of registering as a voter. The excuse given is that those living abroad "have lost an essential link with their home country".

When signing the 1966 International Covenant on Civil and Political Rights, Malta made a reservation of the their right not to enact legislation for the purposes of the relevant article (Article 20 – "all propaganda for war shall be prohibited by law").

An important element of the functioning of civil society in Malta is the institution of non-governmental organisations (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 agreements.

Non-governmental organisations are regulated by the "Law on Voluntary Organisations" of 11 December 2007, according to which any voluntary

non-profit association of citizens organised at local, national and interstate level is considered a non-governmental organisation.

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 the participants. There is also a Volunteer Organisations Commissioner who is responsible for facilitating dialogue between the government and ordinary citizens and for the rational allocation and efficient use of European Union funds allocated to 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. Due to the relevance to Malta of irregular migration, refugee protection organisations have been most active. In addition, women's rights organisations have been more active recently.

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 structures of this orientation under one roof in the interests of exchanging experience and information..

There are a number of non-governmental organisations in Malta, created by compatriots and their associations, whose activities are in one way or another

connected with Russia. These include, in particular, the Coordinating Committee of the Russian Compatriots Assembly (CCRCA), the European Foundation for the Support of Culture, the Maltese branch of the "Imperial Orthodox Palestine Society" (IPPO Malta), the Russian Orthodox Parish of St. Paul the Apostle, 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 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 with respect for fundamental human rights in Moldova looks alarming. The correction of this sphere, which began after the removal from power in 2019 of the oligarch V.Plahotniuc and his inner circle, in which widespread corruption turned the country's legal system into a tool for seizing competitors' businesses and influencing political opponents through criminal prosecution, has completely stopped. Negative trends began to manifest themselves. President M.Sandu and the Moldovan Government have made every effort to fully take control of the mechanisms built under the oligarchic regime of V.Plahotniuc, and are now actively using them to remove political opponents. Relying on the majority in parliament, the current authorities are trying to lead the country in a course pleasing to the West, which has nothing to do with the interests of Moldova itself and its population.

Instead of fulfilling their electoral promises, the current authorities launched a fight against the opposition. The security forces became particularly active in 2022. Criminal cases were filed against former Moldovan President I.Dodon, Prosecutor General A.Stoianoglo, former Speaker of Parliament Z.Greceanii, as well as M.Tauber, vice-president of the "Shor" party and a number of deputies. In April 2023, Shor leader I.Shor was sentenced in absentia by the Chisinau Court of Appeal to 15 years' imprisonment and confiscation of property. In May 2023, trying to prevent a "pro-Russian" candidate from the party "Shor" E.Gutsul from winning the local elections in Gagauzia, the Moldovan leadership initiated a check on the constitutionality of this political force. After several days of sessions of the Moldovan Constitutional Court, the examination of the case was postponed until 12 June. According to the authorities, the party violates the principles of the rule of law and is against the sovereignty of Moldova.

There are regular reports of administrative pressure on journalists, previously including illegal wiretapping.

Against the background of the general degradation of Russian-Moldovan relations, the discriminatory policy of the Moldovan authorities towards the Russian-speaking population and Russian citizens is clearly increasing.

The Moldovan authorities are making efforts to create new legislative instruments to combat the opposition. For instance, the Ministry of Justice has put forward a proposal to tighten the national legislation against persons under international sanctions. The initiative envisages the possibility of restricting, without court proceedings, the rights on the territory of Moldova of those who are on any US and EU sanctions lists. The most stringent measures are allowed, up to and including the deprivation of the right to dispose of their own property or finances.

The negative state of affairs in the economic sphere contributes to the aggravation of the situation. Inflation in the country in 2022 broke all records, amounting to more than 30%. 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 – by half. In the draft budget for 2023, pensions are indexed by only 14%, which is a direct violation of the law prohibiting indexing pensions by less than the amount of inflation in the country.

Corruption remains at an all-time high, with the Regional Anti-Corruption Initiative (RAI) estimating that the country loses up to 13 per cent of GDP and about \$3 million a day.

The attitude of public opinion to the socio-economic situation is also revealing. According to the opinion poll published in the media, almost 80% of the respondents said that their household was in a difficult socio-economic situation, with 30% not having enough money to cover even the most basic mandatory expenses. The number of people who believe that the course of development of the country chosen by the authorities is wrong has risen to 50.5%. 68.2% of the respondents are sure that the leadership of the country is

responsible for the energy crisis and price growth while only 21.6% of the respondents think that "Russia, V.Putin and Gazprom" are responsible.⁷⁴²⁷⁴³ 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. For example, compared to the previous agricultural season, export of wheat fell by 55%, and export of goods to Russia decreased by 31%.⁷⁴⁴ At the same time, the team of incumbent President Sandu "turns the tables" and blames Russia and its special military operation aimed at the denazification and demilitarization of Ukraine for inflation, rising prices for gas, electricity, fuel, utilities and food. However, in the agricultural sector, negative trends began to increase long before that. The reasons, according to experts, are the chronic lack of investment, the rising cost of food production, the reduced solvency of the population, periodic droughts and the problem of selling the harvest outside the country.

Of particular concern is the lingering issue related to the status of the Russian language, which, according to expert estimates, is constantly used by over one million people (out of a population of around 2.6 million). According to Article 13 of the Moldovan Constitution, "the State recognises and protects the right to preserve, develop and use the Russian language and other languages spoken in the territory of the country". However, a Constitutional Court ruling of 4 June 2018 recognising the 1989 Law on the Functioning of Languages in the Moldovan SSR as "obsolete and useless" was in force. This fundamental legislative act enshrined the Moldovan language as the state language, while treating the Russian language as a means of inter-ethnic communication.

In December 2020, I.Dodon signed the "Law on the Functioning of Languages in the Republic of Moldova", which was developed on his initiative

⁷⁴² <https://aif.md/68-grazhdan-vinjat-rukovodstvo-strany-v-jenergeticheskom-krizise-i-roste-cen/>

⁷⁴³ <https://www.rubaltic.ru/article/politika-i-obshchestvo/20221215-uderzhat-vlast-lyuboy-tsenoy-v-moldove-prinyali-novyy-kodeks-o-vyborakh/>

⁷⁴⁴ <https://www.rubaltic.ru/article/ekonomika-i-biznes/20221217-tolko-rossiya-sposobna-spasti-selskoe-khozyaystvo-moldovy-ot-okonchatelnogo-krakha/>

after the Constitutional Court of the Republic recognized the 1989 document of the same name as obsolete. Russian was assigned the status of the language of interethnic communication and provided that all official documents and the names of state institutions of the country should be duplicated in Russian. At the same time, the President approved amendments to the legislation returning Russian news and analytical programs and talk shows to the Moldovan television (their broadcast was also banned in 2018 under the pretext of combating propaganda; at the same time, it was repeatedly noted that before the ban on the broadcast of Russian TV channels, they were watched by the majority of Moldovans).

However, as far as in January 2021, a month after the adoption of the law on the functioning of languages in Moldova, the Constitutional Court of the country upon the request of the Action and Solidarity Party⁷⁴⁵ (ASP) recognized it as unconstitutional, thus depriving the Russian language of the status of an inter-ethnic communication language.

We should not forget that the Russian language was first targeted against in Moldova in early to mid-2010s. The updated Code of Education adopted in 2014 did not mention the Russian language any more as a language of tuition and actually referred to it as to a language of a national minority 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 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).

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

⁷⁴⁵ The Party headed by Maia Sandu before her election to the post of the President in November 2020

institutions. Such approach allowed diverting attention from the de-Russification of education.

Every public organization maintaining contacts with Russia and connected with it found itself under pressure. The information was heard of the threats to the Russian-speaking journalists in Moldova. Among those facing threats and offences was the editor of the *Russkoye Slovo* compatriot movement newspaper. There are also cases of exercising pressure and intimidation on pro-Russian activists.

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. 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. At the same time, according to the expert assessments, over one million of people in the Republic constantly use the Russian language in their everyday life. The events of the previous year show that the Moldovan authorities have become active in implementing the plan on reducing the status of the Russian language and squeezing it out of the public and political life.

The officials often refuse to communicate in Russian or accept applications made in Russian. Designed to combat such manifestations, the public authorities, namely the Inter-Ethnic Relations Bureau and the Bureau for the Prevention of Discrimination dissociate themselves from such functions while referring to insufficient powers. It should be noted that the inefficiency of the Agency for Prevention and Combatting 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.⁷⁴⁶ Although it is clear that the factors named by the ECRI experts are rather not the causes, but the consequence of the course chosen by the current authorities in the language sphere.

In 2017, the Committee for Economic, Social and Cultural Rights expressed its concern with the situation of the Russian-speaking population noting that since the 2012 amendments to the law on identity documents, the national passport system had failed to fully recognize the names of persons belonging to ethno-linguistic minority groups, particularly Russian minorities.⁷⁴⁷

The appeals of Russian-speaking residents of the Republic received by the lawyers of organizations of compatriots most often contained complaints about violations of the rights to use the Russian language when applying to authorities, including judicial authorities, about frequent cases of sale of medicines without instructions in Russian and lack of information in Russian in medical institutions.

The Russian Embassy in Chisinau also receives complaints from Russian-speaking citizens by e-mail, which contains reports on their "discrimination" when turning to the state and municipal institutions. Thus, Moldova's public officials refuse to communicate and consider the applications from the citizens in Russian.

⁷⁴⁶ ECRI conclusions on the implementation of the recommendations in respect of the Republic of 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>

⁷⁴⁷ Concluding observations of the Committee for Economic, Social and Cultural Rights on the third periodic report of the Republic of Moldova. October 2017: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E/C.12/MDA/CO/3&Lang=En

Moldova's authorities are pursuing a policy of destroying any form of dissent in the country by using the methods of totalitarian censorship, cleaning the national information space from the last spots of alternative points of view. According to the canons of the "collective West", the government of Moldova in March 2022 began a "cleansing" of the country's media space from the Russian-language press. By decision of the Security and Intelligence Service of Moldova (SIS), the access was blocked to a number of information resources and Internet portals, including Sputnik Moldova, Politnavigator, Eadaily.com and Bloknot.ru. The Russian-language sites "Gagauznews" and "Regional Trends Analytics" were blocked as well.

Since March 2022, a ban on Russian news and socio-political TV programs has been in force in Moldova; the Russian-language TV channels are being fined on a regular basis (RTR Moldova, NTV Moldova, GTR and TVC21). Moldova's authorities suspended broadcasting from those States that did not ratify the European Convention on Transfrontier Television. This measure "cut off" the Moldovan population from the broadcasting of several Russian TV and radio channels. Moldova's authorities explained this anti-Russian approach by the fact that Russian-language information channels promoted Russian "aggression" in Ukraine and misinformed the Moldovan society. As pretexts for restricting freedom of speech, mass media and freedom of expression, such reasons as "one-sided coverage" of the special military operation and "inaccurate information" that could harm the national security of the country were named.

Moreover, in May 2023, at the regular meeting of the Parliament the decision on withdrawal from the treaties was approved in the final reading on the functioning of the "Mir" inter-State television and radio company in the country.

Along with this, the PAS together with the US Embassy in Moldova announces a grant from the US Department of State to compile a certain

"rating" of Moldovan TV channels with "reliable" information. This is not surprising, since in recent years, numerous projects have been carried out in Moldova by the United States, a number of European countries and pro-Western NGOs to support freedom of expression and counter "disinformation." In particular, at the beginning of December 2021, a report was published by the Independent Journalism Centre NGO (receives Western financial assistance), which concludes that the broadcasting of three Russian TV channels – First in Moldova, NTV Moldova and RTR Moldova "does not contribute to the formation of correct opinions" and "threatens the information security of the country." A few days later, on 8 December, President of the Moldovan Parliament Igor Grosu announced that propaganda from outside "comes from Russia."

On 16 December 2022, The Commission for Exceptional 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. "Insufficiently correct coverage of national events and the conflict in Ukraine" was named as the basis for such an attack on the media.

With this step, official Chisinau, hiding behind an imaginary concern for protecting its citizens from "insufficiently correct" interpretations of events taking place in Moldova and in the world, deliberately deprived the Russian-speaking residents of the country's last sources of news content in their preferred language. Hundreds of journalists from these news outlets lost their jobs at the behest of politicians.

Such actions of the authorities caused discontent in the society. In particular, the disagreement was heard from the opposition in the Moldovan parliament, as well as the Gagauz autonomy. Deputy of the Parliament's opposition Party of Socialists B.Tsirdea in the interview to 1TV.md TV channel noted that the the President and the Government of the country banned the broadcasting of six TV channels at the direction of Western curators, calling the

ban itself a political order from outside.⁷⁴⁸ The authorities of Gagauzia demanded to review the decision of the Commission for Emergency Situations to suspend the broadcasting of six TV channels, as well as to cancel the state of emergency, which, in their opinion, is "used to fight the opposition." This is stated in a joint statement⁷⁴⁹ of the Executive Committee and of the Presidium of the People's Assembly of Gagauzia, the press service of the Parliament reports. The Ombudsman of Moldova Ceslav Panico also condemned the ban. He noted that the decision of the Commission for Emergency Situations violates the fundamental rights to freedom of speech and property, and therefore this decision taken bypassing the court violates the principle of separation of powers and the country's constitution.⁷⁵⁰ In their turn, journalists of six TV channels closed by the order of the Moldovan authorities held protests in March 2023 in Brussels, and in April 2023, a working meeting with the representatives of Dostoevsky Institute in Athens and the head of the "2510" Greek human rights organization in order to uphold and protect one of the basic principles of a democratic society – the right to freedom of speech. At the same time, according to the World Press Freedom Index, the Republic of Moldova is ranked 28th, with 12 positions up compared to 2022. The apotheosis was the announcement by the President of the Republic of Moldova Maia Sandu on 29 May 2023 on a legislative initiative to create the national information security and counter-propaganda centre called "Patriot."

The Russian language is being ousted by the Moldovan authorities not only from the media sphere. On 1 December 2022, the Parliament of Moldova adopted in the second reading the amendments to the Electoral Code, suggesting that ballot papers will be issued exclusively in the state language, while in Russian they can only be printed at the request of local election commissions.

⁷⁴⁸ <https://www.rubaltic.ru/news/18122022-v-parlamente-moldovy-schitayut-cto-vlasti-zakryvayut-oppozitsionnye-kanaly-po-ukazke-zapada/>

⁷⁴⁹ <https://www.halktoplushu.md/index.php/novosti/4371-zayavlenie-o-priostanovlenii-litsenzij-na-veshchanie-shesti-telekanalov>

⁷⁵⁰ <https://russian.rt.com/ussr/news/1089188-moldaviya-telekanaly-zapret>

Along with the exclusion of the Russian language from the ballots, the scheme for appointing members of the Moldovan CEC 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 now controlled by the PAS. Such changes were criticized by the Venice Commission of the Council of Europe.⁷⁵¹

The true attitude of the Moldovan government towards the rights of not only the Russian-speaking population, but also other national minorities is evidenced by the statement of Dumitru Budianschi (former Minister of Finance in the Gavrilița Cabinet of Ministers), which he made during the discussion of the issue of financing schools teaching in the languages of national minorities during parliamentary sessions on 12 December 2022. He proposed to solve the problem of insufficient funding of such schools by transferring them to teaching in the state language. According to him, the load on schools with different languages of instruction is easily reduced by transferring them to the Romanian language of instruction.⁷⁵²

In addition to the fight against the Russian language in Moldova, the tendency to plant everything Romanian in the country and the rejection of the actual Moldovan identity is becoming more and more noticeable. The fears of experts regarding the concepts of Romanian expansion in Moldova are confirmed by the actions of government officials.

Declared at the highest level, the intention to replace the notion of the "Moldovan language" by the "Romanian language" in the Constitution and in other fundamental law was implemented in practice. On 24 March 2023, the corresponding law entered into force. According thereto, the word combinations, such as the "official language", "state language" and "native

⁷⁵¹ <https://www.rubaltic.ru/article/politika-i-obshchestvo/20221215-uderzhat-vlast-lyuboy-tsenoy-v-moldove-prinyali-novyy-kodeks-o-vyborakh/>

⁷⁵² <https://www.rubaltic.ru/news/13122022-glava-minfina-moldovy-predlozhil-perevesti-russkoyazychnye-shkoly-na-rumynskiy-yazyk/>

language" are to be adjusted. In the lead-up to the summit of the European political community, the "historical importance of this event" is evident, said Speaker of the Parliament of the Republic of Moldova Igor Grosu.

Along with the efforts to put aside the Russian language and the tendency towards the "Romanization" of Moldova, the authorities deliver attacks on the historical memory about the Great Patriotic War. Revisionist pro-Western tendencies are on the rise in the country. Recently, radicals from among the supporters of the liquidation of the Moldovan statehood and joining Romania have become more active in the country. These are openly circulating in the public space recognizing the "liberating" role of the Romanian henchman of the Nazis – dictator Ion Antonescu, whom the current president of Moldova, Maia Sandu (who, like almost the entire leadership of the country, has Romanian citizenship) considers a "historical personality." The facts of the glorification of Nazism and its accomplices look especially contrasting against the backdrop of the pan-European "cancel culture" of Russia.

In 2022, the restrictions were introduced on conducting the events on the occasion of the Victory Day – the 9 May – and other memory dates of the Great Patriotic War in Moldova. Traditionally, the holiday of May 9 is widely celebrated in the country. Earlier among the organizers were even the administration of the President of Moldova, the "Party of Socialists" and Russian compatriots. In particular, in advance of the celebration of the 75th anniversary of the Great Victory in 2020, an action plan was adopted at the government level and a working group was created with the participation of the Prime Minister, leadership of a number of ministries, as well as public figures, including the the Coordination Council of Russian Compatriots (CRC) Alexey Petrovich. Orders and medals, a military uniform of the times of the USSR, red flag, Georgian ribbon (one of the significant and dear symbols of the Great Victory of the Soviet people in the war against the Nazi invaders for the

Russian-speaking population) were freely used during the festivities and popular among the population.

However, after the start of a special military operation by the Russian Federation to denazify and demilitarize Ukraine, an active attack on the symbols of Victory and Soviet monuments to soldiers-liberators began in Moldova; efforts are being made to rewrite the history of that period. In line with this approach, on 14 April 2022, the Moldovan Parliament approved amendments to the Contraventions Code, which introduce fines or forced labour for the use of attributes and symbols of "military aggression", including the "black and orange two-colour ribbon" – the Georgian ribbon, as well as "Z" and "V" symbols. On 19 April President Sandu approved the amendments. The new provisions of the law entered into force from the date of their publication, namely shortly before the celebrations of the 9th of May.

These legislative innovations caused dissatisfaction of part of the Moldovan society. Thus, Gagauzia opposed the ban on wearing the Georgian ribbon. On 29 April 2022, the deputies of the People's Assembly of the autonomous entity adopted the regional law on the Use of the Symbols of Victory in the Territory of Gagauzia. Adopted by the head of the autonomy on 3 May, the law provided that on the territory of Gagauzia it was allowed to manufacture, store and use the Georgian ribbon, red flags of Victory and other symbols associated with the Victory in the Great Patriotic War. In addition, the law also established the holding of a number of events on the territory of Gagauzia in order to perpetuate the memory of the participants in the war and for the purposes of the patriotic education of the younger generation.

Among other things, representatives of a number of political elites spoke out against the ban on the orange-black ribbon, including the former President of Moldova Igor Dodon, socialist deputies and a number of representatives of expert circles. They took part in the celebrations dedicated to the Victory Day and defiantly put on the Georgian ribbon, for which they were fined.

Despite the persecution by the authorities, in 2022, about 37 thousand people took part in the events organized on the occasion of 9 May throughout Moldova.⁷⁵³

In 2023, the situation began to take on increasingly threatening forms. So, in April 2023, the Constitutional Court of the Republic of Moldova adopted a decision giving grounds for the open use of the Georgian ribbon as a symbol of memory of fallen soldiers during the Great Patriotic War. At the same time, the Speaker of the Parliament of the Republic of Moldova, Igor Grosu, followed by representatives of the law enforcement agencies, made explanations about the nothingness of this decision in a specific case. It, according to them, does not repeal the current law and all citizens who put on the ribbon will be held accountable. In 2023, the police wrote out protocols on administrative offences at the memorial "Eternity" during the festive event. More than 50,000 people took part in the celebration despite threats from the authorities. This state of affairs revealed a real split in society and prompted the regime to take active countermeasures. In particular, on 24 May 2023, legislative initiatives were submitted to the Parliament to rename the Victory Day on 9 May by the pan-European Day of Remembrance and Reconciliation in the memory of the fallen in World War II, which is planned to be celebrated on 8 May.

Over the past years, in Moldova, on the territory of which there are more than two thousand monuments to soldiers-liberators, there have been a number of problems with the safety of these monuments. Thus, due to financial reasons, local and central authorities do not maintain all monuments in proper condition; in particular, they do not carry out regular repairs. At the same time, initiatives are being discussed to transfer a number of monuments, including the "Eternity" and "Sherpeni Bridgehead", to the jurisdiction of local governments. If

⁷⁵³ <https://md.sputniknews.ru/20220509/v-meropriyatnykh-na-9-maya-v-moldove-prinyali-uchastie-ne-menee-37-tysyach-chelovek---50500181.html>

implemented, this measure will allow facilitating the procedure of decision making in case of the transfer, destruction or elimination thereof.

However, there is another situation when local authorities take decisive measures to give the memorials the proper look, as was the case with the restoration of the monument to the Red Army soldiers in the village of Tomai in 2021. In addition, before the celebration of the 78th anniversary of the Great Victory, with the financial support of the Embassy of the Russian Federation in the Republic of Moldova, the military monuments-burials with the ashes of Soviet soldiers were opened in the villages of Năpădeni and Condrătești, Ungheni District, as well as in the village of Miciurin, Drochia District.

Nevertheless, there are alarming facts of desecration of Soviet memorials in the country. The acts of vandalism throughout the Republic in relation to such monuments have become more frequent, especially after the start of the special military operation by the Russian Federation in February 2022. Despite the relevant provisions in the legislation on punishment for vandalism, no one has ever been held accountable for such crimes in Moldova. Law enforcement measures as regards the previously opened cases on the known facts of causing harm to the monuments of the heroes of the Great Patriotic War did not yield any results.

Along with the attacks on the monuments to the Soviet liberator soldiers, with the assistance of the official authorities, leadership of the Party of Action and Solidarity and support from outside, the memorial objects are being built in Moldova aimed at whitewashing the Romanian accomplices of Nazism. At the expense of external sponsors, the monuments to the Romanian military are being constructed, and the cemeteries of Romanian soldiers who fought on the side of Nazi Germany undergo modernization. Besides, there are also the cases of changing the idea of memorials. Thus, for example, in October 2021, in Chisinau, the Spring of the General Pavel Ion Georgescu monument – erected on the site of the monument of 1937 to commemorate the brotherhood of the

Russian and Romanian Armies during the First World War – was reconstructed. The authors of the new monument present it as a tribute to the memory of those who was allegedly "harassed and killed by the Soviet NKVD in 1940 in the basement of the building of the former Italian Consular Office after the annexation of Bessarabia from June 1940 till July 1941."

In 2022-2023, the practice of opening monuments to the accomplices of the Nazi continued with the involvement of the soldiers of the Guard of Honour. At the same time, the Ministry of Defence of Moldova refuses to render military honours during the ceremony of reburial of the remains of the Soviet soldiers found during search operations. It has also become systematic to reconstruct and erect memorials in memory of the "heroes of the Romanian army" that occupied in 1941 the territory of the modern Moldova. Among the latest acts is the opening of such memorable places in March 2023 in the village of Lăpușna, Hîncești District, and in April 2023 – in the village of Tsyganka, Kantemirov District.

The ideology of racial or ethnic superiority is not yet widespread in Moldova. However, pro-Romanian radicals in the Moldovan information space manifest themselves more clearly than supporters of Moldovan statehood and strengthening relations with Russia. The unionists freely propagate their ideals, demanding the unification 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 from among Russian compatriots, in many cases feel constrained, afraid of "once again aggravating the situation."

In addition to the infringement of rights of the Russian-speaking population and efforts of the authorities to re-write the history, there remains unresolved the issue of combatting corruption in the judicial system and improving conditions of imprisonment. Relevant facts are documented in the reports of the Information and analysis human rights centre of the Coordinating

Council of the Russian Compatriots of the Republic of Moldova, as well as reviews by international human rights organizations, including the 2019 Report of Amnesty International. After the advent of Maia Sandu, such references became impractical to the Western supervisor. As a result, the country started to gallop up the various ratings of the "democracy" of the States.

At the same time, the situation in Moldova's judiciary and law enforcement bodies is still of serious concern. The rise of these issues was attributed before to the "legacy of Plahotnuc's appointees in the justice system", which allegedly remains a hotbed of corruption. As a counter-measure, a complex reform aimed to amend the framework law of the country has been initiated in Moldova. 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 problems of the "Moldovan justice" are prominently manifested through the European Court of Human Rights (ECtHR). Moldova is consistent in ranking first in terms of the number of complaints received by the instance among the member states of the Council of Europe. A total of over 1,100 applications from Moldovan citizens are pending consideration.

At the same time, the Moldovan government promotes legislative initiatives aimed to bring to justice those judges whose decisions led to appellations to ECtHR resulting in Moldova's loss.

Legal circles in Moldova, for their part, note violation in the area of law enforcement. They draw attention to the fact 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 issue, as judges' salaries are significantly lower than those of lawyers and supervisors are and the risk of corruption persists.

Active "politicization" of the judicial system in Moldova is also observed. An example is the fabricated criminal cases against opposition leaders – former President Igor Dodon, vice-chairman of the Shor Party Marina Taruber, former Prosecutor General Alexandr Stoyanoglo (originally Gagauz).

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 confessionary evidence. Moldovan human rights defenders draw attention to inhumane detention conditions in prisons, however, it is noted that the situation has somewhat improved over the past year. Above all, this relates to investigating cases of treatment amounting to torture and convictions of the guilty.

Human rights defenders also note the systemic nature of violations of social rights of Moldovan citizens, above all, the right to work and equal pay. People of retirement age, who have lost the right to work on long-term contract after reaching the age limit, are compelled to negotiate fixed-term employment contracts. The link between employers and higher education institutions is virtually lost, resulting in a situation where young professionals end up in low-skilled, low paid jobs. In 2017, the Committee for Economic, Social and Cultural Rights pointed out a persistent pay gap between women and men that leads to broader imbalances in calculation of social insurance, including pensions. The Committee raised concern that pensions and minimal wages in Moldova were below the living wage, while the minimum wage in the state

sector had not been reviewed since 2014.⁷⁵⁴ In 2020, the Committee on the Elimination of Discrimination against Women (CEDAW) also drew attention to the above mentioned issues, including the remaining vertical and horizontal occupational segregation, the gender gap in job compensation and pension benefits. Prevalence of discriminatory dismissal of older people was noted with concern, as well as the limited access to social protection for women belonging to disadvantaged groups, such as Roma women and rural women, was noted with concern).⁷⁵⁵

Russian journalists and activists are also being harassed by the Moldovan security services, and this trend continued until 2022. For example, in October 2020, Head of the TASS Office in the country Valery Demidetsky received threats of prosecution on behalf of the SDP party on charges of "interference in the electoral campaign on the side of pro-Russian forces." In July 2022, journalist of the Russia 24 TV channel Olga Armyakova aroused increased interest among some Moldovan politicians due to the fact that she interviewed former President of Moldova Dodon. At the suggestion of members of the SDP party, the intelligence service of Moldova initiated a check against the journalist, as a result of which it was decided that the "propagandist" from Russia had violated the provisions of the government decree on accreditation of foreign journalists.

Of special concern are the actions of the Moldovan authorities as regards the Russian citizens arriving to the Chisinau airport. On a regular basis, a particularly close check of passengers with Russian passports is recorded. There

⁷⁵⁴ Concluding observations of the Committee on Economic, Social and Cultural Rights on the third periodic report of the Republic of Moldova. October 2017:
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E/C.12/MDA/CO/3&Lang=En

⁷⁵⁵ Concluding observations of the Committee on the Elimination of Discrimination against Women on the sixth periodic report of the Republic of Moldova. February 2020:
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/MDA/CO/6&Lang=En

are cases of refusal to enter Moldova by the border control service, including Russian officials.

It should be noted that the Moldovan authorities took rigid measures to prevent any dissidence in the country. Thus, the state of emergency introduced on 24 February 2022 (initially for a period of 60 days and subsequently repeatedly extended) provided for a number of restrictions, including a ban on mass socio-political events of any kind. This, however, does not prevent the organization, starting from the end of February, of the protests near the Russian Embassy in Chisinau, which impede the normal functioning of the Russian diplomatic mission, and the holding of the "European Moldova" action of many thousands on the National Assembly Square on 21 May 2023, as well as the summit of the European political community 1 June 2023 with over 40 heads of state and government.

In other words, one gets the impression that the Moldovan authorities, – trying their best to move the country along the path of the European integration, are doing it in a very original way (leaving aside Ukraine) – not by raising the standard of living of the population and democratizing the country but by rolling back even from the available achievements in this field.

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, among the areas of concern from the viewpoint of human rights protection in the Kingdom of the Netherlands in focus is the situation with illegal migrants and asylum seekers, discrimination against various minorities and use of the citizens' personal data by the governmental agencies. Such issues as human trafficking, poor imprisonment conditions, etc. persist in the Caribbean part⁷⁵⁶ of the Kingdom.

These issues were pointed at, in particular, in the third cycle of the Universal Periodic Review of the United Nations Human Rights Council⁷⁵⁷, in the Report⁷⁵⁸ of the Commissioner for Human Rights of the Council of Europe after visiting the Netherlands as well as in the documents of various convention bodies, including the 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), Group of Experts on Trafficking in Human Beings, national human rights agencies (National Ombudsman, Ombudsman for Children, Institute for Human Rights), non-governmental human rights organizations and mass media.

The human rights communities continue to be concerned over the inhuman character of the 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, absence of necessary medical

⁷⁵⁶ 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 independent constituencies (with the latter consisting of five islands).

⁷⁵⁷ For the UPR materials concerning the Netherlands see

<https://www.ohchr.org/EN/HRBodies/UPR/Pages/NLindex.aspx>

⁷⁵⁸ <http://wcd.coe.int/ViewDoc.jsp?id=2244481>

care, insufficient flexibility of the system of issuance of residence permits as well as low-efficient system of protection of the rights of those subject to deportation who were refused asylum (especially from Afghanistan).⁷⁵⁹

The Committee against Torture in its concluding observations on the seventh periodic report on the Netherlands pointed at the problematic aspects of treatment of illegal migrants and asylum seekers such as unfair consideration of applications for asylum, as well as long terms and conditions of detention in specialized centres.⁷⁶⁰ The discrimination of migrants was also in focus of the HRC Special Rapporteurs on freedom of religion or belief⁷⁶¹ on contemporary forms of racism.⁷⁶²

The attempts to improve the quality of migrant detention in those centres were made at the legislative level. However, the Amnesty International human right NGO indicates 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 the migrants' applications, etc.⁷⁶³ The Netherlands Institute for Human Rights has indicated that the timelines for the consideration of applications for asylum is limited to eight days for all, although, it is preceded by approximately a 10-month waiting period. Due to the increased number of asylum seekers the latter are accommodated in the reception centres as well as in the temporary shelters that do not fit the purpose. The coronavirus pandemics even aggravated this situation.

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 the decisions on a significant number of applications for asylum and family reunification.⁷⁶⁴

⁷⁵⁹ http://www.coe.int/web/commissioner/country_-report/the-netherlands

⁷⁶⁰ https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/NLD/CAT_C_NLD_CO_7_33166_E.pdf

⁷⁶¹ <https://spinternet.ohchr.org/Download.aspx?SymbolNo=A/HRC/43/48/Add.1&Lang=ru>

⁷⁶² <https://spinternet.ohchr.org/Download.aspx?SymbolNo=A/HRC/44/57/Add.2&Lang=ru>

⁷⁶³ <https://www.nu.nl/binnenland/6005757/asielzoekerscentra-zitten-vol-ook-alle-reservebedden-bezet.html>

⁷⁶⁴ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/NLD/CO/5&Lang=Ru

The European Commission against Racism and Intolerance (ECRI) also noted a number of issues related to migrant treatment. In particular, the attention was drawn to the fact that the burden of charges for the integration of migrants was shifted to the migrants themselves with the simultaneous sanctions imposed for the non-implementation of those measures (for example, for failing the exams). Besides, individual integration measures aimed at certain most vulnerable groups were lifted. The result of such policy, according to the ECRI, is the discrimination and exploitation of migrants as well as the fact that the children of migrants and of the immigrants from the Antilles make the core of the students of the specialized educational institutions. The Commission also pointed at the fact that most migrants do not know where to go in case their rights are being violated to obtain advice. They are repeatedly checked by the Dutch police. The unemployment level among migrants is higher.⁷⁶⁵

The Dutch media⁷⁶⁶ – with reference to the competent authorities – published the information about the Netherlands being the "gateway" for those wishing for the Great Britain through the continental Europe. The experts named the exit of the United Kingdom from the EU as a reason for such activities being intensified.

The situation with the refugees and migrants has been aggravated amidst the Ukrainian crisis.

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 conditions of housing and absence of sufficient amount of food.

Due to the overcharged system, the authorities forced the municipalities to provide assistance in accepting and accommodating the refugees from

⁷⁶⁵ <https://rm.coe.int/fifth-report-on-the-netherlands/168094c577>

⁷⁶⁶ <https://www.nrc.nl/nieuws/2019/05/26/nederland-is-nu-transitland-voor-mensensmokkel-a3961645>

Ukraine. The parliamentarians had to interfere with the situation to bring into question the presence of legal grounds for such "enforcements".

As it goes from the report of the Foreign Ministry of the Republic of Belarus for 2022, among the most resonating cases of human rights violations in certain countries of the world in March 2022 the problems came to light with the absence in the Netherlands in general of the sufficient number of places to accommodate the refugees from different countries of the world as well as with the discrimination of the refugees from other countries as compared to the Ukrainians. At Ter Apel's asylum centre as well as in a number of temporary housing centres in various parts of the country there are 37 thousand refugees, including 15 thousand being from Ukraine. At present, this centre 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 "[l]ocal 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 authority at all has offered to provide care for refugees from other countries."

According to this report, Koen Schuiling, Mayor of Groningen, made a statement in the same spirit by saying, in particular, "[i]t 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."

Human rights communities continue to express concerns over the attitude towards minor illegal migrants in the country; widespread criticism is heard that the system of "amnesty" provision to them, i.e. the issuance of 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 of migration authorities to considering the applications of children on reunification with parents who left for the Netherlands restrict the rights and interests of the children, provided for in the UN Convention on the Rights of the Child. There are questions as well as regards the procedures for considering the applications in asylum provision made by children who arrived to the Netherlands unaccompanied (it takes many years)."⁷⁶⁷

The cases of discrimination against ethnic, national and religious minorities, including legitimate and naturalized migrants,⁷⁶⁸ continue to be registered in the Netherlands. 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 real level of discrimination due to the complicated and disguised character of this phenomenon.

The national law misses the recognition of racial discrimination as an aggravating criminal factor. The corresponding law was submitted to the parliament in January 2021 but has not been adopted so far.

These 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.

Thus, in November 2021, the CERD highlighted the continuous tense situation with the minorities in the Netherlands⁷⁶⁹, and pointed, in particular, at the discrimination against Jewish and Muslim communities. It also expressed

⁷⁶⁷ <https://www.kinderombudsman.nl/nieuws/kinderombudsman-behandel-asielaanvragen-amvs-met-voorrang>

⁷⁶⁸ For example, see the note by the Minister of the Interior and Kingdom Relations dated 1 June 2021, which states the statistics of racism 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/>

⁷⁶⁹ <https://www.ohchr.org/en/press-releases/2021/08/experts-committee-elimination-racial-discrimination-ask-kingdom-netherlands>

concerns over the racist tone heard everywhere in the mass media and over the spread of racist-style statements and threats in the Internet.⁷⁷⁰

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."

The European Commission against Racism and Intolerance also pointed at the increased xenophobic and racist rhetoric in public and political discussions in the Netherlands. In its fifth report on the Netherlands, the ECRI mentioned a number of unsolved problems in the governmental policy related to combatting intolerance in the society in general (tough requirements to the integration of foreigners, discriminatory and xenophobic statements made by some politicians and journalists as regards the Islam, Muslims, migrants, LGBTI representatives, etc.).⁷⁷¹ At the same time, it was mentioned that this ideology is used not only by the right-wing parties but also by some moderate politicians and officials who do not hide their racist beliefs. This ideology was also realized in practice (for example, the opening of websites for reporting complaints over workers from Romania, Poland and Bulgaria and regarding asylum seekers⁷⁷²).

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 man can not connect with "unknown people", is a good example of such practice.⁷⁷³

After pointing to the deficiencies of the Dutch legislation in the area of combatting racist and xenophobic statements, in 2021, the CERD initiated a procedure to consider violations committed by the Netherlands (along with Belgium, Bulgaria, Finland, Germany, Greece, Hungary, Lithuania,

⁷⁷⁰ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/216/38/PDF/G1521638.pdf?OpenElement>

⁷⁷¹ <https://rm.coe.int/fifth-report-on-the-netherlands/168094c577>

⁷⁷² <https://rm.coe.int/fifth-report-on-the-netherlands/168094c577>

⁷⁷³ <https://nltimes.nl/2018/07/18/peaceful-multicultural-societies-dont-exist-dutch-fm-says>

Luxembourg, Poland and Sweden) from the viewpoint of incorrect inclusion of the provisions of the Framework decision of the Council on combatting Racism and Xenophobia⁷⁷⁴ into its national legislation. In particular, it was noted that the said States incorrectly interpret the criminal liability for certain forms of the language of hatred which incites to violence or hostility as far as a public silence, denial or blunt underestimation of international crimes and of the Holocaust do not fall under the definition of national laws.⁷⁷⁵

The CERD called on the Netherlands, among other things, to make the norms of the civil, administrative and criminal laws tougher and to ensure full independence of the competent authorities in this area.

In 2021, it was confirmed that the recommendations were not implemented by the Kingdom.⁷⁷⁶

The Committee for Economic, Social and Cultural Rights also sensitized the problems of the policy of the Netherlands in the area of combatting discrimination.

The results of various studies testify that the number of anti-Semitic incidents in the Netherlands adheres approximately to the same level in general.

According to the data provided in the annual report of the Centre on Information and Documentation on Israel (Centrum Informatie en Documentatie Israel, CIDI) in 2021, there were 183 anti-Semitic incidents⁷⁷⁷ recorded in the Netherlands (to compare, in 2020 – 135 and in 2019 – 182). Increases and decreases depending on the year rely usually, according to the authors, on the military operations of Israel. Besides, there are numerous cases of anti-Semitism in the Internet. The Dutch police and Prosecutor's Office inform that over

⁷⁷⁴ The document defines the general approach applied under the criminal law to the cases of hatred-based racist and xenophobic statements.

⁷⁷⁵ Fundamental Rights Report 2022. FRA EU. June 2022.

https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-fundamental-rights-report-2022_en.pdf

⁷⁷⁶ <https://rm.coe.int/ecri-conclusions-on-the-implementation-of-the-recommendations-in-respe/1680a59aee>

⁷⁷⁷ <https://www.cidi.nl/antisemitisme/antisemitisme-monitors/>

30 per cent of applications related to discrimination, registered and considered in 2021, were claims of antisemitism.⁷⁷⁸

According to the report of the 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 rhetorics being on the growth recently in the country; there are obvious problems related to combating terrorism (because of the procedure of deprivation of citizenship). The government is encouraged to "[r]emediate socioeconomic gaps between racial and ethnic minorities and ethnic Netherlanders" as well as improve educational system.⁷⁷⁹

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 real citizen of the Netherlands as a person of European origin, while people from the African or Asian region, even if they have Dutch citizenship and do not live in the country in the first generation, are still perceived as an alien element.⁷⁸⁰ 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.

The racial profiling practices by law enforcement officers continue to be registered in the country. Representatives of ethnic minorities are mostly subjected to document examination and detentions. According to experts poor control over activities carried out by law-enforcement authorities facilitates such abuses. Along with that, the police used the practice of preventive

⁷⁷⁸ <https://www.rijksoverheid.nl/documenten/rapporten/2022/06/10/tk-bijlage-cijfers-in-beeld-2021>

⁷⁷⁹ <https://spinternet.ohchr.org/Download.aspx?SymbolNo=A/HRC/44/57/Add.2&Lang=en>

⁷⁸⁰ 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>

detentions considerably more often in respect of the representatives of the ethnic communities, in 40 per cent of cases their actions did not have objective and reasonable grounds.

The Human Rights Committee⁷⁸¹ and the UN HRC Special Rapporteur on contemporary forms of racism pointed out racial profiling in respect of ethnic minorities by the Dutch police.

In October 2019, twenty Netherlands' 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 behavioural norms. 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"⁷⁸² was also mentioned among other things.

⁷⁸¹ 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

⁷⁸² 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>

The issue of neo-Nazism and anti-Semitism manifestations in the Netherlands has been resolved so far, including due to the insufficient legislative ban on such illegitimate actions.

Taking into account the importance of this subject, the Kingdom has taken recently some additional measures. In such a way, starting from 1 April 2021, the national coordinator on anti-Semitism started working and the position of the national coordinator on the discrimination and racism was created. In 2019-2021, special funds were allocated to the projects in the area of combatting anti-Semitism: to set up relevant institutions (capacity-building), raise awareness, etc.⁷⁸³

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 the context of recent revelations of the new facts of collaboration between the Dutch authorities and the Nazi during the Second World War (including assistance of some municipal authorities to identify undesirable persons and transportation of the Jews, the Roma and representatives of other "inferior races" to the Nazi concentration camps via the Dutch railway company "Nederlandse Spoorwegen") the skepticism of the representatives of the Jewish community as regards the readiness of the Dutch authorities to fight against anti-Semitism 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

⁷⁸³ See, for example, <https://www.rijksoverheid.nl/documenten/kamerstukken/2022/02/23/kamerbrief-over-versterking-ketenbrede-aanpak-discriminatie-en-racisme> и <https://www.rijksoverheid.nl/documenten/kamerstukken/2021/08/17/antwoorden-kamervragen-inzake-toenemend-antisemitisme>

many of the respondents underscored the inability of the Dutch police to identify anti-Semitic insults and, sometimes, to accurately define anti-Semitic incidents.

Recently, there has been noted an increasing number of Holocaust denials on the Internet. There were also cases of anti-Semitic slogans used by fans during sporting events.⁷⁸⁴

Anti-Muslim sentiments are quite widespread in the Netherlands. This was in focus as well of 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.⁷⁸⁵

After the beginning of the special military operation of Russia in Ukraine, on the tip of local mass media and strict anti-Russian speeches of the government, in rusophobic and discriminatory towards Russian citizens sentiments started to manifest 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.

⁷⁸⁴ <https://spinternet.ohchr.org/Download.aspx?SymbolNo=A/HRC/44/57/Add.2&Lang=ru>

⁷⁸⁵ <https://spinternet.ohchr.org/Download.aspx?SymbolNo=A/HRC/44/57/Add.2&Lang=ru>

Thus, for example, in the Nieuwsuur program 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.

There has been no solution to the main problems that face representatives of the Roma community: poverty, unemployment, social isolation. The rate of the Roma who have education is low in the Netherlands. Roma children have poor knowledge 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 often among representatives of these groups.⁷⁸⁶

The activities by the Dutch State authorities to collect and process personal information on its citizens despite the existing special mechanisms monitoring the compliance of the right to privacy, established in conformity with the EU standards the Dutch Data Protection Authority and the Review Committee on the Intelligence and Security Services, raise a lot of issues with regard to the protection of the right to privacy. The latter, in particular, confirmed the fact that the Dutch intelligence and security services transferred large amounts of private information to their foreign partners.

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. Due to the adoption of a number of legislative acts, intelligence services expanded their capabilities to trace contacts of their citizens. The powers of intelligence and security services to carry out total surveillance and wiretapping, as well as intercept communications of persons, who were not specified, if they are "related to the

⁷⁸⁶ <https://rm.coe.int/3rd-op-netherlands-en/168096953e>

relevant case" (a rather vague criterion), were legalized. This is seen as 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 safeguards in the context of the use, storage and destruction of private communications data are insufficient.

The Human Rights Committee expressed its concern with regard to the mentioned legislative norms.⁷⁸⁷ Quite a number of corresponding criticisms are found in various documents of the NGOs.

According to the published government statistics there are about 22,000 – 26,000 cases of wiretapping fixed annually in the Netherlands, IP-wiretapping via Internet is also increasing. Human rights defenders 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 wiretrapping.⁷⁸⁸

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 Reporteurs Sans Frontieres indicated that mass data collection by security services has repeatedly breach journalists' confidentiality, the confidentiality of their sources of information is still under threat. Moreover, the Dutch populist politicians have repeatedly attempted to discredit a number of respected media outlets, including the NOS state broadcasting company, in order to depict them as sources of fake news.

At the end of 2020, the investigation conducted by the NRC Handelsblad revealed the illegal personal data mining by the Land Information Manoeuvre

⁷⁸⁷ 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

⁷⁸⁸ Telegraaf Media Nederland Landelijke Media B.V. and Others v. the Netherlands, complaint No.39315/06

Centre (LIMC), Defense 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 Defense Minister Anna Beyleveld 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 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 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 the Dutch government to control social security systems and detect potential welfare frauds. The lawsuit was filed by the Dutch Lawyers Committee on Human Rights (NJCM) NGO. The court found that this programme violates the right to privacy.⁷⁸⁹

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 of the world, there is a "national consultative office" opening in the Netherlands for the universities and scientists to turn to on the issues of

⁷⁸⁹ <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>

"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 obviously said about 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 will 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 activities. The human rights defenders consider these norms being not compliant with the international standards of necessity and proportionality and the requirements about when firearms may be used.⁷⁹⁰

The practice shows that the police use rather harsh measures against protesters. 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 stricter measures, including introduction of a curfew, protests became more aggressive and led to clashes with the police. Batons, water cannons and tear gas were used against protesters. Law-enforcement bodies started mass detentions and then persecuted

⁷⁹⁰ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/NLD/CO/5&Lang=Ru

the instigators one by one. According to Reuters about 500 people were detained.⁷⁹¹

Another wave of protests took place in the Netherlands in mid-March 2021, on the eve of the parliamentary elections, and also led to clashes. The police used batons and water cannons to disperse the crowd. About 20 protesters were arrested in The Hague. Several persons were beaten by police dogs after they refused to obey the demands of law-enforcement bodies. The Dutch police reported that during arrest, the police fired a warning shot after the protesters kicked the police dog and threatened its handler.⁷⁹²

Similar situation took place also in November 2021.⁷⁹³

As it follows from 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, the brutal actions of law enforcement officers during the dispersal of peaceful protests became the reason for criticism of the Netherlands by the UN Special Rapporteur on torture, who strongly condemned the police brutality. On 3 January 2022, in two social media posts, he shared a video of police violence during protests against the country's COVID-19 measures. One of the incidents caught on video has been called "one of the most heinous examples of police brutality since George Floyd."⁷⁹⁴

The problems with the legislation in the field of combating terrorism in the Netherlands have raised concern with the Council of Europe Commissioner for Human Rights. A lot of criticism is heard also from the NGOs in this regard.

Thus, according to the NGO Amnesty International, there is an increasing use of administrative measures by the government in its policy to combat

⁷⁹¹ <https://www.vox.com/2021/1/26/22250380/violent-anti-lockdown-protests-netherlands>https://lenta.ru/articles/2021/01/28/netherlands_protests/, <https://www.dw.com/ru/v-amsterdam-zhestko-razognali-antipravitelstvennyj-protest/a-56255688>

⁷⁹² <https://www.dw.com/en/dutch-police-clear-anti-lockdown-protest-on-eve-of-election/a-56871608>

⁷⁹³ <https://www.bbc.com/news/world-europe-59363256>

⁷⁹⁴ G. Floyd – is an Afro-American, died on 25 May 2020 during the attempt of the police to detain him in Minneapolis, US. In response to G. Floyd's death, mass protests were held throughout the country.

terrorism, which do not provide for good guarantees for judicial review or appeal. There have also been many concerns about the laws on temporary administrative (counter-terrorism) measures and the amendments to the Citizenship Law regarding the deprivation of Dutch nationality in the interests of national security. They provide for the possibility of applying measures of administrative control to any person who is recognized as a potential threat to national security, and depriving him of Dutch citizenship. In addition, there are concerns that these laws contravene due process standards and restrict personal freedoms on the basis of mere assumption, not established fact, of a crime.

In total, since the introduction of the relevant law, a little more than ten people have been deprived of their citizenship by force (such a decision is often challenged in court), however, according to the former Minister of Justice Ferdinand Grapperhaus, about a hundred people may fall under the law.⁷⁹⁵ The Special Rapporteur on contemporary forms of racism also indicated that citizenship-stripping legislation of the Netherlands disproportionately affects Netherlanders of Moroccan and Turkish descent and thus aggravates stereotypes of terrorism by associating terrorism with people of certain ethnic and national origins.⁷⁹⁶

Besides, in the Netherlands, as well as in other European States, there are still tensions with regard to returning back home the foreign terrorist-fighters. The Dutch are leading efforts to establish a tribunal for foreign terrorist-fighters to bring justice in the Middle East region (primarily, in Iraq and the Syrian territory outside the control of official Damascus). By early 2020, The Hague tried to reach an agreement on the administration of justice against the ISIS members – the Syrian Kurds but the issue got stalled because of the coronavirus

⁷⁹⁵ <https://www.nrc.nl/nieuws/2019/11/03/om-afpakken-nationaliteit-hindert-vervolging-syriegangers-a3979027>

⁷⁹⁶ <https://spinternet.ohchr.org/Download.aspx?SymbolNo=A/HRC/44/57/Add.2&Lang=ru>

pandemic. In 2022, Minister of Justice Dilan Yeşilgöz-Zegerius stated that such an initiative is absolutely unviable.⁷⁹⁷

It should be noted that in 2019, The Hague Court reversed the lower court's decision to return 23 women and 56 children from Syria and ruled that the government did not have any commitments to these people. According to the verdict the final decision rests with the cabinet of ministers and represents an issue of political expediency, rather than that of the law. In June 2020, the Supreme Court of the Netherlands reaffirmed such a solution and put an end to the case. Therefore, at present, each such case is considered by the competent authorities separately (for example, by a court decision, as in February 2022).

In general, the return of children of ISIS fighters from Syria remains a particular problem for the Netherlands. About 200 children of Dutch origin are reported to remain in the SAR (mostly in camps). Former Minister of Justice Ferdinand Grapperhaus insisted on the impossibility of returning minors, while human rights organizations call for action.⁷⁹⁸

At the same time, the Dutch approach to this far from simple problem stands out from the rest of the States. The official Hague not only closes its eyes to cases of violation of the rights of its compatriots and refuses to help them, but also tries, if possible, to deprive them of Dutch citizenship.

In December 2020, there was a big scandal in the country. The tax office falsely labelled more than 20 thousand Dutch parents as frauds and cheats with childcare benefits after the Parliament of the Netherlands had presented investigation on this matter. It turned out that the wrongly accused parents had to return the state benefits for the period 2013-2019. In some cases they had to pay back tens of thousands Euro. At the same time, the parents were deprived of the opportunity to appeal this unjust decision. The Investigative Committee Chairman Chris van Dam said that these accusations affected more than

⁷⁹⁷ <https://www.telegraaf.nl/nieuws/1392935012/berechting-nederlandse-is-ers-in-syrie-of-irak-geen-optie>

⁷⁹⁸ <https://nos.nl/nieuwsuur/artikel/2288206-haal-alsjeblijft-de-is-kinderen-terug.html> и <https://www.rtlnieuws.nl/nieuws/nederland/artikel/5285571/syrie-kinderbescherming>

20,000 working families. Some parents found themselves on the brink of bankruptcy, other families broke up. The Dutch government had to resign already in mid-January 2021 because of the scandal.⁷⁹⁹ Some parents filed lawsuits against members of the Dutch Parliament, including the finance and economic affairs ministers. The government announced a 30,000 Euro compensation to each family.⁸⁰⁰ The scandal also triggered further criticism of the Dutch authorities about racial profiling, because the majority of those wrongly accused families belonged to migrants. The government was also blamed for trying to protect the officials involved in this case.

A wide range of problems in the Netherlands exist in the field of children's rights.

The Dutch guardianship authorities give rise to serious criticism. The Ombudsman for the Rights of the Child regularly draws attention to a number of serious shortcomings: thus, the Dutch guardianship service often does not adequately and comprehensively assess the situation of the child, interprets the subjective testimonies of individual observers one-sidedly, mixes facts and unverified reports in their reports, which can subsequently lead to serious errors, up to making unreasonable decisions to take the child from the family.

There are problems in the field of establishing the status of children born to stateless persons. Thus, in December 2020, the Human Rights Committee found that the Netherlands violated the rights of a child by registering an "unknown nationality" in his civil status records, as this made it impossible for him, under Dutch law, to be registered as a stateless person and therefore to receive international protection as a stateless child.⁸⁰¹ In general, difficulties

⁷⁹⁹ <https://www.theguardian.com/world/2021/jan/14/dutch-government-faces-collapse-over-child-benefits-scandal>

⁸⁰⁰ <https://www.dw.com/ru/pravitelstvo-niderlandov-uhodit-v-otstavku/a-56240672>

⁸⁰¹ <https://www.ohchr.org/en/press-releases/2020/12/netherlands-violated-childs-right-acquire-nationality-un-committee-finds>

remain with the assignment of Dutch citizenship to the children of stateless persons.⁸⁰²

The UN Committee on the Rights of the Child drew attention in early 2022 on persistent problems in the field of protection of children's rights, including in the Caribbean part of the Kingdom.⁸⁰³ The system of monitoring child euthanasia (legislation allows the euthanasia of children aged 12 to 18 years), protection of children from corporal punishment, etc., is also criticized.

The experts expressed concern about the increase in the number of cases of child abuse, especially child neglect and domestic violence, as well as sexual abuse of children in boarding schools and in the foster care system.⁸⁰⁴

Paedophilia and child pornography represent a serious problem in the country. Mistrust of the Dutch society to the government-led actions on combating this phenomenon led to increased activist movements against paedophilia: its participants track themselves suspicious activity on dating sites by creating fake teenager accounts. Those who tried to meet the minors in private were forced to surrender to law-enforcement authorities. Such meetings often lead to beatings, about 250 incidents are known.

Statistical data confirm that there are manifestations of paedophilia in the country. In 2019, the relevant NGO investigations registered 89 per cent of all known sites containing child pornography and child abuse in the European countries with 71 per cent of such sites identified in the Netherlands.⁸⁰⁵

Earlier, the National Rapporteur on Human Trafficking and Sexual Violence against Children Herman Bolhaar criticized the Dutch authorities for the piecemeal approach to combating these phenomena and indicated, inter alia,

⁸⁰² <https://www.ohchr.org/en/press-releases/2022/03/human-rights-committee-adopts-report-follow-views>

⁸⁰³ <https://www.kinderombudsman.nl/nieuws/vn-kinderrechtencomite-beoordeelt-kinderrechtensituatie-nederland>

⁸⁰⁴ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/NLD/CO/4&Lang=Ru

⁸⁰⁵ https://ec.europa.eu/home-affairs/news/20200428_increased-amount-child-sexual-abuse-material-detected-europe_en

the absence of resolute measures to stop the dissemination of such materials in social networks.⁸⁰⁶

Neo-liberal "values" are forcibly instilled in children. The provisions of the new Civic Education Law oblige elementary and secondary schools to teach children "respect for diversity, including religion, beliefs, ethnicity, gender, disability and sexual orientation."⁸⁰⁷

Statements against LGBT individuals, as well as any statements that can be interpreted as directed against LGBT community, receive immediate feedback from authorities. The situation that happened with the Minister for Primary and Secondary Education and the Media Arie Slob is illustrative in this regard. In early June 2020, during thematic debates in the Parliament, he defended the conservative Protestant school that suggested the pupils' parents sign a document stating that "homosexual lifestyle is unacceptable". In particular, he said that religious schools can make such requirements to the pupils' families, because all participants of the education process share this view. The Dutch legislation guarantees equal protection of both conservative religious segments of population, and LGBT individuals. The politician was subjected to public harassment for voicing such an opinion. Moreover, upon the calls of the Dutch NGOs, the Public Prosecution Service launched an investigation with regard to his statement.⁸⁰⁸

The situation with human rights in the Caribbean part of the Kingdom of the Netherlands remains alarming. There were corruption scandals on Sint Maarten and Curaçao where some former ministers and acting parliamentarians and other public figures were accused of corruption, illegal activity, including that related to human trafficking, and other abuses.

⁸⁰⁶ <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/>

⁸⁰⁷ Fundamental Rights Report 2022. FRA EU. June 2022.

https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-fundamental-rights-report-2022_en.pdf

⁸⁰⁸ <https://www.dutchnews.nl/news/2020/11/minister-backtracks-slightly-after-gay-lifestyle-declaration-row/>

Human trafficking for sexual exploitation and forced labor persist on Aruba, Curaçao and Sint Maarten.

The Committee on the Elimination of Discrimination against Women expressed concern about abortions that are prohibited by law on Sint Maarten; its Criminal Code criminalizes the provision of information or services related to abortions.

The Office of the UN High Commissioner for Refugees stated that neither Curaçao nor Sint Maarten has any law or other regulations on asylum matters. It also said that Aruba has not adopted a legislation to implement the 1967 Protocol to 1951 Refugee Convention.⁸⁰⁹

Besides, the NGOs note problematic aspects in the area of refugees' reception and accommodation (for example, those from Venezuela).⁸¹⁰

It is confirmed as well in the report of the Republic of Belarus for 2022 on the most resonant cases of human rights violations in different countries, according to which on Curaçao the human rights are violated with direct participation of the government of the Netherlands, and the refugees from Venezuela are not treated properly. Human rights activists have identified at least eight cases of illegal deportation of minor children without their parents. Torture was also recorded in the detention centre in Koraal Specht. After an uprising in a prison, the Venezuelans were called one by one to the bathroom and beaten out of the camera vision.

In March 2021, it became known that the Sint Maarten Parliament filed a complaint against the actions of the Netherlands with the UN Special Rapporteur on racism, accusing The Hague of neo-colonialism, racism and numerous human rights violations. The UN is also invited to consider the situation around the violation of the right of this entity to self-government.

⁸⁰⁹ <https://www.unhcr.org/en-us/unhcr-in-the-united-states-and-the-caribbean.html> , <http://www.refworld.org/docid/58ec89flc.html>

⁸¹⁰ <https://www.amnesty.nl/wat-we-doen/landen/mensenrechten-nederland/vluchtelingen-en-asielzoekers/curacao>

According to the leadership of Sint Maarten, the Netherlands is infringing on their autonomy against the backdrop of the coronavirus pandemic and the devastating consequences of the hurricane: a condition for the €30 million financial assistance is the creation of a supervisory board that oversees how reforms are carried out in Sint Maarten. In addition, it is noted that more funds are allocated for education and health care in the European part of the Kingdom during the COVID-19 epidemic than for the same purposes in the Caribbean part. According to a statement from the Ministry of the Interior and Kingdom Relations, such a move by Sint Maarten came as an unpleasant surprise.

On 19 December 2022, Prime Minister of the Netherlands Mark Rutte apologized on behalf of the government to the former colonies, recognizing the impolite role of the colonial authorities in the "ugly, painful and shameful" system of slavery. Sint Maarten's Prime Minister Silveria Jacobs did not accept the apologies. Curaçao protesters urged to discuss the content of "repentance" and the question of possible reparations. Speaker of the Parliament of Suriname Marinus Bee previously said that the Kingdom was guilty of "genocide of the indigenous population, as well as the exploitation of people of Asian descent" and was obliged to start negotiations on an apology and payment of reparations. In Curaçao, former Prime Minister Susanne Camelia-Römer and Minister of transportation Charles Cooper also pointed out that the Netherlands still retained a colonial mentality. Cooper emphasized that his people "did not ask, but demanded an apology", and the struggle for freedom begun in 1795 "continues at the present time."

A number of Indonesian parliamentarians and public figures also repeatedly called for monetary compensation from the former metropolis for the damage caused, including the return of cultural property removed from here.

On 17 February 2022, the Royal Institute for the Linguistics, Geography and Ethnology; the Netherlands Institute of Military History and the Institute for War, Holocaust and Genocide Studies presented the results of the joint work

"Independence, decolonization, violence, and war in Indonesia, 1945-1950." The study was conducted since 2017 by order of the government. The report cites the facts of the regular use of torture by the Dutch military during the suppression of the guerrilla movement in Indonesia, the detention of prisoners in inhuman conditions, extrajudicial executions, burning houses and villages, mass arrests and neglect of civilian casualties. The kingdom did not burden itself with the rule of law, considerations of justice and ethics, and the Dutch judges turned a blind eye to cases of rape and murder in Indonesia.

According to historians, the politicians in those years were influenced by the widespread patriotic sentiments among the Dutch population, fuelled by a sense of their own superiority, as well as absence of any criticism from the public and media.

New Zealand

During the reporting period, New Zealand made little progress on a number of structural issues, most notably racism and discrimination.

According to the 2018 census, indigenous people make up 16.5 percent of the country's population. For this population, the Treaty of Waitangi⁸¹¹ created a number of governmental preferences. However, the Waitangi Tribunal's rulings are still not enforceable, and this legislation has never been elevated to the level of constitutional law. The Committee on the Elimination of Racial Discrimination (CERD) noted in August 2017 that the recommendations made by the Treaty of Waitangi Constitutional Advisory Council in 2013 have not been carried out. Additionally, the independent Maori initiative Matike Mai Aotearoa has put up suggestions for discussion on a number of constitutional models that the New Zealand authorities haven't even looked at.⁸¹² The Committee on Economic, Social, and Cultural Rights (CESCR) placed a special focus in March 2018 on the need to give Maoris meaningful access to decision-making processes affecting their rights.⁸¹³

According to surveys in 2021, about 93% of autochthonous respondents had experienced some form of intolerance and social injustice because of their race.⁸¹⁴

⁸¹¹ Te Tiriti o Waitangi (in English, the Treaty of Waitangi) is a treaty made in 1840 between the British authorities and 539 Maori chiefs. According to this treaty, the Maori give up their sovereignty in favor of the British crown in exchange for the protection of their lands. The Treaty of Waitangi has not been ratified by Great Britain, but is one of the defining documents of the country's social structure. It defines the principles of Maori and the modern New Zealand state. Since 1975, the spirit of the treaty as a constitutional act has been monitored by the Waitangi Tribunal, which makes recommendations on claims made by Maori for violations of the treaty.

⁸¹² Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 21st and 22nd periodic reports of New Zealand's. August 2017
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fNZL%2fCO%2f21-22&Lang=ru

⁸¹³ 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

⁸¹⁴ 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>

For example, Maori people are much more likely than white New Zealanders to be the subject of police interest. However, it is important to note that the proportion of indigenous people in the judiciary and law enforcement systems is low: 10% and 11%, respectively.

As of June 2021, indigenous persons comprised 53 percent of the total prison population and 46.5 percent of inmates serving community sentences. According to the Committee on the Elimination of Discrimination Against Women (CEDAW), 65% of female prisoners in July 2018 were Maori women⁸¹⁵. In 2015, the Committee Against Torture (CAT) condemned the practice of disproportionate use of imprisonment against indigenous people.⁸¹⁶ Concerns about the disproportionate representation of Maori and Pacific peoples in the criminal justice system were also raised by the HR Committee⁸¹⁷ and the Committee on the Elimination of Racial Discrimination (CERD).⁸¹⁸

Compared to the national average of 70%, the Maori participation rate in overall employment is 68%. Unemployment rates among Māori and Pacific Islanders, especially among women and teenagers, remain the highest: 7.7% versus 3.9% among New Zealanders of European descent (data as of June 2021), and life expectancy, by contrast, is significantly lower, averaging 7 years. This issue has been raised, in particular, by HR Committee,⁸¹⁹

⁸¹⁵ 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

⁸¹⁶ 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

⁸¹⁷ 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

⁸¹⁸ 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

⁸¹⁹ Concluding observations of the Human Rights Committee on the 6th periodic report of New Zealand. March 2016

CERD,⁸²⁰ CESC, ⁸²¹ CEDAW,⁸²² and the Committee on the Rights of Persons with Disabilities (CRPD).⁸²³ Experts attribute this state of affairs to the fact that Maori people are more likely than others to have difficulty accessing basic health services.

Probably for the same reason, the greatest number of people with chronic illnesses and disabilities is recorded among them. While people with disabilities in general are twice as likely to be living in poverty as the general population, Maori people with disabilities are already three times more likely to be living in poverty, according to the CRPD's concluding observations from the review of New Zealand's combined 2nd and 3rd periodic reports, published in September 2022.⁸²⁴

According to statistics, members of this group account for a disproportionately high share of suicides and mental illnesses.⁸²⁵ Meanwhile, the practice of isolating patients in psychiatric hospitals to punish and discipline them is common. Most frequently, this procedure is carried out on Maori people.⁸²⁶

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⁸²⁰ 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

⁸²¹ Concluding observations of the Committee on Economic, Social, and Cultural Rights on the 4th periodic report of New Zealand. March 2018

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⁸²² 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

⁸²³ 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

⁸²⁴ Ibid.

⁸²⁵ 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%2fO%2f4&Lang=ru

⁸²⁶ Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 21st and 22nd periodic reports of New Zealand. August 2017

The ongoing structural and systematic disadvantages that Maori and Pacific children in New Zealand experience that have a negative impact on their health, survival, development, and education have been brought up by the Committee on the Rights of the Child.⁸²⁷ They are especially more likely than their peers to reside in households with earnings that are below the poverty line,⁸²⁸ which puts them at a higher risk of entering the state foster care system: 100,000 children mostly Maori, have gone through it in the last 40 years.⁸²⁹

UN human rights treaty bodies have expressed concern about the problems faced by Maori in education. For example, CERD noted that there was a low level of native language proficiency among them, although in recent years the number of Maori language learners had begun to increase.⁸³⁰ CESCR was also concerned about the limited number of Maori teachers or Maori-speakers, which further reduces access to Maori language education. The Committee was also critical of the continuing educational gaps between Maori and Pacific indigenous students, particularly at the secondary and tertiary levels, which resulted in lower achievement rates than children of European descent and greater stigmatization and disciplinary action in schools.⁸³¹

The authorities have so far failed to find a comprehensive solution to the above problems. At the same time, some experts tend to see their source as

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⁸²⁷ Concluding observations of the Committee on the Rights of the Child on the 5th periodic report of New Zealand. September 2016

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fNZL%2fCO%2f5&Lang=ru

⁸²⁸ 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

⁸²⁹ 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

⁸³⁰ Ibid.

⁸³¹ 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

"excessive" attention to this population, which results in a kind of "vicious circle," in which the expansion of the many forms of assistance already available from the state (including material assistance) has the opposite effect, leading to increased dissatisfaction among people of European descent with "Maori favoritism" on the part of the government. In practice, the Treaty of Waitangi provision granting indigenous peoples' rights is seen as a limitation on the rights of other New Zealanders (commercial affairs, appointments, including a Maori quota in Parliament, and so on).

Moreover, the problem is mutual: the Maori feel that their rights are infringed and demand more attention from the authorities, while the rest of the population points out that the manifestations of domestic racism come primarily from the indigenous residents, who consider others as "invaders."

These issues have been acknowledged by the New Zealand authorities. The issues were mentioned by Justice Minister Andrew Little, among others, during the Universal Periodic Review process by the United Nations Human Rights Council that assessed New Zealand in January 2019.

The issue of racism in the country should also be considered in a broader context. New Zealand has one of the highest levels of ethnic diversity in the Organization for Economic Co-operation and Development (OECD) region, with more than 200 ethnic groups speaking more than 160 languages. The annual increase in immigrants is about 50,000, most of whom come from China and India. At the same time, the country accepts 1,000 refugees annually on the basis of the current quota.⁸³²

The issue of racial discrimination came to the forefront after the March 2019 terrorist attack on the mosques in Christchurch. Shortly after the tragedy, New Zealand's Film and Literature Classification Authority banned distribution and possession of the manifesto *The Great Return*, a text published by the

⁸³² According to the statistics service, the total number of refugees "settled" in New Zealand since the end of World War II is 35,000.

perpetrator of the mass shooting of Muslims, Brenton Tarrant, on his social media pages. He justifies the killing of certain populations, defines the places where such attacks are allowed and the methods that can be used, and promotes hatred of multiculturalism and migrant policies. In addition, the assailant organized online broadcasts of the mass murder.

New Zealand's current regulatory framework for countering hate speech is the Human Rights Act and the Harmful Digital Communications Act. These acts criminalize public statements and threats against a group of people based on color, racial, ethnic, or national origin when such statements or threats are aimed at inciting enmity or hostility, expressing contempt or ridicule toward a specified population. It is also punishable to refuse to remove posts from social media that are intended to harass or contain derogatory personal information about someone. The sanction for this act is a fine of up to NZ\$7,000 or imprisonment for up to three months. In addition, the Human Rights Act contains a provision for civil liability for a virtually identical offense that does not include an element of intentional incitement of discord. In this case, in order to protect his rights, the aggrieved person has the right to file an appropriate complaint to the HR Committee.

The Royal Commission of Inquiry report on the terrorist attacks on the mosques in Christchurch was released in March 2019. One of its recommendations was to amend the Justice On The Fast Track Law and the Crimes Law by enshrining hate crimes in the law.

The Royal Commission believed that the current rule that punishes the use of hate speech lacked clarity; the words "dislike," "contempt," and "mockery" were too ambiguous and should be swapped out for the unequivocal word "hate."

In addition, the report actively engaged with the Muslim community during the research, who spoke out about prejudice and discrimination in New Zealand as well as how they were frequently mistaken for terrorists and treated

as such. They also reported fear of being subjected to a hate crime, being a victim of a terrorist attack, or being the target of hate speech. In this regard, representatives of the Royal Commission stressed the lack of social cohesion in the country and the need to develop it, in particular by stimulating public debate on the subject.⁸³³

Equally important in terms of combating hate speech was the recommendation that police review the way they record complaints of criminal behavior in order to systematically record cases with a hate motive, and that law enforcement officers be trained to identify "indicators of bias" in order to identify potential hate crimes.

UN human rights treaty bodies have criticized New Zealand's lack of statistical data on prosecutions and convictions for racist hate speech and racist violence. The HRCtee⁸³⁴ and the CERD,⁸³⁵ in particular, have called attention to the lack of a coherent national strategy to address racism, racial discrimination, xenophobia, and other kinds of intolerance, including racial and religious hatred.

CERD also noted with concern the many complaints of discrimination on the basis of race, including more than 400 complaints concerning discrimination in hiring and employment, human trafficking, and harassment filed with the Human Rights Committee in recent years.⁸³⁶

⁸³³ Report of the Royal Commission of Inquiry into the Terrorist Attacks on Christchurch Mosques March 15, 2019 November 2020

<https://christchurchattack.royalcommission.nz/the-report/>

⁸³⁴ Concluding observations of the Human Rights Committee on the of 6th periodic report New Zealand. March 2016

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fNZL%2fCO%2f6&Lang=ru

⁸³⁵ 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

⁸³⁶ Ibid.

The Disability Rights Commission (DRC) has been criticized since the Immigration Act 2009 forbade complaints about immigration determinations from being made to the New Zealand Human Rights Committee.⁸³⁷

The HRCttee also mentioned the practice of racial profiling against not only Māori but also people of African descent, common among New Zealand law enforcement agencies.⁸³⁸

New Zealanders also perceive members of the Chinese diaspora as "eternal migrants," despite their presence in the country for more than 150 years.⁸³⁹ The already intolerant attitudes toward them in society have been exacerbated by the onset of the COVID-19 pandemic. Chinese and other people of Asian descent were subjected to insults and accusations that they are allegedly responsible for the emergence and spread of infection. According to the New Zealand Human Rights Commission, of the more than 250 complaints related to the coronavirus, 34% were on the topic of racial discrimination.

To combat 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 for Social Policy for Māori Whānau Ora. There is a Human Rights Commission, and a State Commissioner for Interracial Relations has been appointed. Moreover, the government is in constant contact with the five major ethnic organizations, who are consulted on its social policies: "Multicultural New Zealand," the China Association, the Central Indian Association, the Federation of Islamic Associations, and the African Community Forum.

⁸³⁷ 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

⁸³⁸ Concluding observations of the Human Rights Committee on the of 6th periodic report New Zealand. March 2016

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fNZL%2fCO%2f6&Lang=ru

⁸³⁹ Meng Foon: Covid-19 coronavirus fear no excuse for racism. NZ Human Rights Commission. May 11, 2020. https://covid19.hrc.co.nz/meng_foon_covid_19_coronavirus_fear_no_excuse_for_racism

Since the beginning of Russia's special military operation to demilitarize and denazify Ukraine, there have been an increasing number of open manifestations of Russophobia as a result of the global anti-Russian campaign unleashed by the Western media and projected in the local media. Russian citizens and Russian-speaking compatriots living in New Zealand periodically encounter Russophobic attitudes from New Zealanders and members of the local Ukrainian diaspora in various aspects of daily life. At the end of March, 2022, an unknown person made an attempt to set on fire the Russian Embassy in Wellington. A few days earlier, the Russian diplomatic mission had received calls of threat.

The issue of civil rights of the Russian-speaking population has recently been transferred to the jurisdiction of the Ministry of Ethnic Communities, which was established in July 2021 and will take additional preventive measures in this regard.

According to the NGO Reporters Without Borders, the level of freedom of expression in New Zealand is deteriorating. In 2022, the country was placed 11th in the world rankings, three positions down from 2021.⁸⁴⁰ The ambition of media companies to decrease expenses in order to increase revenues at the expense of quality journalism frequently undermines media independence and diversity. Human rights campaigners are particularly concerned about the editorial integrity of the prominent New Zealand news portal "Stuff" following the July 2018 takeover of its owner Fairfax Media by the Australian media conglomerate Nine Television Network. Since then, the portal's budget, as well as the budgets of other Fairfax Media-owned media properties, has been drastically reduced. The situation could have been even worse if the Trade Commission had not blocked another planned merger between Stuff and New Zealand Media and Entertainment, which owns the country's leading daily newspaper, the New Zealand Herald. As a result of this high level of media

⁸⁴⁰ <https://rsf.org/en/index>

concentration, only small online publications have been able to provide fully independent reports and viewpoints.

At the same time, the economic viability of many media outlets was severely threatened by the coronavirus crisis, which led to the loss of nearly 700 jobs in the media sector. In February 2021, the government said it would give \$55 million to the media over three years to ensure the survival of "public interest journalism."

In terms of legislation, journalists continue to demand changes to the Law on Official Information, which impedes the work of journalists by allowing government agencies to respond to information requests for an extremely long time and even allows them to demand payment for the information provided. Despite government promises, this reform was postponed again in January 2021.⁸⁴¹

According to the New Zealand Human Rights Assessment Initiative, released in June 2022,⁸⁴² the country has not fully met its commitments in the areas of education, health, decent housing, food, and employment.⁸⁴³ At the same time, a study commissioned by the New Zealand Human Rights Commission a year earlier concluded that these rights are not protected in legislation or in national plans and programs, and that the government is not utilizing all of its available resources to remedy the situation. In addition, this work confirms the persistence of serious structural, direct and indirect discrimination against certain social groups.⁸⁴⁴

In August 2021, Statistics New Zealand confirmed a persistent gender pay gap of 9.1% in favor of men.⁸⁴⁵ One of the reasons, according to public

⁸⁴¹ <https://rsf.org/en/new-zealand>

⁸⁴² Official website of the Human Rights Assessment Initiative: <https://humanrightsmeasurement.org/>

⁸⁴³ Human Rights Commissioner: NZ's quality of life record "alarming". Motu Economic Stuff News. <https://www.stuff.co.nz/national/129051826/human-rights-commissioner-nzs-quality-of-life-record-alarming>

⁸⁴⁴ 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

https://motu-www.motu.org.nz/wpapers/21_12.pdf

⁸⁴⁵ Gender and ethnic pay gaps: Stats NZ Action Plan 2021/2022

organizations, is the lack of transparency of employers in determining the salaries of employees, which complicates monitoring by government agencies and NGOs.

Domestic violence affects 12% of New Zealanders, mostly women, each year, amounting to more than half a million people. However, experts believe that these figures may be higher due to the fact that such cases are not always reported to the police. Following the high-profile brutal murder of British tourist Grace Millane in Auckland in December 2018, 50 of New Zealand's most influential women signed an open letter calling on the government to take strong action to protect women's rights.⁸⁴⁶ Concerns about high levels of violence against women were raised by the CAT in April 2015,⁸⁴⁷ the HRCttee in March 2016,⁸⁴⁸ and the CESCR in March 2018.⁸⁴⁹ In July 2018, CEDAW expressed concern over the persistence of high levels of gender-based violence against women in New Zealand. According to the Committee, one out of every three women is physically or psychologically assaulted by a spouse at some point in her life.⁸⁵⁰ The reason for the Committee on the Rights of Persons with Disabilities (CRPD) concern was that people with disabilities are more likely to experience violence than the rest of the population. It is most common among

<https://www.stats.govt.nz/corporate/gender-and-ethnic-pay-gaps-stats-nzs-action-plan-20212022/#:~:text=Gencder%20and%20ethnic%20pay%20gaps%20at%20Stats%20NZ%20in%20May.percent%20for%20gender%20people>

⁸⁴⁶ NZ human rights to come under scrutiny from UN

<https://www.radionz.co.nz/news/national/380453/nz-human-rights-to-come-under-scrutiny-from-un>

⁸⁴⁷ 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

⁸⁴⁸ Concluding observations of the Human Rights Committee on the 6th periodic report of New Zealand. March 2016

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⁸⁴⁹ Concluding observations of the Committee on Economic, Social, and Cultural Rights on the 4th periodic report of New Zealand. March 2018

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⁸⁵⁰ 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

women and girls with disabilities, including those who are of Maori or Pacific Islander descent.⁸⁵¹

The problem of "child poverty" is of particular concern to human rights activists. According to recent estimates, the number of families with children living below the subsistence level is growing and is already about 200,000.⁸⁵² In this regard, the government plans a number of measures, including the adoption of the Child Poverty Reduction Act.

According to the CRPD's concluding findings, the administration is experiencing trouble implementing a number of recommendations given by the Committee in 2014. These are primarily the need to expand opportunities for independent living for people with disabilities in residential areas, the prohibition of forced sterilization and forced abortions for women with disabilities, and the repeal of Article 8 of the 1955 Adoption Law, which allows children to be removed for adoption from disabled parents without their consent. Experts have also pointed out legislative flaws, such as the absence of a provision in the New Zealand Human Rights Act of 1993 that specifically defines denial of reasonable accommodation as a form of discrimination. The Committee has noted the large number of complaints received by the Human Rights Commission related to human rights violations on the grounds of disability. At the same time, the timelines for their consideration by both the Commission and the Court for Human Rights Violations remain long.⁸⁵³

According to the CRPD, the fact that persons with disabilities are not involved in the decision-making process, including policy decisions, has led to

⁸⁵¹ Concluding observations of the Committee on the Rights of Persons with Disabilities on the combined 2nd and 3rd periodic reports of New Zealand's. September 2022

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fNZL%2fCO%2f2-3&Lang=en

⁸⁵² National Report of New Zealand, Thirty-second Session of the UN Working Group on the Universal Periodic Review, January 21-February 1, 2019 A/HRC/WG.6/32/NZL/1

⁸⁵³ Concluding observations of the Committee on the Rights of Persons with Disabilities on the combined 2nd and 3rd periodic reports of New Zealand's. September 2022

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fNZL%2fCO%2f2-3&Lang=en

shortcomings in the implementation of the state's measures to combat COVID-19 in relation to this category of the population. These include, in particular, lack of timely and easy access to information about the disease and how to treat and prevent it.⁸⁵⁴

Persons with disabilities are overrepresented in the social care and protection system, jails, and juvenile detention facilities. At the same time, they cannot rely on independent legal representation on a pro bono basis. Experts are deeply worried about the use of solitary confinement, isolation, physical and chemical restraints, and other restrictive tactics in detention facilities against people with disabilities, particularly those with psychological and/or intellectual problems.⁸⁵⁵

The CRPD noted serious shortcomings in 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 Maori, Pacific indigenous peoples with disabilities, children with disabilities and women and girls with disabilities.⁸⁵⁶

There are also problems in ensuring the rights of asylum seekers. In 2021, New Zealand continued to use detention facilities to house this category of persons, ostensibly for security reasons or uncertain identity status. As a consequence, they were subject to general prison regulations, which tended to curtail their rights. In particular, many were held in prisons longer than legally permitted (28 days), some were subjected to violence, and some attempted suicide.

The human rights community has drawn attention to the problem of overly broad law enforcement powers in New Zealand. In particular, it is pointed out that the system of oversight and accountability in the intelligence

⁸⁵⁴ Ibid.

⁸⁵⁵ Ibid.

⁸⁵⁶ Ibid.

service remains fragmented, and the supervisory role of the judiciary in this particular area is limited.

Under the current regulatory system, the Government Communications Security Bureau has very broad authority. New Zealand also has a rather limited judicial procedure for obtaining permission to intercept communications in the complete absence of a statutory requirement to obtain permission to intercept communications of non-New Zealand citizens.⁸⁵⁷ In addition, the CAT noted that the mandate of the Independent Police Conduct Authority prevents it from fully investigating and prosecuting the perpetrators in violation.⁸⁵⁸

⁸⁵⁷ 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

⁸⁵⁸ 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

Norway

Norway proclaims 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.⁸⁵⁹

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.

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 institutions.

The government, in cooperation with state-funded civil society institutions, regularly takes measures to improve the human rights situation in

⁸⁵⁹ Until 2018, there was also the Office of the Consumer Ombudsman, transformed into the Consumer Oversight.

the country. Despite this, 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; violation of rights of single refugees aged 15-18; "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.⁸⁶⁰

On March 26, 2020, Najmudin Vahid Faraj Ahmed, better known as Mullah Krekar, an Iraqi citizen, was extradited from Norway to Italy. This caused a significant impact.⁸⁶¹ 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.

There are still serious complaints about the Norwegian Child Protection Service (Barnevernet), including an excessive number of child removals, discriminatory treatment of children of non-Norwegian descent (out of a

⁸⁶⁰ Ekspertgruppe-Tiltak på skole-og barnehageområdet under koronautbruddet våren 2020. April 3, 2020 <https://bufdir.no/globalassets/korona/100420/ekspertgruppe-tiltak-pa-skole--og-barnehageområdet-under-koronautbruddet-varen-2020.pdf#page=1&zoom=auto,-275,848>

⁸⁶¹ In July 2019, he was sentenced in Italy to 12 years in prison for planning a terrorist attack

population of 5.4 million, more than 15,000 children cared for by Barnevernet are of foreign descent), poorly trained staff, and high levels of violence against foster children.

In 2021, the European Court of Human Rights (ECHR) completed seven cases involving the practice of Norway's child welfare agency Barnevernet removing children from troubled families and placing them with adoptive parents. Within these cases, Norway was found guilty six times and acquitted once. Barnevernet was involved in all 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. According to the Norwegian Broadcasting Corporation (NRK) on April 1, 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.⁸⁶²

According to information posted on the NRK Nordland Public Broadcasting website on September 8, 2022, 74.4 percent of children's cases were handled late in 2021 due to staffing problems and high turnover at the Barnevernet Child Care Services in Nordland. Currently, there are about 40 such cases on the waiting list. However, there is no reaction from the authorities of the country.

In order to strengthen children's rights, the 2018-2024 Strategy to improve competence of child welfare services staff is currently in place.

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 report "Attitudes towards Jews and Muslims in Norway in 2022" by the Norwegian Center for Holocaust and Minority Studies, 14 percent of the population think that Jews are a threat to Norwegian culture and society;

⁸⁶² Menneskerettighetene i Norge 2019. NIMs årsmelding, Dokument 6 (2019–2020).
https://www.nhri.no/wp-content/uploads/2020/04/NIM_A%CC%8Arsmelding_2019_web.pdf

71 percent of Jews surveyed had to conceal their origins for fear of a negative attitude. About 30 percent of the population is hostile towards Muslims, and 36 percent of Muslims surveyed share a negative perception of Jews.

In March-April 2022, Lars Thorsen, head of the right-wing organization Stop Islamization of Norway (SIAN), staged several Quran-burning actions in front of Muslim mosques in Oslo and Sandefjord. According to Klassekampen daily newspaper of April 27, 2022, the police did not investigate Lars Thorsen, citing the fact that "the burning of the Koran is not a manifestation of hatred against specific people."

According to the regular report "The most resonant cases of human rights violations in certain countries of the world – 2022," published by the Ministry of Foreign Affairs of Belarus, in April 2022, another anti Muslim organization SIAN, held a demonstration in Sandefjord (about 90 kilometers south of Oslo), where they also held a Quran-burning ritual. Between 300 and 400 people opposed the action. There were numerous conflicts with police, during which force was used against demonstrators, including the deployment of tear gas.

According to the annual Integration Barometer report (presented in June 2022), 54 percent of Norwegians consider Islam incompatible with the fundamental values of their society, 47 percent are skeptical of Muslims, and 56 percent take a negative stance on marriage to those who practice Islam.

According to the 2019 report of the Oslo Police Department, since 2016, the amount of instances of hate speech increased by 58 percent while the number of statements directed against those who profess Islam went up 1.5 time.

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).

According to a 2021 study by the Norwegian Media Authority (Mediatilsynet), 25 percent of Norwegians aged 16-20 have experienced an "online hate" manifestation during the year on the Internet.

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.

According to law enforcement authorities,⁸⁶³ 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, but coordinated from Sweden. 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 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

⁸⁶³ Supporters of right-wing extremism in Norway, who are they? Norwegian police security service. March 1, 2019.

https://www.pst.no/globalassets/artikler/utgivelser/temarapport_pst_-hvilken-bakgrunn-har-personer-i-hoyreekstreme-miljoer-i-norge.pdf;

Right-wing extremism in Norway: Developmental traits, conspiracy theories, and prevention strategies. Norwegian Ministry of Justice and Public Security. October 22, 2018.

<https://phs.brage.unit.no/phs-xmlui/handle/11250/2568904?show=full>

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,⁸⁶⁴ 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.

The August 2019 incident in Kristiansand in which participants in a demonstration organized by the right-wing organization Stop the Islamization of Norway set fire to a Quran caused a wide response. For security reasons, the police intervened in the action. Minister of Justice Jøran Kallmyr and Jens Frølich Holte, State Secretary, Ministry of Foreign Affairs of Norway, "distanced themselves" from the actions of the nationalists, calling them provocative, but at the same time qualified them as a legitimate manifestation of freedom of expression. Mass protests were held in Pakistan against the inaction of the Norwegian authorities. The Pakistani Foreign Ministry called for the instigators to be brought to justice and to prevent similar incidents in the future.

On August 10, 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.

⁸⁶⁴ Norway was occupied by Nazi Germany from 1940 to 1945. A resistance movement developed in the country, albeit on a limited scale. The "inoculation" against Nazism is still in effect today.

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 report by the Office of the Auditor General (presented June 9, 2022, to evaluate government efforts to counter domestic violence), there were 3,729 reports of domestic violence by police in 2021, more than 15,100 "signals" of violence against children were received by care authorities, and about 1,700 Norwegian adults who were victims of domestic violence were temporarily housed in crisis centers. One in four people killed in Norway is a victim of domestic violence.

According to Minister of Justice and Public Security Emilie Enger Mehl,⁸⁶⁵ 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,⁸⁶⁶ 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 favor 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.

⁸⁶⁵ Norwegian Government website "Regjeringen.no." June 9, 2022

⁸⁶⁶ Menneskerettighetene i Norge 2019. NIMs årsmelding, Dokument 6 (2019–2020).
https://www.nhri.no/wp-content/uploads/2020/04/NIM_A%CC%8Arsmelding_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.

Claims are made against intelligence agencies in connection with the use and storage of private information.

On January 1, 2021, the new Law on Military Intelligence entered into force (Chapters 7 and 8 entered into force on January 1, 2022). Due to protests from human rights activists, it was agreed to postpone the implementation of Article 7, paragraph 3, which governs decisions regarding providers' duty to create circumstances for access to electronic communications. NIM recommended that the government conduct a comprehensive legal assessment of the provisions of the Act relating to the collection and storage of electronic information crossing borders for their compliance with international legal obligations of Norway, including in light of the ECHR decisions of May 2021, which found the mass collection of electronic data by the intelligence services of several European states to be illegal. If necessary, it is supposed to make changes, agreeing with Parliament.

Human rights activists note the excessive use of isolation and coercive methods in prisons, especially in relation to mentally ill prisoners, poor prison conditions for women, prolonged trials due to lack of staff and underfunding of the judiciary.

The 2021 NIM's report identified regular strip searches of pretrial detainees, the use of coercive measures against mentally ill detainees, unacceptable treatment of refugees at the Trandum National Police Immigration Detention Centre, and problems with access to medical services for those serving prison sentences as the most pressing problems in this area.

According to the information of July 15, 2022, broadcast by Norwegian Broadcasting Corporation – NRK, prisoners suffering from mental disorders are placed for long periods of time in a solitary confinement cell and strapped to their beds. Mental health care is not provided in full, and there is no possibility of referring inmates to psychiatric hospitals for treatment.

Since December 2021, the prison has recorded 18 attempts by mentally ill inmates to harm their own health or commit suicide.

According to State Secretary Hans-Petter Aasen, the government takes the problem of using coercive methods in prisons seriously, including with regard to mentally ill prisoners. In order to improve the situation in this area, the authorities allocated 50 million crowns in 2022 and another 100 million crowns are planned for 2023.

Norwegian Ombudsman for Civil Affairs Hanne Harlem's report 2021 draws attention to the failure to respect the rights of juvenile children when they are detained and arrested. There is mention of police abuse of the arrest procedure, unjustified placement of minors in police cells (allowed only in exceptional cases), and failure to provide information to detainees in a form that is accessible and understandable to them, including in their native language for children who do not speak Norwegian or English.

Representatives of Norwegian human rights structures draw attention to the fact that the conditions of detention in the country for women prisoners are worse than those for men. Because of the insufficient number of women's sections in prisons, many women are not able to meet their children because they are serving their sentences too far from home (by law, they are entitled to meet their children once a week).

According to Aftenposten newspaper of April 19, 2022, most of the female convicts are held in Bredtveit Prison (east of Oslo; built in 1918), several of them in small rooms with poor ventilation. Ex-drug addicts, convicted violent

offenders, and mentally ill inmates are subjected to excessive use of isolation. There is no separate female doctor in the prison.

According to the same newspaper (Aftenposten) of May 19, 2022, June 9, 2022, and June 28, 2022, the county governor of Vestfold og Telemark denied M. Evensen free legal aid to appeal the compensation payments due to an erroneous court decision. In 2017, a woman was convicted of "misappropriation of funds" and sentenced to prison because the Norwegian Labour and Welfare Administration (NAV) misinterpreted welfare benefits legislation. M. Evensen considers the compensation in the amount of 70 thousand crowns (about \$7 thousand) for prosecution and 61 days of imprisonment (the amount of compensation payments in Norway has not been indexed since 2004) unfair. M. Evensen has no money to pay for a lawyer; she is ill with cancer and receives a modest disability allowance by Norwegian standards. However, there is no reaction from the authorities.

The Norwegian authorities continue to be criticized for respecting the rights of refugees.

Five parentless children with Norwegian citizenship were brought to Norway from Syria in June 2019 and in January 2020 as a result of pressure from a number of parties and humanitarian NGOs demanding that Norway should take more responsibility for hosting refugees. Along with their mother, a Norwegian citizen of Pakistani heritage who has joined the Islamic State, they have two kids, one of whom is severely ill. In the spring of 2020, however, the Norwegian Ministry of Justice and Public Security deemed it irrelevant to participate in the redistribution of refugees from the Greek island of Lesbos, citing the grave situation in the country due to the coronavirus.

Yasin, an Afghan asylum applicant (in Norway since 2015), was ordered to leave Norway by the Norwegian migration authorities on January 25, 2022 owing to a lack of grounds for granting refugee status and on the grounds that "Afghanistan is a safe country." Yasin has a wife and daughter in Norway (both

have residence permits). He and his family members belong to the Hazara ethnic group, which was persecuted by the Taliban.

In January 2022, authorities ordered Iranian refugee Amir Hussein Hussainzadeh (in Norway since 2010) to leave Norway, despite the fact that he had converted from Islam to Christianity while living in Norway and that his return to Iran was therefore unsafe. In 2018-2020, only 35 percent of the 110 Iranian "converts" were granted asylum in Norway.

Since March 1, 2022, Norwegian authorities resumed the deportation of Afghans who had been denied asylum in Norway, temporarily suspended after the Taliban came to power.

The 2021 NIM report draws attention to violations of the rights of single refugees aged between 15-18, who are subject to different rules compared to refugee children younger than 15 who are in institutional care. In this regard, the government was recommended to adopt amendments to legislation that would equalize the rights of refugee children under and after the age of 15.

However, according to the NGO Save the Children, the proposed changes will not improve their situation in practice, and will in fact only reinforce a differentiated approach to the two aforementioned age groups of children.

The NRK Troms og Finnmark broadcasting company reports that according to the August 26, 2022 survey "Attitudes towards Sami and Other Minorities" conducted by the Norwegian Institute for Human Rights, 11 percent 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.

Human rights activists note that despite the considerable efforts made by the authorities to "atone" for the Sami (who live compactly within the borders of the three northern provinces: Finnmark, Troms, and Nordland) as well as ethnic minorities (Kvens/Norwegian Finns, Jews, Forest Finns, Gypsies/Roma, and

Tater/Romani) who have become "victims" of Oslo's assimilation policies, there have recently been frequent violations of Sami rights, who have regularly voiced discontent, particularly over industrial projects in their traditional lands.

For example, in 2014, the state-owned company Statnett began construction of the Ofoten-Hammerfest transmission line, which runs through the Sami reindeer herders' land (the Sami petition to suspend the work was rejected in the court of first instance). The Directorate of Water and Energy, which reports to the Ministry of Petroleum and Energy, stated in September 2022 that the construction of the line's final section (Skaidi-Hammerfest) would have far greater consequences for reindeer husbandry in the region than had been predicted when the concession was granted in 2012.

In 2014-2015, against the objections of Sametinget (the Sámi Parliament), the local population and environmental organizations, the relevant authorities approved a plan for Nussir's copper deposits and the deposition of rock dumps in Repparfjord. Samis insist that the production poses a threat to reindeer herding and traditional coastal fisheries in the region. According to a report commissioned by Sametinget in September 2020, the number of reindeer could be halved as a result of the project, herd routes would be blocked and, in the worst case, half of the reindeer herding farms would be forced to cease operations. Other expert assessments point to the negative impact of waste deposition in Repparfjord (one of the main fjords where a significant population of wild salmon has been preserved) on its ecosystem.

Appeals to the authorities' decision were filed by Sametinget, the Society of Hunters and Fishermen of West Finnmark, the Norwegian Society for Nature Conservation 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, it would take the best interests of reindeer herders into account, and would also bring substantial economic benefits. For the past few years, Sámi activists, together

with environmentalists, have been protesting against the construction of Nussir and conducting an information campaign to "scare off" investors from the project.⁸⁶⁷ Copper production at the respective deposits is scheduled to start in 2024.

The construction of a wind farm complex by Fosen Vind (commissioned in 2021) on the Fosen peninsula in the province of Trøndelag caused a public outcry. According to reindeer herders, the wind farms construction has stripped them of a third of the traditional winter pastures in the region. In June 2020, the second-instance court confirmed that construction permits had been issued on legal grounds, but ruled that Fosen Vind should pay 89 million krona to the Sami. (\$10.4 million) On October 11, 2021, the Supreme Court of Norway ruled in favor of the Sami, stating that their right to practice cultural traditions was violated during the construction of two of the six wind farms. The court also recognized the decisions on issuing licenses to "Fosen Vind" as invalid.

The Ministry of Petroleum and Energy (responsible for issuing the relevant permits) is currently analyzing the court ruling to determine the next steps for wind farms that were completed and already operating at full capacity at the time of the ruling. According to officials, the Supreme Court's ruling concerns the potential effects of wind turbines, not the current situation. The main goal in this regard is to preserve both types of economic activity in the region while minimizing their negative impact on each other.

The Sami insist that the wind turbines must be dismantled and the affected natural areas must be reclaimed to comply with the Supreme Court's decision. This position is shared by the Sami Policy Council of the ruling Labour Party. The Sami Parliament believes that there is no legal basis for the government's process of evaluating the future of wind farms, and fears that the

⁸⁶⁷ Opponents of the project saw as a major victory the termination in August 2021 by German steelmaker Aurubis of a contract with Nussir to buy its products worth more than \$1 billion, citing the need for more careful analysis of "some social aspects of the project" and compliance with production sustainability criteria.

authorities are trying to "stall for time" by avoiding the execution of the court decision.

The Ministry of Petroleum and Energy submitted proposals to the Sami for a future action plan for reindeer farming in the Fosen region in the fall of 2022, and a series of stakeholder consultations were initiated. There is no information about their practical results as of December 2022.

In January 2022, a draft of an updated coastal zone management plan for Tromsø, northern Norway, including 18 new aquaculture areas, was submitted for public consultation. In his review, the Sami parliament of Norway noted that the construction of aqua farms at most of the proposed sites is contrary to the interests of traditional Sami fisheries. The final version of the plan after the public hearings has not been published at the time of this report.

Examples of the government's consideration of Sami interests include the authorities' refusal in 2016 to build a wind farm complex in the Kalvvatnan area on the border of Trøndelag and Nurland, the granting of a license to resume gold and copper mining at the Bidjovagge deposit, which the Swedish company Arctic Gold wanted (the Sami reindeer breeders of Kautokeino opposed it).

The Sami reindeer breeders also note the discrimination due to the monopolized agricultural industry, which is controlled almost entirely by the Nortura meat-processing concern. In particular, it is forbidden to slaughter reindeer by traditional methods (they have to use mobile slaughterhouses "Nortura") for sale.

Due to the expansion of protected areas in Norway, traditional grazing lands often fall within their boundaries, making it difficult for the Sami to use motorized transport when grazing reindeer.

In 2017-2019, the case of reindeer herder Jovsset Ánte Sara who was forced to transfer some of his herd to other reindeer herders due to the decision made by the Ministry of Agriculture and Food in 2013 to reduce the number of reindeer in Finnmark, received a wide response. Jovsset Ante Sara

unsuccessfully tried to appeal the decision of the authorities in the national courts, filed a complaint to the Human Rights Committee (as of December 2022, no decision on the complaint No. 3588/2019 has been taken).

Some experts call attention to the need to protect the rights of coastal Sami, including their fishing activities, and to take their special indigenous status into account in the allocation of fishing quotas.

The Sami, especially men, has a lower percentage of people with higher education compared to the nation's average. The same is typical for secondary education (some Sami never finish their studies).

Violence runs rampant in the Sami's community. According to surveys, up to 45 percent of the Sami have ever been exposed to it (compared to 29 percent of the population in the rest of Norway).

The indicators describing the degree of prejudice against this group of people in numerous fields are even worse. Sami sources indicate a 10-fold increase in discrimination among the Norwegian population (35 percent vs. 3.5 percent). The Sami sometimes face negative attitude in social and regular media.

The position of the Sami language is weakening,⁸⁶⁸ and its gradual blurring with Norwegian "impregnations." The report also notes that native speakers of the Sami language are few. The language issue also has an impact on the social sphere-health care, social care, and so on. Even in areas with a high concentration of Sami inhabitants, there is a shortage of competent disease diagnosis due to insufficient training of medical personnel in the use of professional terminology in the Sami language.

In February 2020, a public hearing was completed on amendments to the Sámi Law, aimed at adding a separate chapter on the obligation of the

⁸⁶⁸ Includes six dialects: North Sámi, South Sámi, Lule Sámi, Pite Sámi, Ume Sámi, Skolto Sámi. All of them are listed as endangered by UNESCO.

authorities to consult the Sámi Parliament on matters concerning the indigenous people.

The Sami population is projected to continue declining until 2030.

Despite the absence of specific discrimination against Russian citizens, Norwegian authorities continue to foster a climate of mistrust and prejudice toward Russians as part of the ongoing buildup of anti-Russian attitudes.

In the spirit of spy mania and suspicion, the Norwegian intelligence services urge fellow citizens to be "vigilant in their contacts" with Russians, to report to the competent authorities all suspicious circumstances concerning colleagues at work or neighbors. There are cases of pressure on our compatriots, including diaspora activists, by the local counterintelligence service (interested in relatives in Russia, contacts with the Russian embassy, and even encouragement to renounce Russian citizenship).

Against the backdrop of the events in Ukraine, there have been cases of Russophobia, pressure at work, harassment and insults, and denial of service to Russian citizens.

According to the newspaper *Verdens Gang* of March 30, 2022, E.A. Kasin, a Russian woman, living in Norway, was refused an appointment with a doctor at the Jeloy Fysioterapi Clinic, Moss. The doctor inquired about her attitude toward the events in Ukraine and President Putin and stated that he "will not serve a patient who does not condemn the war in Ukraine." Commenting on the case, Norwegian Prime Minister Jonas Gahr Støre said in the media that "it is unacceptable that Russians are denied medical care in Norway because of the war in Ukraine."

According to a July 10, 2022 report from the NPG (one of Norway's main organizers of exhibitions and concerts) refused to hire Julia Filippova, who has Russian citizenship, as an interior designer on the basis of her Russian origin. The Russian woman filed a complaint with the Discrimination Commission (Diskrimineringsnemnda). The Equality and anti-discrimination Ombud B.E.

Ton, called the incident a violation of Norwegian law, which prohibits discrimination against citizens on the grounds of their ethnic or national origin.

According to a March 15, 2022 report from the Norwegian Broadcasting Corporation – NRK, 12-year-old Latvian-born Maria Falkenhaugh was attacked by an unknown person (causing severe bruising) while speaking on the phone with her mother in Russian, who ran away shouting "damn Russian" in Norwegian.

The removal of children from Russian citizens living in Norway by the Norwegian guardianship authorities remains a controversial issue (as of February 2022, the Russian Embassy and Consulate General in Kirkenes are overseeing 26 such cases; the number of children removed was 52). At the same time, the number of children taken away has decreased in recent years. The emerging trend hinges on parents' higher awareness about specifics of local legislation in protection of children's rights, and on an increased willingness to rely on legal consultations.

The peak of removals was in 2015 and 2016, when 19 and 24 children, respectively, were forcibly removed by the Norwegian guardianship service. The most frequent reason of children being taken away from the families is the use of corporal punishment. In March 2019, the ECHR received a complaint from the Russian national A.S.Gaisulganov, whose wife, who lives in Norway, had her four sons taken away by child protection authorities in 2015.

There continue to be cases of denial of security clearance to enlisted Norwegian citizens of Russian origin.

According to a March 22, 2022 report from the Norwegian Broadcasting Corporation – NRK, a man named Haakon (the real name has not been disclosed; he was born in 2002 and has Russian origin) 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." His mother immigrated from Russia more

than 26 years ago, before he entered the college he gave up his Russian citizenship.

Compatriot K.Foulsen (born in 2001; mother is Russian, father is Norwegian) was dismissed from military service in 2022 after being refused admission on the grounds of "his family's ties to Russia."

The Norwegians are generally diligent in their implementation of the recommendations of international human rights bodies, striving to maintain a reputation as "frontrunners" in the field of human rights.

In 2017-2020, Norway "reported on its compliance with international human rights obligations" to the following UN treaty bodies: The Committee on the Elimination of Discrimination against Women, the Committee against Torture, the Committee on the Rights of the Child, the Human Rights Committee, the Committee on the Elimination of Racial Discrimination, the Committee on Economic, Social and Cultural Rights. All of them identified shortcomings and sent their recommendations to Norway.

In April 2019, in response to the 2015 national report, the Committee on the Rights of Persons with Disabilities also submitted its recommendations, stating, among other things, that Norway had not incorporated into national law the Convention on the Rights of Persons with Disabilities, which had been ratified in 2013.

On May 20, 2022, Norway submitted its ninth periodic report to the Committee against Torture on the implementation of the obligations set forth in the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

In February 2019, a national report is submitted to the UN Human Rights Council as part of the 3rd cycle of the Universal Periodic Review. Norway received 241 recommendations, 176 of which were approved in full and 22 in part. In August 2019, Norway submitted an addendum to the report responding to the recommendations.

In 2020, Norway also reported to the Council of Europe on a number of conventions.

The goal of the Norwegian government is to ratify all significant international conventions for the protection of human rights with the fewest possible reservations. Norwegians, however, have yet to sign the 1968 Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, the 1973 Convention on the Suppression and Punishment of Apartheid, and the 1990 Convention on the Protection of the Rights of Migrant Workers and Members of Their Families.

Furthermore, Norway refuses to sign the optional protocols on a communication procedure to the United Nations Convention on the Rights of the Child, the International Covenant on Economic, Social, and Cultural Rights, and the United Nations Convention on the Rights of Persons with Disabilities regarding communication processes.

In a 2016 communication to the Storting, the government cited the "vague" wording in the texts of the aforementioned optional protocols as justification for its refusal to ratify them. According to the authorities, there is too much "discretion," which may make it difficult to interpret the provisions of the conventions when taking into account specific complaints. The matter of protocol accession has been put "on hold," and Norwegian authorities "will monitor" the practice for a possible future revision of the decision.

The Norwegian Ministry of Foreign Affairs is dubious about the European Convention of 1996 on the Exercise of Children's Rights, stating that acceptance would result in "a narrowing of the democratic space for national maneuvering." At the same time, they agree that the majority of the document's provisions have already been adopted into national legislation.

A wide range of steps are being implemented on all fronts to implement the international recommendations.

The revised Barnevernet Act (came into effect on January 1, 2023) was passed on June 18, 2021, taking into consideration the ECHR's conclusions in its judgments against Norway that the removal of a child is a temporary measure and the main goal is family reunification in the future. In addition to strengthening parents' rights to communicate with their children who have been taken away from them, the law stipulates stricter requirements for the training of custody personnel, justification of their decisions, and enshrines a number of guidelines for the work of custody bodies, including taking into account racial, ethnic, cultural, linguistic, and religious affiliation.

Amendments to the Criminal Code that shield members of sexual minorities from hate speech came into effect on January 1, 2021.

In June 2021, the government unveiled its 2021-2024 Action Plan Against LGBT Discrimination, "Safety, Diversity, and Inclusion."⁸⁶⁹ Norwegian Prime Minister Jonas Gahr Store officially apologized on behalf of the government to LGBT persons for persecution by the authorities on April 21, 2022, the 50th anniversary of Norway's repeal of prison sentences for homosexuality.

The Norwegian government stated its desire to adopt the articles of the UN Convention on the Rights of Persons with Disabilities into national law in the government's Platform for Action for the legislative year 2021–2025.

Work continues in accordance with the government's action plans against racism and religious and ethnic discrimination (2020-2023), discrimination and hatred against Muslims (2020-2023), and anti-Semitism (2021-2023).

The Commission on Freedom of Expression, which was established in 2019 to analyze the existing situation in Norway in this area and the feasibility of additional measures to combat the spread of fake news and hate speech, published its findings in August 2022. It is specifically suggested to clarify the

⁸⁶⁹ According to OECD estimates, the country ranks 12th among OECD members in terms of the degree of "legal integration" of LGBT rights into the national legal system. Starting in 2032, the authorities plan to introduce a new format of national personal identification numbers, which will not reflect gender identity.

definition of "discriminatory and inciting hatred and hate speech" under Section 185 of the Criminal Code.

In April 2021, the Penal Code was amended to prohibit forced marriages. The Marriage Act was amended by Parliament in June 2021 to make the age requirements for marriage clearer. The Action Plan to Combat "Negative Social Control" and Honor Related Violence (2021-2024) and the Action Plan to Combat Domestic Violence "Freedom from Violence" (2021-2024), each containing a specific part for the Sami, are presented in July and August 2021, respectively.

A revised Victims of Violence Compensation Act was passed in June 2022, taking effect on January 1, 2023. The Corporate Transparency Act went into force on July 1, 2022, mandating enterprises to inform the public on the state of human rights and working conditions.

The government's "Society for All" agenda for 2020-2030 on the rights of individuals with disabilities was released in December 2018. In December 2019, the Plan of Action to Achieve Equal Rights for Persons with Disabilities for 2020-2025 was released.

Comprehensive measures are being implemented to support the languages, culture, and way of life of the Sami and national minorities. The Norwegian Parliament formed a Truth and Reconciliation Commission in 2018 with the responsibility to investigate the impacts of "Norwegianization" and mistreatment of Sami, Kvens, and Finnish ethnic minorities and to propose possible "reconciliatory" measures. The Commission is to report the results of its work by June 2023. On January 1, 2022, the law "On Languages" came into force, confirming the status of the languages of ethnic minorities.

The country's authorities are taking certain steps to overcome discrimination in the labor market.

The goal of the government's integration policy is to guarantee that immigrants have equal rights in the workplace and in society. For 2019-2022,

Norway implemented a new Integration Act on January 1, 2021, with the goal of swiftly integrating migrants and refugees into Norwegian society and economic life.

At the same time, in some areas Norwegians are reluctant to implement international recommendations. In its comments to the 23rd and 24th periodic reports on Norway (submitted on November 2, 2017), The United Nations Committee on the Elimination of Racial Discrimination is concerned that "racist and neo-Nazi organizations have become more visible in social media and through demonstrations" and that "Norway has not, in accordance with its obligations, declared illegal organizations promoting and inciting racial hatred." Commenting on the findings, the Norwegian authorities pointed out that Norway, in accordance with the Criminal Code, prohibits illegal actions, not organizations.

There are no plans to introduce the concept of "race" into the 2017 Norwegian Law "On Equality and Prohibition of Discrimination," because, as the authorities believe, the issues of race discrimination are already addressed as "ethnic discrimination." There are no plans to establish a dedicated police force to combat and investigate hate speech incidents. The Russian recommendation to the UN Human Rights Council in this regard was rejected. The Norwegians point out that the only relevant special unit in Oslo "gives recommendations" to colleagues from other regions.

Oslo refuses to remove its objections to Article 10 of the International Covenant on Civil and Political Rights, in defiance of the advice of the UN Human Rights Committee and the Rights of the Child. The rationale is straightforward: putting juvenile criminals in special prison sections (of which there are two in the country, each with eight beds) is "not always in the best interests of the child."

According to the Ministry of Foreign Affairs (Belarus) 2022 report on the most prominent instances of human rights abuses in several nations, Norway

continues to suppress environmental activists who oppose the growth of the nation's oil and gas industry. In August 2021, police forcibly dispersed an Extinction Rebellion demonstration outside Norway's Ministry of Oil and Energy. The police operation was accompanied by arrests of dozens of people who occupied the premises of the Ministry. Another 29 protesters were arrested for blocking one of the city's main streets.

Poland

Xenophobia and discrimination, notably along racial and religious lines, were still prevalent in Poland throughout 2021-2022. There were cases of harassment and assaults of people from the Middle East, Asia, and Africa.

In keeping with Warsaw's campaign to rewrite World War II history and deny the Red Army's essential contribution to Nazi Germany's defeat, the authorities are actively working to erase the Soviet/Russian memorial heritage in Poland. During the years 2021-2022, Polish authorities continued to implement the Act of April 1, 2016, with subsequent amendments,⁸⁷⁰ prohibiting communist or other totalitarian system propaganda, on the basis of which monuments to Soviet soldiers-liberators are removed from public space as symbolizing or propagandizing this system. Initiatives to demolish Soviet monuments are also put forward by Polish authorities at various levels, in addition to the Institute of National Remembrance (a state institution that directs Polish historical policy and serves as the primary source of inspiration for the campaign in the nation).

Most of the memorials to Soviet soldiers on Polish soil were destroyed between the late 1990s and the present; by 2022, just a few of the 561 monuments remained. But now, even these memorials that are still standing risk being destroyed.

In light of this, Poland is in breach of its international commitments made under the May 22, 1992 Treaty on Friendly and Neighborly Cooperation, the August 25, 1993 Intergovernmental Agreement on Cooperation in the Fields of Culture, Science, and Education, and the February 22, 1994 Intergovernmental

⁸⁷⁰ The law became effective in September 2016. It calls for the eradication of names connected to people, groups, occasions, and anniversaries that represent "the oppressive, authoritarian, and non-sovereign regime of power in Poland from 1944 to 1989." Although monuments were initially exempt from the law, it was amended in July 2017 to require the removal of objects from public areas that "symbolize communism or other totalitarian systems or promote this system" (the Polish authorities list monuments to Soviet soldiers-liberators outside of graveyards as examples of such objects).

Agreement on War Cemeteries and Sites of Memory of Victims of War and Repression.

In 2021, there were four cases of illegal demolition of Soviet monuments by the Polish authorities (between January and October 2022 – 18), of which the Russian side became aware. There could be more, because the Polish media do not cover such incidents.

Since late February 2022, the Russophobia propagated by the Polish authorities has been reflected in the already active "war" against monuments and memorials to Red Army soldiers who died during the liberation of the country from Nazism during World War II. Since the beginning of Russia's special military operation to denazify and demilitarize Ukraine, the number of acts of vandalism of Soviet memorials and graves in Poland has increased dramatically. As a rule, vandals write Nazi and Ukrainian neo-Nazi symbols, obscene words, and also splash monuments with paint. Three incidences of desecration of Soviet monuments and 37 acts of vandalism at Soviet military graves in cities and towns around the country were documented between January and October 2022: Rawicz, Poznań and Gniezno, in Wielkopolskie Voivodeship, Sandomierz in Świętokrzyskie Voivodeship, Żary in Lubusz Voivodeship, Warsaw, Radom, Garwolin and Mińsk Mazowiecki in Mazowieckie Voivodeship, Katowice and Chorzow in Silesian Voivodeship, Wrocław, Lubań, Wałbrzych, Kąty Wrocławskie, Świdnica and Bolesławiec in Lower Silesian Voivodeship, Gdansk and Tczew in Pomeranian Voivodeship, Kołobrzeg and Koszalin in West Pomeranian Voivodeship, Glinka (Toruń district) in West-Pomeranian Voivodeship; Szczucin and Wadowice in Lesser Poland Voivodeship, Krosno in Podkarpackie Voivodeship, Flysy in Lublinsky Voivodeship, Elbląg, Lubawa, Wronki village in Warmińsko-Marusian Voivodeship, three in relation to monuments (Olsztyn in Warmińsko-Mazurskie Voivodeship, Głubczyce in Opolskie Voivodeship, Wędków) and three in relation to monuments (in Olsztyn, Warmińsko-Mazurskie

Voivodeship, Głubczyce, Opolskie Voivodeship, and Węgrzce village in Lesser Poland Voivodeship). Some memorial sites (in Warsaw, Poznan, Wrocław, Tczew were repeatedly desecrated.

It is known about at least 18 cases of demolition of monuments to Soviet soldiers - among them sites in the settlement in Chschowice-Folwark (Opolskie Voivodeship), Garnzarsko (Lower Silesia Voivodeship), Międzybłocze (Wielkopolskie Voivodeship), Biały Bór (West Pomeranian Voivodeship), Dąbrowa Górnicza (Silesian Voivodeship), Bobolice (West Pomeranian Voivodeship), Glubchitsy, Buczyn⁸⁷¹ and Brzeg (Opolskie Voivodeship).⁸⁷² The demolition of the memorials was broadcast live on local television.

Under the banner of combating "Soviet propaganda" and the formation of a "correct" history of World War II in Poland, the merits of "underground heroes" – "cursed" (or "unbroken") soldiers⁸⁷³ in achieving the freedom and independence of postwar Poland – are glorified, including at the state level. Parallel to this, a cult of "fighters against communism" tainted by Nazi collaboration, war atrocities, and civilian killings is being fostered. 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.⁸⁷⁴ The ceremony was organized by the Office for War Veterans and Victims of Oppression. It was attended by representatives of the authorities and state bodies.⁸⁷⁵

⁸⁷¹ <https://www.rubaltic.ru/news/27102022-v-polshe-demontiruyut-srazu-chetyre-pamyatnika-sovetskim-voinam/>

⁸⁷² <https://www.rubaltic.ru/news/v-polshe-snesli-pamyatnik-sovetskim-soldatam/>

⁸⁷³ The members of the armed anti-Soviet underground resistance stained their reputation in the post-war years by killing peaceful citizens including women and children, among whom were Orthodox Byelorussians from the East of Poland (Podlachia), as well as Jews and Poles. One of the leaders of the "cursed soldiers" was Romuald Rajs, known as Bury. During World War II, all the underground paramilitary organizations in the German-occupied territory of Poland were united into the Armia Krajowa (The Home Army). Following the liberation of Poland by Soviet troops in 1944-1945, some members of this organization who did not want to fight the Nazis launched an underground struggle, albeit with their compatriots and Red Army personnel.

⁸⁷⁴ The National Armed Forces (NAF) is one of the underground armed organizations that has been known for its collaboration with the Nazis. The Brygada Świętokrzyska fought alongside the SS against the Red Army in 1944-45 and retreated into Germany along with the Nazis in 1945.

⁸⁷⁵ <https://ipn.gov.pl/pl/aktualnosci/148025.77-rocznica-powstania-Brygady-Swietokrzyskiej-Narodowych-Sil-Zbrojnych-Warszawa-.html>

Confirmations that fighters of the Polish Armia Krajowa committed numerous murders of Soviet civilians can be found in archival documents. The Russian FSB revealed additional archive records towards the end of October 2022, 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, created in early May 1945, details nearly 70 terrorist assaults and killings performed by Polish militants against Soviet citizens – not only military personnel but also government officials, business managers and employees, and instructors.⁸⁷⁶

After the Russian Federation launched a special military operation to demilitarize and denazify Ukraine and protect civilians in Donbas, unprecedentedly intense and deceitful, even by Polish standards, anti-Russian propaganda was unleashed in Poland, fueling a Russophobic outburst on an unprecedented scale. This campaign is largely initiated and encouraged by the Polish government and most national media.

The Polish officials are distinguished for their utmost anti-Russian attitudes, and they publicly advocate the need to destroy Russia and Russian culture. Well-known in this respect are the statements of March 30, 2022, by Prime Minister Mateusz Morawiecki that Russophobia in Poland has become mainstream and the call of April 4, 2022, by Deputy Prime Minister, Minister for Culture and National Heritage Piotr Gliński that Russian culture should be removed from the public space.⁸⁷⁷

In their Russophobia, the Polish authorities flagrantly violate the generally accepted rules of diplomatic communication and the norms of professional ethics. Western counterparts have recently grown more active in similar unsuccessful efforts, most commonly from unofficial parties, with the

⁸⁷⁶ <https://www.rubaltic.ru/news/31102022-fsb-rassekretila-dokumenty-o-prestupleniyakh-polskikh-band-v-velikuyu-otechestvennyuyu-voynu/>

⁸⁷⁷ Poland believes that Russian culture should be removed from the public space. RBC. April 4, 2022 <https://www.rbc.ru/politics/04/04/2022/624ae60d9a7947ec8b2d2561>

intention of "enticing" Russian ambassadors and high-ranking government officials to their side with promises of personal rewards. On October 3, the Russian ambassador to Poland, Sergey Andreev, was summoned to the Polish Ministry of Foreign Affairs. During the conversation, a senior member of the Polish Foreign Ministry openly provoked the head of the Russian diplomatic mission by proposing that he publicly criticize the Special Military Operation of the Russian Armed Forces in Ukraine and distance himself from our nation's overall foreign policy in exchange for some sort of "support" from the Polish government.⁸⁷⁸ In response, Sergey Andreev advised the Polish diplomat not to waste his time and outlined his position on the events in Ukraine.

As part of the campaign to rewrite history, all dissent is suppressed, and representatives of social movements, journalists, and politicians are persecuted and pressured. Ekaterina Tsvil'skaya and Anna Smirnova-Tyts, two Russian women who spoke out against the "war on monuments" and were jailed and expelled from Poland in May 2018 on charges of participating in a "hybrid war against Poland," remain barred from entering the country. In 2017, Russian historian Dmitry Karnaukhov was expelled, and in 2018. – Two other Russian citizens, I.Stolyarchik and O.Rothstein, were expelled (allegedly because they posed a "threat to the security" of the country). On the initiative of the Polish authorities, two Russian political scientists, O.V.Bondarenko and A.A.Martynov were banned from entering Schengen countries in late 2017 and early 2018.

In 2021, the Polish authorities prolonged the entry ban into the Schengen area (until December 2025) for "waging aggressive propaganda and damaging the image of Poland," to journalist of the "Russia Today" news agency Leonid Sviridov. In addition, in March 2021, correspondent Yevgeny Reshetnev of the All-Russian State Television and Radio Broadcasting Company (VGTRK) was

⁸⁷⁸ https://mid.ru/ru/foreign_policy/news/1832366/, <https://www.rubaltic.ru/news/03102022-naglost-bezgranichnaya-posol-rossii-v-varshave-rasskazal-zachem-ego-vyzyvali-v-mid-polshi/>

denied entry into the country for five years, allegedly for conducting activities "outside the scope of journalistic activity."

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 banned five Russian channels (Russia Today, RTR-Planeta, Soyuz TV, Russia 24 and ORT-1) and one Belarusian channel (Bel-24).

Domestically, Russian citizens in Poland experience issues getting residence and job permits, as well as being refused service in grocery stores, pharmacies, beauty salons, and other establishments. Piotr Wawrzyk, Deputy Foreign Minister, stated in August 2022 that the Polish Foreign Ministry was preparing a position that would allow it to refuse visas to Russian citizens without breaking Polish law or EU principles.

Radical and nationalist groups reportedly continue to operate in Poland. 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. Supporters of radical ideology are organized into a number of nationalist organizations that maintain relationships with "kindred" structures in other European countries. 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.⁸⁷⁹ Back in August 2019,

⁸⁷⁹ [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)

the Committee for the Elimination of Racial Discrimination (CERD) raised specific concern regarding racist organizations in Poland.⁸⁸⁰

Radicals in Ukraine and Poles have a history of working together, as seen by their participation in the 2014 events on Kiev's Maidan.⁸⁸¹ It is also no secret that during combat operations in the Donbass, including this year, Polish mercenaries joined the ranks of Ukrainian neo-Nazi battalions.

It should be emphasized that Poland hosts public gatherings with anti-Semitic overtones that are nationalist and neo-Nazi in nature. For instance, on July 11, 2021⁸⁸², nationalist organizations staged a rally in Jedwabne, and participants carried banners that read, "We do not ask for forgiveness for Jedwabne." The demonstration was organized to protest against the claim that Poles could bear some responsibility for crimes against Jews. R. Bonkevich, the leader of the "Independence March," put a wreath at the victims' memorial, but in his address, he demanded "truth, investigation, and exhumations."⁸⁸³

On November 11, 2021, the "Independence March," organized by the nationalist movement of the same name, was held for the eleventh time as part of Independence Day celebrations in Warsaw. Demonstrators burned the German flag and a portrait of Donald Tusk, the leader of the liberal opposition movement, Civic Platform.⁸⁸⁴ The march also took place in Kalisz (Wielkopolska Voivodeship), where police apprehended three organizers who burnt a copy of the Statute of Kalisz, the General Charter of Jewish rights,

⁸⁸⁰ Concluding observations of the Committee the Elimination of Racial Discrimination on the combined twenty - second to 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

⁸⁸¹ Specifically, members of the Szturmowcy (Stormtroopers) radical nationalist group. The group opposes capitalism and "dictatorship" by Brussels, and calls for the establishment of a "pure" Polish state based on traditional values. In June 2019, the group was closed down after its leader was arrested, and its former members continued to take "individual action."

⁸⁸² In 1941 a massacre of Jews took place in Jedwabne. Formerly it was believed the atrocity had been committed by Germans, but in 2000 the Polish-American historian J.T. Gross published his book 'Neighbors: The Destruction of the Jewish Community in Jedwabne, Poland' ("Sąsiedzi: Historia zagłady żydowskiego miasteczka"), in which he showed that the pogrom was committed by Polish residents of Jedwabne. Despite the fact that the truth of this version of events was confirmed by the Polish Institute of National Remembrance in 2004, certain groups in Poland refuse to accept this fact.

⁸⁸³ <https://oko.press/narodowcy-w-jedwabnem-w-80-rocznice-pogromu-zydow/>

⁸⁸⁴ Civic Platform is a Polish liberal party, headed by Donald Tusk and founded on January 19, 2001.

which secured Jewish rights in the 13th century. On December 3, 2021, all three were released on bail.

On March 1 2022, in Hajnówka⁸⁸⁵ (Podlaskie Voivodeship) nationalist groups organized the seventh March in Remembrance of the Cursed Soldiers, in memory of Romuald Rajs (Bury). On the same day, in Przemyśl (Subcarpathian Voivodeship), not far from the border with Ukraine, far-right football fans organized patrols to "cleansing the city"⁸⁸⁶ of refugees of Middle Eastern, Asian and African origin who had crossed over from Ukraine. Police reported that three citizens of India had been attacked.⁸⁸⁷ According to the OKO.press website, an Israeli journalist also reported that he had been attacked.⁸⁸⁸

On May 31, 2022, the five-year trial of six Polish citizens celebrating Hitler's birthday in 2017 ended. Protesters wore Wehrmacht uniforms and carried Nazi emblems. The court concluded in this case that the action was public Nazi propaganda. The organizer of this event was sentenced to one year and four months in prison.

On November 11, 2022, Polish nationalists conducted a new "Independence March," which typically draws several hundred participants.⁸⁸⁹ The mayor of the capital, Rafal Trzaskowski, has repeatedly spoken out against the march, claiming that the organizations behind it have all the "signs of fascism." However, as in 2021, his efforts have typically been thwarted by the Polish government.⁸⁹⁰ Violence was mostly averted at this year's nationalist march, but anti-Ukrainian and anti-European shouts were heard, according to Mayor Rafal Trzaskowski.⁸⁹¹

⁸⁸⁵ <https://oko.press/marsz-ku-czci-burego-i-kontrmanifestacje-w-hajnowce-coroczny-wstyd-dla-panstwa-polskiego/>

⁸⁸⁶ <https://oko.press/szesty-dzien-na-granicy-ogrom-pomocy-fala-rasizmu/>

⁸⁸⁷ <https://wydarzenia.interia.pl/raporty/raport-ukraina-rosja/aktualnosci/news-przemysl-troje-obywateli-indii-pobitych-przez-grupe-mezczyzn.nId,5863607>

⁸⁸⁸ <https://oko.press/dezinformacja-zalewa-przemysl-policja-to-przekazy-ktore-maja-wystraszyc-mieszkancow-i-uchodzcow/>

⁸⁸⁹ <https://time.com/6232840/thousands-join-far-right-march-on-polish-independence-day/>

⁸⁹⁰ <https://notesfrompoland.com/2022/11/10/poland-warns-of-putins-provocateurs-at-nationalist-independence-march-in-warsaw/>

⁸⁹¹ <https://time.com/6232840/thousands-join-far-right-march-on-polish-independence-day/>

According to the media, this march has become one of Europe's greatest gatherings of far-right groups in recent years.⁸⁹²

A worrying scenario with symptoms of anti-semitism has been reported throughout Poland as a whole. On June 24, 2021, the Polish Parliament approved changes to the Code of Administrative Proceedings, which was suggestive in this regard. With these changes, it is now impossible to appeal an administrative decision 30 years after the court's ruling was made. The innovation concerns, among other things, proceedings on property lost during and after the war (nationalized or escheat).⁸⁹³ The actions of the Polish authorities attracted criticism from the foreign ministries of Israel and the United States and also sharpened domestic debates, once again confirming the existence of strong antisemitic attitudes. On June 30, 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 it⁸⁹⁴.

In April 2022, the far-right media group Magna Polonia reprinted "Meet the Jew," an antisemitic book that depicts Jews as a "parasitic tribe." This book, written by the Polish publicist and conservative T.Jeske-Hoinski, was first published in 1912. The nationalist publication Media Narodowe, on its YouTube video-hosting channel, discussed this book with one of the leaders of Magna Polonia, Przemysław Holocher. This is not the first time the publication has published such content. His YouTube channel features more than one video with antisemitic content and relevant titles (e.g., "This Jew Still Hurts Poland,"

⁸⁹² <https://www.i24news.tv/en/news/international/europe/1636821465-poland-chanting-death-to-jews-far-right-activists-burn-book-on-jewish-rights>

⁸⁹³ This category also covers "Jewish property" in Poland, which is private property owned by Jews that was stolen by the Nazis during World War II and nationalized after the war.

⁸⁹⁴ <https://www.polsatnews.pl/wiadomosc/2021-07-02/mlodziez-wszechpolska-wspala-tone-gruzu-pod-ambasada-izraela-oto-wasze-mienie/>

"Ruining the Polish Academy by Jews," and "[President] Duda Will Return Poland to Jews?!").⁸⁹⁵

It is also worth noting that such nationalist structures are funded directly by the Polish authorities. Thus, Media Narodowe is produced by the Polish Association "March of Independence," which organizes the annual nationalist march of the same name in Warsaw on November 11, Independence Day. In 2021, the organization received a grant of 1.3 million zlotys (equivalent to 280,000 euros) from the "Patriotic Fund," created 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 2022.⁸⁹⁶

At the same time, Polish authorities deny the obvious public criticism of the cultivation of nationalist associations. In a statement published in response to an inquiry by the newspaper Rzeczpospolita concerning an antisemitic book distributed by Media Narodowe, the Polish Ministry of Culture pointed out that all applications for grants from the Patriotic Fund are evaluated by experts according to appropriate criteria and solely on the basis of the content of the applications themselves.

It should also be highlighted that such acts by the authorities are not supported by the majority of Poles. For example, after learning about the funding to the "Independence March" Association, more than 160 public figures in Poland signed an open letter to the Polish Minister of Culture urging him to "stop financing fascism."⁸⁹⁷

⁸⁹⁵ <https://notesfrompoland.com/2022/04/25/polish-state-funded-nationalist-media-outlet-promotes-antisemitic-book/>

⁸⁹⁶ <https://notesfrompoland.com/2022/04/25/polish-state-funded-nationalist-media-outlet-promotes-antisemitic-book/>

⁸⁹⁷ <https://notesfrompoland.com/2021/06/30/stop-financing-fascism-polish-public-figures-tell-culture-minister-after-grants-to-far-right-groups/>

The rise in antisemitic sentiment is being noted both domestically and by international human rights organizations. According to the Polish Ministry of Interior and Administration, antisemitism in the country increased from 30 reported events in 2010 to 179 in 2018, before declining to 128 incidents in 2020⁸⁹⁸ and 111 in 2021.⁸⁹⁹ It is also worth noting that the fact that antisemitic sentiments are spreading in the country is recognized in Polish society itself. According to a 2018 EU Fundamental Rights Agency study titled "Experiences and Perceptions of Anti-Semitism," which was based on a poll on discrimination and hatred against Jews throughout the EU, 89 percent of Polish respondents of Jewish descent believe 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 percent on non-Jewish respondents believed that "Jews have too much power in Poland." They also admitted that the level of antisemitism had significantly increased 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 percent of respondents considered that the efforts of the Polish authorities to combat antisemitism were insufficient and ineffective.⁹⁰⁰ According to research by the NGO Anti-Defamation League, up to 48 percent of Poles have antisemitic views.⁹⁰¹

During 2021 there were several attacks on Jewish memorial sites. Unknown individuals painted SS runes and Swastika symbols on the walls of the Jewish cemetery at Auschwitz, next to the Auschwitz-Birkenau Memorial and Museum, which was constructed on the site of the notorious concentration

⁸⁹⁸ Overview of Antisemitic incidents recorded in the European Union. 2009 – 2019.

https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-antisemitism-overview-2009-2019_en.pdf

⁸⁹⁹ Overview of Antisemitic incidents recorded in the European Union. 2011 – 2021.

https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-antisemitism-overview-2011-2021_en.pdf

⁹⁰⁰ 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

⁹⁰¹ ADL Survey on attitudes and opinions toward Jewish people in 18 countries around the world. 2019. Poland. <https://global100.adl.org/country/poland/2019>

camp, at the end of January.⁹⁰² Three teenagers vandalized 67 gravestones in the Jewish cemetery in Bielsko-Biala (Lesser Poland Voivodeship) on June 26. The burning of a copy of the Statute of Kalisz, during a nationalist march in Kalisz on November 11 in honor of Independence Day is one example of antisemitism in action.⁹⁰³

Jon Minadeo Jr., an American citizen and the leader of an organization of aggressive anti-semitic provocateurs who spread antisemitism in several American states, organized an offensive action at the former Auschwitz-Birkenau concentration camp on August 27, 2022, taking a photo with an antisemitic poster and then posting it on his social media account. According to media reports, he was arrested. While in Poland, Minadeo also shared videos of himself raising his hand in a Nazi salute and insulting an Asian man.⁹⁰⁴

Antisemitic comments were not uncommon on Polish television. In June 2020, a similar incident was reported. Adam Bodnar, the Commissioner for Civil Rights, requested the National Radio and Television Council's chairman to look for hate speech and antisemitism on June 23, 2020, when journalist Rafał Ziemkiewicz spoke on TVP Info's "W tyle wizji" show. He blamed the Jews themselves for the Holocaust in it, saying that "it was other Jews, the Jewish police, based on lists drawn up by the Jewish Judenrat,⁹⁰⁵ who were in charge of it all."⁹⁰⁶ They put the Jews in wagons, captured them, and escorted them out of the ghettos." According to the National Broadcasting and Television Council, Ziemkiewicz's viewpoint did not contravene the "Law on Broadcasting and Television" of December 29, 1992.⁹⁰⁷

⁹⁰² 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/>

⁹⁰³ <https://www.i24news.tv/en/news/international/europe/1636821465-poland-chanting-death-to-jews-far-right-activists-burn-book-on-jewish-rights>

⁹⁰⁴ <https://www.timesofisrael.com/notorious-us-antisemite-arrested-in-poland-over-offensive-banner-at-auschwitz/>

⁹⁰⁵ The Judenrat was a Jewish self-regulating body operating in Poland during the Second World War, which was organized in each ghetto, by order of the German occupying authorities, for the purpose of enforcing Nazi regulations that applied to Jews.

⁹⁰⁶ <https://www.youtube.com/watch?v=FFxDMzIfas>

⁹⁰⁷ <https://www.rpo.gov.pl/sites/default/files/Odpowied%C5%BA%20KRRiT%2C10.09.2020.pdf>

In Poland in recent years there has been an increase in manifestations of xenophobia and intolerance against certain groups of society. In 2018, the Polish public prosecutor stopped publishing statistical data on crimes motivated by racial or other intolerance, on the grounds that the data in such documents was reserved for internal use by state agencies. Many rights groups suspect that the true reason for this decision is to hide a rapid growth in the number of crimes of this type.

These trends are confirmed by sociological research data. According to a survey on Poles' attitudes toward other nationalities and ethnic groups performed in February 2021 by the Polish Center for Public Opinion Research (CBOS),⁹⁰⁸ 42 percent of Poles despise the Roma. 46 percent of respondents acknowledged having a bad opinion of Arabs. The CBOS highlights the fact that sympathy for Ukrainians, Belarusians, and Jews (43 percent, 47 percent, and 38 percent, respectively) outweighs hatred (26 percent, 17 percent, and 29 percent of respondents express a negative attitude). Compared to March 2020, the level of hostility towards Arabs (by 9 percent), Belarusians (by 8 percent), Russians and Ukrainians (by 7 percent), and Jews (by 1 percent) has decreased.⁹⁰⁹

In February 2021, the European Commission found that Poland had violated EC law when implementing into Polish law the provisions of 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. The Commission observed that only when such crimes were committed against Poles are they subject to criminal culpability for denying and endorsing international crimes including the Holocaust.⁹¹⁰ In connection with this failure, the Commission has, since 2018, sent three requests to the Polish Prime

⁹⁰⁸ https://www.cbos.pl/SPISKOM.POL/2021/K_030_21.PDF

⁹⁰⁹ https://www.cbos.pl/SPISKOM.POL/2021/K_030_21.PDF

⁹¹⁰ 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

Minister, Mateusz Morawiecki, calling on him to develop a comprehensive strategy to combat hate crime. However, the representative of the Polish government responsible for equality issues responded with a letter setting out the position of the Ministry of Justice, which is that Polish law contains all the necessary guarantees.⁹¹¹

Following its evaluation of Polish information regarding the implementation of the Committee's recommendations, the Committee on the Elimination of All Forms of Racial Discrimination (CERD) expressed concern over the ineffectiveness of measures to prevent racist speech and incitement to violence on April 2021. As a result of the impunity for intolerance, stigmatization, discrimination, or even encouragement to violence, CERD found that the environment is favorable for hate crimes. The Committee emphasized that the information given by the Polish authorities regarding the implementation of the recommendations was unsatisfactory and urged Warsaw to include information in its upcoming periodic report on how it ensures the efficacy of the measures it has taken to combat racist speech and incitement to violence, including measures to outlaw organizations and parties which promote racial discrimination.⁹¹²

Earlier, in August 2019, the Committee against Torture expressed concern about Warsaw's serious under-reporting of official statistics on hate crimes and urged it to take action to rectify the situation as well as to fight discrimination on racial, national, and other grounds, citing a report on a survey on the nature and extent of unreported hate crimes prepared by OSCE ODIHR and the Office of the Commissioner for Human Rights⁹¹³.

⁹¹¹ <https://bip.brpo.gov.pl/pl/content/mowa-i-przestepstwa-z-nienawisci-polskie-prawo-nie-wymaga-zmian-Pelnomocnik-rzadu-RPO>

⁹¹² Letter from the Chair of the Committee on the Elimination of Racial Discrimination to the Permanent Representative of the Republic of Poland to the United Nations Office at Geneva, 30 April 2021
CERD/103rdsession/FU/MK/ks

https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/POL/INT_CERD_FUL_POL_44796_E.pdf

⁹¹³ Concluding observations of the Committee against Torture on the 7th periodic report of Poland. August 2019
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT/C/POL/CO/7&Lang=Ru

In January 2020, the Advisory Committee on the Framework Convention for the Protection of National Minorities also pointed out that a climate of intolerance, racism, and xenophobia persisted in the country. Additionally, it was reported that representatives of national minorities think local and national authorities have not responded appropriately to words and violent acts committed by extremist groups. They feel that the Polish authorities' attitude to any given ethnic group is conditioned by Poland's relationship with the country in question.⁹¹⁴ This concept appears to be supported, among other things, by the circumstances surrounding Russian citizens in Poland as mentioned above.

The situation remains difficult with the Roma facing discrimination in employment, rental housing, banking services, and social and educational services (especially the low attendance of Roma children, especially girls, at primary and secondary schools is frequently cited). 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 Minorities⁹¹⁵, and the Committee on the Rights of the Child drew attention to the clashes between Poles and Roma in Melec and also noted that the town of Maszkowice lived in inadequate housing conditions the Committee on the Rights of the Child in September 2021.⁹¹⁶ 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 the town of Maszkowice lived in inadequate housing conditions.⁹¹⁷

Migrants and asylum seekers in Poland are discriminated against. The conclusions of the Ministry of Foreign Affairs of the Republic of Belarus report

⁹¹⁴ Fourth opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities on Poland, adopted on May 6, 2019 <https://rm.coe.int/4th-op-poland-en/1680993391>

⁹¹⁵ Fourth opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities on Poland, adopted on November 6, 2019 <https://rm.coe.int/4th-op-poland-en/1680993391>

⁹¹⁶ Concluding observations of the Committee on the Rights of the Child on the Poland 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>

⁹¹⁷ 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

"The most resonant cases of human rights violations in some countries around the world" 2022 confirm this.⁹¹⁸

Human rights organizations have criticized Warsaw for its categorical refusal to let asylum seekers pass and provide them with medical, legal, and other assistance in the context of the crisis on the Polish-Belarusian border that began in the summer of 2021 and was associated with attempts by people from the Near and Middle East to enter EU territory. The brutal treatment of refugees by Polish border guards has become public. From September to November 2021, Polish authorities imposed a state of emergency in the border zone 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 picture and video recording by Polish law enforcement officials. Representatives of the media, public and humanitarian organizations, and independent observers were not permitted to enter the emergency zone. From December 1, 2021 to June 30, 2022, the Ministry of Internal Affairs and Administration of Poland issued an order prohibiting non-residents from remaining in the designated territories, but media entry was permitted under certain conditions.

At the same time, human rights organizations disregard Poland's damaging involvement in the migration issue, as well as Polish border guards' excessive treatment of unlawful migrants. It also doesn't evaluate the steps Warsaw has taken to erect a wall along its border with Belarus, ostensibly to keep out illegal immigration, or the catastrophic environmental damage these actions have already caused and will continue to cause (a significant portion of these constructions pass through the Bialowieza Forest, the largest primeval relic forest area in Europe).

⁹¹⁸ 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

According to Human Rights Watch, between June and October 2021, at least 13 migrants died in the area near the border.

It should be noted that there were preconditions for such a situation. The Polish Border Guard has frequently turned down requests for international legal protection from foreigners wanting to enter the country in recent years. This practice was applied to Russian citizens, among others.

Human rights groups point out that Poland disobeys its commitments to safeguard asylum seekers on a global scale. The 2013 Law on Foreigners and the 2003 Law on Granting Protection to Foreigners in Poland were both amended by the Polish government in August 2021. Now, if a foreigner crosses the border unlawfully or arrives from a nation where he was not in danger, his claim for refugee status or political asylum may not be taken into consideration. Russian and Belarusian immigrants are also included in this group. Additionally, these revisions give the border service the authority to remove migrants right away if they try 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, as well as the Belarusian-Lithuanian and Belarusian-Latvian borders (it is reported that by the end of 2021, 28,000, 8,000, and 4,000 migrants would not be allowed into Poland, Lithuania, and Latvia, respectively), as well as the legislative changes adopted by Warsaw allowing for the expulsion of migrants.⁹¹⁹ According to data provided by FRA, the largest numbers of incidents involving the "expulsion" of⁹²⁰ illegal migrants were recorded in Poland, Croatia, Greece and Hungary.

Felipe González Morales, UN Special Rapporteur on the human rights of migrants, who visited Poland and Belarus in July 2022 to research the issue,

⁹¹⁹ 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

⁹²⁰ This term refers to the situation in which people are detained after illegally crossing the border and immediately returned to the neighboring country without taking into account their reason for crossing the border.

also brought attention to the difficulties faced by migrants at the Polish border. He mentioned in his statement following the visit⁹²¹ that Polish border guards actively practice expelling migrants, preventing them from entering the country, rejecting asylum requests, and using force against refugees. Both women and children face similar attitudes. Among others, Felipe González Morales noted that the expulsion of migrants was carried out by Polish border guards in such a way that it would not be noticed by Belarusian border guards. The time of day and weather conditions are not taken into account. He also pointed out that Polish border guards officially record only the first case of detention and expulsion of illegal migrants. If such persons are detained repeatedly, their detention as well as their expulsion is no longer recorded in any way. It is impossible to acquire accurate data on the number of migrants and the number of times they are expelled from Polish territory because one individual may be expelled from Polish territory many times.

The Special Rapporteur underlined that some migrants are vulnerable to expulsions and linger along the Belarusian-Polish border, which passes through Bialowieza Forest. According to him, building a five-meter high fence with barbed wire on the border between Poland and Belarus will not deter migrants from trying to enter Polish territory; rather, it will only put them in more danger and worsen the humanitarian situation there.

Polish society treats immigrants differently depending on where they are from. In particular, the Special Rapporteur on the human rights of migrants, Felipe González Morales, spoke about double standards with respect to refugees. Although the Special Rapporteur noted that the situation regarding the reception of Ukrainian refugees in Poland was generally favorable, he also drew attention to the disparity in the way that Polish authorities treated Ukrainian

⁹²¹ 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>

citizens and immigrants from other countries, including migrants who had come from Ukraine and requested asylum there. The Special Rapporteur was forced to highlight the differences in how migrants are received. As a result, it was discovered that Ukrainian people in Poland were primarily housed in private houses of Polish nationals, rather than in official institutions for foreigners. To receive Ukrainians, Polish authorities deployed primary reception, food and medical care points. They were given free rail and bus travel across Poland and even to neighboring nations.⁹²²

The status of migrants attempting to enter Poland via Belarus, the most of whom are from North Africa and the Middle East, is markedly different. In addition to the obstacles to crossing the Polish border described above, those migrants who do enter Polish territory are often held in specialized closed centers for foreigners run by the Polish Border Guard Service. The living conditions there are unsatisfactory.

Polish officials acknowledge the dire situation of such institutions. Hanna Machińska, Deputy Commissioner for Human Rights Poland, speaking in February 2022 before the European Parliament Committee on Civil Liberties, Justice and Home Affairs, reported a "humanitarian disaster" in closed centers for foreigners on Polish territory. According to her, the conditions at such centers 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 their lack of knowledge of the language and the absence of translation support.

Civil society organizations have also confirmed cases of discriminatory treatment of refugees arriving from Ukraine. In its report, the NGO Never Again noted racially motivated violence against black Ukrainian refugees,

⁹²² Ibid.

attempts at extortion and fraud under the guise of assistance, cases of denial of assistance to refugees due to nationality, religion (Orthodoxy), preventing Ukrainian children from accessing education, and cases of xenophobic gatherings and manifestations, including in places of religious worship.⁹²³

Despite a slight improvement in the severity of the situation with migrants on the Belarusian-Polish border in Poland, incidents of racism by border guards against refugees from the Middle East and North Africa region have been documented. Consequently, on November 8, 2022, Belarusian border guards discovered a foreigner who had been battered by Polish law enforcement on their border. The individual, who identified himself as a Syrian citizen, required medical attention, warm clothing, and shoes. The refugee stated that he had been in Poland for three days before being caught by Polish police and escorted to the border fence bordering Belarus. He further stated that Polish security forces forced him through the fence, assaulting him and blasting him with gas. He was abused and told to remove his shoes despite the weather.⁹²⁴

Journalists in Poland who report on the plight of refugees near the nation's border face harassment as well. Using quotes from human rights advocates, a UN human rights expert group reported this in February 2022.⁹²⁵ Among other things, it was noted that in November 2021, volunteer interpreter J.Cypianski was ill-treated by Polish soldiers. Journalists M. Moskva and M.Nabrdalik experienced a similar incident when they were searched, handcuffed, and had their phone messages and photo equipment examined. Journalists O.Kortas and K.Körbel, who were shooting a video about the situation of migrants on the border, were also subjected to unjustified harassment by Polish border guards.

⁹²³ https://www.higdywiecej.org/docstation/com_docstation/64/zachowajmy_solidanosc_z_uchodzcami.raport.pdf

⁹²⁴ <https://www.rubaltic.ru/news/09112022-polskie-siloviki-izbili-bezhentsy-i-zastavili-bosikom-idi-na-territoriyu-belarusi/>

⁹²⁵ Poland: Human rights defenders face threats and intimidation at Belarus border – UN experts. February 15, 2022. <https://www.ohchr.org/en/press-releases/2022/02/poland-human-rights-defenders-face-threats-and-intimidation-belarus-border>

Near the Polish-Belarusian border, in September 2021, police apprehended two journalists from the French-German TV channel ARTE and one from the France Presse agency. All of them claimed to have entered the emergency area by mistake. Their phones and computers were taken away by the police, who also detained them. The next day the journalists were released.

Polish nationalist elements are likewise annoyed by the situation with the Ukrainian refugees. In September 2022, the nationalist party "The Confederation of the Polish Crown" held a demonstration under the slogan "No to the Ukrainianization of Poland." According to reports, 200 participants carried banners and flags of Poland. Protest leaders cited the present dangers they feel Poland is currently facing from the large influx of Ukrainian immigrants. The nationalists said that Poland has rules of law that put Ukrainians in a privileged position compared to Poles. The demonstration's organizers also made a point of highlighting how the Polish government ignores Banderatism's manifestations and Ukrainians' animosity toward Poland and Poles.⁹²⁶

Such accusations seem to be not without reason. On November 7, 2022, word spread that a Ukrainian restaurant called "Chervona Kalina" was being built in Krakow to hire Ukrainian refugees. The proprietors changed the name of the institution to "Ukrainian" in response to criticism in social media due to the link of this name with the song of the same name, which served as the unofficial anthem of the Ukrainian rebel army (an organization banned in Russia).⁹²⁷

The presence of Ukrainian refugees in Poland creates a crisis situation in the long run. On the one hand, human rights advocates document Polish society's displeasure with Ukrainians' prolonged presence in the nation, instances of Nazi ideology, and the preferential treatment Ukrainians enjoy in

⁹²⁶ <https://www.rubaltic.ru/news/24092022-v-varshave-proshla-demonstratsiya-protiv-ukrainizatsii-polshi/>

⁹²⁷ <https://www.rubaltic.ru/news/07112022-v-polshe-ukrainskiy-restoran-smenil-nazvanie-izza-assotsiatsiy-s-upa/>

Poland. On the other hand, scandals are also noted in this area. For example, in July 2022, it became known that among the British volunteers working with parentless Ukrainian children there were more than ten people convicted previously for sexual abuse of minors⁹²⁸. According to several media reports, all of them were known to the British police, but despite this they were able to leave the UK for Poland unhindered.

Warsaw is making efforts to establish control over 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 participation⁹²⁹.

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"⁹³⁰ 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 April 8, 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.

There have also been cases where law enforcement officers have exceeded their authority over media workers and gone unpunished. For instance, the inquiry into the event in November 2020 in which a police officer

⁹²⁸ <https://www.independent.co.uk/news/uk/crime/british-paedophiles-ukraine-refugees-poland-b2128367.html>, <https://ria.ru/20220722/pedofily-1804163314.html>

⁹²⁹ 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

⁹³⁰ Reducing the share of foreign companies in the national media space.

shot a photojournalist who was photographing the altercations between police and hooligans during the Independence March in the face with a rubber bullet was closed by the Polish prosecutor's office in July 2021. The prosecutor ruled that the police actions were unintentional, which the journalist did not agree with and filed an appeal with the Warsaw District Court.

Police entered the flat of a *Gazeta Wyborcza* journalist in October 2021 without a warrant and took his office supplies, alleging threats to a member of the Polish parliament were made via his computer.

Poland has problems with prison overcrowding, a shortage of prison medical staff, and limited access to specialized medical care for inmates. Correctional officers' ill-treatment of inmates is tolerated.

In July 2021, in Wrocław, police officers killed a 25-year-old Ukrainian man who, while under the influence of alcohol, was behaving aggressively. According to reports, the man was sprayed with tear gas and beaten with a truncheon. Law enforcement officers were convicted of abuse of power, as well as cruel treatment of a detainee.

The European Commission, the EU Court of Justice, and the European Court of Human Rights (ECHR) 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 a fine of 1 million euros per day on Poland for non-compliance. 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 the absence of such measures, Poland is currently unable to access funds from the EU's post-coronavirus recovery fund. In early November 2022, President Andrzej Duda said that Poland would no longer make concessions to the European Commission to obtain funds from EU funds.⁹³¹

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.

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 (expected to enter into force in 2023), under which organizations will be 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 available⁹³² on the website of the state-run National Freedom Institute – Centre for Civil Society Development.⁹³³ 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 March 30, 2022) that would require NGOs to disclose any monies from abroad that exceed 10 thousand zlotys⁹³⁴ (equivalent to about \$2,100). As a justification

⁹³¹ <https://www.rubaltic.ru/news/06112022-polsha-otkazalas-idti-na-ustupki-evrokomissii/>

⁹³² At the moment, information about the financial statements of most NGOs operating in Poland is inaccessible to ordinary citizens.

⁹³³ Established in 2017 at the initiative of the Polish government to streamline / centralize the distribution of budget funds (primarily in the form of grants) to NGOs.

⁹³⁴ Under the current Polish law, mandatory reporting to the Polish tax authorities for NGOs is provided if the amount of a single donation from an individual or legal entity exceeds 15 thousand zlotys (equivalent to about 4 thousand dollars), or the amount of all donations for the year from someone over 35 thousand zlotys (about

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.

According to the Polish Center for Women's Rights, sexual harassment remains a serious problem in the country. In particular, cases of rape of women and girls by cab drivers have increased in Poland. The newspaper *Rzeczpospolita* reports 11 cases in 2021.

\$9.5 thousand). The reports must contain the details of the legal entity (name of the organization and place of its registration). Information about individuals is not yet required.

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 and cultural rights.

Indeed, Lisbon has been taking some steps in this area. In particular, there has been a remarkable initiative of former President Jorge Sampaio to launch the "Global Platform for Syrian Students". More than 650 young Syrians got an opportunity to study in Portuguese and EU universities via this Platform. 72 of them got a master's degree and three – a doctor's degree.

Refugee students and schoolchildren from Ukraine, who entered Portugal in large numbers in the second trimester of 2022, also got 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 receive more privileges, including housing and employment.

In the context of the migration crisis in Europe, Portugal 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 programme from Turkey and other third countries to the EU. As of June 2022, the total number of migrants accepted in Portugal, including via the Office of the UN High Commissioner for Refugees, was about 3,000. No quotas are set for the admission of refugees from Ukraine. At the time of writing, more than 43,000 people who fled Ukraine had found shelter in Portugal.

However, human rights monitoring bodies have pointed out 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.⁹³⁵

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 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 labor market, decline in income and unfavorable conditions for the next generation.⁹³⁶

Data in the White Paper, published by the Jesuit Refugee Service, points out that the main barrier to the integration of migrants into the Portuguese society is the Foreigners and Borders Service. This is due in particular to the quadrupling of statutory deadlines for asylum applications and the "chaos" of the decision-making system. The authors state that this constitutes a "systemic, institutional and organizational" violation of migrants' rights. Recently, the number of complaints regarding the Service has also increased markedly in the context of a significant influx of migrants from Ukraine.

At the same time, as an example of good practice, Portugal is the only EU Member State extending the custody of unaccompanied children to the age of 21 (exceptionally to 25), rather than the age of majority as in many other countries⁹³⁷.

Domestic violence and violence against children continue to be among the problematic aspects of the human rights file. According to statistics

⁹³⁵ 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=ru

⁹³⁶ Report of the European Commission against Racism and Intolerance on Portugal (5th Monitoring Cycle), adopted on June 19, 2018, published on October 2, 2018.

<https://rm.coe.int/fifth-report-on-portugal/16808de7da>

⁹³⁷ The EU Agency for Fundamental Rights Report 2020.

https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-fundamental-rights-report-2020_en.pdf

published in the May 2022 Internal Security Report, there were 22,524 domestic violence incidents recorded by law enforcement agencies in 2021, an increase of 915 (or 3.9 per cent) compared to 2020. As a result, 23 people were killed (while in 2020 it was 32 people). 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.

In view of the persistently unfavorable trend, in January 2018, the Portuguese government adopted a decree establishing an infrastructure for reception, emergency medical and psychological care and temporary accommodation for victims of domestic violence. By the end of 2021, 467 of 660 (71 per cent) police and National Guard precincts were equipped with such specialized facilities.

The widespread domestic violence in the country was pointed out by the Committee on Economic, Social and Cultural Rights (CESCR) following its review in November 2014 of Portugal's 4th periodic report.⁹³⁸

The Committee on the Elimination of Discrimination against Women (CEDAW) has studied this problem in more detail. 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.⁹³⁹

⁹³⁸ Concluding observations of the Committee on Economic, Social and Cultural Rights on the 4th periodic report of Portugal. November 2014

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fPRT%2fC.O%2f4&Lang=ru

⁹³⁹ Concluding observations of the Committee on the Elimination of Discrimination against Women on the tenth periodic report of Portugal. June 2022

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 past 11 years).⁹⁴⁰ And this is against the backdrop of the stark statistics cited in the aforementioned Internal Security Report regarding the tens of thousands of cases of domestic violence that occur each year.

Other problems include Portugal's lack of a comprehensive strategy to combat stereotypes and sexism against women in the media and in political and public discourse; ineffective enforcement of legislation to prevent sexual harassment and discrimination in the workplace; limited access to education, jobs and health care for women from rural areas.⁹⁴¹

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.⁹⁴²

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 March 12, 2020, as a result of violent actions by three officers of the Foreigners and Borders Service. In May 2021 they were all sentenced by a 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.

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fPRT%2fC.O%2f4&Lang=ru

⁹⁴⁰ Ibid.

⁹⁴¹ Ibid., Stereotypes, para. 18.

⁹⁴² Ibid.

It is indicative that many crimes committed by law enforcement officers, especially those motivated by racial hatred, go unpunished. According to a study by the Centre for Social Studies of the University of Coimbra "Combating racism in Portugal: an analysis of public policies and antidiscrimination law", in the 10 years before the study 75 per cent of cases of racism against members of security forces were left unprocessed.⁹⁴³ Thus, only less than 30 per cent of them were referred to the Prosecutor's Office for further examination. However, not a single one has resulted in an actual conviction.

The experts of the Human Rights Committee (HRCtee) also reported in their Concluding Observations on the Portugal's Fifth Periodic Report in April 2020 that they were concerned about reports of police violence against members of ethnic minorities and that these crimes were not adequately investigated and prosecuted. The number of convictions in such cases is low.⁹⁴⁴

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.

Portugal also tops the list of the EU countries with the highest death rate among prisoners. Thus, over the past five years there have been 303 such deaths.

At the same time, only six cases were criminally investigated. In this regard, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), operating within the Council of

⁹⁴³ Combating racism in Portugal: an analysis of public policies and antidiscrimination law Centre for Social Studies of the University of Coimbra
<https://combat.ces.uc.pt>

⁹⁴⁴ Concluding Observations of the Human Rights Committee on the fifth periodic report of Portugal. April 2020.
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fPRT%2fCO%2f15-17&Lang=ru

Europe, heavily criticizes the Portuguese penitentiary system. According to its statistics, the problem of prison overcrowding is only getting worse.

Another CPT delegation visited Portugal in December 2019. The report from the visit indicates an overcrowding rate of 110 per cent. From 2010 to 2017, the number of prisoners increased by 20.6 per cent to more than 14,000.

The worst overcrowding is in Setúbal (200 per cent), Porto (180 per cent), Cascais (160 per cent) and Lisbon (150 per cent). Also, the situation has not improved in cities such as Paços de Ferreira and Linhó, where, according to human rights NGOs, inadequate conditions of detention persist.⁹⁴⁵

The CPT criticizes in particular the psychiatric clinic of the Santa Cruz do Bispo prison, which "remains prison-like and unable to provide a therapeutic environment for the care and treatment of psychiatric patients."⁹⁴⁶

The CPT is currently preparing another report based on information received during its visit to Portugal from 23 May to 3 June 2022. Hopefully, the authorities have learned the sad lessons from the previous report and that this will be reflected in the new CPT report.

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. Other problems in the penitentiary area include the cohabitation of juvenile and adult prisoners, as well as convicts with persons under investigation (i.e., with those people whose guilt has not yet been proven and who are potentially innocent), the denial of legal assistance and contacts with relatives to these persons, and problems in further social rehabilitation.

It should be noted that the Portuguese authorities have taken steps to partially unload prisons as part of the response to the spread of coronavirus

⁹⁴⁵ Report to the Government of Portugal on the visit to Portugal by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 3 to 12 December 2019. 13 November 2020.

<https://rm.coe.int/1680a05953>

⁹⁴⁶ Ibid.

infection. For example, on 9 April 2020, President Rebelo de Sousa approved a law prepared by the government on the Introduction of a Special Procedure for Early Release and Granting Amnesty to Those Guilty of Non-Serious Offences According to the Penal Code". The Portuguese Ministry of Justice estimates that this measure affected 2,000 prisoners. At the same time, according to the NGO Amnesty International, this has provoked a sharp increase in the number of homeless people.

The human trafficking problem remains extremely acute. According to the most recent data of the Human Trafficking Monitoring Centre available at the time of writing this report, 229 people in 2020 (18.5% less than a year earlier) were identified as potential victims of human trafficking, 219 of whom were Portuguese or foreigners who had been enslaved on Portuguese territory and 9 were Portuguese nationals trafficked abroad. Notably, according to official statistics from the Foreigners and Borders Service, only 54 cases of human trafficking were reported in 2021. However, local commentators, citing sources within the Service itself, point out that these figures are not always true and are often seriously understated.

CEDAW experts pointed out the lack of mechanisms for identifying victims of trafficking in Portugal. However, the CEDAW noted the Portugal's efforts to eradicate trafficking in women and girls, including through the implementation of the Fourth National Plan to Combat and Eradicate Trafficking in Human Beings (2018-2021).⁹⁴⁷ The Committee on the Elimination of Racial Discrimination (CERD), following its review of the combined 15th to 17th periodic reports of Portugal in late November 2016,

⁹⁴⁷ Concluding observations of the Committee on the Elimination of Discrimination against Women on the tenth periodic report of Portugal. July 2022
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fPRT%2fC.O%2f4&Lang=ru

highlighted earlier the widespread human trafficking, particularly against Roma, Muslims, people of African descent and migrants.⁹⁴⁸

The stereotype attitude and prejudice with regard to Africans and persons of African origin, Gypsy community, migrants and Muslims have been noted in the Portuguese society in general. The hatred statements and racist conduct against persons belonging to these minorities have been recorded, among other things, in the sports field, in the media and in the Internet.

In December 2021, the UN Human Rights Council's Working Group on People of African Descent, which visited Portugal, concluded that approaches in this area must be improved, noting instances of racially motivated physical and verbal abuse of black citizens by law enforcement officials.⁹⁴⁹

The murder of black actor Bruno Conde in July 2020 caused a wide public outcry. The racially motivated crime was committed by a 76-year-old veteran of the colonial war.

Numerous associations of Portuguese soccer fans and the skinhead movement exercised racist rhetoric. In addition, a 2022 report by the EU Agency for Fundamental Rights (FRA) cites a case in which a politician called a black man a "thug" during a public election debate, saying that he would never become president of "drug traffickers". The case was subsequently adjudicated and the Portuguese judiciary concluded that a person's right to personal integrity (moral and physical) limits the right to freedom of opinion and expression.⁹⁵⁰

The Council of Europe's Advisory Committee on the Framework Convention for the Protection of National Minorities (AC FCPNM) notes that

⁹⁴⁸ Concluding observations of the Committee on the Elimination of Discrimination against Women on combined 15th to 17th periodic reports of Portugal. December 2016.
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fPRT%2fCO%2f15-17&Lang=ru

⁹⁴⁹ 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 (29 November-6 December 2021)
<https://www.ohchr.org/en/statements/2021/12/statement-media-united-nations-working-group-experts-people-african-descent>

⁹⁵⁰ 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

the Portuguese society is still perceived as homogeneous and monolingual in Portugal. The official authorities, on the one hand, recognize the existence of cultural, religious, linguistic, and ethnic diversity in the state, which includes the presence in the country for at least five hundred years of a significant number of Roma, as well as the existence of a small community of Miranda-speakers in and around Miranda do Douro. On the other hand, the authorities hold to the standpoint that there are no national minorities in Portugal. As a consequence, persons who might be interested in protecting their rights under the Framework Convention are not made aware of the contents of this document.⁹⁵¹

According to the Human Rights Committee concluding observations, Roma, people of African descent and Muslims are by far the most vulnerable groups.

The Human Rights Committee was concerned about reports of intolerance, prejudice, hate speech and hate crimes directed against the groups listed, particularly in the media and social networks.⁹⁵²

The Human Rights Committee also noted with concern reports of inadequate training of police officers assigned to areas densely populated by ethnic minorities.⁹⁵³

Human rights activists note that there are no programmes in the country directly aimed at addressing the problems of persons of African descent. Among other concerns they fear that discriminatory and stereotype illustrations regarding them may be contained in the school textbooks.⁹⁵⁴

⁹⁵¹ 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>

⁹⁵² Concluding Observations of the Human Rights Committee on the fifth periodic report of Portugal. April 2020.
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fPRT%2fCO%2f15-17&Lang=ru

⁹⁵³ Ibid.

⁹⁵⁴ Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 15th to 17th periodic reports of Portugal. December 2016.

According to the report of the ECRI the level of unemployment among the persons of African origin is much higher (33 per cent in 2015), they get jobs not corresponding to their qualification three times more often and earn on average 103 euro less per month. Quite often representatives of this part of the Portuguese population work without signing employment contracts, fraught with the risk of exploitation. Very few of them hold public offices.⁹⁵⁵

Some persons of African origin were relocated in the framework of social housing construction programmes started in the 90s. However, in practice this led to territorial segregation since the main construction sites were located far from the city centers. Alongside that, the migrants who arrived after the 1990 census which constituted the basis of those relocation programmes were not included into them and continue to live in the slum settlements and the areas with low quality housing under permanent threat of forced eviction without a prior notice and without the possibility to receive legal remedies and decent housing from the authorities.⁹⁵⁶

The relevant reports of the AC FCPNM, the CERD and the CESCR confirm the above mentioned. They state that the Gypsy community of Portugal confronts direct or indirect discrimination almost in all areas of life. A large number of its representatives live in unsatisfactory conditions, in unofficial settlements in barrack-type premises or tents quite often in the remote areas almost without access to drinking water, sanitation, electricity and transport. Moreover, many Gypsies have no right to social housing in the framework of the special Resettlement Programme since the applicants were determined on the basis of census of informal gypsy settlements conducted in 1993.⁹⁵⁷ As a

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fPRT%2fCO%2f15-17&Lang=ru

⁹⁵⁵ Report of the European Commission against Racism and Intolerance on Portugal (5th Monitoring Cycle), adopted on June 19, 2018, published on October 2, 2018.

<https://rm.coe.int/fifth-report-on-portugal/16808de7da>

⁹⁵⁶ Ibid.

⁹⁵⁷ Concluding observations of the Committee on Economic, Social and Cultural Rights on the 4th periodic report of Portugal. November 2014

result, many of them continue to live in shantytowns or several families in one apartment quite often without access to electricity or sanitary and hygienic services.⁹⁵⁸ This results, inter alia, in a lower life expectancy compared to the rest of the population.⁹⁵⁹

The FRA's Report states that 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.⁹⁶⁰

Such living conditions are one of the reasons why the prevailing majority of Gypsy children living in this area drop out from school after the fifth year – 10-12 years old – and cannot obtain professional education.⁹⁶¹ The Committee on the Rights of the Child,⁹⁶² the CESCR⁹⁶³ and the AC FCPNM⁹⁶⁴ also expressed concerns with the low indicators of Gypsy children enrolment in schools. Many of them continue to study in segregated schools or classes and many of them are subject to discrimination. Engagement in traditional activity for Gypsy families such as street trade has become increasingly complicated due to introduction of stricter legal regulations.⁹⁶⁵

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fPRT%2fC.O%2f4&Lang=ru

⁹⁵⁸ Report of the European Commission against Racism and Intolerance on Portugal (5th Monitoring Cycle), adopted on June 19, 2018, published on October 2, 2018.

<https://rm.coe.int/fifth-report-on-portugal/16808de7da>

⁹⁵⁹ 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>

⁹⁶⁰ 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

⁹⁶¹ Ibid.

⁹⁶² 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%2fC.O%2f5-6&Lang=ru

⁹⁶³ Concluding observations of the Committee on Economic, Social and Cultural Rights on the 4th periodic report of Portugal. November 2014.

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fPRT%2fC.O%2f4&Lang=ru

⁹⁶⁴ 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>

⁹⁶⁵ 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>

In 2018, ECRI recommended official authorities to ensure that school attendance is compulsory for Roma children until the age of 18.

In reporting on the implementation of this recommendation, the Portuguese authorities provided ECRI with statistics showing that enrollment rates increased at all stages of schooling. The age group of 13 to 15, students in grades 7 to 9, showed the best growth: their numbers increased by 4.5 per cent in the 2018/2019 school year compared to the 2016/2017 school year. Children's grades in this age group have also improved.

In 2019, the Portuguese authorities launched the "ROMA Educa" scholarship program, which regulates scholarships for high school students (ages 15-18, grades 10-12). Its aim is primarily to reduce the school dropout rate of Roma students. In the 2019/2020 school year, 58 scholarships were paid out of the 100 available.

Nevertheless, according to ECRI, enrollment rates for middle and high school students are still low at 18.6 per cent and 2.6 per cent, respectively. In this regard, the Commission concluded that the earlier recommendation was only partially implemented.⁹⁶⁶

In addition to the above mentioned, in 2022 the CEDAW expressed concern about the low level of education of Roma girls. Among the reasons for leaving school, the Committee named child and/or forced marriage and early pregnancy, which in many cases are ignored by the authorities.⁹⁶⁷

Cases of intolerance against people of Asian descent have been recorded, a significant number of which took place at the beginning of the COVID-19 pandemic.

⁹⁶⁶ ECRI Conclusions 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>

⁹⁶⁷ Concluding observations of the Committee on the Elimination of Discrimination against Women on the tenth periodic report of Portugal. July 2022

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fPRT%2fCO%2f4&Lang=ru

The assault of a Brazilian citizen by a police officer during carnival celebrations in the Portuguese capital received a lot of press coverage. In violation of established norms on the use of force, she was struck on the head with a truncheon (such actions are qualified as a "last resort" under Portuguese law).

Due to the restrictive measures that have been in place in Portugal since March 2020 in connection with the COVID-19 pandemic, which applied also to public events, the protest activities of anti-racist organizations have been effectively frozen. Nevertheless, on the International Day for the Elimination of Racial Discrimination on 21 March 2021, a rally against racism, xenophobia and discrimination was held in Lisbon. Approximately hundred people participated in it.

A 2019 parliamentary study on racism highlighted the need to build relationships of trust between different groups in society, especially with the younger generation of national minorities. The document, for example, recommends the recruitment of police officers of African or Roma origin.⁹⁶⁸

A major study on discriminatory practices in Portuguese judicial proceedings was carried out by the Research Centre for Justice and Governance of the University of Minho, in cooperation with the Anthropology Research Network. The study focused on some 650 court decisions by local courts since 1976. As a result, it became clear that judges often use unflattering and negative descriptions of certain social groups in procedural documents. For example, epithets such as "poor beggars," "filthy", "subsidy addicts," and "traitors" are

⁹⁶⁸ Portugal, Parliament (Assembleia da República) (2019), Preliminary summary document – Report on racism, xenophobia and ethnic-racial discrimination in Portugal (Documento síntese preliminar – Relatório sobre o Racismo, Xenofobia e Discriminação Étnico-racial em Portugal), 5 July 2019. <http://app.parlamento.pt/webutils/docs/doc.pdf?path=6148523063446f764c324679626d56304c334e706447567a4c31684a53556c4d5a5763765130394e4c7a464451554e455445637655306c4f5243394562324e31625756756447397a51574e3061585a705a47466b5a554e7662576c7a633246764c324d32596d55354d444a6a4c546b325a544d744e446b304d7930345a6a6b314c574d354f5449305a546b334d3255324f4335775a47593d&fich=c6be902c-96e3-4943-8f95-c9924e973e68.pdf&Inline=true>

used in relation to Roma. Some ironic comments are included in the texts of decisions regarding members of religious minorities, particularly Muslims.⁹⁶⁹

The start of a Special Military Operation by the Russian Federation to denacify and demilitarize Ukraine has had a noticeable impact on the situation of Russian citizens and compatriots in Portugal.

Publications about "bad Russians" have been widely circulated in the media. For example, it is no coincidence that the investigation into the activities of a criminal money-laundering group with Russian origins operating in Portugal was made public. In contrast, a veil is cast over the inappropriate behavior of refugees from Ukraine.

Significant efforts to spread Russophobia are made by members of the Ukrainian community, who publish insulting materials with profanity in social networks, to which local moderators – unlike other similar stories – do not pay any attention. Unfortunately, such double standards in the human rights field are becoming commonplace in Portugal, potentially posing a serious challenge to the entire multinational society of that country.

Diplomatic representatives of Ukraine are actively involved in spreading Russophobia. For example, one of the protest actions in front of the Russian Embassy in Lisbon, organized by the Portuguese branch of Amnesty International on 19 March 2022, was attended by Ukrainian Ambassador Inna Ognivez, who, in addition to standard accusations of "Russian aggression", spoke about the "corrosive influence" of Russian language schools in Portugal. Then, the head of the largest Ukrainian association in the country – Spilka – Pavlo Sadokha, 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.

⁹⁶⁹ <http://inclusivecourts.pt>

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 and leakage of personal data. The incident caused a wide public outcry, further contributing to the growth of anti-Russian sentiment among the Portuguese population.

After this there were refusals to provide services to Russian nationals recorded. There was a case when a Russian female citizen was told by the service provider that she would no longer be able to make calls to Russia at the rate that was previously included in the service. Attempts to contact the support service were fruitless. The Russian woman was told that this was a forced measure in the EU taken in connection with the situation in Ukraine. It also remained unclear at what price and whether it would be possible in principle to make calls to Russia.

The Embassy has been receiving reports from Russian compatriots about threats of physical violence, damage to property, and harassment of children in local educational institutions. Harassment of clergymen of the Russian Orthodox Church of the Moscow Patriarchate was recorded: There have been attempts to disrupt church services and calls for Ukrainians to leave parishes and remove children from the schools they operate.

There are no statistical data on the number of incidents related to instigation of hatred in the Internet but the report of the ECRI points to hundreds of messages in the ultra-right Internet forums aimed at incitement to hostility against the aforementioned groups. Only few media moderate

comments before their publication on their websites and filter out those which contain the language of hatred.⁹⁷⁰

The ECRI pointed out concerns that some law enforcement officials are sympathetic to extremists and sometimes even join extremist groups.⁹⁷¹ Unfortunately, such developments which tarnish a country on a global stage are now characteristic not only of Portugal, but also of a number of other EU member states.

The growing support among the Portuguese population for the far-right "Enough!" (Chega) party, founded in April 2019, is noteworthy. The head of the party, André Ventura, does not avoid embarrassing racist and even extremist statements.

For example, in October 2021 the politician identified "demographic replacement" as one of the most serious problems of Portugal and the EU, citing the provisions of the "Great Replacement Theory" as an explanation. One of the points of his party's program is formulated in the same vein: "Policies regarding migration and the citizenship of foreigners, especially in the international context of the existing strong pressure of migration flows on Europe, bring risks to the survival of the Portuguese as a people with their identity and to their prosperity and collective security, risks that must be reckoned with." Earlier, in September 2020, the Enough! organized a march against the country's anti-racist discourse (500 members and sympathizers participated). At the same time, demonstrations against this party took place in the same city.

In 2020, Portugal, like other countries, faced the challenge of ensuring human rights in the context of a rapidly spreading coronavirus infection. The country's medical system was unprepared for the surge. According to the EU Agency for Fundamental Rights, hospitals often did not have enough beds to

⁹⁷⁰ 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>

⁹⁷¹ Ibid.

accommodate all those in need, especially in intensive care units. Not all medical facilities had the necessary equipment, and staff was insufficiently trained.⁹⁷²

Amnesty International's 2020 report on Portugal pointed out problems associated with the pandemic, including not only the social divide between the poor and the rich which revealed, but also the inadequate provision of health workers working in red zones with personal protective equipment.⁹⁷³

In 2021, the report of the human rights organization highlighted the fact that from 2011 to 2021 the Lisbon Mayor's Office had been inadvertently transmitting personal data of protesters to the embassies of those countries where the demonstrations took place.⁹⁷⁴

⁹⁷² Coronavirus Pandemic in the EU – Fundamental Rights Implications: Focus on Social Rights 1 September 2020 – 31 October 2020. 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

⁹⁷³ Amnesty International Report 2020/21: The state of the world's human rights. <https://www.amnesty.org/en/documents/pol10/3202/2021/en/>

⁹⁷⁴ Amnesty International Report 2020/21: The state of the world's human rights <https://www.amnesty.org/en/documents/pol10/4870/2022/en/>

Romania

The human rights situation in Romania as a whole, although with serious reservations, could be characterized as satisfactory.

The Ombudsman's Office, established in 1997 with a central office and 15 regional offices, is the key government body overseeing the observance of human rights in this country.

According to the its Annual Report, the total amount of 22,919 appeals and complaints have been recorded in 2021, where 1,835 were personal appeals of citizens, 12,692 – postal petitions, and 8,392 – phone calls (in 2017 there were 10,763 personal appeals, 6,849 phone calls; 9,271 and 6,512 in 2018, 7,738 and 6,205 in 2019, 1,507 and 8,447 in 2020, respectively).

Most concerned the issues of free access to justice (1,896), restrictions on the right to petition (1,712), insufficient free access to information (1,199) and the right to private property (1,136).

In 2021, the Ombudsman's Office made 79 visits to places of detention as part of its torture prevention efforts, both to respond to complaints received and to monitor the prison authorities' response to previous recommendations.

In 2021, Romania ranked fourth among the Council of Europe member states in terms of the number of complaints filed by citizens with the European Court of Human Rights (2,971). During this period, 95 judgments were issued against the official authorities.

Bucharest is delaying the implementation of recommendations in most areas related to human rights, especially in improving the situation of vulnerable groups. In particular, violation of women's rights in employment is regular. Social benefits do not result in the reduction of poverty. The level of "digital literacy" of the population remains critically low. The Romanian authorities have problems with fulfilling their obligations to ensure the right to quality education for all categories of the population.

A number of problems related to manifestations of discrimination are recorded. The National Council for Combating Discrimination (NCCD), acting under the control of the Romanian Parliament, points out increasing complaints concerning discrimination of the Romanian population on various grounds in the reposting period. There were 1,048 complaints in 2021 (1,039 in 2020, 904 in 2019). The largest number of complaints concerned violations of citizens' rights to work and choose a profession (397), dignity of the person (263) and access to public services (248). In addition, there were claims received in connection with violations of rights on social (301), national (75) and ethnic (49) grounds.

Anti-Semitism, racism, fascism and other manifestations of xenophobia are prohibited by the law (Government Decree No. 31/2002 and Law No. 107/2006) and criminalized in Romania. The Law No. 217 on amending and supplementing the Government Decree No. 31 of 2002 on prohibition of fascist, racist and xenophobic organizations and symbols, as well as promotion of the cult of persons guilty of crimes against peace and humanity, entered into force in 2015.

In July 2018, the Law No. 157 on Certain Measures to Prevent and Combat Manifestations of Anti-Semitism, stipulating imprisonment from 3 months to 10 years for promoting anti-Semitic rhetoric and involvement in corresponding organizations, entered into force. A number of local NGOs opposed the adoption of the act on the grounds that it basically overlaps with current legislation in the field.

Despite this, the Romanian Federation of Jewish Communities, the Centre for Monitoring and Combating Anti-Semitism in Romania and the Elie Wiesel National Institute for Studying the Holocaust continue to record manifestations of anti-Semitism, xenophobia, racism and nationalism. For example, a famous Romanian actress of Jewish origin, Maia Morgenstern, had made public that she had received anti-Semitic threats.

In January 2022, Marco Katz, director of the Centre for Monitoring and Combating Anti-Semitism, stated that he was observing with "growing concern" the "belittlement and denial of the Holocaust at the level of the political and governing class in Romania".⁹⁷⁵ According to a poll conducted by the Elie Wiesel National Institute for Studying the Holocaust in Romania from 22 November to 2 December 2021, only 32 per cent of citizens are aware of the Holocaust in Romania, 38 per cent consider the Roma national minority a "threat," 59 per cent called the Romanian Marshal Ion Antonescu, an accomplice of Adolf Hitler, a "patriot" and 53 per cent – a "great strategist".⁹⁷⁶

A number of villages, streets, and educational institutions are still named after criminals among the activists of the Nazi legionary movement convicted of crimes against the Roma and Jewish population during World War II. In December 2021, two swastikas were painted on a synagogue building in Sighișoara. On 6 January 2022, a synagogue in Făgeras was vandalized.

The Romanian policy in ensuring the rights of national minorities is in general not comprehensive and its implementation varies depending on conditions in separate regions of the country. Negative attitude towards ethnic Hungarians living in Transylvania (1.3 million people or 6.5 per cent of the total population) and Roma (more than 620,000 people, i.e. 3.3 per cent of the total population, moreover, according to unofficial data, the size of the community is up to 2 million people) persist and are occasionally inflamed.

The Mikó Imre Minority Rights Legal Services Assistance, established by the Democratic Alliance of Hungarians in Romania (DAHR), noted in its 2021 report the following examples of aggressive behavior against Hungarians in

⁹⁷⁵ 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-attention-ca-toate-sesizarile-pe-care-le-am-inaintat-autoritatilor-au-ramas-fara-raspunsuri-antisemiti-si-negationisti-notorii-conti.html>

⁹⁷⁶ 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>

Romania on the basis of ethnicity: Insult of an elderly woman; attack on young people who spoke Hungarian; discriminating against a kindergarten teacher because of her ethnicity.⁹⁷⁷

A public outcry was caused by a televised speech by former Romanian President and current MEP Traian Băsescu, who made unflattering remarks about the Hungarian ethnic group. In this respect, the NGO Szekler National Council⁹⁷⁸ appealed to the Romanian authorities to condemn the politician's hate speech. The National Council for Combating Discrimination stepped in and examined the episode and imposed a fine of about 1,000 euros on the author of the statements.

The Romanian authorities continue persecutions of Magyars for the use of the flag of the Székelys and impose fines for performing the Hungarian anthem at mass events.

In this context, the gesture of the then Romanian Prime Minister Mihai Tudose, who promised during a television program in January 2018 to "hang the Hungarians involved in the use of the Székelys' flag on the same pillars", was controversial. The National Council for Combating Discrimination issued a warning to the politician in this case.

The Hungarian minority was also outraged by the anti-Hungarian tone of a March 2021 comment posted on Facebook by Deputy Radu Cristescu: "The leaders of the Democratic Alliance of Hungarians in Romania horde continue to behave like the heirs of Attila the Hun, not caring that they are harming innocent people..."⁹⁷⁹

⁹⁷⁷ Report 2021. The violation of minority rights and the ethnic discrimination faced by the Hungarian community in Romania. Mikó Imre Minority Rights Legal Services Assistance, 2021. P.32-33

⁹⁷⁸ The Székelys are one of the sub-ethnic groups which is a Hungarian national minority in Romania.

⁹⁷⁹ Derapaj verbal al unui deputat PSD, după ce UDMR a votat bugetul: „Se comportă ca niște urmași 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

In February 2021, the Memorial to the Székely Martyrs in Târgu Mureș and the Hungarian inscriptions on bilingual Transylvanian place name plates were vandalized.⁹⁸⁰

With reference to the optimization of budgetary spending, a policy of withdrawing several courses in Hungarian from education plan in the University of Medicine and Pharmacy of Târgu Mureș has been pursued, in spite of the fact that the law on Education grants to the Magyar access to higher education in this university in their mother tongue.

In general, the issues of secondary and higher education in Hungarian, as well as the use of the Hungarian language in public institutions in areas densely populated by Magyars (the so-called Székely Land), are extremely acute in Romania.

Incidents have also occurred at sports events. For example, a match in Bucharest in 2017 came to the attention of the ECRI. During the match the fans of one of the teams chanted anti-Hungarian slogans.⁹⁸¹

In August 2021, during a football 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 Konstanza, the latter's fans chanted a xenophobic slogan: "Hungarians out of the country!" The same words were heard during a meeting between the Steaua and Csikszereda football teams (a team from the Romanian county of Harghita, which is populated by Székelys).⁹⁸²

Systematic social discrimination against Roma manifests itself through violations of their rights to education, medical care, and employment. Cases of

⁹⁸⁰ Report 2021. The violation of minority rights and the ethnic discrimination faced by the Hungarian community in Romania. Mikó Imre Minority Rights Legal Services Assistance, 2021. P.12-13

⁹⁸¹ ECRI Report On Romania (fifth monitoring cycle), adopted on 3 April 2019, published on 5 June 2019 <https://rm.coe.int/fifth-report-on-romania/168094c9e5>

⁹⁸² 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>

discrimination and segregation of Roma children in schools have been recorded. The NGO Center for Legal Research has pointed out cases of racism on the part of teachers. Due to employment problems, Roma are at much greater risk of falling below the poverty line than other Romanian ethnic minorities.

A significant number of this group still suffer from poor living conditions without the access to tap water (about 60 per cent) and with the outhouse in the back (about 74 per cent). In addition, human rights organizations note that the Roma living in unauthorized areas are at risk of forced relocation. At the same time, no cases of illegal evacuations or forced relocations were reported in 2021.

A number of NGOs have pointed out the increased discrimination against Roma in Romania in the context of the coronavirus pandemic. Inadequate housing and lack of food supplies forced them to violate quarantine restrictions imposed by the authorities. As a result, a number when police officers abused their power against members of this ethnic minority have been recorded. Balkan Insight highlights the shortcomings of the local judicial and legal system, which systematically advocates law enforcement in this type of matter. In addition, there have been cases of illegal denial of medical services to Roma.

The National Agency for the Roma, established in 1997, is the main policymaker for the protection of Roma rights and their social integration. It is in charge of monitoring the observance of the rights of this ethnic group within the framework of the government strategy,⁹⁸³ submitting proposals to change the legislation in this field, controlling the implementation of provisions of the relevant Romanian and European regulations, etc. However, both the lack of a comprehensive system for collecting data on discrimination against various social and ethnic groups, including the Roma community, and the reluctance of the Romanian authorities to classify ethnically problematic situations in terms

⁹⁸³ The Romanian government's Roma integration Strategy 2014-2020.

of the law, make it impossible to fully assess the scale of violations of Roma rights.

Despite almost no mention of discrimination against Roma in the media, their existence is indicated by the stereotypes and prejudices persistent in the Romanian society regarding this national minority. Experts of the Council of Europe's European Commission against Racism and Intolerance (ECRI) stated back in 2019 that anti-Gypsy sentiment in Romania was "commonplace".⁹⁸⁴

At the same time, hate speech against Roma, members of the Hungarian and Jewish communities, and Muslims has been recorded in the media and on the Internet. The ECRI have even recommended that the Romanian authorities intensify the work of the cybercrime unit in order to better counter hate speech online.⁹⁸⁵

At the same time, the Commission's report deplores the delay by Romanian parliamentarians in adopting a professional code that prohibits any racism in speeches.⁹⁸⁶ The following instances of the use of hate speech by public figures, for example, demonstrate the long-overdue need for such a step.

In 2019, proceedings for the speech of one of the deputy chairpersons of the Save Romania Union party, A.Hobjila, who declared the need to get rid of Roma in the heart of Botoşani city at any cost, in the context of its reconstruction, caused a public outcry in Botoşani county. 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 National Council for Combating Discrimination (NCCD) paid its attention to the mayor of Tîrgu Mureş Dorin Florea's hate speech against Romanian Roma.

⁹⁸⁴ ECRI Report On Romania (fifth monitoring cycle), adopted on 3 April 2019, published on 5 June 2019
<https://rm.coe.int/fifth-report-on-romania/168094c9e5>

⁹⁸⁵ Ibid.

⁹⁸⁶ Ibid.

Former Romanian Prime Minister Petre Roman was also fined 2,000 lei (about 417 US dollars) by the NCCD for his anti-Roma remarks on television.⁹⁸⁷

In addition, the 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 Roma also lack documents confirming residence or housing tenure.

The problems faced by Roma in Romania have been highlighted by UN human rights treaty bodies (the Human Rights Committee⁹⁸⁸ and the Committee on the Elimination of Discrimination against Women⁹⁸⁹), as well as by the aforementioned ECRI⁹⁹⁰ and the Council of Europe's Advisory Committee on the Framework Convention for the Protection of National Minorities.⁹⁹¹

In March 2022, representatives of the NGO Aresel and the Jesuit Refugee Service of Romania reported that Roma refugees arriving from Ukraine also faced discrimination: At Bucharest North Station they were chased away from stands with free food and medicine, barred from entering waiting rooms, and got negative answers to requests to be taken to the refugee reception center.⁹⁹²

⁹⁸⁷ 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

⁹⁸⁸ Concluding Observations of the Human Rights Committee on the fifth periodic report of Romania. October 2017.

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fROU%2fCO%2f5&Lang=ru

⁹⁸⁹ Concluding observations of the Committee on the Elimination of Discrimination against Women on the combined seventh and eighth periodic reports of Romania. July 2017.

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fROU%2fCO%2f7-8&Lang=ru

⁹⁹⁰ ECRI Report On Romania (fifth monitoring cycle), adopted on 3 April 2019, published on 5 June 2019

<https://rm.coe.int/fifth-report-on-romania/168094c9e5>

⁹⁹¹ Fourth Opinion of the Advisory Committee on the Framework Convention For the Protection of National Minorities on Romania, adopted on 22 June 2017, published on 16 February 2018.

<https://rm.coe.int/fourth-opinion-on-romania-adopted-on-22-june-2017/168078af76>

⁹⁹² Diana Meseşan, 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>

Recently, the president of the Romanian Union of Ciscarpathian Ruthenians M.Lauruk repeatedly drew attention to the pressure from the Romanian authorities. There was a wide range of incidents with unfounded persecution of the activists of the organization for their pro-Russian position. Bucharest actually encourages the forced Ukrainization of the Ruthenian national minority. This was again reconfirmed during the census. According to information received by the Russian Embassy in Romania, a group of citizens in areas densely populated by Ruthenians raided the homes of their compatriots, convincing them to classify themselves as Ukrainians as part of the census and collecting their personal data. They did not receive any mandate from the local authorities to do so, but no one hindered their activities either. Previously, there were cases of inaction of the authorities regarding while property and business assets belonging to Ruthenians were raided.

Separate claims to the Romanian authorities are made by our historic compatriots from the community of Lipovan Russians in Romania and the Ciscarpathian Ruthenians and concern the possibility of education (from 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) completely in their mother tongue.

After the special military operation for the demilitarization and denationalization of Ukraine began, violations of the Russian citizens' rights have been recorded in Romania. This mainly concerns cases of refusals to open bank accounts without explaining the reasons, to arrange medical insurance, and to purchase certain other services. There were cases of verbal aggression and insults against Russian citizens in social networks in the light of the Ukrainian crisis.

Under the pretext of international sanctions, a number of Russian enterprises, including the factories of the TMK group and the Aeroflot

representative office, were deprived of the ability to manage their own funds. This, in turn, endangered the social and economic rights of the employees of these companies, including their right to receive wages.

Since 28 February 2022, access to Sputnik Romania and Russia Today on all platforms, including websites, social networks, messengers and mobile applications, has been restricted in Romania in violation of the right to freedom of opinion and expression. The same day, the National Audiovisual Council pledged to take measures to ensure that "no TV channel from the Russian Federation is rebroadcast in Romania" and to "monitor how news programs and talk shows cover topics related to the aggression of the Russian Federation against Ukraine". In this context, in March 2022, the Council fined Realitatea Plus TV station (40,000 lei, about 9,300 US dollar) and Gold FM radio station (50,000 lei, about 11,600 US dollar) and issued warnings to the Nașul TV and B1 TV. Local journalists (e.g. Sputnik Romania correspondent, author of the Friends of Vladimir Putin and In Prima Linie (inprimalinie.org) news blogs Giorgiana Arsene and editor of the Vesti din Rusia news site (vestidintrusia.ro) Vyacheslav Samoshkin), who try to cover events in Ukraine in a balanced way and from the perspective which differs from that of the official authorities, have been subjected to fierce harassment and threats in social networks.

The overall press freedom situation in Romania is not good. A number of NGOs point out an increased politicization of the media and problems with access to information with the connivance of the official authorities. Cases of threats and physical attacks against journalists have also been made public. For example, in December 2021, Romanian Senator Diana Șoșoacă faced a scandal because of a conflict with a camera crew of the Italian RAI TV channel. The journalists accused the politician of assault, detaining by force and "giving orders" to a police crew, which had come after a call. Another headline-grabbing case was 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 Directorate for Investigating Organized Crime and Terrorism in the activities of Cătălin Tolontan and Mihai Toma working for the Libertata newspaper who found Daniel Băluță, the Mayor of Bucharest's fourth Sector, implicated in corruption. Officers of the Directorate searched another investigative journalist, Andreea Cirstea after a range of her publications criticizing the activity of a local police chief. The human rights organization Active Watch points out in this regard that these cases are not exceptions and that questioning of journalists has become systematic.

Domestic violence against women is a serious social problem in Romania. Moreover, some cases have been reported when law enforcement officials persuade women from filing complaints about rape and domestic violence by mediating reconciliation between the victim and the perpetrator.

The children's rights situation also leaves much to be desired. According to the NGO Save the Children, every second child in Romania is subjected to physical, moral, or sexual abuse. In addition, Romania ranks first in the European Union by a wide margin in the number of underage mothers under the age of 15.

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 have difficulties in employment. During the reporting period, the National Council for Combating Discrimination NSBD received 73 claims about violation of rights from this category of citizens. The human rights organization Amnesty International points out difficulties in their access to medical services, education, transportation, etc. According to Amnesty International, 40 per cent of Romanian children with disabilities either study in schools that are not

suitable for this category of people, or are not able to attend educational institutions at all.

The Constitution and national legislation of Romania prohibit inhuman treatment and corporal punishment towards suspects and persons under investigation. However, the media and human rights NGOs continue reporting cases of ill-treatment and use of force towards civilians by law enforcement officials.

There are problems, traditional for Romania, regarding the observance of the rights of convicted persons.

Currently, Romanian penitentiaries are overcrowded by an average of 27 per cent, and by 50 per cent in the worst cases. Thus, the recommendation of the Council of Europe's European Committee for the Prevention of Torture (CPT) of 4 square meters per prisoner is not respected. In several prisons problems are reported with heating, adequate ventilation and light level, food (each convicted person is allocated a little over four US dollars per day) and medical service. To solve these problems in March 2016 the government adopted a range of legal acts regulating the detention issues in prisons. The following April a governmental program until 2023 was adopted on improving the detention conditions and expansion of prisons. However, the issue has not been fully addressed.

CPT representatives who visited Romania in May 2021 found that the Romanian authorities had taken little or no action to implement the recommendations made by the monitoring body in previous years. For example, it is still important to review the conditions of the special regime for prisoners in terms of increasing the amount of time they spend outside their cells and increasing the number of activities available to them. Another important issue is the widespread practice of handcuffing and shackling in Romania. The CPT continues to recommend the Romanian authorities to resort to it only in

exceptional circumstances, making a full assessment of the risks involved in each individual case.⁹⁹³

Experts stressed again the urgent need to increase the number of prison staff and the quality of their training. The working methods and the very *raison d'être* of the so-called intervention groups used in high-security prisons were once again called into question. The CPT urged again to close them.

Slight improvements were highlighted in the provision of health care to prisoners. This concerned, in particular, progress towards the administrative separation of prison management and staff from health-care professionals. However, the Committee noted a shortage of medical personnel and equipment, inadequate confidentiality and a lack of thorough recording of prisoners' injuries, etc.⁹⁹⁴

In addition, experts received a large number of reports on ill-treatment of prisoners by prison staff. They believe that the most serious situation is in the Giurgiu penitentiary, where the delegation received credible information that torture when the soles of a victims' bare feet are beaten on, also known as *falaka*, has been repeatedly inflicted on several people. Violence among inmates also remains a concern for human rights defenders.⁹⁹⁵

From 19 to 30 September 2022, a CPT team of experts made another ad hoc visit to Romania. Its purpose was to assess the treatment of patients, particularly those with severe and chronic illnesses in psychiatric hospitals and residents in residential social care institutions. The team's conclusions from the visit had not been published at the time of writing.⁹⁹⁶

⁹⁹³ Report to the Romanian Government on the ad hoc visit to Romania carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 10 to 21 May 2021, 14 April 2022.

<https://rm.coe.int/1680a62e4b>

⁹⁹⁴ Ibid.

⁹⁹⁵ Ibid.

⁹⁹⁶ The Council of Europe anti-torture Committee (CPT) visits Romania. 4 October 2022.

<https://www.coe.int/en/web/cpt/-/the-council-of-europe-anti-torture-committee-cpt-visits-romania>

The issue of increased interference by intelligence services and law enforcement agencies in the private life of citizens is also becoming alarming in Romania. In recent years, there has been sharp increase in the number of court authorizations for wiretapping and interception of electronic messages. 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 on criminal cases not related to crimes in the field of State security. Earlier such evidence was transmitted to the National Anticorruption Directorate where cases were initiated on economic, official and corruption crimes.

The representatives of the Romanian civil society are concerned about the activities 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, which included not only the requirements of the Directive (EU) 2015/849 on anti-money laundering and terrorist financing, but also provisions surpassing them, entered into force. According to the law, civil society organizations must submit to tax authorities personal data of beneficiaries of targeted public events.

Another issue in the field of human rights in Romania is that the authorities do not comply with minimum standards for civil society participation in the legislative process. Only a limited number of legislative initiatives are submitted to public debate in Romania.

North Macedonia

In the second half of 2021-2022 the human rights situation in North Macedonia remained significantly affected by the social and economic consequences of the COVID-19 pandemic, which exacerbated the existing negative trends, and by the internal political situation, which was marked by an acute confrontation between the governing coalition of the Social Democratic Union of Macedonia – Democratic Union for Integration and opposition parties (above all the Internal Macedonian Revolutionary Organization – Democratic Party for Macedonian National Unity and the Left Forces).

In the "Democracy Index" for 2021 published by the British NGO Economist Intelligence Unit, North Macedonia ranked 73rd out of 167, moving up five places from 2020. Thus, North Macedonia switched from the category of "hybrid regimes" to "democracies with flaws".

For all the artificiality and ambiguity of the above-mentioned and similar so-called "indexes", the study draws attention to very modest improvements in the functioning of state institutions, as well as the extremely low trust of citizens in political parties.⁹⁹⁷ Those who criticize the government emphasize that the change of "index status" had no effect on the solution of systemic problems of North Macedonia, such as high levels of corruption, weakness of the judicial system, violations of electoral legislation, etc.

Every year the country records violations of workers' rights, the inefficiency of the existing tax system, gender and ethnic discrimination, incitement of hatred on national and political grounds, and flaws in the penitentiary system.

According to human rights defenders, the existing social security system does not cover the most disadvantaged and marginalized individuals: their

⁹⁹⁷ <https://pages.eiu.com/rs/753-RIO-438/images/eiu-democracy-index-2021.pdf>

access to social benefits is limited owing to the complicated procedure and eligibility criteria (while the level of these benefits is insufficient).⁹⁹⁸

During the presentation of the report on the activities of the Human Rights Commissioner in North Macedonia in 2021, Ombudsman Naser Ziberi reported that in 2021-2022 he received 3,075 complaints, 2,085 of which he started to work on (by the end of March 2022). In 755 cases (35.8 per cent) violations of human rights and freedoms were recorded.⁹⁹⁹

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 1948, the United Nations Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families 1990, the European Charter for Regional or Minority Languages 1992, the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict 2001, the International Convention for the Protection of All Persons from Enforced Disappearance 2006, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights 2008.

Litigation of the former Special Prosecutor's Office, which was disbanded in 2019 due to a corruption scandal, continued in 2021-2022.

In June 2022, the Supreme Court of North Macedonia (following the criminal and appellate courts) upheld the sentences in the so-called "Racket" case against former head of the agency Katica Janeva, sentenced to seven years in prison, and another key figure – businessman Bojan Jovanovski, sentenced to nine years in prison.

Criminal prosecution of former functionaries of the Internal Macedonian Revolutionary Organization – Democratic Party for Macedonian National

⁹⁹⁸ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fMKD%2fCO%2f2-4&Lang=ru

⁹⁹⁹ <https://www.mkd.mk/makedonija/politika/prestavkite-do-narodniot-pravobranitel-najbrojni-od-oblasta-na-pravosudstvoto>

Unity, which represents opposition, continues. Former party chairman and prime minister Nikola Gruevski, who was granted political asylum in Hungary, has been sentenced to three terms of imprisonment (a total of 12.5 years), and three more criminal cases are pending against him.

In April 2022, under the pretext of involvement in corruption, the USA banned the ex-premier and his cousin, the former Director of the Administration of Security and Counterintelligence Sasho Mijalkov, as well as their immediate family members from entering its territory.¹⁰⁰⁰ In addition, the U.S. Treasury Department's Office of Foreign Assets Control imposed economic sanctions on them. The Americans allege that the politicians abused their positions while in office by receiving bribes to approve government contracts, influencing the electoral process to secure favorable results for themselves and their party (the Internal Macedonian Revolutionary Organization – Democratic Party for Macedonian National Unity).¹⁰⁰¹

Sasho Mijalkov in turn, was sentenced in April 2022 to a new term of one year and three months in prison in a case involving manipulation of land plots (the so-called "Plots on Vodno" case). Then in July 2022 he made a deal with the investigation, pleading guilty in the so-called "Empire" case of money laundering. The sentence was three years in prison, as well as confiscation of 30 million euro worth of real estate belonging to him and six million euro in cash.

Detained since March 2021, one of the biggest entrepreneurs in North Macedonia Jordan Kamchev (affiliated with the Internal Macedonian Revolutionary Organization – Democratic Party for Macedonian National Unity) left the detention cell on bail in January 2022, and in April 2022 also pleaded guilty to the so-called "Empire" case. In July 2022 he began serving a one-year sentence.

¹⁰⁰⁰ <https://www.mkd.mk/makedonija/sudstvo/gruevski-go-chekaaM2-i-pol-godini-2atvor-i-ushte-edno-baranje-za-ekstradicija>

¹⁰⁰¹ <https://home.treasury.gov/news/press-releases/jy0712>

Nevertheless, despite the obvious political background of these cases, the U.S. State Department's 2021 report on the human rights situation in the Republic of North Macedonia indicated a "lack of data" on political prisoners.¹⁰⁰²

According to the Helsinki Committee's annual report, in 2021 in North Macedonia there was an increase in the negative reaction of civil society and the media to the actions of the courts in individual cases. Citizens' dissatisfaction was provoked by unnecessarily lenient penalties for traffic safety violations, the lack of engagement of the competent authorities in cases involving gender-based violence, and the absence of court convictions for a number of offenses which resulted in environmental damage.¹⁰⁰³

The efficiency of the North Macedonian judiciary is adversely affected by almost universal understaffing. The issue is particularly acute in the Constitutional Court (CC), where four of the nine members elected by Parliament have been vacant since the beginning of 2022. At the end of 2022, the term of office of another member of the CC expires, posing the risk of a lack of quorum if the parliament is unable to approve candidates due to disagreements between the ruling coalition and the opposition.

According to a survey conducted in June 2020 by the International Republican Institute (USA), among the state and public structures of North Macedonia courts and the Prosecutor's Office enjoy the least public sympathy: they are, in one way or another, not trusted by 79 and 73 per cent of the population, respectively.

The UN treaty bodies on human rights, including the Human Rights Council¹⁰⁰⁴ and the Committee on the Elimination of Discrimination against

¹⁰⁰² <https://mk.usembassy.gov/wp-content/uploads/sites/249/NORTH-MACEDONIA-2021-HUMAN-RIGHTS-REPORT-MKD-.pdf>

¹⁰⁰³ <https://mhc.org.mk/wp-content/uploads/2022/08/godishen-izveshtaj-za-2021-godina.pdf>

¹⁰⁰⁴ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fCO%2fMKD%2fCO%2f3&Lang=ru

Women (CEDAW)¹⁰⁰⁵ drew attention to undermining of the significant principle of the independence of the judiciary. There have been incidents of political interference into legal procedures, dependence of the judiciary on the government, particularly with regards to appointment of judges, their promotion and disciplinary measures against them.

According to human rights defenders, access to justice is hindered by too high court fees, which prevents people from socially vulnerable groups from going to court.¹⁰⁰⁶

Up to the moment when the state of emergency was lifted on June 23, 2020, the deadlines for most judicial proceedings were suspended, including the filing of criminal and administrative complaints and appeals, initiation of proceedings before the Constitutional Court, issuance of decisions to apply preventive measures (upon detentions for no more than three years).

The Committee on Economic, Social and Cultural Rights (CESCR) expressed concern about the prevalence of corruption in North Macedonia, among other things manifested in widespread bribing during provision of goods or services and just a few acts of prosecution by virtue of the Law on Prevention of Corruption, especially when it comes to high-ranking officials.¹⁰⁰⁷

Human rights organizations regularly detect cases of violations of rights of detained persons in North Macedonia.

The North Macedonia Ombudsman's 2021 report¹⁰⁰⁸ indicates a high risk of torture and other forms of ill-treatment of prisoners in prisons. In this regard, the authorities are called upon to "show real will" and "make additional, more serious efforts" to eradicate such phenomena, in accordance with the National

¹⁰⁰⁵ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fMKD%2fCO%2f6&Lang=ru

¹⁰⁰⁶ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fMKD%2fCO%2f6&Lang=ru

¹⁰⁰⁷ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fMKD%2fCO%2f2-4&Lang=ru

¹⁰⁰⁸ <https://ombudsman.mk/CMS/Upload/NarodenPravobranitel/upload/NPM-dokumenti/2021/NPM%20Godisen%20izvestaj-2021.pdf>

Strategy on the Development of the Penitentiary System until 2025, which the government adopted in 2021. In addition, five of the 11 correctional facilities had exceeded the permitted number of people serving their sentences by the end of 2020 (the third largest penal colony, Štip, had a 60 per cent overcrowding).

Local and foreign human rights activists regularly identify abuses in places of detention, including intolerable detention conditions, overcrowding, violence against inmates, poor medical care, lack of staff, and ineffective education and re-socialization programs.

In April 2020, there were reports of unacceptable sanitary and hygienic conditions of detention in the Kumanovo prison where the convicted found themselves without access to tap and drinking water, as well as the possibility of regular change of clothes and bedding.

As of April 2020, the number of prisoners in North Macedonia was 2,175 (with a prison capacity of 3,022), that is 104.2 prisoners per 100,000 residents, a 28 per cent decrease from a year earlier. Average period of imprisonment is 14 months. Despite the fact that North Macedonia is in the European top by the number of persons aged over 65 held in penal institutions (their share is 9,1 per cent), it is among the very few countries without a single case of COVID-19 infection registered within the penitentiary system.

In November 2021 a police officer in Bitola was sentenced to one year in prison for excessive use of force against a Roma citizen (incident took place in September 2020, sentence upheld after retrial in June 2022).¹⁰⁰⁹

In November 2019, in the city of Kumanovo, a woman was illegally detained and taken to a police station without any explanation, where she was beaten by one of the law enforcement officers after having refused to put her signature on a blank piece of paper.

The story of the policeman from Gostivar became public, who in 2020 committed several disciplinary offenses and physically abused his roommate.

¹⁰⁰⁹ <https://kanal5.com.mk/edna-godina-zatvor-za-policaec-od-bitola-poradi-nasilstvo/a536074>

This repeated in 2022 (a case under Article 386 of the Criminal Code of North Macedonia was filed), but got off with fines and remained working in law enforcement authorities.¹⁰¹⁰

Appointment of members of the ruling party with no relevant professional skills and knowledge to senior positions in penitentiary institutions (contrary to the legal requirement of at least four years of experience in the penal system) is a common practice in North Macedonia. The Human Rights Commissioner have often criticized the North Macedonian authorities.

A salient case occurred in the country's largest penal colony Idrizovo: drugs, cold weapons, cell phones, and large sums of money were found during searches on 14 June 2022, which led to the resignation of its chief, Rexhep Rexhepi, who had once been appointed on party lines after the Albanian Alternative party joined the ruling coalition (December 2021).

The UN Human Rights Council also criticized the government of North Macedonia for excessive powers of the intelligence services, particularly in terms of their ability to wiretap and monitor contacts, which are used against opposition politicians and journalists.¹⁰¹¹

Another issue in the human rights area in North Macedonia are the limitations in terms of the freedom of the press. Concerns about the selective allocation of public funds to various media have been raised particularly by UNHRC experts. Journalists have reportedly been spied on from time to time, and they receive threats and become victims of assaults and arrests.¹⁰¹²

International experts drew attention to the fact that the legal provisions governing the resolution of electoral disputes contain numerous gaps and ambiguities.

¹⁰¹⁰ <https://telma.com.mk/2022/08/06/policaec-pukal~so-sluzhbeniot-pishtol-pred-partnerkata-mvr-go-kaznile-parichno/>

¹⁰¹¹ <https://telma.com.mk/2022/08/06/policaec-pukal~so-sluzhbeniot-pishtol-pred-partnerkata-mvr-go-kaznile-parichno/>

¹⁰¹² <https://telma.com.mk/2022/08/06/policaec-pukal~so-sluzhbeniot-pishtol-pred-partnerkata-mvr-go-kaznile-parichno/>

Further uncertainty was created by the ambiguous wording of the new deadlines for complaints, introduced by the September 2021 amendments to the Election Code of North Macedonia. Voters' right to file complaints is still limited to disputes over voter lists and their individual voting rights, while observers representing citizen associations cannot file complaints at all (their comments can only be noted in the protocol).

Inter-religious relations in North Macedonia remain tense. In terms of everyday life this is expressed, for instance, in disregard for appearance of representatives of different confessions.

Quite often religious discrimination coincides with acts of intolerance on ethnic grounds.

Roma remain the most disadvantaged part of the population of North Macedonia.¹⁰¹³ Many of them still lack identification documents (about 700 people) and ownership certificates to the housing they occupy, and have no access to educational and medical services, the employment market as well as live in the poorest ghetto-like areas. Such places are often overcrowded, their sanitary conditions are below minimum standards and their infrastructure is poorly developed.

Outside Skopje, only 16 per cent of Roma households are equipped with internal toilet facilities, 50 per cent are not connected to the sewage system, 58 per cent have access to tap water only outside the house/apartment, 10 per cent completely lack sources of both drinking and tap water. 53 per cent of living premises have damp problems. 63 per cent of Roma live in hard-walled buildings, 29,5 per cent live in dilapidated or prefabricated facilities, 7,25 in shelters made of improvised materials (metal sheets, cardboard, plastic, polyethylene, etc.). An average Roma household consists of

¹⁰¹³ Roma (Roma, Ashkali, Egyptians) account for 53,900 people, or 2.7 per cent of the population of North Macedonia, the third largest national minority after Albanians and Turks.

five persons. More than half of them have less than 5 square meters of living space.

By 2021, the authorities were scheduled to construct 32 residential complexes (1,700 apartments) all over the country for accommodation of the disadvantaged categories of citizens. At the same time, according to the experience gained in recent years, Roma get not more than 15 per cent out of such accommodation:

Because of their low standard of living, begging, and garbage collection, Roma are often neglected in society.

The European Commission's 2021 report on Skopje's progress on the Eurotrack noted "limited progress" in integrating Roma into North Macedonian society, pointing to growing unemployment rates among Roma every year.

The EU Agency for Fundamental Rights (FRA) report points out several significant anti-discrimination provisions in the Macedonian legislation. For example, North Macedonia adopted a new law on Primary Education, which explicitly prohibits discrimination, encourages interethnic integration and envisages educational mediators for Roma children from socially vulnerable families. A similar mediation procedure for Roma exists in the field of healthcare, facilitating their access to medical institutions and services.¹⁰¹⁴

Nevertheless, the degree of social integration of the Roma community members remains low. According to the authorities, only 500 Roma children attend preschool establishments, 250 Roma students attend universities.

The incident that occurred in February 2020 in Skopje represents the neglect of the Roma minority: a Roma man was ill-treated on public transportation by conductors who, despite his ticket, forced him off the bus.

The Albanians, the largest national minority in the country, continue to exploit the thesis of "unfair" treatment by the titular nation. They still aspire to transform North Macedonia into a "bi-national state" and enshrine in the

¹⁰¹⁴ https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-fundamental-rights-report-2020_en.pdf

constitution the status of the Albanian language as the second state language in the country, without any advantage for the Macedonian language.

The Albanian-lobbied Law on the Use of Languages, adopted in 2019 with gross procedural violations (without a presidential signature) and later criticized by the Council of Europe's Venice Commission as unfit for use in practice in its current form, remains in place.

The Albanians' approach to asserting their rights remains highly politicized. Under the pretext of fighting against the "systemic oppression of the indigenous peoples," the Albanian community has urged new concessions from the national majority, strengthening its role as a driving force for the federalization of the country.

Against this background, with the connivance of the authorities, the so called "positive discrimination" of the titular nation is gaining momentum, which is turning into more and more blatant violation of its rights. Since 2020, according to the Ohrid Agreement, the government has been assigning Albanians, often without the necessary qualifications, to government agencies by quota, solely for the sake of "ethnic balance." In a salient case, in August 2022, the Ministry of Information Society and Administration, headed by an ethnic Albanian, changed the ethnic quotas to reflect the 2021 census in North Macedonia, which included information about the nonresident population. Thus, the proportion of Albanians in state bodies should be 31.4 per cent instead of 24.3 per cent officially residing in the country on a permanent basis.

According to statistics from the portal govornaomraza.mk, which aggregates complaints about the use of hate speech on the Internet, from 2013 to date there have been 1,749 such cases, 875 of which were based on ethnicity, 66 on skin color and 46 on religious grounds. In addition, hostility toward representatives of foreign states or international organizations was recorded 38 times.

The situation worsened with the beginning of the coronavirus pandemic: From March to May 2020, against the background of the severe restrictions introduced by the authorities that further aggravated the psychological climate in society, the number of manifestations of hatred grew into the size of hundreds. There were also manifestations of hostility towards North Macedonian nationals that got infected with the coronavirus infection: trying to stigmatize them as posing a threat to the society, certain individuals began making their personal data publicly available.

Interethnic conflicts remain widespread in North Macedonia. The Helsinki Committee reported 104 hate crimes in 2020, most (76) of which occurred on interethnic grounds. Most of them were reportedly committed by young people.

Monitoring conducted by the Helsinki Committee in 2021 in three cities of North Macedonia revealed numerous instances when hatred was incited against various groups. In Tetovo (the largest city dominated by the Albanian population), hate speech toward Macedonians and non-Muslims prevailed in general. In Bitola hate speech (the second largest settlement in North Macedonia) was mostly used toward members of the LGBTI community and Roma, and in Stipe – toward the same population groups as well as Albanians.

In May 2022, the opposition party "Left Forces" filed a lawsuit against Ljupco Georgievski, the chairman of the Bulgarian national minority association Ivan Mihailov Cultural Centre Association, accusing him of inciting ethnic hatred through numerous publications on the Internet, which, according to the party, insulted Macedonians and the Macedonian state. On 4 June 2022, during a visit to Skopje by Bulgarian Minister of Foreign Affairs Teodora Genchovska, the entrance door of the Association was set on fire in protest by a well-known singer in North Macedonia, Lambe Alabakovski. This prompted the Bulgarian leadership to declare that the harassment of their compatriots in the neighboring country continued.

International human rights monitoring mechanisms state a significant number of difficulties faced by women in North Macedonia.

Experts point out an inadequately low level of economic activity and employment among women, in particular from the Roma and Albanian communities, as well as the prevalence of women at unskilled/underpaid jobs and posts.¹⁰¹⁵

Besides, women in North Macedonia face certain obstacles with regards to land tenure and its inheritance. This issue especially affects those women who live in rural areas of the country due to gender stereotypes and the traditional practice of joint land property recognized in favor of men.¹⁰¹⁶

It is noted that access to education by girls from ethnic minority groups has been obstructed. A high rate of girls has been recorded to have ceased to attend school, including primary school. Among them, the highest number is that of women and girls living in rural areas, as well as Roma females.¹⁰¹⁷

Violence is widespread, especially against ethnic minority women. However, not all incidents are registered by the competent authorities. The reporting statistics are understated. In particular, CEDAW¹⁰¹⁸ and CERD¹⁰¹⁹ pointed this out.

According to public opinion polls, almost half of the female population of the country (48 per cent) agrees that domestic violence is a private matter, three out of ten women (28 per cent) believe that violence against women is often provoked by the victim. Only few women report cases of ill-treatment to the police or other authorities. The reasons for this situation are: sense of shame,

¹⁰¹⁵ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fMKD%2fCO%2f2-4&Lang=ru

¹⁰¹⁶ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fMKD%2fCO%2f6&Lang=ru

¹⁰¹⁷ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fMKD%2fCO%2f6&Lang=ru

¹⁰¹⁸ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fMKD%2fCO%2f6&Lang=ru

¹⁰¹⁹ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fMKD%2fCO%2f8-10&Lang=ru

financial dependence, lack of information, lack of trust to support 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 by a partner during their lifetime.

Since March 2020, with the introduction of a curfew which lasted several days in some cases, the problem aggravated. Meanwhile, according to reports of human rights organizations, in most cases there was no efficient response from the police and social services to the appeals of victims.

According to a November 2021 study published by the North Macedonian NGO, the National Network to End Violence Against Women and Domestic Violence, Voice Against Violence, 22 gender-related murders of women took place between 2017 and 2020, which is proposed to qualify as "femicide."¹⁰²⁰

A bill is currently before parliament that would introduce a corresponding concept into the North Macedonian Criminal Code. Other initiatives include the use of gender-sensitive language, the inclusion of a gender perspective in the Criminal Code; changes concerning the articles "sexual violence" and "rape"; and the 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 Veles Primary Court fully acquitted a 23-year-old woman who, in 2021, in self-defense stabbed to death her civilian spouse, a police officer, who strangled her. The Helsinki Committee, which provided legal assistance to the defendant, welcomed the court's decision, stressing that it would continue to press for local police officers to be held accountable. According to the organization, their failure to respond to repeated reports on

¹⁰²⁰ <https://glasprotivnasilstvo.org.mk/analiza-na-sluchai-na-femitsidi-ubistva-na-zheni-vo-republika-severna-makedonija-2017-2020/>

domestic violence by a colleague was a gross misconduct which escalated the violence.¹⁰²¹

On 8 March 2022, a march for women's rights was held in Skopje. According to the organizers, the Association for Emancipation, Solidarity and Equality (ESE) – the action aimed to draw the attention of the authorities and the general public to gender inequality in North Macedonia, to point out ineffective legal protection of women from domestic violence, difficulties in finding a job and the provision of basic health services (pelvic exams in the large Roma settlement of Šuto Orizari).¹⁰²²

Human rights defenders regularly draw attention to problems with the realization of the rights of pregnant women in North Macedonia, such as limited employment, career opportunities, social benefits, as well as loss of employment due to maternity.

Child and forced marriages remain, despite legislation prohibiting marriage for those under the age of 16 and the safeguards in place for marriage involving children between 16 and 18 years of age. The problem is particularly relevant for women in the Roma and Albanian communities.¹⁰²³ Human rights defenders point out that authorities do not respond adequately to this practice.¹⁰²⁴ The tradition of "buying" child brides remains, which largely affects girls in situations of poverty and social exclusion, in particular in remote areas.¹⁰²⁵

There were no cases of bias or discrimination against Russian compatriots on the basis of citizenship or nationality in North Macedonia in 2021-2022, including after the start of the special military operation.

¹⁰²¹ <https://mhc.org.mk/news/sudot-donese-pravilna-odluka-apel-do-obvinitelstvoto-da-sprechi-odmazda-kon-ilovska/>

¹⁰²² <https://www.slobodnaevropa.mk/a/31742407.html>

¹⁰²³ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fMKD%2fCO%2f6&Lang=ru

¹⁰²⁴ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fMKD%2fCO%2f8-10&Lang=ru

¹⁰²⁵ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fMKD%2fCO%2f6&Lang=ru

The conflicts that arise in North Macedonia with the participation of Russian citizens are, as a rule, of a domestic nature and relate to intra-family relations.

After the start of the special military operation by the Russian Armed Forces, the government of North Macedonia recommended, and in fact forced, cable network operators to stop broadcasting television and radio channels "owned by the Russian Federation or individuals and entities of Russian origin". RT (in Russian and English) and RTR-Planeta, as well as Sputnik news agency, were banned.

In 2021, the Helsinki Committee registered 133 complaints concerning labor relations. Most of the complaints concerned issues related to unlawful dismissals, late payment of wages, forced overtime and night work, refusal to register workers, maternity leave or holiday pay, violation of occupational safety and health standards, and discrimination. The State Labor Inspectorate was officially notified of 37 cases, requesting unannounced inspections of employers. 17 such requests were granted, 16 were rejected and 4 were left unanswered.

Experts point out shortcomings in government policy to mitigate the negative effects of the COVID-19 pandemic. It is estimated that some 20,000 employers have abused government funds to some extent as part of anti-crisis measures by failing to pay 67,000 workers their due wages in full. Work on a new version of the Labor Law reflecting current realities was not started by the Cabinet of Ministers until May 2022, against the insistence of the North Macedonian trade unions.

From 1 January 2022, Sunday is a compulsory day off in North Macedonia (by comparison, in Russia it became a day off in 1897). Exceptions are more than 40 fields of activity where the technical and technological process cannot be interrupted or which are of vital importance. For working on Sundays,

citizens of North Macedonia are entitled to a 50 per cent bonus and can also take the following seven days a day off.

In May 2022 the government and the Independent Trade Union of Education, Science and Culture (SONK) agreed on a 15 per cent increase in teachers' salaries in kindergarten, primary and secondary schools from July 2022 (the union initially demanded 18.4 per cent). The negotiations were accompanied by a month-long strike by teachers and educators.

In June, the Federation of Trade Unions of Macedonia announced a general strike of public sector workers demanding a 2,800-denar (about 48 US dollar) increase in public sector wages.

During the state of emergency in North Macedonia from March to June 2020, the government was granted special powers which allowed it to temporarily replace the Parliament dissolved in February 2020 and adopt the necessary legislative decisions to combat the pandemic, including limiting the freedom of assembly, freedom of movement, and the right of citizens to worship. This measure attracted the attention of human rights defenders who pointed at the reduced accountability of the government to the population, hindered access of the citizens to accurate and complete information about governmental activity.

In the first quarter of 2022, the state Commission for Prevention and Protection against Discrimination received 57 complaints from individuals and legal persons. The best known case was of an 11-year-old schoolgirl from Gostivar with Down syndrome: parents of her classmates demanded in the form of a petition that the girl be banned from school because of her allegedly aggressive behavior, to which the school authorities initially agreed. President Pendarovski had to intervene and in February 2022 he personally brought the child to class as a sign of support.¹⁰²⁶

¹⁰²⁶ https://pretsedatel.mk/gostivar_07022022/

Another incident also drew media attention in December 2021. A 38-year-old Skopje resident who suffers from cerebral palsy and uses a guide dog to get around in a wheelchair was prevented from boarding a bus by a driver who is an employee of the city transportation company.¹⁰²⁷

Summarizing the general overview of the human rights situation in North Macedonia, it should be pointed out that efforts of the official authorities to resolve long-standing issues is often insufficient and does not lead to their resolution. The COVID-19 pandemic which has marked the human rights situation around the world only sharpened those difficulties which the population of North Macedonia had already been facing: For example, the widespread practice of domestic violence and social vulnerability of the disadvantaged groups of the population, in particular Roma. It could only be hoped that in the future North Macedonia would achieve at least minimum human rights standards, having eliminated the existing obstacles in the way.

¹⁰²⁷ <https://telma.com.mk/2021/12/17/>

Slovakia

Slovakia's fundamental human rights and freedoms position is generally stable and is evolving in accordance with broader European trends. The country's foreign policy places a high importance on international cooperation in the promotion and preservation of human rights.

Slovak legislation on the observance of fundamental human rights and freedoms in the country is fully adapted to European Union, Council of Europe, and OSCE standards, which recognize the democratic nature of Slovak state institutions, the country's participation in relevant international conventions and agreements, and Slovak foreign policy activity on the human rights dossier.

The Slovak National Center for Human Rights is a key player in defending citizens' rights at the national level.

It should be mentioned that, as of right now, this institution does not entirely adhere to the Paris Principles for the creation and operation of national human rights institutions, which were endorsed by a resolution of the UN General Assembly.

According to experts from the Committee on Enforced Disappearances, the government's planned legislative reform to improve its regulatory framework did not gain the necessary support in the National Council of the Slovak Republic (NR SR).¹⁰²⁸ And the European Commission against Racism and Intolerance (ECRI) report on Slovakia notes that the Center does not have an adequate level of independence and that its scope of competence is not broad enough¹⁰²⁹

Restrictions on people's personal freedom in the form of quarantine or isolation, the problematic implementation of legal and judicial protection from interference with fundamental freedoms, and the "emergency" competencies of

¹⁰²⁸ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CED%2fC%2fSVK%2fCO%2fI&Lang=ru

¹⁰²⁹ Report of the European Commission against Racism and Intolerance on Slovakia (sixth monitoring cycle), adopted October 1, 2020, published December 8, 2020. <https://rm.coe.int/ecri-6th-report-on-the-slovak-republic/1680a0a088>

the Public Health Directorate and the Ministry of Health of the Slovak Republic remain on the current agenda.

The ECHR, according to the country's Justice Ministry, rejected 20 claims of Slovak citizens filed in connection with the imposition of lockdown, the ban on public assemblies, the obligation to wear masks and provide test results, evaluating them as unacceptable.¹⁰³⁰

Human rights activists blame the government of the Slovak Republic for taking insufficient measures against discrimination against people with socially important professions attacked by some citizens during the COVID-19 pandemic, for ignoring the needs of medical workers who work in unfavorable conditions, without sufficient protection against coronavirus infection, for low, inadequate wages for the work performed.

Domestic violence increased significantly in Slovakia during the coronavirus pandemic, according to human rights organizations. Almost 50% more calls were made to the helpline during this time. In 2021, the government of the SR allocated 3 million euros to the relevant profile centers.

The Romany minority, whose rights remain the most acute problem in Slovakia, has been the hardest hit by the pandemic. According to the Slovak Statistical Office, it is the second largest in the country - 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, it really amounts to about 440 thousand people or about 9% of the population,

This is the population that is most discriminated against in the labor market, education, health care, credit, housing, as well as in catering, hairdressers, religious organizations, and public transport, for which Bratislava

¹⁰³⁰ <https://www.justice.gov.sk/tlacovespravy/europsky-sud-pre-ludske-prava-zamietol-20-staznosti-podanych-proti-slovenskej-republike/>

has been criticized for years by¹⁰³¹the UN Economic and Social Council, the European Commission, the EU Human Rights Agency (EHRA), among others.

International experts are concerned about the displacement of Roma communities to the outskirts of populated areas and their isolation, leading to the formation of mono-ethnic enclaves – "sieges," which are virtually uncontrolled by law enforcement agencies and are often breeding grounds for crime. It should also be emphasized that Romany people have no land ownership rights.

In 2020, the FRA raised concerns about inadequate protection for Romany people in the face of a coronavirus pandemic. According to Agency estimates, discrimination and persecution against Romani people has grown stronger in Slovakia as well as several other EU countries under the pretext of stopping the spread of COVID-19.

Above all, it was this ethnic minority that faced violence, discriminatory identity checks, and fines. Numerous Roma settlements have been placed into quarantines without justification and under strict police supervision.

The national media extensively reported on the alleged beating by police of five Roma minors in the Krompachy settlement, who violated the quarantine regime on 27 April 2020. The situation was brought to the attention of the Roma Union in Slovakia, as well as of the Government Plenipotentiary for Romani Communities and the Slovak National Center for Human Rights, which called on the Interior Ministry and the police chief personally to thoroughly investigate the case.

Slovak President Zuzana Čaputová, who regularly advocates minority rights and repeatedly referred to this 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

¹⁰³¹ civic-nation.org/slovakia/society/treatment_of_minorities/

called for "consistent respect for human rights and freedoms during the national emergency situation."

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.¹⁰³²

There was discrimination in access to vaccination for Roma (by August 2021 only 7% of Roma had been vaccinated, while the vaccination rate in the country at the time was 43%).¹⁰³³

Due to government-imposed quarantine and self-imposed isolation regimes, many members of the Romany minority lost their sources of income and their underage children (approximately 70%) lost access to education, since they could not study remotely due to the absence of the Internet.

The FRA briefing paper on the impact of the pandemic on human rights cites data from a study conducted by the Slovak Institute for Education Policy. According to this document, some 50,000 children, mostly from poor areas, many of them populated by Roma, were not able to be educated remotely during the first wave of the pandemic.¹⁰³⁴

The segregation of Romany children, including those in educational institutions, continues to be sharply criticized. Slovakia is blamed for the excessively high percentage of Romany minors enrolled in separate classes or special remedial schools. According to statistics, Romany children make up almost 90% of the students there. According to a joint report by the Slovak Ministry of Finance and the Ministry of Education, Romany students are seven

¹⁰³²Report of the European Commission against Racism and Intolerance on Slovakia (sixth monitoring cycle), adopted October 1, 2020, published December 8, 2020. <https://rm.coe.int/ecri-6th-report-on-the-slovak-republic/1680a0a088>

¹⁰³³<https://www.amnesty.sk/stav-ludskych-prav-na-slovensku-v-roku-2021/>

¹⁰³⁴Coronavirus pandemic in the EU – impact on basic human rights: social rights. September 1, 2020. – October 31, 2020 The EU Agency for Fundamental Rights. November 27, 2020 https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-coronavirus-pandemic-eu-bulletin-november_en.pdf

to eight times more likely to stay for a second year and eight times less likely to enroll in university.

According to a 2022 report by the EU Agency for Fundamental Rights, cases of violations of the rights of Romany children are being prosecuted in Slovakia.¹⁰³⁵

To address the situation, since 2015, modifications to the law "On Upbringing and Education" have been in effect, enshrining legal procedures to safeguard children from socially disadvantaged backgrounds. However, this does not fundamentally change the situation. Most cases of segregation of Romany children are found in regions of Eastern Slovakia (Stará Lubovňa, Medzilaborce, Krompachy, etc.).

The Committee on Economic, Social, and Cultural Rights (CESCR) has devoted attention to this issue, pointing out, among other things, that there are 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 provided instruction in minority languages.¹⁰³⁶

In 2019, the Ministry of Education, Science, Research and Sport of the Slovak Republic held 60 two-day seminars on segregation for 1,211 teachers and other school personnel. Because of this, 117 school plans were developed to overcome this phenomenon.

Beginning in September 2021, Slovakia introduced compulsory preschool education for five-year-olds. This initiative seeks to increase the representation of Roma in educational institutions at this elementary level.¹⁰³⁷

¹⁰³⁵ EU Agency for Fundamental Rights report 2022 https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-fundamental-rights-report-2022_en.pdf

¹⁰³⁶ Concluding observations of the Committee on Economic, Social and Cultural Rights on the 3rd periodic report of Slovakia. 14 November 2019. https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fSVK%2fCO%2f3&Lang=ru

¹⁰³⁷ EU Agency for Fundamental Rights report 2020 https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-fundamental-rights-report-2020_en.pdf. The European Commission against Racism and Intolerance's

Discriminatory treatment of members of this ethnic minority, especially women, in medical institutions has also been noted. The Human Rights Ombudsman and the NGO Civil and Human Rights Advice Center raised the issue of the illegal sterilization of thousands of Romany women and demanded that they be compensated accordingly. The topic was raised at a meeting of representatives of the Romany minority with deputies of the National Council of the Slovak Republic. The result was a formal apology by the government in November 2021, but the compensation mechanism was not implemented.¹⁰³⁸

It is worth noting that the CESCR, in further work to monitor the implementation of its review of Slovakia's 3rd Periodic Report, has essentially questioned the ability of that country's authorities to effectively investigate involuntary sterilizations of Romany women. However, Bratislava was criticized not only for the extremely vague, lack of crucial specifics nature of the information submitted by Slovakia to the Committee regarding the investigations in 2021, but also for a lack of consistency in the collecting of such data.¹⁰³⁹

In addition to the above-mentioned problems facing this segment of the Slovak population, CESCR has pointed out that Roma, especially those living in segregated settlements, do not have regular access to clean drinking water.¹⁰⁴⁰

The Romany people are the most frequent victims of crimes connected with human trafficking (by September 30, 2021, 36 such cases had been identified in the Republic; more recent data are not yet available). One-third of them are girls aged 12 to 17, who are most often sold into sexual slavery (the

report, (sixth monitoring cycle), adopted October 1, 2020, published December 8, 2020 <https://rm.coe.int/ecri-6th-report-on-the-slovak-republic/1680a0a088>

¹⁰³⁸ Report of the European Commission against Racism and Intolerance on Slovakia (sixth monitoring cycle), adopted October 1, 2020, published December 8, 2020. <https://rm.coe.int/ecri-6th-report-on-the-slovak-republic/1680a0a088>

¹⁰³⁹ Joint letter dated April 14, 2022-17/CESCR/FU of the CESCR Chair and Co-Rapporteurs on Slovakia to the Permanent Mission of Slovakia to the United Nations and other international organizations: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCESCR%2FFUL%2FSVK%2F48463&Lang=en

¹⁰⁴⁰ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fSVK%2fCO%2f3&Lang=ru

target countries are Great Britain, Ireland, Germany, the Czech Republic, Austria) or become victims of forced marriage "in accordance with Romany traditions." Trafficking in human beings in 2021 for the first time also included illegal adoption of a child, as well as attempted removal of human organs.

There is a National Program to Combat Human Trafficking for 2019-2023 to completely study and handle this problem. According to the Slovak National Center for Human Rights, 30 persons are now enrolled in this program (45 in 2017), the majority of whom are Romani from Eastern Slovakia.

In 2020, the Slovak Academy of Sciences published a representative survey to find out the attitudes of the majority population toward the Romany community. The survey showed that a significant portion of respondents (80%) tended to agree with the statement that Romany people in the country undeservedly receive social benefits. It also turned out that nearly two-thirds of respondents held openly negative stereotypes about Roma and only half of those surveyed tended to agree with statements emphasizing the value of Romany culture.¹⁰⁴¹

The survey also showed that respondents' assessments were in solidarity with hostile statements by politicians who spoke negatively about the Romany population, in particular about the lack of job skills of most Romani, as well as about the high crime rate in Romany communities.

State and local government agencies are striving to pay special attention to the Romany problem. In April 2021, a new comprehensive Strategy for Equality and Integration of Romani until 2030 was adopted (the previous one was in effect from 2012 to 2020), there is an Ombudsman for the Romany community under the government, and numerous programs aimed at engaging and integrating members of this ethnic minority in society are implemented, of which one (National Program to Combat Human Trafficking for 2019-2023) was mentioned above.

¹⁰⁴¹ [Civic-nation.org/slovakia/society/treatment_of_minorities/](https://civic-nation.org/slovakia/society/treatment_of_minorities/)

Another notable example is the project of the Multifunctional Center "Goregronje" in the village of Valaska-Piesok (Central Slovakia Region), which provides education, training, employment, sports and cultural activities for Roma and other socially disadvantaged populations.

In localities with large Romani communities, the practice of creating special "Romani civic patrols" has been introduced to monitor public order along with the local police. Special medical stations began to operate in Roma enclaves. Every year, serious financial resources are allocated to projects in this area, including from Euro funds. So far, it has not been possible to radically change the state of affairs in this area.

The government of the Slovak Republic seeks to pay special attention to measures to improve the living conditions of the most vulnerable groups (minors, women, the elderly, persons with disabilities, and the disabled).

At the same time, a number of problems persist in the socio-economic sphere. Gender equality has not yet been achieved, despite the measures taken by the authorities in this area. There is still a fairly high level of violence against women, including harassment and domestic violence.

According to human rights organizations, a particularly serious increase in domestic violence was recorded during the COVID-19 pandemic, with the number of calls to the helpline increasing by almost 50% during that period. In 2021, the government of the Slovak Republic has allocated 3 million euros to the relevant profile centers.

A systemic weakness in health care is further exacerbated by poor quality health care facilities, unequal geographic distribution, and a shortage of skilled medical professionals.¹⁰⁴²

¹⁰⁴² Concluding observations of the Committee on Economic, Social and Cultural Rights on the 3rd periodic report of Slovakia. 14 November 2019.
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fSVK%2fCO%2f3&Lang=ru

The Committee on the Rights of Persons with Disabilities (CRPD) noted in its concluding observations on Slovakia's initial report that, as of 2016, people with disabilities lacked access to public information and communications, including transportation, and that disaster and emergency warnings were not broadcast to this population. Access to tools and equipment that aid mobility also has issues.¹⁰⁴³ It is worth noting, however, that the list of questions prepared by the CRPD in 2019 in anticipation of the submission of Slovakia's combined 2nd and 3rd periodic reports includes all the same issues.

The EU Agency for Fundamental Rights, citing a report by the Commissioner for Persons with Disabilities in Slovakia to the National Council, reports a lack of reasonable accommodations that would allow children with disabilities to receive inclusive education.¹⁰⁴⁴

The number of children with disabilities placed in institutions remains high in the country.¹⁰⁴⁵ The lack of early intervention and early diagnosis services in health, education, and social services was another issue brought up by the CRPD. Nevertheless, the Committee's final recommendations highlight a lack of funding for families with young children who need early assistance.¹⁰⁴⁶

Among other things, the CRPD recommended 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. Cases of cruel or humiliating treatment of people with psychosocial disorders have been highlighted, including the use of physical, mechanical, and chemical restraints, as well as isolation and segregation.¹⁰⁴⁷

¹⁰⁴³ Concluding observations of the Committee on the Rights of Persons with Disabilities on the initial report of Slovakia. 17 March 2016.

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fSVK%2fCO%2f1&Lang=ru

¹⁰⁴⁴ https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-fundamental-rights-report-2020_en.pdf

¹⁰⁴⁵ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fSVK%2fCO%2f1&Lang=ru

¹⁰⁴⁶ Ibid.

¹⁰⁴⁷ Ibid.

The coronavirus pandemic in 2020 jeopardized disabled workers' entitlement to decent working conditions. FRA, citing data from the Office of the Commissioner for Persons with Disabilities in Slovakia, reports cases of persons with disabilities being dismissed for missing work days due to self-exclusion¹⁰⁴⁸.

Other issues concerning human rights in Slovakia have typically included the slowness of judicial proceedings. The annual reports of Slovakia's delegate to the European Court of Human Rights (ECHR) highlight the Republic's continuing problem of delayed judicial rulings. Cases of prolonged confinement without charge are especially notable.

According to published data, 460 lawsuits were filed with the ECHR in 2021, mostly by individuals, alleging violations of the European Convention for the Protection of Human Rights and Fundamental Freedoms by Slovakia (in 2019, 445 such lawsuits were pending before the ECHR), 320 of which were not accepted for consideration (in 2019, 297 lawsuits were dismissed for various reasons). Court decisions were issued in 22 cases (9 cases in 2019, 8 cases in 2018, and 12 cases in 2017), 14 of which involved violations of the right to a fair trial.

The migration policy, for the rigidity of which Slovakia has traditionally been criticized by international monitoring bodies, has been adjusted.

In 2021, out of 370 applications for asylum, Bratislava satisfied only 29, declared its readiness to accept only 10 citizens evacuated from Afghanistan, joined the demands to protect European borders in connection with the situation on the Polish-Belarusian border (in 2019 232 applications for asylum were submitted to the competent authorities of the country, of which only 9 were satisfied, in 2018 178 applications were submitted, and 5 were satisfied). So far,

¹⁰⁴⁸ Coronavirus pandemic in the EU - impact on basic human rights: social rights. September 1, 2020. – October 31, 2020 The EU Agency for Fundamental Rights. November 27, 2020. https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-coronavirus-pandemic-eu-bulletin-november_en.pdf

Slovakia has accepted only 30 migrants applying for temporary or permanent residence in the country, out of the mandatory quota of 902 people.

However, since the end of February 2022, the situation in this area has been viewed mainly in the context of the Ukrainian story. So, from March 24 to August 31, 2022, according to the published data, temporary asylum on the territory of Slovakia was granted to just over 86 thousand citizens of Ukraine.¹⁰⁴⁹ The state allocated about 5 million euros to provide them with housing alone (in the form of payments to local administrations and individuals who agreed to host refugees). Problems with their rights are not often discussed here, although reports have begun to emerge concerning the difficulty Ukrainians have, for example, in finding work.

Measures taken by Slovakia to integrate migrants, such as the introduction of free classes in the Slovak language, are insufficient. In particular, 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 face problems in practicing their religion.¹⁰⁵⁰

In May 2021, the Center for Ethnic and Cultural Studies published a study that noted a deteriorating trend in public attitudes toward migrants in the Slovak Republic. According to the study, the majority of those surveyed feel that foreigners contribute to crime (65%) and insecurity (62%), and many of those polled have bad attitudes about "refugees from Syria" (68%) and "Muslim families" (64%). The document states that this situation is the result of the spread of hatred against minorities.¹⁰⁵¹

¹⁰⁴⁹ https://www.trend.sk/trend-archiv/slovensko-cislach-ukrainiski-utecenci-zapustaiu-korene?itmbrand=trend&itm_template=search&itm_modul=articles-search-list&itm_position=3

¹⁰⁵⁰ Report of the European Commission against Racism and Intolerance on Slovakia (sixth monitoring cycle), adopted October 1, 2020, published December 8, 2020.

<https://rm.coe.int/ecri-6th-report-on-the-slovak-republic/1680a0a088>

¹⁰⁵¹ https://www.civic-nation.org/slovakia/society/treatment_of_minorities/

According to a Pew Research¹⁰⁵² poll conducted in October 2019, 77 per cent of Slovaks despise Muslims, 30 percent dislike Jews, and 76 percent dislike Romani tribes. It is characteristic that the level of negativity with respect to one group or another is higher in older age groups.

The legal basis for combating neo-Nazism, racism, and racial discrimination is the Criminal Code of the Slovakian Republic. The list of crimes of extremist orientation is contained in Article 140a. These include, in particular: acts related to the creation, support and propaganda of movements whose actions are directed against fundamental rights and freedoms; the production, possession and distribution of extremist materials; Holocaust denial, criminal political regimes and crimes against humanity; oppression of certain nationalities and races; incitement to national and racial hatred; apartheid and discrimination against certain groups of citizens (Articles 421-424). In addition, the perpetrator's hatred of the victim based on the victim's actual or perceived membership in a particular race, nation, national or ethnic group, as defined by special motives (Article 140), is considered an aggravating circumstance requiring a harsher punishment. The absence of citizenship and language requirements in Slovak criminal law for possible victims of racist behavior and racial discrimination has drawn criticism from the Council of Europe's European Commission against Racism and Intolerance (ECRI).¹⁰⁵³

In addition, the state has an Anti-Discrimination Act. However, according to ECRI, this act is not properly applied because the Slovak National Centre for Human Rights, which is authorized to monitor its implementation, lacks the necessary independence.¹⁰⁵⁴ Often, discrimination on the basis of citizenship is engaged by the state bodies of the Slovak Republic themselves. For example, in July 2022 the Interior Ministry of Slovakia deported I.M.Kovasev and

¹⁰⁵² <https://www.pewresearch.org/global/2019/10/14/minority-groups/>

¹⁰⁵³ Report of the European Commission against Racism and Intolerance on Sweden (fifth monitoring cycle), adopted December 19, 2014, published February 16, 2014 <https://rm.coe.int/fifth-report-on-slovakia/16808b5c17>

¹⁰⁵⁴ Ibid.

O.D.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.

According to statistics from the Ministry of the Interior of the Slovak Republic, the number of racially motivated extremism crimes committed in the country was 115 in 2020 (85 in 2019, 159 in 2018). The average detection rate of such criminal cases is about 35-37%.¹⁰⁵⁵

Slovak media periodically address the issue of racial intolerance, especially among radicalized young people. As a rule, it occurs in connection with the commission of crimes on this ground. One such high-profile case was the murder of Filipino national Henry Acorda in the center of the Slovak capital in June 2018. A right-wing Slovak national found guilty of a criminal offense was sentenced to six years in prison. The prosecutor's appeal requesting a tougher sentence was rejected by the court.

Problems of racism in Slovak society were also pointed out by CERD experts.¹⁰⁵⁶ In particular, they expressed concern about the persistence of hate speech in the media and on the Internet, racist political discourse against ethnic minorities, in particular the Romani, Muslims, and non-citizens. Proceedings in racial discrimination cases continue to be excessively long, a circumstance that negatively affects victims' effective access to justice.¹⁰⁵⁷

It has been noticed that victims of hate crimes frequently fail to notify state authorities about the incident, in part because they don't trust the police.¹⁰⁵⁸

¹⁰⁵⁵ https://www.minv.sk/?statistika_kriminality_v_slovenskej_republike_za_rok_2020_xml

¹⁰⁵⁶ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fSVK%2fCO%2f11-12&Lang=ru

¹⁰⁵⁷ https://tinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fSVK%2fCco%2f11-12&LANG=rm

¹⁰⁵⁸ Report of the European Commission against Racism and Intolerance on Slovakia (sixth monitoring cycle), adopted October 1, 2020, published December 8, 2020, <https://rm.coe.int/ecri-6th-report-on-the-slovak-republic/1680a0a088>

According to estimates of the Slovak Ministry of Interior, extremist and nationalist associations number about 2,000 people, are highly organized, and effectively use legal forms of work through the creation of public associations (Slovak Public, New Free Slovakia, Slovak Society for the Preservation of Traditions, Slovak Youth Union, etc.). Their actions are sporadic, and the emphasis of their propaganda is on social media. Local law enforcement agencies actively use modern information technology to automatically analyze Internet traffic to identify and curb manifestations of religious intolerance and calls for extremism.

In the register of political parties and movements of the Ministry of Interior of Slovakia,¹⁰⁵⁹ only one party, which professes extremist ideas with elements of racial hatred and, in particular, actively uses anti-Romani rhetoric, is officially registered - the People's Party Our Slovakia (ĽSNS).¹⁰⁶⁰ One of its fundamental tenets is the emphasis on the establishment of a state that is both nationally and socially oriented (National Socialism), using the pro-fascist Slovak Republic during World War II as an example. Its leaders, notably President Y.Tiso, who was sentenced to death by the court, are regarded as great political individuals who made a "invaluable contribution" to the development of national statehood by the ĽSNS (The People's Party Our Slovakia). The party maintains contacts with extreme right-wing associations in the Czech Republic, Germany, Poland, Spain, Italy, Serbia, and Croatia.

Police violence against detainees and intolerance, particularly toward Romani and Muslims, are periodically raised in the media. In 2021, as a result of proceedings before the ECHR, the government of the Slovak Republic was forced to apologize to six Romani citizens "for their mistreatment during the police raid in Moldava nad Bodvou," but the required compensation was not paid.

¹⁰⁵⁹ www.ives.minv.sk/rez/registre/pages/list.aspx?type=ps

¹⁰⁶⁰ It was also named Kotlebovtsy after the leader Marian Kotleba.

Starting with 2018, a significant national initiative is being carried out in Slovakia to increase the availability of aid for crime victims. In 2019, 8 points of contact were established in different regions across the country. Victims can obtain specialist aid, including psychological assistance, legal guidance, and social and economic advice, in these regions.¹⁰⁶¹

Additionally, it was stated that despite the steps taken to combat extremism, extremist groups' efforts to incite racial discrimination still go on. However, participation in the activities of organizations that incite and promote racial discrimination is not recognized as a crime in Slovak criminal law.¹⁰⁶²

The continued overall atmosphere of hatred in the nation toward groups seen as foreign by the majority population – national and other minorities, Romani, Muslims, and migrants – as well as the frequent incidents of hate speech against this backdrop were highlighted by CESCR with worry. According to Committee experts, this atmosphere contributes to the erosion of tolerance in society and leads to violations of the rights of minorities and vulnerable groups. CESCR also criticizes Slovakia for ineffective judicial protection for victims of racial discrimination, especially Romani, migrants, and asylum seekers.¹⁰⁶³

In its sixth report on combating intolerance and racial discrimination in Slovakia, published in December 2020, ECRI noted an increasing trend in the use of hate speech directed against certain groups, such as Jews, Muslims, migrants, Roma and people of African descent. The situation is exacerbated by the fact that the media, both traditional and electronic, overrepresent negative information about this segment of the population, which prevents the creation of

¹⁰⁶¹ https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-fundamental-rights-report-2020_en.pdf

¹⁰⁶² https://tinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fSVK%2Cco%2f11-12&LANG=ru

¹⁰⁶³ Concluding observations of the Committee on Economic, Social and Cultural Rights on the third periodic report of Slovakia.

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fSVK%2fCO%2f3&Lang=ru

a positive image of representatives of these categories of people. Hate content is hardly ever removed from the Internet.¹⁰⁶⁴

In Reporters Without Borders International's press freedom ranking in 2022, Slovakia moved up to 27th place out of 180 countries in the world (in 2021 it was 35th, in 2020 it was 33rd). As previously stated, the improved situation is attributable to major advancements in the investigation into the high-profile killings of Slovak journalist Jan Kuciak and his fiancée in February 2018; Kuciak was the editor of the popular online news portal www.aktuality.sk.¹⁰⁶⁵ 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 Channel One of Russian TV broadcasting in the nation with the start of Russia's special military operation in Ukraine.

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.

¹⁰⁶⁴ Report of the European Commission against Racism and Intolerance on Slovakia (sixth monitoring cycle), adopted October 1, 2020, published December 8, 2020. <https://rm.coe.int/ecri-6th-report-on-the-slovak-republic/1680a0a088>

¹⁰⁶⁵ <https://euractiv.sk/section/kultura-a-media/news/slovensko-si-v-rebricku-slobody-medii-polepsilo-o-osem-priecok/>

Slovenia

International human rights watchdogs have identified a number of problematic issues in Slovenia. The government has generally made an effort to put their recommendations into practice and fix the problems that already exist.

The coronavirus pandemic has had a significant effect on the country's human rights record, prompting the government to impose a series of severe restrictive measures in 2020-2022. The report of Slovenian Ombudsman Peter Svetina for 2021, published in June 2022, shows a significant increase in the number of citizens' appeals compared to 2020. The Office of the Ombudsman received 6,863 appeals (6,852 in 2020 and 4,600 in 2019), indicating an increase of more than 33% in the number of complaints compared to the pre-pandemic period. In 2021, a total of 1,179 complaints directly connected to coronavirus restrictions were made, which is a modest decrease from the 1,414 complaints made in 2020.¹⁰⁶⁶

Of the 3,720 complaints handled in 2021, 221 were about child protection. A total of 276 human rights violations were found, in particular violations of the principle of equality before the law (25 cases) and the principle of good governance (in accordance with Article 3 of the Human Rights Ombudsman Act). There have been 20 violations of the rights of persons with disabilities, 18 violations of the right to equal protection of rights, 14 violations of the provision that Slovenia is a social state governed by the rule of law, 12 violations of the principle of justice (under Section 3 of the Human Rights Ombudsman Act), 10 violations of the right to participate in government, 10 violations of the right to social security, 9 violations of the right to legal recourse and 8 violations of the right to health and the right to a healthy living environment.¹⁰⁶⁷

¹⁰⁶⁶ 27. Letno poročilo varuha človekovih pravic Republike Slovenije za leto 2021. Ljubljana, June 2022

www.varuh-rs.si/porocila-projekti/.

¹⁰⁶⁷ Ibid.

The Office for Pension and Disability Insurance of Slovenia (16), the Ministry of Natural Resources and Spatial Planning (25), the Interior Ministry, the Ministry of Health (18 each), the Ministry of Labor, Family, Social Affairs, and Equal Opportunities (63), and the Government of the Republic of Slovenia (16) all reported more violations than any other ministry. Six violations by the Inspectorate for Natural Resources and Spatial Planning of Slovenia, five by the Financial Administration, and five by local governments (municipalities).¹⁰⁶⁸

The topic of the "erased" – former Yugoslavian citizens who had permanent registration in Slovenia but were deleted from the list of permanent residents in February 1992 according to the Aliens Act – remains on the human rights agenda. The country was able to restore the status of 12,000 people who fit this description because to legislative reforms that were implemented in 2010 at the Council of Europe and the request of international NGOs. In total, according to Slovenian human rights activists, there are more than 25,600 such persons.¹⁰⁶⁹

When the European Court of Human Rights (ECHR) examined the complaint of the "erased" group (*Kurič and others v Slovenia*) in 2012, it was revealed that Slovenia had violated the prohibition of discrimination in the enjoyment of the rights guaranteed by the Convention for 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 ECHR obliged the Slovenian government to develop and approve a compensation scheme for the "erased" within one year.

Pursuant to the decisions of the European Court of Justice and the Constitutional Court of Slovenia, the relevant law was adopted and began to be applied on June 18, 2014. The Committee of Ministers of the Council of Europe, which monitors the execution of ECHR judgments, ruled that by

¹⁰⁶⁸ Ibid.

¹⁰⁶⁹ www.mirovni.institut/izbrisani/Izbrisani – informacije in dokumenti/

adopting the aforementioned act, Slovenia had fulfilled the obligations imposed on it. The Council of Europe Commissioner for Human Rights praised Slovenia's efforts in this area, as well as the president of the Slovenian parliament's public apologies to the "erased."

However, concerns were expressed about the social and economic rights of this segment of the population. In particular, it was recommended that Slovenia extend the 2010 law governing the status of the "erased" to children born to this category of persons outside the country, provide all "erased" persons with the opportunity to restore their legal status without administrative restrictions, ensure full reparation, and provide access to education, training, and employment.

Other problems that members of this group confront in Slovenia include housing, the amount of compensation, the legal position of immediate family members, and so on. The issue of the "erased" is still relevant, according to the Slovenian Ombudsman's annual report for 2021.¹⁰⁷⁰

Russia's launch of a special military operation to demilitarize and denazify Ukraine in February 2022 served as a pretext to intensify the Russophobic policy of the Slovenian government in power at the time.

There were a few incidents with bullying Russian children at schools by their classmates of Slovenian and Ukrainian origin.

Apart from that, on March 19, 2022 the authorities held up a sailing yacht belonging to a Russian citizen that was going to sail to Russia. The named pretext was the need to comply with the law on admissibility of transfer luxury items beyond the EU customs area; the yacht was qualified as such an item.

Slovenia ratified the Framework Convention for the Protection of National Minorities in 1998 and to this day applies its provisions to persons of

¹⁰⁷⁰ 27. Letno poročilo varuha človekovih pravic Republike Slovenije za leto 2021. Ljubljana. June 2022
www.varuh-rs.si/porocila-projekti/.

Hungarian, Italian and Romani origin. Nevertheless, there are a number of shortcomings in its practical implementation.

For example, although radio and television broadcasts include Hungarian, Italian, and Romani, the duration and frequency of Hungarian and Romani broadcasts are assessed by experts of the Advisory Committee on the Framework Convention for the Protection of National Minorities (AC FCNM) as insufficient. Moreover, the AC FCNM indicated that television and radio should include the languages of other ethnic communities, and that broadcast programs should include information about them in order to promote social cohesion and better understanding.¹⁰⁷¹

Despite requests for official recognition by the German-speaking ethnic group, as well as the Albanian, Bosnian, Croatian, Macedonian, Montenegrin, and Serbian national communities, the authorities deny them national minority status and appropriate protection.¹⁰⁷²

In general, the situation of the Romani remains difficult. According to the last census (conducted in 2002), there were 3,246 members of this ethnic group in Slovenia. There are currently between 7,000 and 12,000 Romani in the country. 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 2015 of Slovenia's combined 8th to 11th periodic reports.¹⁰⁷³

Experts from Slovene and international human rights organizations welcome the legal framework that allows the Romani to participate in public administration at the municipal level (their status and special rights are defined

¹⁰⁷¹ Fifth Opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities on Slovenia, adopted May 18, 2022.

<https://rm.coe.int/5th-op-slovenia-en-/1680a830d8>

¹⁰⁷² Ibid.

¹⁰⁷³ Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 8th to 11th periodic reports of Slovenia. January 2016.

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fCO%2fSVN%2fCO%2f5-6&Lang=ru

by Article 65 of the Slovene Constitution, the Roma Community in the Republic of Slovenia Act (2007), the Local Government Act 2009), and the institutional structure (Council of the Roma Community of Slovenia), as well as the National Program in Support of Roma for the Period 2017-2021 adopted by the Slovene government in May 2017.

Nevertheless, the vast majority of the Roma still have low social status and are subject to various forms of discrimination. The AC FCNM discovered in May 2022 that the number of Roma settlements in Slovenia without electricity, water, or sewage has not declined since 2017. Inadequate housing conditions slow the process of integration of this group into society and have a devastating effect on the quality of life of its individual members.¹⁰⁷⁴

CERD notes that the enrollment of Roma children in the education system is below the national average.¹⁰⁷⁵ At the same time, AC FCNM experts noted the authorities' efforts to enroll them in pre-school educational institutions, although there are still fewer Roma children in kindergartens than from other ethnic groups.¹⁰⁷⁶

The EU Agency for Fundamental Rights in its 2020 report noted the excessive number of Roma children in specialized educational institutions for students with mental disabilities. The Roma Education Strategy mandated the end of school segregation in 2004, and the introduction of classes comprised entirely of members of this ethnic group was barred a year earlier.¹⁰⁷⁷

¹⁰⁷⁴ Fifth Opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities on Slovenia, adopted May 18, 2022.

<https://rm.coe.int/5th-op-slovenia-en-/1680a830d8>

¹⁰⁷⁵ Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 8th to 11th periodic reports of Slovenia. January 2016

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fSVN%2fCO%2f5-6&Lang=ru

¹⁰⁷⁶ Fifth Opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities on Slovenia, adopted May 18, 2022.

<https://rm.coe.int/5th-op-slovenia-en-/1680a830d8>

¹⁰⁷⁷ EU Agency for Fundamental Rights report 2020 https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-fundamental-rights-report-2020_en.pdf

Roma's access to health care and the labor market remains limited. According to human rights organizations, the unemployment rate among this ethnic group averages 95 percent.¹⁰⁷⁸ Against this background, a positive development is the large-scale programs for Roma implemented by the national employment agencies in Slovenia aimed at developing job search skills, career guidance, and professional development.¹⁰⁷⁹ At the same time, given the aforementioned opinion of the AC FCNM regarding Slovenia in May 2022, the dismal unemployment situation of that country's Roma population is unlikely to have changed substantially in the past six years.

In his report on the human rights situation in Slovenia for 2021, Human Rights Ombudsman Peter Svetina highlighted the need for government to collaborate more actively with local authorities to solve the plight of the Romani people. In particular, he noted inadequate legal and municipal services in Romani settlements.

In 2021, the Ombudsman succeeded in having the government instruct municipalities to adopt detailed sectoral programs and measures in accordance with the Roma Community Act in the Republic of Slovenia. The appropriate regulations were changed by the Ministry of Education, Science, and Sports in the same year, and the introduction of the Romani assistant post in kindergartens, elementary schools, and elementary schools with adapted programs for the following academic year was approved.

The Council of Europe's European Commission against Racism and Intolerance (ECRI) has noted a number of cases of religious intolerance in the country. In Ljubljana, for example, the construction site of the country's first Islamic cultural center and mosque has been attacked by vandals on several

¹⁰⁷⁸ Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 8th to 11th periodic reports of Slovenia. January 2016
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fCO%2fSVN%2fCO%2f5-6&Lang=ru

¹⁰⁷⁹ EU 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

occasions. Desecration of Christian monuments has also occurred in some cases; for instance, unknown offenders vandalised the Catholic Cathedral of St. Nicholas in Slovenia's capital.¹⁰⁸⁰

There is an ongoing discussion in the human rights community about the wearing of the hijab in health care facilities. The Ministry of Health is requested to create a suitable regulation that will systematically control the question of whether medical professionals nationwide are prohibited from wearing the hijab or have the option to do so.

ECRI experts also criticized the fact that criminal prosecution for the use of hate speech has a number of serious flaws. First, as stated in Slovenia's Criminal Code, Article 297 (1), the commission of this offense must be done "in such a manner that the law and public order may be endangered or violated, or by force, threats, profanity, or verbal abuse." Second, the 2013 legal opinion of the Office of the Slovenian Attorney General states that the conditions defined in the article must be met cumulatively rather than alternatively, and that a causal link between hate speech and a specific danger to public order is a mandatory requirement.

In 2021, in evaluating Slovenia's implementation of the recommendations subject to interim monitoring, ECRI noted with interest the creation of a working group within the Slovenia's Office of the State Prosecutor General which aims, among other things, to harmonize the various practices of prosecuting those who have resorted to hate speech. Moreover, the Commission welcomed the July 4, 2019 decision of the Supreme Court of Slovenia that interpreted Article 297 of the national penal code more broadly. It implies, in particular, that the aforementioned requirements for culpability should be viewed as alternatives and that the offender's behavior need not necessarily pose a particular threat to public policy in the eyes of the court. Subsequently, in light

¹⁰⁸⁰ Report of the European Commission against Racism and Intolerance on Croatia (fifth monitoring cycle) adopted on March 3, 2019, and published on May 5, 2019.
<https://rm.coe.int/fifth-report-on-slovenia/168094cb00>

of this decision, the relevant instructions were sent to law enforcement agencies from the Slovenia's Office of the State Prosecutor General. Nevertheless, the experts noted with concern that the proposal to formally and fully align the previous legal opinion with the new court decision was rejected by the prosecutor's office. In practice, however, nothing has changed significantly: despite the significant increase in the number of hate speech cases before the police, the number of indictments prepared by prosecutors remains relatively small.¹⁰⁸¹

In addition, an omission is the lack of an effective remedy in the event that the prosecutor rejects the victim's complaint or makes a decision to refuse to initiate criminal proceedings. In 2005, the Ljubljana Higher Court stated that an individual has no right to initiate prosecution himself if the case concerns incitement to hatred and violence. In 2013, Slovenia's Office of the State Prosecutor General determined in a legal opinion that in cases where hate speech is directed against a community or group as a whole, individuals belonging to such a community or group cannot be considered victims.

Among ECRI's repeated recommendations to the Slovenian authorities is to organize the collection of disaggregated data for the purpose of combating racial discrimination. The experts were compelled to report a lack of advancement in this area in 2021 because no legislation was anticipated in the nation at the time the Commission's concluding observations were written to ensure such collection while upholding the values of confidentiality, informed consent, and voluntary self-identification.¹⁰⁸²

There is still no amendment to the Law on Mass Media that would define the way to protect the public interest when hate speech is published in the

¹⁰⁸¹ Conclusions made by the European Commission against Racism and Intolerance about Slovenia's adoption of the recommendations under interim monitoring. Adopted December 7, 2021 Published March 3, 2022.

<https://rm.coe.int/ecri-conclusions-on-the-implementation-of-the-recommendations-in-respe/1680a59af2>

¹⁰⁸² Ibid.

media, including measures to eliminate violations: immediate removal of illegal content and sanctions for media who have committed violations.

Both international (UN High Commissioner for Refugees, Council of Europe, etc.) and national human rights structures criticized the January 2017 amendments to the Aliens Act, which allow for restrictions on the admission of migrants and the closure of national borders in case of an influx that threatens Slovenia's security. According to human rights groups, the primary problem of the paper was the lack of a personalized approach to asylum applicants.

The Slovenian Commissioner for Human Rights requested a review of the act's constitutionality from the Slovenian Constitutional Court in April of that same year. In June 2017, representatives of the Court said that this appeal would be considered on a priority basis. However, the case was not developed further.

According to the 2020 FRA report, which cites information from Slovenia's Ombudsman, those arrested at the state border who did not or could not seek refugee status are being forced to return to Croatia without any procedural safeguards.¹⁰⁸³

Simultaneously, the Slovenian Constitutional Court postpones consideration of the Agreement between the Governments of the Republic of Slovenia and the Republic of Croatia on the readmission of persons whose entry or residence is illegal.

In 2015, the Committee on the Elimination of Discrimination Against Women (CEDAW) discovered issues with how migrants' rights were safeguarded. Overcrowding in refugee shelters, a lack of proper medical care and hygienic conditions, a lack of psychological support, and a lack of legal guidance are all examples.

When it comes to the amount of minor migrants held for less than 48 hours before being distributed to other EU nations in accordance with the

¹⁰⁸³ EU Agency for Fundamental Rights report 2020 https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-fundamental-rights-report-2020_en.pdf

Dublin system, Slovenia is among the top EU nations. In 2019, for example, 287 unaccompanied children and 31 accompanied children were detained at the Postojna Reception Center (in 2018, 245 and 66, respectively).¹⁰⁸⁴

ECRI also praised favorably Slovenian society's response to acts of intolerance and incitement to hatred, especially those directed against immigrants and asylum seekers. For instance, in 2017, the local government of Nova Gorica issued an order for the immediate removal of stickers that contained derogatory slogans against refugees in response to their distribution. In May 2018, several hundred people marched peacefully in Ljubljana against the use of hate speech in the campaign for early legislative elections.¹⁰⁸⁵

The human rights community continues to complain about the state of the penitentiary system. The list of complaints includes problems such as continued overcrowding in some prisons, poor sanitary conditions, and lack of staff. According to human rights defenders, the organization of activities for the employment of prisoners remains inadequate. The authorities plan to build a new accommodation facility in Ljubljana and to renovate the Ig prison.¹⁰⁸⁶

Human rights activists raise attention to the plight of vulnerable groups in prisons, particularly convicts who require additional support with basic living needs or social care due to age, disease, or disability.

There is still no law that comprehensively regulates the treatment of juvenile offenders. It should be mentioned that placing adolescents with mental disorders and mental and physical developmental impairments in high security wards is improper if these wards are intended for adults and are not fitted in terms of space, staff, and correctional programs for such groups of offenders.

¹⁰⁸⁴ Concluding observations of the Committee on the Elimination of Discrimination against Women on the combined 5th to 6th periodic reports of Slovenia. November 2015
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fCO%2fSVN%2fCO%2f5-6&Lang=ru

¹⁰⁸⁵ EU Agency for Fundamental Rights report 2020 https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-fundamental-rights-report-2020_en.pdf

¹⁰⁸⁶ Report of the European Commission against Racism and Intolerance on Croatia (fifth monitoring cycle) adopted on March 3, 2019, and published on May 5, 2019. <https://rm.coe.int/fifth-report-on-slovenia/168094cb00>

As of January 2021, these children are covered by the Education Intervention for Children and Youth with Emotional and Behavioral Disabilities Act.

The public and human rights organizations have criticized Slovenia's judiciary, particularly the duration of court proceedings and limited access to free legal aid in criminal cases. At the same time, the number of complaints about lengthy court hearings has decreased, indicating that this is no longer an ongoing problem. Measures to contain the spread of coronavirus infection also affected the scope and procedures of the courts in 2021.

The number of non-compliant decisions made by the Constitutional Court of the Republic of Slovenia is still significant and has been steadily rising in recent years. By the end of 2021, there will be 23 such decisions (compared to 18 at the end of 2020 and 13 at the end of 2019).

The approval in 2017 of the Law on Group Proceedings, which controls the filing of such group proceedings and the payment of compensation, was a beneficial move. According to Slovenian human rights defenders, this should make it easier for victims to seek equitable reparation in circumstances of widespread harm, as well as providing enough procedural safeguards to prevent unfair treatment. In particular, it is important for all those who cannot take advantage of free legal aid and do not have the money for a lawyer.

There has been a strong response from the competent authorities to complaints against police, private security services, detectives and traffic inspectors, many of which were related to the measures taken because of the COVID-19 epidemic. For instance, in order to account for the modifications to the Code of Criminal Procedure, the Slovenian Ministry of Interior amended the Regulation on Reimbursement of Travel Expenses for Persons Called to the Police in 2021. In reviewing cases, the question remains about the effectiveness of existing mechanisms for appealing or monitoring the work of guards and traffic police inspectors.

The problem of domestic violence, primarily against women and children, remains acute. Human rights activists are concerned about the lack of effective protection mechanisms for victims of such violence. In Slovenia, over 500 complaints to the prosecutor's office are filed each year for inappropriate and abusive treatment of adolescents, with over a thousand for domestic violence.

CEDAW in October 2015 urged Ljubljana to take all necessary measures to ensure that all acts of violence, including domestic violence, are thoroughly investigated and that perpetrators are prosecuted and punished according to the gravity of the crime committed. CEDAW additionally reported a shortage of shelters and crisis centers for women victims of domestic violence, as well as a lack of free support for women from the most vulnerable categories, including Romani, migrants, people with disabilities, and the elderly. The widespread inability to enforce restraining orders granted against alleged criminals and designed to guarantee the safety of crime victims has also drawn criticism.¹⁰⁸⁷

The issue of gender-based violence was also noted by the Committee on the Rights of Persons with Disabilities (CRPD) in its concluding observations on Slovenia's initial report. The monitoring committee criticized the government for failing to take specific steps to protect women and girls with disabilities, particularly those with psychological or intellectual problems, from assault.¹⁰⁸⁸

Meanwhile, positive improvements in Slovenian human rights practice should be highlighted. In particular, work was underway in 2019 to increase access to assistance for all categories of crime victims. To this end, the Social Assistance Act has been amended to regulate professional assistance and the provision of necessary information to victims. These tasks were entrusted to

¹⁰⁸⁷ Concluding observations of the Committee on the Elimination of Discrimination against Women on of the combined 5th to 6th periodic reports of Slovenia. November 2015
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fSVN%2fCO%2f5-6&Lang=ru

¹⁰⁸⁸ 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=RU

social work centers. There are 16 such institutions across the country with 63 branches.¹⁰⁸⁹

In 2021, some progress was made regarding the situation of people with disabilities. Work on the national level continued: in July 2021, the Slovenian National Assembly resolved to change the Pension and Disability Insurance Act to equalize eligibility for disability benefits for people who become disabled due to a non-occupational injury.

There are significant shortcomings in the protection of the rights of persons with autism spectrum disorders. State systems provide insufficient services to support the development of children with those disorders. Human rights advocates have been emphasizing this severe shortage of autism specialists for several years now.

The ombudsman received complaints about the use of extra protective measures in psychiatric hospitals and social welfare institutes for people with disabilities again in 2021. Under the Mental Health Act, such measures constitute a serious infringement of human rights. The issue of payment for the cost of care in the case of involuntary placement of a patient in a secured ward of a social welfare institution has not yet been resolved. At the end of 2021, the Disability Benefits Act was passed, which updated the legal framework for receiving benefits.

As stated in the CRPD's concluding remarks, persons with disabilities in Slovenia continue to be denied free access to numerous public buildings, have difficulty using public transit, and are unable to access certain services. Higher education and vocational training institutes do not provide enough

¹⁰⁸⁹ EU Agency for Fundamental Rights report 2020 https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-fundamental-rights-report-2020_en.pdf

accommodations for this group of individuals in question. There are issues with students' smooth movement from their homes to school facilities.¹⁰⁹⁰

At the same time, the Committee notes negative aspects such as the inability to place disabled children in residential treatment facilities; the lack of educational campaigns aimed at combating stereotypes and prejudices against people with disabilities; the lack of investigations into the causes of death of people with disabilities in specialized institutions, and so on.¹⁰⁹¹

There are public health issues. The recommendations of human rights defenders are still not being carried out. It specifically addresses the need for the adoption of measures by the relevant authorities to ensure the earliest possible availability of a sufficient number of general practitioners, occupational health specialists, psychiatrists, and ophthalmologists, the establishment of a register of rare benign diseases, and simpler access to rental medical equipment. Furthermore, no systematic solution for working people who care for their seriously ill relatives at home has yet been devised, nor has the initiative to draft a new law on supplementary, traditional, and alternative forms of diagnosis, treatment, and rehabilitation. Because psychotherapy in Slovenia is unregulated and prone to misuse, the responsible authorities were unable to develop a legislative framework for it in 2021. Violations of the Law on the Rights of Patients by health care institutions were noted.

Despite increased government attention to the problem of human trafficking, mechanisms for identifying, protecting and rehabilitating victims and providing them with legal and psychological assistance are inadequate. Furthermore, the fact that people who are not citizens of Slovenia or other European Union member states are not eligible for compensation has been challenged. There are no organized mechanisms in place to assist victims in

¹⁰⁹⁰ 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=RU

¹⁰⁹¹ Ibid.

their rehabilitation and reintegration, such as access to counseling, treatment, and psychological treatment. There are low rates of prosecution and conviction in relevant cases.

When it comes to promoting gender equality, the official authorities face a lot of challenges. International monitoring structures' findings note occupational segregation in the labor market, disproportionately high female unemployment, and unfair sharing of household obligations. CEDAW, in particular, pointed out that the practice of short-term employment contracts for young women is excessive. It is also highlighted that austerity policies, particularly cuts in child benefits and pensions, have a disproportionate impact on women, who are the primary recipients of state-provided social assistance. Another indication of the prevalence of discriminatory attitudes based on gender, according to CEDAW assessments, is that women who participate in political life are often ridiculed and harassed precisely because of their gender and face negative cultural attitudes and stereotypes from political parties, the media, and voters¹⁰⁹². According to the list of issues produced by the CEDAW in anticipation of Slovenia's seventh periodic report in July 2020, many of the difficulties stated above are not going away.¹⁰⁹³

In 2021, special attention was paid to the protection of children in Slovenia because the COVID-19 pandemic had a special impact on this vulnerable group. The progress made in establishing a specialized institution known as a "Home for Children" is noted, as the Law on Protection of Children in Criminal Proceedings and Comprehensive Resolution of Their Problems in a Home for Children institution was passed in 2021, with the Ombudsman

¹⁰⁹² Concluding observations of the Committee on the Elimination of Discrimination against Women on the combined 5th to 6th periodic reports of Slovenia. November 2015.

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fSVN%2fCO%2f5-6&Lang=ru

¹⁰⁹³ CEDAW/C/SVN/QPR/7 List of issues and questions prior to the submission of the seventh periodic report of Slovenia.

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=3&CountryID=159

supporting its preparation and adoption throughout. However, there is a problem associated with the delay in the adoption of sufficient legal mechanisms governing the checking of school bags and testing for drugs or alcohol.

Work is underway to improve the legal framework for children with special needs. Amendments to the Health Care and Health Insurance Act raised the age of persons with special needs who are in a hospital or sanatorium with one of their parents to 18 and are eligible to compensation for the period of temporary absence from work.

Persistent flaws exist in the areas of employment and the rights of the jobless, particularly with regard to the method used for terminating employees. There are cases where the employer, as the stronger party in the employment relationship, violates the dismissal procedure, puts psychological pressure on the employee, and uses personal data. Human rights activists found unclear language in the Transnational Services Act that hindered the effective control of companies that send workers abroad.

The area of regulating the employment of foreign nationals has proven to be one of the most problematic. In terms of recognizing foreigners' right to family life, the competent authorities' practice is inconsistent, and individual proceedings take too long.

In the field of natural resources and spatial planning, it is underlined that the acts of environmental regulation drafters are frequently incompatible with the right of the public to participate in the adoption of such documents. Human rights activists argue that the short time frame for discussion, the subsequent significant additions to the draft regulations, and their inadequate clarification violate citizens' right to direct participation in the management of public affairs under Slovenian Constitution Article 44. In three specific cases of the development of natural resources and spatial planning acts in 2021, including the Law on Amendments to the Water Law, this procedure was violated. Other examples include procedural errors in the submission of the Environmental

Protection Act for public debate and unreasonable alterations to the originally intended Building Act regulation and its discussion outside of public consultation. Authorities frequently fail to ensure the participation of potentially affected individuals in specific administrative procedures.

It is also worth quoting the April 2021 memorandum of the CoE Commissioner for Human Rights, in which she drew attention to the "shaken" status of freedom of expression and the media in Slovenia and urged the authorities to put an end to it. The submitted dossier accuses Ljubljana of using the COVID-19 pandemic to stifle free expression and political opposition. The memorandum also points to the deteriorating conditions underlying media freedom in Slovenia, namely cases of harassment, intimidation and criminal cases against journalists, and restrictions on access to information.¹⁰⁹⁴

In May 2022, the Slovenian Ombudsman also reported serious problems with media freedom in the country and called for a change in the relevant legislation. Local experts' opinions, which blamed the Slovenian government in power at the time for the attack on journalists and the serious politicization of state media, corroborate all of this.¹⁰⁹⁵

¹⁰⁹⁴ Council of Europe Commissioner for Human Rights Memorandum on Freedom of Opinion and Expression and Freedom of the Media in Slovenia.

<https://rm.coe.int/memorandum-on-freedom-of-expression-and-media-freedom-in-slovenia/1680a2ae85>

¹⁰⁹⁵ https://www.euractiv.com/section/politics/short_news/slovenias-ombudsman-experts-call-for-deteriorating-press-freedom-to-be-addressed/

USA

The human rights situation in the United States is far from international standards for the protection of fundamental freedoms.

The United States continues to flagrantly violate human rights within its borders as well as abroad by, for instance, imposing unlawful unilateral coercive measures (sanctions), the most glaring example of which is its economic blockade of Cuba for more than a decade (including despite numerous United Nations General Assembly resolutions.)

It is also important to mention blatant violations of the international humanitarian law committed by US authorities in third States. Under the "traditional" pretext of the need to combat terrorism, the United States has continued to indiscriminately use military force. As a result, the casualties among civilians have increased.

Washington actively uses the human rights rhetoric to justify interference in the internal affairs of sovereign States and the imposition of illegal sanctions against them. It has become common practice for the US State Department to release biased reports on the state of human rights in Russia and other undesirable countries, which are used to validate pressure on them.

The United States applies the principle of the extraterritoriality of the US justice and uses it to prey on citizens of sovereign States in flagrant violation of their national legislation.

One of the main targets of the American "justice" has been Russian citizens. The most high-profile examples include the arrests of V. Bout (Thailand, 2008), K. Yaroshenko (Liberia, 2010), R. Seleznev (Maldives, 2014) and A.Vinnik (Greece, 2017). Some of them were not just arrested, but kidnapped and forcibly removed to the US. Based on the illegal application of the principle of extraterritoriality by the US justice, Russians were arrested in Germany (D.Kaznacheev – 2020), Georgia (O.Tishchenko – 2018), the Dominican Republic (A.Panin – 2013), Israel (A.Burkov – 2015), Spain

(D.Belorossov – 2013; V.Polyakov – 2014; P.Levashov and S.Lisov – 2017), Italy (A.Korshunov – 2019), Costa Rica (M.Chukharev – 2013), Latvia (Yu.Martyshev – 2017), Lithuania (D.Ustinov – 2013), the Netherlands (D.Smiljanets and V.Drinkman – 2012), Finland (M.Senah – 2015, M.Terada – 2018), the Czech Republic (E.Nikulin – 2016), Switzerland (V.Zdorovenin – 2011, V.Klushin – 2021) and a number of other States.

The Americans are hunting not only Russians, but also citizens of other countries, who are often held without trial in CIA "secret prisons" (their existence was acknowledged by George Bush Jr. in 2006), where they are tortured and humiliated.¹⁰⁹⁶

Immigrants and inmates, including minors, face constant repression of freedoms in the United States. Journalists do not feel safe and become victims of attacks. The US administration's plans to close the Guantanamo Bay detention centre remain unfulfilled. Citizens' dissatisfaction with voting rights violations has only deepened the divisions in the American society. Alternative opinions have become increasingly censored in social media.

Numerous freedom violations remain the focus of criticism by international bodies and non-governmental organizations, including Human Rights Watch and Amnesty International.

According to Amnesty International experts, after its withdrawal from the UN Human Rights Council in 2018 (and even after its return to the Council in 2021) the United States, in fact, continued to disengage from the international human rights system. Failing to respond to numerous communications from UN experts or accept their requests for invitations for official visits have become a regular pattern. Besides, Washington does not hide that it now engages in UN

¹⁰⁹⁶ The prisons were allegedly closed in 2009 by order of Barack Obama, however, there is evidence that they are still actively used today.

human rights procedures only when they advance US foreign policy objectives.¹⁰⁹⁷

The US has not abandoned its practice of blaming "undesirable" international agencies either. In April 2019, American authorities revoked the visa of the International Criminal Court (ICC) prosecutor. The reason was the investigation by the ICC of alleged war crimes by US forces in Afghanistan. The rhetoric of accusations against the Court's officials also escalated. They were threatened with restriction or prosecution in the US territory.¹⁰⁹⁸

Criticism directed against the World Health Organization (WHO) by Washington and termination of the US relationship with the WHO have been said by human rights defenders to undermine global efforts to protect lives during a healthcare crisis the world has not seen in a hundred years.¹⁰⁹⁹

Despite all the above facts, 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.

According to the database of the Office of the UN High Commissioner for Human Rights,¹¹⁰⁰ the USA is a party to the following treaties: 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).

The escalated political confrontation between the two major political forces and their supporters, which the world has witnessed in recent years, has become a major cause of unrelenting social unrest across the country.

¹⁰⁹⁷ Amnesty International. Report 2019, USA.

¹⁰⁹⁸ Statement by Secretary of State Mike Pompeo dated 15 May 2020.

¹⁰⁹⁹ Amnesty International Report 2019, USA.

¹¹⁰⁰ https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=187&Lang=EN

According to a November 2020 report by the Pew Research Center, America is exceptional in the nature of its political divide in such important fields as economy, racial justice, climate change, law enforcement, etc.

The 2020 presidential election exacerbated these deep-seated divides. A survey conducted a month before the election showed that roughly 80% 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% in both camps worried that a victory by the other would lead to "lasting harm" to the United States.¹¹⁰¹

The COVID-19 pandemic caused a further rise in prevailing tensions in the United States and disproportionately impacted the most vulnerable members of society. Low-income individuals lost jobs (the number of unemployment claims exceeded 40 million)¹¹⁰² and were unable to afford costly medical care.

The deplorable state of affairs in this sphere is also confirmed by the 2022 report of the Belarusian Foreign Ministry "The Most Resonant Human Rights Violations in Certain Countries of the World." In particular, it says that during the spread of the coronavirus infection the US authorities failed to provide its citizens with effective protection in the field of health care.

These findings largely echo those of China's Report on Human Rights Violations in the United States in 2021. It states that despite having world's most advanced medical equipment and technology, the United States has the biggest number of COVID-19 infections and deaths globally.¹¹⁰³ According to data from Johns Hopkins University, by late February 2022, the number of confirmed COVID-19 cases in the United States exceeded 78 million and the

¹¹⁰¹ The State Council Information Office of the People's Republic of China. The Report on Human Rights Violations in the United States in 2020. March 2021. http://www.xinhuanet.com/english/2021-03/24/c_139832301.htm

¹¹⁰² <https://www.nytimes.com/2020/05/28/business/unemployment-stock-market-coronavirus.html>

¹¹⁰³ The State Council Information Office of the People's Republic of China. The Report on Human Rights Violations in the United States in 2021. February 2022. http://english.scio.gov.cn/m/scionews/2022-02/28/content_78076572.htm

death toll surpassed 940,000. However, the US government still lacks effective anti-epidemic plans.¹¹⁰⁴

Leading human rights centres 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 are hungry.¹¹⁰⁵

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, or 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.¹¹⁰⁶

Ludwig Institute for Shared Economic Prosperity experts believe that the US leadership deliberately inflates employment figures. According to official data from the Department of Labor, in April 2022, the average unemployment rate in the US was 3.6%. Although analysts paint a more depressing picture: by their calculations, the true rate unemployment could be much higher – up to 23.1%.¹¹⁰⁷

The US remains one of the few developed countries where food security for the poorest people is still organized through a ration card system. According to the Department of Agriculture statistical data, more than 34 million people, including 9 million children, are food insecure in the United States.

¹¹⁰⁴ Ibid.

¹¹⁰⁵ The State Council Information Office of the People's Republic of China. The Record of Human Rights Violations in the United States in 2019. March 2020. http://www.xinhuanet.com/english/2020-03/13/c_138874115.htm

¹¹⁰⁶ Human Rights Watch: <https://www.hrw.org/united-states/poverty-and-economic-inequality>

¹¹⁰⁷ LISEP: <https://www.lisep.org/tru>

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.¹¹⁰⁸

Observers continue to draw attention to rising child poverty amid US administration decision to limit monthly child support payments to low-income families.¹¹⁰⁹

According to researchers at the University of Chicago and the University of Notre Dame, the poverty rate in America rose from 9.3 to 11.7 % (a 2.4% increase) between June and November 2020. 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.¹¹¹⁰ Income inequality is higher in the US than in other advanced economies.

These findings are supported by the results of public opinion polls. 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 too little inequality.¹¹¹¹

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

¹¹⁰⁸ Feeding America, Facts about Hunger in America: <https://www.feedingamerica.org/hunger-in-america>

¹¹⁰⁹ The Center on Poverty & Social Policy at Columbia University:

<https://www.povertycenter.columbia.edu/news-internal/monthly-poverty-january-2022>

¹¹¹⁰ The State Council Information Office of the People's Republic of China. The Record of Human Rights Violations in the United States in 2019. March 2020. http://www.xinhuanet.com/english/2020-03/13/c_138874115.htm

¹¹¹¹ 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/>

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 Latinos in the United States lived in poverty in 2019, a number more than double that among their White counterparts.¹¹¹²

According to the Pew Research Center, the uninterrupted 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 the political influence of the disadvantaged, on geographic segregation by income, and on economic growth itself.¹¹¹³

The Chinese Foreign Ministry Report on Human Rights Violations in the United States in 2021 states that the elderly' rights to life are flagrantly violated in the US. 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 a 21 July 2020 report by Claudia Mahler, the United Nations independent expert on older people, discrimination in the delivery of health care services left older people more vulnerable.

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. The number of homeless people in the US is

¹¹¹² The State Council Information Office of the People's Republic of China. The Record of Human Rights Violations in the United States in 2019. March 2020. http://www.xinhuanet.com/english/2020-03/13/c_138874115.htm

¹¹¹³ Most Americans Say There Is Too Much Economic Inequality in the US, 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/>

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.

The United States faces rise in racism, antisemitism, Islamophobia, and other forms of similar discrimination, xenophobia and related intolerance. Besides, racism has become a systemic problem in the American society, plaguing all spheres of life. Human rights organizations indicate it with concern. Experts continue to note an increase in crimes motivated by racial, national or religious intolerance.

The situation of respect for the freedoms of people of colour 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.¹¹¹⁴

According to surveys, 32% of Black and 21 % of Asian Americans said they worried every day or almost every day that they might be threatened or attacked because of their race or ethnicity.¹¹¹⁵

A heated discussion on the need for a systemic solution to the problem of racial intolerance in the United States was caused by the decision of the jury to acquit Kyle Rittenhouse, who had shot two people in Kenosha, Wisconsin, during protests for the Black rights.¹¹¹⁶

The political rhetoric often plays on racist tropes relating to the trafficking in enslaved Africans, the history of lynchings, derogatory

¹¹¹⁴ Human Rights Watch. World Report 2019. <https://www.hrw.org/world-report/2019>

¹¹¹⁵ The 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/>

¹¹¹⁶ CNN, These are the 5 charges the jury in Kyle Rittenhouse's trial considered: <https://www.cnn.com/2021/11/14/us/kyle-rittenhouse-jury-deliberations-charges/index.html>

assessments, exploitation of people of African descent, and violence against them.¹¹¹⁷

In addition, there is a high rate of racially and ethnically motivated crimes, facilitated by the prevalence of extremist and neo-Nazi groups in the country.

In 2021, human rights defenders tracked 733 hate groups across the US.¹¹¹⁸

The influential US NGO Southern Poverty Law Center notes an unprecedented surge in the popularity of extremist ideologies in the American society.¹¹¹⁹ According to the studies conducted by this organization, in 2019 the total number of extremist groups in the country was 940. They included the infamous Ku Klux Klan (with 47 chapters throughout the nation), 59 neo-Nazi and 48 skinhead groups, and other white supremacists (391 organizations) as well as 20 anti-immigrant and 84 anti-Muslim groups.¹¹²⁰

Despite the decrease in the number of hate groups tracked by the Southern Poverty Law Center to 838 in 2020, experts of the organization believe it does not necessarily signify a reduction in bigoted beliefs. A survey conducted by them in August 2020 revealed that 29% of Americans personally knew someone who believed that White people were the superior race. In addition, many extremist ideologies are now spread without an organization or membership in it. Numerous websites and forums allow individuals to receive and disseminate information on hate ideologies without becoming a member of any extremist association.¹¹²¹

In recent years, the amount of ideological material spread by various hate groups increased. The Anti-Defamation League tracked a near-doubling of

¹¹¹⁷ The Report of the Working Group of Experts on People of African Descent. October 2019. <https://undocs.org/en/A/74/274>

¹¹¹⁸ Southern Poverty Law Center: <https://www.splcenter.org/hate-map>

¹¹¹⁹ Southern Poverty Law Center: The Year in Hate & Extremism Report 2021

¹¹²⁰ Southern Poverty Law Center: The Year in Hate & Extremism Report 2019.

https://www.splcenter.org/sites/default/files/yih_2020_final.pdf

¹¹²¹ <https://www.splcenter.org/news/2021/02/01/year-hate-2020>

white supremacist propaganda materials in 2020 compared to the previous year: they registered over 5,000 racist messages, antisemitic comments and other manifestations of hatred.¹¹²² It is clear that real figures are much bigger.

Statistics lends support to these negative trends. The 2019 crime data released by the FBI in 2020 showed that 57.6% of the 8,302 single-bias hate crime offenses reported by law enforcement agencies were motivated by race/ethnicity/ancestry. Of them, 48.4% were motivated by anti-Black or African American bias; 15.8% stemmed from anti-White bias; 14.1% were classified as anti-Hispanic or Latino bias; 4.3% resulted from anti-Asian bias. Among the 4,930 victims of racial hate crimes, as many as 2,391 were of African descent.¹¹²³

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.¹¹²⁴ The problem is aggravated by the fact that membership for US servicemen in a nationalist or racist group is not prohibited. In February 2020, at a hearing in the Congress US defence officials said that membership in a white nationalist group "is not prohibited," but "active participation" in the group could lead to an administrative discharge.¹¹²⁵ However, they refrained from giving exact data on how many service members have been administratively discharged for this.¹¹²⁶

¹¹²² <https://www.adl.org/white-supremacist-propaganda-spikes-2020>

¹¹²³ The State Council Information Office of the People's Republic of China. The Report on Human Rights Violations in the United States in 2020. March 2021. http://www.xinhuanet.com/english/2021-03/24/c_139832301.htm

¹¹²⁴ See more on the problem in the USA in the Report prepared by the Russian Foreign Ministry on the Glorification of Nazism and the Spread of Neo-Nazism and Other Practices That Contribute to Fuelling Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance, USA.

¹¹²⁵ 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/>

¹¹²⁶ 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>

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 noted, in particular, that Racially or Ethnically Motivated Violent Extremists (RMVEs), primarily those advocating for the superiority of the white race, would likely continue to be the most lethal DVE (Domestic Violent Extremist) threat to the Homeland. According to the report, the greatest terrorism threat to the United States was posed by lone offenders who are not members of radical groups. In addition, of the 32 killings by extremists in five separate attacks in 2019 – the most lethal year for domestic extremist assaults since 1995 – 24 were committed by white supremacists.¹¹²⁷

It is remarkable that the authors of the report, correctly noting new trends of the spread of the extremist ideology, try to artificially highlight the factor of external influence in this phenomenon accusing foreign States in malicious activity to deepen the divide in the United States. Despite the focus of US authorities on the threat posed by right-wing extremists, in reality, double standards are commonly applied to such organizations. A number of US experts and lawmakers pointed out the danger posed by neo-Nazi groups active in Ukraine who have committed crimes with impunity and have established ties 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 with foreign groups.) Meanwhile, infamous Ukraine-based groups, such as the Right Sector, Azov Battalion and C14, whose members have

¹¹²⁷ <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

reportedly perpetrated acts of violence, were not included in the Foreign Terrorist Organizations (FTO) list.

The US engages a wide range of terrorist groups around the world, which are tightly controlled by intelligence agencies and work together with private military companies (PMCs). This has happened in the US military-occupied Syrian territories, where odious groups such as Maghawir al-Saura operate under the guise of "moderate opposition." Other radical Islamist groups also operate in the Syrian territory across the Euphrates under the cover of the United States occupation forces.

Washington's tradition of turning to war criminals goes back decades. After the Second World War many German Nazis and Italian fascists were integrated with American consent (including direct support of the CIA) 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 the insistence of the Americans, a number of Hitler's generals were promoted to high posts in the Bundeswehr and NATO structures. Staff of the Abwehr, the Gestapo and other Nazi structures was of considerable help in readjusting the work of Western intelligence agencies in conditions of the "Cold War." 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 to develop biological weapons and in exchange guaranteed him immunity from prosecution as a war criminal.

The Americans and the 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 Nazi terror in Ukraine, deployed immediately after the February 2014 coup d'état, was based on long-standing US experience of 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 upper circles and army. Under the control of Western NGOs, there have been active "schools for young politicians" teaching the American methodology for "colour revolutions". They not only taught their students about the strategy and tactics of coups d'état, but also fostered aggressive Russophobia. In Ukraine and Eastern Europe, CIA-funded training camps were set up where militants from far-right and Nazi organizations were trained under the guidance of NATO instructors and became perpetrators of terror in Ukraine.

After the 2014 coup d'état, the USA continued almost openly to "ensure the defence and security of Ukraine," taking full control of the security forces and constantly stepping up arms supplies. At the same time, it was the Nazi ideology and the infiltration of its adherents into the command structure of the AFU and the State administration that were the core of the consolidation of military power against Russia. Nationalists from volunteer battalions, receiving generous targeted financial assistance, amounting to billions of dollars, once again became the mainstay in this task. In 2016-2022 (before the beginning of the special operation of the Armed Forces of the Russian Federation on 24 February 2022), only Azov received about USD 78 million of the American "aid" through legal channels despite the ban of the US Congress to finance this organization.

In parallel, Washington launched a campaign to justify the Ukrainian Nazism and to whitewash the collaborators of Nazi Germany, who were chosen as its leaders. It is indicative that the USA and Ukraine vote even in the UN against the resolution condemning manifestations of neo-Nazism proposed by Russia every year.

Racial profiling by the police is an acute problem in the United States. We should mention the opinion of Amnesty International, which stated that neither US law regulating the use of force by the police and its limits at a state level (there are no such laws at a federal level) fails to comply with international standards in the protection of rights and lawful interests of citizens.

According to the Washington Post, in 2019, over 1,000 people were killed by the police, while in 2020, the number decreased somewhat to 967 accidents (offences committed by law enforcement officials outside their official duties are not taken into account.)

Black Americans, who accounted for less than 13% of the US population, were killed at a much higher rate than White Americans: the number of deaths of African Americans at the hands of the police (1,512 of 42 million) is 2.5 times higher than that of White Americans (2,890 of 197 million).¹¹²⁸ The analysts assess that one male African American per 1,000 runs the risk of becoming a victim of the police. The highest risk group is males of 20 to 35 years of age.¹¹²⁹ The "second highest" number of deaths was in the Hispanic community.

End Police Violence, which monitors the use of force by "law enforcement officers" on a daily basis, notes: in 2021, the number of murders committed by US police officers increased compared to the previous year. The number of victims was 1,136. 96% of such crimes were committed with firearms, tazers, vehicles or the use of excessive physical force. Officers were charged only in 16 incidents, which is only 1% of the total number of cases. In 16 episodes, however, law enforcement officers had been previously involved in the use of weapons.¹¹³⁰

¹¹²⁸ The Washington Post, Police shootings database.

<https://www.washingtonpost.com/graphics/investigations/police-shootings-database/>

¹¹²⁹ 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>

¹¹³⁰ End Police Violence, Report 2021

These figures are supported by the statistical data of Mapping Police Violence, according to which at least 1,124 people were killed in 2021 in the US as a result of police violence. The majority of homicides, however, occurred during non-violent offences or when there was no crime at all.

Certain states have enacted acts prohibiting police officers from firing at vehicles. Nevertheless, the regulations do not fully protect the public from police abuse. This conclusion is also reached by the authors of the 2022 Belarussian Foreign Ministry report "The Most Resonant Human Rights Violations in Certain Countries of the World", who accuse the US authorities of failing to protect the population from police violence.

Many experts opined that in handling mass protests in the country American authorities violated US and international legislation. First and foremost, criticism was directed against law enforcement officers for unjust and disproportionate use of force against peaceful protesters and journalists reporting about them. It is noteworthy that civilians were subjected to mass arrests, and the police used rubber bullets, tear gas, stun grenades and other measures.

An obvious evidence of the emergent situation in the United States was the Urgent Debate called for by the African Group and held on 17 July 2020 during the resumed 43rd session of the Human Rights Council, which was devoted to the human rights violations, systemic racism, police brutality and violence against peaceful protests, during which the actions of the US leadership were criticized.

The Committee on the Elimination of Racial Discrimination (CERD), in respect of mass protests against racism in the United States, used its Early Warning and Urgent Action Procedures,¹¹³¹ and, on 12 June 2020, published a

¹¹³¹ It should be noted that this is not the first case of the use of this mechanism by the Committee. Under the same procedure, the CERD also expressed its concern, with respect to the clashes on a racist ground in Charlottesville, Virginia, on 18 August 2018, by the scale of racist manifestations, having called the authorities

special statement. 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.

The Office of the UN High Commissioner for Human Rights also addressed the situation in the United States. In her 3 June 2020 statement, UN High Commissioner for Human Rights Michelle Bachelet urged Washington to condemn structural racism that blighted the US society and to take actions to truly tackle inequality.

The serious threat posed by racism and abuses of power by the police drew attention of the special procedures of the Human Rights Council (HRC). In particular, with respect to protests in the United States, on 5 June 2020, Special Procedures of the UN HRC published a joint statement condemning the modern "racial terror" and urging the US leaders to reform the law enforcement system.

The murder of George Floyd, a Black American, during his arrest on 25 May 2020 in Minneapolis¹¹³² by White police officers and the following protests across the country highlighted the systemic problems of racism in the USA, both against African-Americans and other racial and national minorities.

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, police officer Aaron Dean, responding to a call, shot and killed Atatiana Jefferson in her own home in Fort Worth, Texas.¹¹³³ The neighbours of the latter reported to the police of the opened door to her apartment and noises sounding as gunfire. Body camera footage showed that the

to clearly and unequivocally condemn racist hate crimes and actively promote tolerance and diversity of ethnic groups.

¹¹³² What We Know About the Death of George Floyd. New York Times, 27 May 2020, also Wall Street Journal, 29 May 2020.

¹¹³³ Ibid.

deceased was at home with her young nephew playing videogames. The officer had yelled out a warning before firing his gun, without giving the victim a chance to survive.

On 28 January 2020, William Green, who had been taken into custody on suspicion of drunk driving, was shot dead while handcuffed by a police officer in Temple Hills, Maryland.¹¹³⁴ The police officer shot the arrested several times while the latter was in the front seat of the patrol car and offered no resistance.

On 13 March 2020, a police officer fatally shot Breonna Taylor, a Black nurse, by mistake in Louisville, Kentucky.¹¹³⁵ Suspicions of the deceased's involvement in drug trafficking were not confirmed.

On 11 April 2021, a female police officer killed Daunte Wright, a Black American, during a traffic stop in Brooklyn Center, Minnesota.¹¹³⁶ The policewoman reportedly intended to deploy her taser but accidentally shot the young man instead.

On 20 April 2021, a law enforcement officer fatally shot 16-year-old Ma'Khia Bryant after a call alleging assault with a knife in Columbus, Ohio.¹¹³⁷ The incident happened within minutes of the verdict in George Floyd's killing by police. Police officer Derek Chauvin was found guilty of all charges.

Sinophobic attitudes have increased in the US since 2020, with Asian-Americans harassed and insulted in public places and prevented from entering public and commercial facilities and transport, amid the wide spread of coronavirus.

According to the California State University (San Bernardino), the number of offences against citizens of Asian descent increased by 224% in 2021 compared to the previous year. These grim figures are complemented (and the

¹¹³⁴ Maryland police officer charged with murder in killing of handcuffed man. BBC, 29 January 2020.

<https://www.bbc.com/news/world-us-canada-51291200>

¹¹³⁵ F.B.I. to Investigate Shooting of Breonna Taylor by Louisville Police. New York Times, 21 May 2020.

<https://www.nytimes.com/2020/05/21/us/fbi-louisville-shooting.html>

¹¹³⁶ <https://www.nytimes.com/article/daunte-wright-death-minnesota.html>

¹¹³⁷ <https://apnews.com/article/columbus-ohio-police-shooting-girl-bd579b69e19abf5a93722986ee78c957>

upward trend is confirmed) by Voice of America, which reported that violent crimes against Asians in 2020 increased by 150% compared to 2019.¹¹³⁸

In this context, it is not surprising that, 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.¹¹³⁹ The COVID-19 pandemic has aggravated sinophobia.

According to Stop AAPI Crime, there were 6,603 incident reports from 19 March 2020 to 31 March 2021. Verbal harassment (65.2%) accounted for the majority of them, physical assault – for 12.6% and workplace discrimination and refusal of service, etc. – for 10.3%. The overwhelming majority of incidents occurred in public places (37.8%) and in business environment (32.2%). Women made up the majority, i.e. 64.8%, of all victims.¹¹⁴⁰

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.

Anti-Semitism (61 anti-Semitic groups)¹¹⁴¹ and Islamophobia (50 active radical anti-Islamic organizations are active) are rampant in the US.

In 2021, the Anti-Defamation League recorded 2,717 offences against Jewish Americans.¹¹⁴²

Based on survey, American Jews face significant fear from the threat of crimes against them. 63% of respondents either experienced or witnessed racially motivated crimes in the last five years. 56% heard antisemitic

¹¹³⁸ 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>

¹¹³⁹ The State Council Information Office of the People's Republic of China. The Report on Human Rights Violations in the United States in 2020. March 2021. http://www.xinhuanet.com/english/2021-03/24/c_139832301.htm

¹¹⁴⁰ Stop AAPI Crime. National Report. <https://stopaapihate.org/national-report-through-march-2021/>

¹¹⁴¹ Southern Poverty Law Center: <https://www.splcenter.org/hate-map?ideology=anti-muslim>

¹¹⁴² 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>

comments, slurs or threats, while 9% of respondents were physically or verbally attacked.¹¹⁴³

On 31 March 2021, a Jewish couple and their baby were attacked by a man wielding a knife in New York City.¹¹⁴⁴ Another shocking incident occurred in Florida on 26 March 2021. A car belonging to a Holocaust survivor was marked with swastikas.¹¹⁴⁵

Members of human rights community have repeatedly expressed concern about the tightening 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. After the introduction of the zero tolerance immigration policy in April 2018, the number of incidents involving inhumane and cruel treatment of minor children increased.

The policy of not allowing migrants and refugees from Mexico into the US 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,¹¹⁴⁶ the US Supreme Court subsequently rejected the ruling.¹¹⁴⁷

On 8 August 2022, the US Department of Homeland Security announced the end of the Remain in Mexico (RMX)¹¹⁴⁸ strategy initiated by the previous administration. Under the Migrant Protection Protocols (MPP) implemented since January 2019, asylum seekers had to wait for an appropriate US court

¹¹⁴³ Voice of America: <https://www.voanews.com/a/us-big-city-hate-crimes-spiked-by-39-in-2021-report-finds-/6571116.html>

¹¹⁴⁴ 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/>

¹¹⁴⁵ Holocaust survivor's car marked with swastikas; auto center tagged with anti-Semitic message. WSVN, 27 March 2021. <https://wsvn.com/news/local/miami-dade/holocaust-survivors-car-marked-with-swastikas-auto-center-tagged-with-anti-semitic-message/>

¹¹⁴⁶ The American Civil Liberties Union, Comment on Appeals Court Stay Ruling in Remain in Mexico Program, 4 March 2020.

¹¹⁴⁷ The American Civil Liberties Union, Comment on Supreme Court Stay Ruling in Remain in Mexico Program, 11 March 2020.

¹¹⁴⁸ The US Department of Homeland Security: <https://www.dhs.gov/news/2022/08/08/dhs-statement-us-district-courts-decision-regarding-mpp>

ruling outside the US. 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. Many migrants became victims of crime, including sexual exploitation and human trafficking.¹¹⁴⁹ Refugees were kept in unheated rooms and deprived of basic hygiene facilities. The food was frozen, often expired.¹¹⁵⁰

Cases of abuse of authority in migrant detention centres have reached such proportions that they have become known to the press. The conditions of detention in local deportation centres 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 Migrants Justice, Freedom for Immigrants, Immigrant Defense Network, and many others for help, complaining of beatings, unsanitary conditions, lack of medical care, and cruelty by the officials of the detention centres. At the same time, those who seek help are often deported by the same detention centres.

Lawsuits to close a centre can drag on for months with no result whatsoever. For example, suits have been pending for over a decade against the MacKlenie centre, Florida, details of horrible conditions in which emerged in the media after numerous complaints from community groups. However, in 2022, after another inspection, the centre was positively assessed and continued its work.

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.

On 23 December 2020, the DHS and the Department of Justice under the Trump administration introduced a rule removing protection from refugees who

¹¹⁴⁹ Physicians for Human Rights, *Forced into Danger*, January 2021.

¹¹⁵⁰ *Ibid.*

arrive from or transit through a country where COVID-19 or potentially other contagious diseases are widespread, calling them a danger to the national security of the United States.

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 were never implemented.

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. As of the end of February 2022, direct expulsions also continued to other countries, including El Salvador, Guatemala and Honduras.

Leading US medical experts have repeatedly concluded that asylum restrictions have no public health justification and threaten 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 are allowed to enter the United States through southern border ports from November 2021, highlighting the discriminatory nature of asylum seekers' situation.¹¹⁵¹

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.

US authorities have often separated families seeking asylum in the United States once they crossed the US-Mexico border. According to the American

¹¹⁵¹ <https://www.humanrightsfirst.org/resource/us-asylum-and-border-policies-resulting-human-rights-violations>

Civil Liberties Union, minors were routinely separated from their families.¹¹⁵² 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.¹¹⁵³ While 678 children were separated from their parents under the pretext the parents had criminal record. The NGO filed 400 legal actions against the administration aimed at blocking the removal of children seeking asylum at the border.¹¹⁵⁴ According to the Washington Post, 10% of the 895 detained minor migrants questioned by reporters were insulted by the US police, while 147 minors suffered physical violence. Over 40% of those questioned stated they had been deprived of food and water during their detention.¹¹⁵⁵

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 document said that applications of asylum seekers were not processed in the manner prescribed by international law, and child protection standards were violated. Reportedly, at least 400 children – from Guatemala, Honduras, Cuba, El Salvador, Ecuador, and Mexico – were unjustifiably removed from the United States across the US-Mexico border, which placed teenagers at risk of human trafficking. Many were unaccompanied or in the care of adults whose relationship to the children was not checked.

Human rights defenders also note that during the coronavirus pandemic, the discriminatory attitude of US authorities towards migrants was on full display. In particular, the administration of migrant detention centres showed disregard for the people held there, their medical care and living conditions. The

¹¹⁵² According to the China Society for Human Rights Studies, there were more than 5,000 such cases between 2017 and the first quarter of 2021.

¹¹⁵³ ACLU. Immigrant families still being separated at border. 2 October 2018.

<https://www.aclu.org/issues/family-separation>

¹¹⁵⁴ 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>

¹¹⁵⁵ The Washington Post, 31 October 2020.

joint study by Physicians for Human Rights (PHR) and Harvard Medical School showed that in March-August 2020 the number of people tested positive for COVID19 in detention centers was between 5.7 to 21.8 times higher than the rate of the US general population during that same time. Interviews with immigrants who had been detained at 22 different detention facilities revealed that measures 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. People were unable to maintain social distance throughout the detention facility and did not have access to soap at some point. In addition, many were forced to wait up to 25 days before being able to see a medical professional.¹¹⁵⁶

In February 2021, human rights organizations sent another open letter to the Department of Homeland Security calling for a halt to the removal and detention of migrants because the practice, which rejects asylum seekers, violates international legal standards and US obligations. Human rights defenders were most concerned about the expedited removal process.¹¹⁵⁷

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. In 2011, that number was 88 guns per 100 people, which was already far higher than in other countries around the globe. A study published in February 2022 in the *Annals of Internal Medicine* found that

¹¹⁵⁶ Praying for Hand Soap and Masks. Health and Human Rights Violations in US 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/>

¹¹⁵⁷ 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>

7.5 million American adults – about 3% of the population – first purchased a gun between January 2019 and April 2021.

According to a June 2021 survey by the Pew Research Center, four out of ten American adults admit to owning a firearm in their household, including 30% of those surveyed personally owning one.

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%).¹¹⁵⁸

The number of incidents related to the use of weapons is also increasing in line with the growth in arms trafficking. In 2021, there were 690 mass shootings, in 2020 – 611, and in 2019 – 417.

As of 6 December 2022, there were 622 mass shootings in the USA.¹¹⁵⁹ 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.

Data collected by the FBI showed that firearms were used in 21% of violent assaults and 60% of murders. Approximately 8,500 hate crimes per year against national, religious and other minorities are committed using a weapon.¹¹⁶⁰ 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.

¹¹⁵⁸ <https://www.pewresearch.org/fact-tank/2021/09/13/key-facts-about-americans-and-guns/>

¹¹⁵⁹ Mass shootings in 2022: <https://www.gunviolencearchive.org/reports/mass-shootings>

¹¹⁶⁰ In the Line of Fire: Human Rights and the US Gun Violence Crisis. Amnesty International

Statistics kept by human rights organizations indicate that 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 deaths in such incidents was 17,147.¹¹⁶¹ If you look at a map showing the locations of such incidents, the bloodiest picture emerges in the states bordering the east coast of the US.

According to the US Centers for Disease Control and Prevention (CDC), a total of 45,222 people died from gunshot wounds due to homicide or suicide in 2020. This number is an all-time high: 25% more than the same statistic in 2015 and 43% more than the number of victims in 2010. In 2019, 38,355 people were killed with firearms. Mass shootings and homicides with firearms usually attract more media attention, but statistics show that most episodes of firearms use are suicides.

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.¹¹⁶²

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.

¹¹⁶¹ Gun Violence Archive. <https://www.gunviolencearchive.org>

¹¹⁶² Amnesty International. Report 2019.

Human right defenders in the US continue campaigning for tougher regulations of acquisition, possession and use of firearms. And their efforts do pay off at times. Relevant legislation in a number of states has been adopted.

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.¹¹⁶³ The administration is expected to adopt a federal legal act restricting gun ownership and protecting the right to life.

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.

¹¹⁶³ Statement on Senate Judiciary Committee Hearing on Gun Violence, Amnesty USA, March 2021

A Pew Research Center poll conducted in April 2021 found that Americans have different attitudes toward gun violence. Despite the number of incidents involving its use, less than half (48%) of Americans think gun violence is a very big problem in the country today, and about three in ten say it is either a small problem (22%) or not a problem (6%).

However, 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.

The US authorities continue to conceal instances of torture, inhuman and other degrading treatment of detainees at the infamous Guantanamo Bay detention facility.

As of the end of October 2022, the US was still detaining 35 of the nearly 800 men and boys brought to Guantanamo from 2002 to 2008. 27 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 Guantanamo is fundamentally flawed.¹¹⁶⁴

"The Most Resonant Human Rights Violations in Certain Countries of the world – 2022" Report prepared by the Ministry of Foreign Affairs of the Republic of Belarus states that the US authorities do not comply with the principle of fair trial and procedures. And the example of Guantanamo Bay is illustrative. The accused are deprived of basic rights,¹¹⁶⁵ including to judicial protection. In August 2020, the Court of Appeals for the District of Columbia Circuit (Judge N. Rao) ruled that the Fifth Amendment right to access to justice and due process does not extend to Guantanamo detainees.¹¹⁶⁶ The five prisoners accused of planning the 9/11 attacks have not yet been brought to trial.

¹¹⁶⁴ <https://www.hrw.org/news/2022/01/09/legacy-dark-side>

¹¹⁶⁵ Human Rights Watch: <https://www.hrw.org/legacy/backgrounder/usa/qna1006/usqna1006.htm>

¹¹⁶⁶ The United States District Court for the District of Columbia:
<https://assets.documentcloud.org/documents/7047939/DC-Circuit-Rao-Gitmo-Habeas-Ruling.pdf>

Numerous cases of torture and ill-treatment of prisoners at Guantanamo Bay, 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,"¹¹⁶⁷ and the judge of the military judicial commission Col. Douglas K. Watkins.¹¹⁶⁸ In particular, the latter reports torture and other degrading interrogation methods against Indonesian citizen Majid Khan and several other accused. Such defective practices are in flagrant violation of the US Constitution and its international legal obligations.¹¹⁶⁹ In 2019, due to physical and psychological abuse for years, prisoner Sharqawi al Hadj attempted suicide.¹¹⁷⁰ The Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Fionnuala Ní Aoláin, also drew attention to the problem of torture in this prison. In her view, the current conditions at Guantanamo constitute circumstances that fall within the definition of torture and other cruel, inhuman or degrading treatment or punishment under international law.

According to Fox News and the New York Times, nine prisoners have died in Guantanamo Bay over the past eight years, several of them under puzzling circumstances.¹¹⁷¹ For example, one of the most publicized cases was the death of Yemeni national Adnan Latif.¹¹⁷² In February 2021, Ibrahim Idris, a former inmate of this special prison, died at the age of 60 in Sudan. The New

¹¹⁶⁷ The Los Angeles Times: <https://www.latimes.com/world-nation/story/2020-01-22/ksm-waterboarding-guantanamo-testimony>

¹¹⁶⁸ The New York Times: <https://www.nytimes.com/2020/06/04/us/politics/guantanamo-torture-sentencing.html>

¹¹⁶⁹ United States of America v. Majid Shoukat Khan Ruling Defense Motion for Pretrial Punishment Credit Relief, Military Commissions Trial Judiciary, Guantanamo Bay, June 4, 2020

¹¹⁷⁰ The Center for Constitutional Rights: <https://ccrjustice.org/sites/default/files/attach/2019/09/Emergency%20Motion%20for%20AI%20Hajj%20Status%20Conference%20August%2022%202019.pdf>

¹¹⁷¹ Fox News: <https://www.foxnews.com/world/political-poison-whats-going-on-in-gitmo>

¹¹⁷² The New York Times: <https://www.nytimes.com/2012/11/29/us/yemeni-detainee-at-guantanamo-died-of-overdose.html>

York Times attributed his death to medical complications he had from Guantanamo.¹¹⁷³

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.¹¹⁷⁴

Leading US media note that the cost of running the facility at a US naval base is tens of millions of dollars.¹¹⁷⁵ According to a tally by The New York Times, the total cost in 2017 of holding the prisoners exceeded USD 540 million.

Human rights organizations have regularly called for closing the prison. The Center for Victims of Torture, Human Rights First and National Religious Campaign against Torture called for the immediate closure of the prison. To this end, they presented a programme of recommendations.¹¹⁷⁶ Amnesty International called on the US government to end human rights abuses in Guantanamo Bay and to comply strictly with its international legal obligations to end torture and other inhuman or degrading treatment or punishment.¹¹⁷⁷ In January 2021, the UN Human Rights Council special procedures required the closure of the Guantanamo Bay detention centre and the transfer of detainees' cases to civil law courts. Experts noted that the mere existence of the prison is incompatible with Washington's international legal obligations.¹¹⁷⁸

¹¹⁷³ The New York Times: <https://www.nytimes.com/2021/02/11/us/ibrahim-idris-dead.html>

¹¹⁷⁴ The Miami Herald: <https://www.miamiherald.com/opinion/op-ed/article121885083.html>

¹¹⁷⁵ E.g., see The New York Times: <https://www.nytimes.com/2019/09/16/us/politics/guantanamo-bay-cost-prison.html>

¹¹⁷⁶ Just Security: <https://www.justsecurity.org/72367/toward-a-new-approach-to-national-and-human-security-close-guantanamo-and-end-indefinite-detention/>

¹¹⁷⁷ Amnesty International USA: <https://www.amnesty.org/en/documents/amr51/3474/2021/en/>

¹¹⁷⁸ "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>

The intention to close this prison was announced more than a decade ago by former Head of the White House Barack Obama. 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 spokesperson Emily Horne.

However, according to a number of US experts, the institution will continue to exist in the coming years largely because of political and legal obstacles.¹¹⁷⁹ 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.¹¹⁸⁰

The United States has had the largest prison population in the world for quite a number of years. The official statistics stated that the US prison population has risen almost 4 times (700%) since 1970, while the number of convicted Americans has reached 2.3 million people.¹¹⁸¹ Another 4.5 million were people on probation or parole. This leads to serious overcrowding. NGOs also highlighted that women were the fastest growing correctional population in some states.¹¹⁸²

In the US, there are widespread cases of corrections officers overstepping their authority. Inmates are often subjected to torture and degrading treatment. The inhumane treatment of convicts is expressed, among other things, in the limited medical care provided to them, as well as in the poor sanitary and hygienic conditions of detention.

There have been numerous instances of police abuse of power against those arrested and suspected of committing a crime during investigations. The

¹¹⁷⁹ The Hill: <https://thehill.com/opinion/national-security/549584-closing-guantanamo-is-long-overdue>

¹¹⁸⁰ The Hill: <https://thehill.com/homenews/administration/557581-report-biden-hopes-to-close-guantanamo-by-the-end-of-his-first-term>

¹¹⁸¹ Prison Policy Initiative, Report *Mass Incarceration: The Whole Pie 2020* dated 24 March 2020.

¹¹⁸² Human Rights Watch. Report 2019.

number of such cases suggests a systemic problem in the US prison system. The Ministry of Justice's annual report shows high rates of sexual and violent offences committed by prison officers against inmates and detainees under investigation.

For example, as a result of an official enquiry into the incident of 21 July 2020, officers at the Lewis County prison, Arizona, were fired. The investigation revealed that Supervisor Lt. Mark Hasz and Associate Deputy Warden Shaun Holland had unreasonably used force on one of the inmates. In particular, Mark Hasz inflicted bodily injuries on the victim in the presence of witnesses. This is evidenced by the released video footage from an internal surveillance camera. Such criminal act is punishable by up to imprisonment.¹¹⁸³

On 9 November 2020, an individual was physically assaulted by a corrections officer while detained at the Schenectady County Correctional Facility, New York. The perpetrators were subsequently fired and charged with a criminal offence.¹¹⁸⁴

On 14 November 2020, a correctional officer at the Valdosta State Prison (VSP) in Georgia pleaded guilty to one count of using excessive force against an inmate. According to the documents filed with the court, Brian Ford escorted the handcuffed prisoner to an outdoor area of the prison and assaulted him.¹¹⁸⁵

In some cases victims have been able to get justice but only after a number of years. For instance, in 2020, Mark Bryant, a former supervisory corrections officer at the Cheatham County jail in Tennessee, was found guilty of employing excessive force for using a taser on an inmate in

¹¹⁸³ 2 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>

¹¹⁸⁴ 2 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/>

¹¹⁸⁵ Valdosta correctional officer guilty of using excess force. Albany Herald, 14 November 2020. <https://www.albanyherald.com>

November 2016.¹¹⁸⁶ The Court sentenced him to five years of imprisonment. Verdicts such as the aforementioned are often labelled as not harsh enough by human rights defenders.

Jordan DeMattos, a former corrections officer at the Hawaii Community Correctional Center, pleaded guilty to concealing the use of force against inmates by his colleagues in 2015, falsifying testimony, and engaging in a conspiracy to cover up the assault. According to US laws, he faces up to 35 years in prison for all the charges.¹¹⁸⁷

The highest number of episodes of violence against prisoners is in Dublin, California. In 2020, there were 422 complaints, only four of them were substantiated and the rest are still being investigated.¹¹⁸⁸

A particular problem is the practice of solitary confinement. Many inmates are placed in solitary confinement in breach of the legal time limit. Prisoners subjected to this measure are placed in Special Housing Units. The reason for the increased regime may be serious misconduct that endangers the health and safety of other inmates and/or prison staff.

According to the Equal Justice Initiative, there were over 60,000 prisoners in solitary confinement in the United States as of November 2020.

The situation of convict Tyquine Lee, who was held in solitary confinement for more than 600 days in a Virginia prison, is considered egregious by human rights activists. His case is complicated by the fact that the prisoner has a history of a severe mental illness. According to his mother, her

¹¹⁸⁶ 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/>.

¹¹⁸⁷ 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>

¹¹⁸⁸ <https://apnews.com/article/coronavirus-pandemic-health-california-united-states-prisons-00a711766f5f3d2bd3fe6402af1e0ff8>

son was subjected to merciless abuse and, ultimately, his mental and physical health deteriorated until he was 98 pounds and nonverbal.¹¹⁸⁹

Human rights organizations and statistical bureaus have noted an increase in the number of deaths of inmates in US prisons. The reasons for the deaths are both staff negligence and increasing conflicts in penitentiary institutions.

On 1 March 2022, 46-year-old Terry Jones died after being stabbed at the Easterling Correctional Facility in Clio, Alabama. He had served nearly 15 years out of a 20-year sentence for burglary. The assault reportedly went unnoticed because of the lack of supervision, and several hours passed before Mr. Jones received any medical attention.

The next day (2 March 2022) William Jennings, 49, was beaten to death in a cell at the same prison.¹¹⁹⁰

Another episode occurred on 14 February 2022 in Florida. An inmate died in a transport van after being severely beaten by three officers. The reason for the aggression was that the convict threw urine at the officers as they were escorting him out of his cell. He offered no resistance, was handcuffed and obeyed orders. Three corrections officers were arrested and charged with second-degree murder.¹¹⁹¹

The lethal violence continues unabated and unpunished, leading federal prosecutors to sue the Alabama Department of Corrections for failing to remedy unconstitutionally dangerous and abusive conditions in prisons of this state.

Human rights advocates emphasize: the killing of Jones and many other inmates could have been prevented if the Alabama Department of Corrections had taken meaningful steps to remedy the "lack of oversight" that federal investigators identified as a crisis in 2019.

¹¹⁸⁹ 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/>

¹¹⁹⁰ The Equal Justice Project: <https://eji.org/news/alabama-prison-crisis-continues-with-terry-jones-homicide/>

¹¹⁹¹ USA Today: <https://www.usatoday.com/story/news/nation/2022/04/29/florida-prison-guards-charged-murder-inmate-beating/9583361002/>

The US has also been criticized for many other flaws in the penitentiary system. For example, the practice of prolonged pretrial detention is still in place in the country. According to the law, trial must commence within 70 days from the date the information or indictment was filed.¹¹⁹² Nevertheless, the process often lasts longer. This is formally justified by the complexity of the case or the abundance of material on the case. The case law system allows a judge to set procedural time limits arbitrarily and to go beyond those set by statutes and other regulations.

Private prisons are not uncommon in the United States. According to statistics from the Sentencing Project, as of 2019 they held 8.1% (almost 116,000 people) of all US prison residents.¹¹⁹³ Between 2000 and 2020, the number of citizens incarcerated in such facilities grew by 39 %. Texas and New Mexico are the "leaders" in the number of inmates held in non-State prisons. Several regions of the country have seen dramatic increases in private corrections facilities over the past 20 years: Arizona (480%), Indiana (313%), Ohio (253%), North Dakota (221%), Florida (205%), Montana (125%), Tennessee (118%) and Georgia (110%).¹¹⁹⁴

According to human rights defenders, the state of prisoners' rights in such institutions is at a lower level than in State prisons. As a rule, such correctional structures are created for profit. Private prisons receive guaranteed payments from the authorities for each inmate, regardless of the actual cost of maintaining them. In this regard, it is in the interest of the prison administration to reduce spending on inmates as much as possible. "Savings" are made possible by reducing the number of staff, minimizing the cost of food and treatment of residents, etc.

¹¹⁹² The Speedy Trial Act (Title 18 of the US Code, section 3161(c) 1)

¹¹⁹³ Website of the Sentencing Project, section Private Prisons in the United States.

<https://www.sentencingproject.org/publications/private-prisons-united-states/>

¹¹⁹⁴ Ibid.

Since arrest has been used throughout the United States to deter criminals, rights of individuals, especially those living below the poverty line, are often violated. Quite a number of people who have not been convicted of any crimes are forced to remain in jail in the United States because they cannot afford to pay bail. As a result, such individuals spend a substantial amount of time behind bars without being charged.

The American Civil Liberties Union and the Equal Justice Initiative have traditionally drawn attention to the quality of medical care provided to people incarcerated in US prisons. It is not uncommon for the negligent attitude of medical personnel toward their official duties to result in the deterioration or even death of inmates.

NGOs regularly report to the public and the media on egregious cases of prison staff negligence and the denial of prisoners the medical care and medications they need to stay healthy. This is especially true given the coronavirus epidemic, which has caused significant damage to the health of thousands of inmates in the United States. Treatment for COVID-19 was provided through a set of simple medicines against cold.¹¹⁹⁵ In this context, the American Civil Liberties Union in Virginia notes an increase in complaints from inmates about the denial of medical care.¹¹⁹⁶

The United States leads the world in the number of juveniles deprived of liberty in any form.¹¹⁹⁷ According to the Office of Juvenile Justice and Delinquency Prevention, more than one million criminal cases have been filed against juveniles.¹¹⁹⁸ Many teenagers participate in trials as if they were adults, serving time in general prisons.¹¹⁹⁹ However, former Circuit Judge Marcia

¹¹⁹⁵ wvtf.org, Prison Food and Medical Care Suffer During COVID-19 Pandemic

¹¹⁹⁶ Ibid.

¹¹⁹⁷ 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

¹¹⁹⁸ The Office of Juvenile Justice and Delinquency Prevention webpage

¹¹⁹⁹ USA Today, Investigations, The ununited state of juvenile justice in America, 2 December 2020.

Morey said: "They need help, not punishment. But their cries for help too often become crimes."¹²⁰⁰

The past two decades have brought tremendous changes to the US juvenile justice system: nearly every state has cut the number of incarcerated youth in half or more, favouring probation, therapy, and community-based programs for all but the most serious offenders. But the system is still not perfect: many teens do not receive quality legal representation, recidivism is high among youths at juvenile detention centers because rehabilitation programs are ineffective, and State and local officials pay for facilities where 70% of beds are unoccupied.¹²⁰¹

In this context, the situation in Virginia is remarkable.

Valerie Slater, executive director of Rise for Youth, a group that advocates for teens in the juvenile justice system, said she was particularly troubled by the racial disparities. The report by the Joint Legislative Audit and Review Commission (JLARC) concluded Black youths were 2.5 times as likely over the past decade to be placed in the juvenile justice system. The report recommended implementing more training requirements aimed at combating the racial disparity issue, but Slater said the issue called for a more systemic examination.

The authors of the report also interviewed judges, prosecutors and defense attorneys, who said youths often got 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 were poorly versed in the juvenile law and sometimes spent little time with clients before representing them in court.

The report found a nearly 70% recidivism rate among youths released from detention centers around Virginia, leading the authors to conclude

¹²⁰⁰ <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/>

¹²⁰¹ <https://www.washingtonpost.com/dc-md-va/2021/12/24/report-race-juvenile-justice-virginia/>

rehabilitation programs overseen by the state's Department of Juvenile Justice (DJJ) weren't particularly effective.¹²⁰²

In recent years, the US Department of Justice has investigated abuse in juvenile facilities in Texas. Numerous episodes of child abuse in prisons have been uncovered: juveniles are handcuffed and shackled, beaten, and pepper-sprayed indoors.¹²⁰³ Another abuse is the placement of juvenile detainees in solitary confinement. Solitary confinement, combined with the violent measures used, results in teenagers beginning to harm themselves, trying to destroy beds, shatter light fixtures and walls, leading to injuries and the need for medical attention.¹²⁰⁴

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 prison are, or recently were, in solitary confinement. 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 activists from the American Civil Liberties Union report that decisions of legislative bodies of many states are worsening the situation of juvenile offenders. The minimum age of criminal responsibility is constantly being lowered, and the list of crimes for which children can be deprived of their liberty is being expanded.¹²⁰⁵

Due to the spread of COVID-19 the Southern Poverty Law Center filed a suit to the Supreme Court of Alabama demanding to take urgent measures to

¹²⁰² Ibid.

¹²⁰³ <https://www.themarshallproject.org/2022/03/10/no-light-no-nothing-inside-louisiana-s-harshesst-juvenile-lockup>

¹²⁰⁴ Ibid.

¹²⁰⁵ Ibid.

release minors from special detention facilities. In such institutions, children are at increased risk of suicide, depression and other mental disorders, as well as contracting infectious diseases.

Until recently, of particular concern was the situation of Konstantin Yaroshenko, a Russian citizen, who until his release in April 2022 was serving a sentence at Danbury, Connecticut. Conditions at the facility are criticized. The Russian was held in an overcrowded prison cell for several dozen inmates. Despite his chronic diseases, the prisoner's medical needs were not met in a timely manner, and he was unable to receive required dental prosthetics for years. Despite the dozens of cases of COVID-19 in prison, all individuals are given only one medical mask per week. In addition, testing for the Coronavirus on the other hand, came very late, only after many inmates had died.

The situation is no better with the Russians R.Seleznev and O.Nikitin, who are serving long prison sentences. Despite appeals by human rights defenders (Human Rights Watch, Sentencing Project and Amnesty International) and recommendations by the Federal Bureau of Prisons, appeals to release our compatriots on humanitarian grounds are ignored by the US authorities. Nor do they take into account the fact that these people are convicted of non-violent crimes, have a number of serious illnesses, or have already served more than half of their sentences. One of the few exceptions is V.Bout, who, like K.Yaroshenko, was released from an American prison in December 2022 only as a result of years of persistent efforts by the Russian side.

It should be noted that approximately 100 Russian citizens are imprisoned in the United States. Most of them are serving sentences for non-violent crimes (such as violations of immigration laws, fraud, theft, etc.). There is a lack of accurate information about the number of Russians languishing in US penitentiaries, because the US side does not always inform Russian diplomatic missions that an individual has been released from jail.

Once in the hands of American justice, 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 persuade them to confess guilt and accept a plea deal, despite the far-fetched nature of the charges, and if they refuse, they are sentenced to significant prison terms. Qualified medical care for Russians in US prisons is not routinely provided. Their plight has been exacerbated by the spread of COVID-19.

In addition, Russian citizens are still being arrested in third countries at the request of US law enforcement agencies, when there is, in fact, an abusive extraterritorial application of US law against them. Since 2008, there have been over 50 such cases. In particular, in 2020, A.Pakhtusov and A.Grichishkin were extradited to the United States from Spain and Estonia, respectively. In 2021, V.Klushin was extradited from Switzerland to the United States. In 2022, Greece extradited A.Vinnik to Washington, and Thailand extradited D.Ukrainsky. All of them face long prison sentences if convicted. In these circumstances, Russian diplomats are doing everything in their power to help their compatriots.

In 2013, Edward Snowden's revelations about the breadth of US government surveillance shocked the world. The public became aware of the NSA's PRISM and Upstream programs, in which the NSA worked closely with companies such as Google, Facebook, AT&T, and Verizon to conduct warrantless surveillance of Americans' international communications on a massive scale.

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, 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 12333.¹²⁰⁶ 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.¹²⁰⁷

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.¹²⁰⁸

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 information to third parties, failure to duly notify the court whose approval is required, providing unverified information to courts, etc.

The United States remains the only developed Western country whose law provides for the death penalty as a capital punishment. It is applied in 27 states and at the federal level.

In 2003, a de facto moratorium on the death penalty was introduced at the federal level. However, in July 2020, the practice of capital punishment was resumed by decision of the Supreme Court.¹²⁰⁹

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.¹²¹⁰

Over the past decade, several US Supreme Court rulings have narrowed the death penalty. The Court has abolished the death penalty for mentally

¹²⁰⁶ <https://www.aclu.org/news/national-security/the-privacy-lesson-of-9-11-mass-surveillance-is-not-the-way-forward>

¹²⁰⁷ <https://www.eff.org/deeplinks/2022/02/we-need-answers-about-cias-mass-surveillance>

¹²⁰⁸ Politico: <https://www.politico.com/news/2020/09/02/court-rules-nsa-phone-snooping-illegal-407727>

¹²⁰⁹ The US Department of Justice website, 15 June 2020, Executions Scheduled for Four Federal Inmates Convicted of Murdering Children

¹²¹⁰ The Death Penalty Information Center

retarded (*Atkins v. Virginia*, 2002) and juvenile offenders (*Roper v. Simmons*, 2005), each ruling stating that the execution of such persons is unconstitutional.

According to the Death Penalty Information Center, the majority of those sentenced to capital punishment are African Americans, Hispanics, or members of other ethnic minorities.¹²¹¹ At times, innocent people are sentenced to death due to mistakes made during trial proceedings. Amnesty International reported that a total of 156 prisoners sent to death row were sentenced to capital punishment "without grounds." More than half of this group belonged to national minorities.

In connection with the "forced" implementation of death sentences, 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), seeking an investigation of Trump Administration's unprecedented spree of federal executions. In the lawmakers' opinion, this step is contrary to the established law enforcement practice in this area.¹²¹²

It is worth highlighting that capital punishment for criminals in the United States has been repeatedly condemned by the international community.

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.¹²¹³ 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.¹²¹⁴ Members of national and religious minorities, including African

¹²¹¹ Death Penalty Information Center website. Facts about death penalty, as of 20 May 2020. <https://deathpenaltyinfo.org/>

¹²¹² E. Warren official website, 22 December 2020.

¹²¹³ The Wall Street Journal: <https://www.wsj.com/articles/federal-agencies-use-cellphone-location-data-for-immigration-enforcement-11581078600>

¹²¹⁴ Just Security: <https://www.justsecurity.org/73321/the-future-of-u-s-foreign-intelligence-surveillance/>

Americans, Asians, Muslims, etc., are noted to be particularly affected by the actions of the intelligence services.¹²¹⁵

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.¹²¹⁶

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.¹²¹⁷

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.

The 1978 Foreign Intelligence Surveillance Act,¹²¹⁸ in fact, provides for unlimited powers to intelligence agencies to spy on representatives of foreign countries and US citizens they contact. A bright illustration of such practice is discovered intelligence abuses during wiretaps of conversations between

¹²¹⁵ Ibid.

¹²¹⁶ The Wall Street Journal: <https://www.wsj.com/articles/federal-agencies-use-cellphone-location-data-for-immigration-enforcement-11581078600>

¹²¹⁷ The Wall Street Journal: <https://www.wsj.com/articles/irs-used-cellphone-location-data-to-try-to-find-suspects-11592587815>

¹²¹⁸ The Foreign Intelligence Surveillance Act

Russian intelligence officials of Trump's presidential campaign. It is primarily "declassified" conversations between incoming (now 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.) Besides, President Donald Trump publicly threatened to veto certain surveillance programmes under the Act, referring to massive abuse of the Act by special services. 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.

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 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 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.¹²¹⁹ 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 on other devices subsidized by the US government.¹²²⁰

The Lawful Access to Encrypted Data Act (LAEDA), introduced to the Senate in June 2020, is another cause for concern for the human rights community. According to its authors, the draft law aims to prohibit the installation of 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' 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.¹²²¹

¹²¹⁹ 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/>

¹²²⁰ Privacy with a Price: Advocates Say Google Should Secure Cheap Android Phones. The Tech Times. 22 January 2020. <https://www.techtimes.com/articles/246957/20200122/privacy-with-a-price-google-should-secure-cheap-android-phones.htm>

¹²²¹ 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.

Human rights defenders also focus on the use of facial recognition systems by law enforcement agencies. According to Amnesty International, such equipment discriminates against members of ethnic minorities. It is alleged that the software often malfunctions when identifying people's appearance.¹²²² For instance, the American Civil Liberties Union reported in April 2021 that Detroit resident Robert Williams was detained by the police for over 30 hours for alleged theft. Later it turned out that he was wrongfully identified by the security cameras and facial recognition system used by local law enforcement.¹²²³

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.¹²²⁴

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

<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/>

¹²²² 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/>

¹²²³ The American Civil Liberties Union: <https://www.aclu.org/press-releases/michigan-father-sues-detroit-police-department-wrongful-arrest-based-faulty-facial>

¹²²⁴ The Washington Examiner. 03.06.2021.

New York bill would prohibit State agencies from retaining or sharing facial recognition images with third parties without prior court authorization.¹²²⁵

However, according to the WSWS, US special services, primarily the FBI, have repeatedly violated 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.¹²²⁶ It is noted that this practice affects not only foreigners, but also American citizens. After this became public knowledge, a number of lawmakers demanded an explanation from the intelligence services.¹²²⁷

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.¹²²⁸ It is said that such practice contradicts the 2018 Supreme Court ruling in *Carpenter v. United States* on the need for law enforcement to obtain a warrant to acquire personal data.¹²²⁹ The Department of Homeland Security, the Federal Internal Revenue Service (IRS), the FBI, and the Drug Enforcement Administration (DEA) are among those accused.

Failures in facial recognition technology lead to wrongful arrests and discrimination, and infringe on the rights of citizens. According to experts, at least one quarter of the 18,000 law enforcement agencies across the United States have access to a face recognition system.¹²³⁰ Driver's license databases,

¹²²⁵ <https://www.asisonline.org/security-management-magazine/monthly-issues/security-technology/archive/2021/december/facial-recognition-in-the-us-privacy-concerns-and-legal-developments/>

¹²²⁶ The WSWS: <https://www.wsws.org/en/articles/2021/04/28/surv-a28.html>

¹²²⁷ The New York Post: <https://nypost.com/2021/05/04/gop-reps-want-fbi-director-to-explain-fisa-warrant-violations/>

¹²²⁸ Vox: <https://www.vox.com/recode/22038383/dhs-cbp-investigation-cellphone-data-brokers-venntel>

¹²²⁹ The Supreme Court of the United States: https://www.supremecourt.gov/opinions/17pdf/16-402_h315.pdf

¹²³⁰ 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/>

which have information on more than half the adult population of the United States, are used for identification purposes. Human rights activists have repeatedly pointed to the imperfection of such systems and their bias against members of racial and ethnic minorities, especially African Americans. In a number of states not only suspects of committing common crimes, but also those suspected of violating immigration laws, are identified through the facial recognition system. The high cost of the systems themselves and their maintenance and update have also been criticized.

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. His defence attorney pointed out the error because Michael Oliver has tattoos while the perpetrator captured on the footage from the crime scene does not. After a more detailed comparison of M. Oliver's images with the real perpetrator, the police, as in the above case of R. Williams, concluded that he had been misidentified.¹²³¹

After media reports on the faulty identification of individuals as perpetrators and criticism by the human rights community of the arrests of innocent citizens, Detroit police were forced to admit that facial recognition software misidentifies 96% of the time.¹²³²

Human rights activists also found out that, in addition to law enforcement agencies, recognition systems are also used by certain companies. In particular, owners of rental properties were tracking their African-American tenants. In 2018-2019, tenants of apartments in Brooklyn, New York, challenged in court the installation of facial recognition cameras by the homeowner company. Residents had learned of the introduction of the equipment by accident, as a

¹²³¹ 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>

¹²³² 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; 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>

result of chaotic mail delivery about the renovation work. As a result of public and media pressure, the homeowner company announced in November 2019 that they would not be pursuing the installation of facial recognition cameras in the apartment complex.¹²³³

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 in 1968. 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

¹²³³ Ban the scan: do you want your face to be used to track you? Amnesty International.
<https://banthescan.amnesty.org/>

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 caused steadily increasing civilian casualties. 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 about 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 deaths 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 advocates argue that the US Department of Defense's 2020 figure of 23 civilian deaths in military operations in Iraq, Afghanistan, Somalia, Yemen, and Nigeria is a gross understatement.¹²³⁴ According to a number of NGOs, including Airwars, most conservative estimates show 102 civilians were

¹²³⁴ Newsweek.com. US military claims responsibility for more than 23 civilian deaths in 2020.

killed in U.S. operations around the world in 2020.¹²³⁵ Amnesty International notes that the numbers cited in the Pentagon's 2019 report on civilian casualties are also undercounted.¹²³⁶

The American Bar Association has sharply criticized the use of drones.¹²³⁷ In December 2020, Foreign Policy wrote: "America's drone war has become a symbol of injustice, oppression, and impunity that led to both global and local radicalization of Muslim populations."¹²³⁸

Human rights organizations point out that statistics on civilian deaths were not published until April 2020 for the first time since the US operation in Somalia began in 2007.¹²³⁹ However, military commanders often report only the killing of terrorists, ignoring the killing of civilians. Moreover, the military leadership has so still failed to establish an effective mechanism of impartial investigation into civilian deaths and and to ensure justice and reparation for the victims and injured.¹²⁴⁰

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, between 800 and 1,750 are thought to have been civilians.¹²⁴¹

¹²³⁵ Ibid.

¹²³⁶ Amnesty International USA: <https://www.amnestyusa.org/press-releases/defense-department-undercounts-civilian-casualties-in-new-reporting/>

¹²³⁷ The American Bar Association:

https://www.americanbar.org/groups/public_contract_law/publications/public_contract_law_jrnl/49-4/casualties-drone/

¹²³⁸ Foreign Policy: <https://foreignpolicy.com/2020/12/17/obamas-murderous-drone-legacy-will-haunt-the-biden-administration/>

¹²³⁹ Human Rights Watch: <https://www.hrw.org/news/2020/06/16/somalia-inadequate-us-airstrike-investigations>

¹²⁴⁰ <https://www.amnesty.org/en/latest/news/2020/12/somalia-us-must-not-abandon-civilian-victims-of-its-air-strikes-after-troop-withdrawal/>

¹²⁴¹ <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 J.W.Bush. However, all this did not stop the Norwegian Nobel Committee from awarding B.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 the 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 has increased significantly.¹²⁴² Costs of War notes that from 2017 through 2020, civilian deaths rose threefold. The December 2019 report shows that airstrikes killed 700 civilians. Experts stress that this is the highest number since the beginning of the war in 2001.¹²⁴³

President Biden ordered a review of US strikes and imposes temporary limits, similar to Obama's "near certainty" standard. Researchers worry that failure to implement such a standard will continue to impose direct and largely avoidable risks on civilians during US strikes abroad.¹²⁴⁴

Despite the principle of freedom of speech enshrined in the First Amendment to the US Constitution, experts note that the actual situation in this

¹²⁴² Human Rights Watch: <https://www.hrw.org/world-report/2021/country-chapters/somalia#>

¹²⁴³ 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

¹²⁴⁴ <https://www.brookings.edu/articles/biden-can-reduce-civilian-casualties-during-us-drone-strikes-heres-how/>

sphere is rapidly deteriorating. Before Biden came to office, his predecessor was accused of organizing a campaign to denigrate the press. However, after the change of administration it became clear that despite democrats' statements about their desire to see the US reclaim its global status as a model from freedom of expression, many of the issues impacting journalists remain unaddressed.¹²⁴⁵

According to human rights defenders, there were 59 arrests and 144 attacks on journalists in the US in 2021 (143 and 450 in 2020, 9 and 40 in 2019, respectively). Protest rallies and mass events of a political nature remain among the most dangerous places to work.

Journalists have repeatedly become victims of unlawful actions of law enforcement and special services. They include the use of physical force and means of restraint, illegal detentions, searches and confiscation of equipment, as well as demands to disclose sources of information.

The US Press Freedom Tracker reports that on 23 April 2022 photojournalist Jessica Rogers, who was covering police actions during the dismantling of a homeless encampment, was arrested in San Clemente, California. Her professional equipment was seized.¹²⁴⁶

Debate continues in the United States about the need to reform Section 23 of the Communications Decency Act, which provides for immunity for online platforms from liability 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 representatives of the administration about plans to put an end to the permissiveness of the "digital giants," there has been no significant movement in this direction. Moreover, Washington actively uses the

¹²⁴⁵ Reporters without Borders: <https://rsf.org/en/country/united-states>

¹²⁴⁶ The US Press Freedom Tracker: <https://pressfreedomtracker.us/all-incidents/social-media-journalist-arrested-during-san-clemente-protest-held-overnight/>

technological capabilities of media companies to put pressure on its geopolitical adversaries – primarily Russia and China. In March 2022, Meta and Google announced that they would block the accounts of Russian media.¹²⁴⁷ Netflix, a streaming service, refused to broadcast shows by 20 Russian TV channels.

Russian journalists stationed in the US face bans on broadcasting in its territory, restrictions on access to official events, and blocked bank accounts. The process of issuing work visas is complicated.

The attention of the public and human rights activists is still focused on the high-profile case of Julian Assange, accused of violating the espionage laws. The founder of WikiLeaks still unsuccessfully continues to challenge the decision of the British authorities to extradite him to the United States, where he faces a life sentence. Experts say the process is highly politicized. The American Civil Liberties Union, Human Rights Watch, Knight First Amendment Institute, and Committee to Protect Journalists appealed to the US Attorney General calling for an end to the activist prosecution.¹²⁴⁸ Against this background, there is a wide discussion of the surveillance of Assange by US intelligence agencies with the help of a Spanish private security company during his stay in the Ecuadorian Embassy in London, as well as the CIA plot to kidnap and poison him. Observers draw attention to reports in the Spanish press that the Spanish National High Court summoned former Secretary of State Mike Pompeo and former director of the National Counterintelligence and Security Center William Evanina to testify in that regard.¹²⁴⁹

Despite the US authorities' declared commitment to freedom of speech, in reality American journalists are subjected to severe censorship. At the instigation of the authorities, large media corporations and the professional

¹²⁴⁷ YouTube press account in Twitter: <https://twitter.com/YouTubeInsider/status/1502335030168899595>

¹²⁴⁸ Freedom of the Press Foundation: <https://freedom.press/news/press-freedom-coalition-calls-for-end-to-assange-prosecution-after-shocking-reporting-on-cia-misconduct>

¹²⁴⁹ Democracy Now: https://www.democracynow.org/2022/6/6/headlines/spanish_court_summons_mike_pompeo_over_cia_plot_to_kidnap_or_kill_julian_assange

community itself exert pressure on reporters, forcing journalists to exercise self-censorship, i.e. to deliberately distort or conceal information. Dissemination of information that does not correspond to the "guidelines" issued by the authorities is equated to a violation of professional ethics and threatens with grave consequences, beginning with dismissal or banishment from the profession for life and ending with a criminal case. Often, journalists are prosecuted under completely far-fetched or fabricated pretexts such as "ties with the Russian authorities" just for trying to convey balanced information to the audience. Moreover, Washington exerts even more pressure on the media in partner countries, forcing them to impose even harsher censorship (including by coordinating significant news items with the staff of American embassies).

As the experience of Russia's special military operation to denazify and demilitarize Ukraine has shown, American "digital giants" censor any information, including statements of current politicians and heads of State, which they consider "undesirable." All this happens on direct recommendations or with silent consent of the authorities. In particular, Western Internet platforms block Russian sources of information, including mass media and accounts of State bodies on streaming platforms and in social media.

According to the Roskomnadzor data, in the first month since the start of the special operation alone, more than 80 cases were officially confirmed of 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, and 9 on Twitter). Incidents related to the marking of inaccuracy of published information, marking of State control, exclusion from the list of recommendations, as well as restriction of access to download applications of Russian media are recorded.

It is remarkable that a number of American media outlets, broadcasting internationally – Voice of America, Radio Free Europe, Present Time, are officially financed by the American State, while being a part of the US Agency

for Global Media, which does not conceal that its activity is "aimed at key strategic regions for US foreign policy," i.e. is directly controlled by the State interests.

Restrictions of access to information for the population are not always accepted. For example, with the beginning of the SMO a number of American journalists and news agencies stopped their work in Russia. The official pretext was the adoption of the Law on liability for public actions aimed at discrediting the Armed Forces of the Russian Federation. Nevertheless, Bloomberg News suspended "news gathering in Russia," that is, gathering facts on the ground; the CBS and ABC stopped "broadcasting from Russia," that is, and they also curtailed their work on the ground. In fact, this decision shut down the direct channel of communication between the American and Russian publics, depriving US citizens of information alternative to that disseminated by the US.

Notably, organizations protecting reporters' rights and promoting freedom of speech disagree on the issue of safety for journalists in the US media environment. For example, according to the Committee to Protect Journalists, in 2019, 30 members of the press in the US were prosecuted on charges of dissemination of "false information".¹²⁵⁰ The US Department of Justice initiated investigations into the activities of representatives of the Washington Post, 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, listed the United States as a country with a high level of protection for freedom of expression. European organizations monitoring freedom of expression around the world hold a similar position. Thus, according to Reporters without Borders, in 2020, the United States improved its performance in the annual

¹²⁵⁰ The Trump Administration and the Media. Committee to Protect Journalists. 16 April 2020. <https://cpj.org/reports/2020/04/trump-media-attacks-credibility-leaks/>

ranking, rising to 45th place.¹²⁵¹ Nevertheless, human rights activists cannot avoid a number of problems traceable to the American professional journalism community.

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 US Constitution guarantees freedom of speech and expression. Neo-Nazis and other groups that promote extremist and xenophobic ideologies feel quite free under the "umbrella" of this norm in the United States. At the same time, the overall level of "infringement of journalists' rights" across the country has increased. More often, members of the media were subjected to arbitrary arrests and even violence.

The practice of discrediting their reputations includes posting "compromising" information on the Internet about employees of news agencies and publications. According to the US Press Freedom Tracker, in 2019, such messages were published in the official accounts of the United States leadership against representatives of the New York Times, NBC, and CNN. In March 2019, leaked classified information revealed that the US government allegedly maintains a "secret database" that includes all journalists working in the US.¹²⁵²

Many Americans criticize their electoral system for being archaic and undemocratic and suggest reform. According to a recent Pew Research Center poll (June-July 2022), it is supported by about 63% of Americans. However, 35% support the current way the electoral institution functions.¹²⁵³

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

¹²⁵¹ Rapporteurs sans frontieres. <https://rsf.org/en/united-states>

¹²⁵² The US Press Freedom Tracker website

¹²⁵³ <https://www.pewresearch.org/fact-tank/2022/08/05/majority-of-americans-continue-to-favor-moving-away-from-electoral-college/>

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 labeled "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."¹²⁵⁴ 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.¹²⁵⁵

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 adds one more hurdle for Native voters who often carry ballots for friends and family.¹²⁵⁶

The Democratic National Committee and voters went 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

¹²⁵⁴ <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>

¹²⁵⁵ <https://www.washingtonpost.com/national-security/2022/08/09/trump-fbi-search-maralago/>

¹²⁵⁶ <https://www.narf.org/brnovich/>

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.

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.¹²⁵⁷ 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.

Indigenous people in the United States are still some of the more socioeconomically disadvantaged members of society.

The media and human rights activists have regularly drawn attention to discrimination against indigenous people. 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 Indian families are more likely to be victims of educational discrimination. Youth between the ages of 15 and 24 have suicide rates comparable to those of combat veterans.¹²⁵⁸

A number of experts have noted that Native American peoples living on reservations face socio-economic inequality and a marked income gap. Over 20% of Alaska Native people live below the poverty line. According to several experts, Native American peoples face socio-economic inequality and a marked

¹²⁵⁷ Obama was going to close Guantanamo, but Trump repealed his decree.

¹²⁵⁸ The American Civil Liberties Union Montana: <https://www.aclumontana.org/en/news/contextualizing-federal-indian-boarding-school-initiative-report>

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.¹²⁵⁹ Such indicators lead to the following negative social consequences: crime, alcoholism, high unemployment (11.1% as of January 2022)¹²⁶⁰ 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. For this reason, many indigenous representatives choose not to participate in elections.

Human rights advocates point out insufficient consultation with indigenous peoples on matters of interest to their communities. Lengthy legal proceedings and high costs of litigation to defend their rights are also criticized. 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 Human Rights Committee and the Committee on the Elimination of Racial Discrimination.

One of the "central" subjects of human rights organizations' claims against the United States is the widespread denial of the rights of "vulnerable"

¹²⁵⁹ <https://ncrc.org/racial-wealth-snapshot-native-americans/>

¹²⁶⁰ <https://www.brookings.edu/blog/the-avenue/2022/02/09/despite-an-optimistic-jobs-report-new-data-shows-native-american-unemployment-remains-staggeringly-high/>

groups. According to Amnesty International, in 2019 the administration encouraged discrimination against women and children.¹²⁶¹

The situation of women's rights is regularly harshly criticized. Human rights defenders point out that the current health care system leaves many women without access to health insurance. This leads to an increase in mortality from gynecological diseases.

In 1973, the US Supreme Court ruled that abortion was legal in the landmark case *Roe v. Wade*. Nevertheless, review of the judicial determination has repeatedly been cited as a priority for judges appointed by the administration. In 2019, a number of states enacted bans on abortions, including medical need to save mother's life. Georgia, Ohio, Kentucky, Mississippi and Louisiana passed bills that prohibit abortion after six weeks ("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, cases of "administrative pressure" on abortion providers were documented by human rights advocates in many states.¹²⁶² They include the implementation of strict sanitary requirements for medical facilities authorized to perform abortions (size of facilities, number of staff, etc.). According to Amnesty International, African American women are 75% more likely to die due to inappropriate procedures than White women in the US.

In August 2019, the US administration implemented a rule to stop doctors receiving federal funding from giving women the full range of pregnancy information and options.¹²⁶³

Overall, the United States is one of the leaders among developed countries in terms of deaths of women due to "clandestine" abortions. At the same time, according to sociological surveys, about three quarters of citizens

¹²⁶¹ Amnesty International 2019 Report. USA.

¹²⁶² It was noted, in particular, by Amnesty International and Guttmacher Institute.

¹²⁶³ According to Amnesty International

are in favour of legislating the right to terminate a pregnancy at least for medical reasons and in order to preserve a woman's life.

Washington remains on course to repeal domestic regulations designed to protect and promote a healthy environment and public health.

In addition, journalists who criticize actions of State bodies pertaining to the environment were verbally attacked and harassed.¹²⁶⁴

In July 2019, the Environmental Protection Agency (EPA) decided to continue using chloropyrite. This pesticide is used to increase crop yields and, according to numerous studies, often causes developmental delays in children. The EPA also relaxed current regulations on coal ash, a highly toxic by-product of coal mining that is the second most intense source of pollution in the United States. This regulation has led to an increase in water and air pollution to dangerous levels. There has also been deterioration in public health in the vicinity of coal mining facilities.¹²⁶⁵

In September 2019, the administration repealed key regulations relating to clean water standards.¹²⁶⁶ These norms defined permissible levels of pollutants and chemicals in water. Now, industrialists rely only on local legislation, which inevitably leads to environmental degradation and significant restrictions on citizens' rights to a healthy environment.

Transnational corporations are not just interfering in the work of the US authorities, but are openly imposing their own interests on the country and society. According to a number of experts, America's top leadership has fallen under the control of oligarchs over the past three decades. In the past, corporations depended on large State-controlled banks, but now largest TNCs are independently mobilising capital and public resources for their own

¹²⁶⁴ The Trump Administration and the Media. Committee to Protect Journalists. 16 April 2020. <https://cpj.org/reports/2020/04/trump-media-attacks-credibility-leaks/>

¹²⁶⁵ Human Rights Watch Report 2019.

¹²⁶⁶ Ibid.

purposes. State authorities hand out contracts and subsidies without any public control.

American politicians have traditionally been highly dependent on major companies. This is aided by the still confusing and opaque campaign finance laws in the US, which often turn into a contest between business lobbyists promoting candidates they favour.

Today's US oligarchs undoubtedly include the owners of major Internet resources, including Twitter, Facebook and YouTube. It is noteworthy that on the eve of the 2020 presidential campaign, they blocked the accounts of Trump and his supporters.

Elementary norms of freedom of speech do not apply to social media. Meanwhile, their coverage is total. The most important platforms of communication are under political control of the corrupt American top elite.

The elite itself is increasingly feeling its impunity. The scandals involving the US President's son Hunter Biden in another era would have ruined his father's career - he received bogus positions with huge salaries, building business schemes with the support of the ruling circles of countries friendly to Washington (including Ukraine and Romania). Insider trading by Paul Pelosi, husband of the Speaker of the House of Representatives, would have ruined the career of his powerful spouse as well as the reputation of the entire party. Now such things are getting away with American politicians as the moral and ethical principles that, at least at the declaratory level, have been the foundation of US democracy for decades are being destroyed.

Uncontrolled power in the world, seizure of new markets and absence of deterrents since the collapse of the Soviet Union have created a sense of permissiveness among American elites. The practice of using not only military force, but also economic instruments and information resources as means of force is increasing.

In the eyes of the world community, such approaches have given the American understanding of democracy an increasingly emasculated and manipulative character, contributing to the discrediting of democratic principles and values in general.

Ukraine

Since 2022, the human rights situation in Ukraine has deteriorated significantly, and the situation is now exceedingly dire.

The systematic suppression of human rights, resistance, and dissent in Ukraine was a planned policy of the administration that took power in 2014 with the purpose of combating everything related to Russia.

Zelenskiy was elected President of Ukraine in 2019. Zelenskiy was elected on the promise of fostering peace and removing discrimination against the people of the country's south. However, on most critical topics, including humanitarian difficulties, the present Ukrainian leadership's policy has not just replicated Poroshenko's tough course, but has consistently exacerbated existing problems and contributed to the formation of new ones.

As rightly noted by some researchers, the Kiev regime underwent a political transformation in 2022. By imposing martial law, he created the conditions for the establishment of an authoritarian government in the country, characterized by an absolute monopoly on power, extrajudicial killings, severe censorship, the virtual elimination of independent media and political opposition, total state propaganda, and an active search for traitors, fictitious Russian spies, and saboteurs. The present administration has virtually devolved into a neo-Nazi dictatorship after adopting the ideology and actions of Ukrainian national-radicals.

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 surest way to save its dominance. It endures as long as there is continued social upheaval, armed conflict with foreign adversaries, and – most crucially – vast Western assistance, primarily in the form of military aid. According to this logic, a government like this can only exist as long as society is escalating and it is at war with an outside opponent. For such a regime, the end of war means the end of its existence.

Overall, the situation in Ukraine is serious for the promotion and preservation of human rights. The country frequently infringes on the rights to liberty and security of person; there are countless instances of unlawful arrests and subsequent incarceration, as well as cases of torture, intimidation, and inhumane and harsh treatment, including practices aimed at pressuring detainees to confess to crimes.

Persecution of political opponents, independent media outlets, and members of public organizations unfavorable to the authorities has reached an unparalleled level, frequently backed by claims to the necessity to confront "Russian aggression" and "separatism." In furtherance of these policies the central government in Kiev is making use of radical nationalist groups, which frequently break the law but remain untouchable.

Internally Displaced Persons (IDPs), the Russian-speaking community, and members of national minorities (many of whom are IDPs) have limited rights. A wholly new level of cynicism and deceit has been reached in Kiev's campaign against the canonical Ukrainian Orthodox Church, which has now taken the shape of a complete ban on the UOC, including the Zelenskiy regime's decision to expel its clergy from the area of Kiev-Pechersk Lavra.

The problem of corruption, which is deeply rooted in the Ukrainian state, remains. The Kiev authorities' announced counter-measures, including the establishment of suitable specialized entities, are ineffectual in practice. Following an official visit to Ukraine in May 2018, the UN Human Rights Council's independent expert on the effects of foreign debt and other related international financial obligations of states on the full enjoyment of all human rights, Juan Pablo Bohoslavsky, expressed concern about the situation.¹²⁶⁷ The scale of corruption was also highlighted by the Committee on Economic, Social

¹²⁶⁷ Following an official visit to Ukraine in May 2018, the UN Human Rights Council's independent expert on the effects of foreign debt and other related international financial obligations of states on the full enjoyment of all human rights, Juan Pablo Bohoslavsky, expressed concern about the situation. December 2018. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/448/76/PDF/G1844876.pdf?OpenElement>

and Cultural Rights in April 2014¹²⁶⁸ and the Committee on the Elimination of Discrimination against Women in February 2017. According to CEDAW experts, corruption, as well as rising unemployment, declining living standards, and the ongoing crisis, create favorable conditions for widespread human trafficking.¹²⁶⁹

In Ukraine, problems with the protection of the right to liberty and security of the person continue to be acute. International human rights monitoring organizations continue to record numerous incidents involving illegal detention, torture, intimidation, maltreatment, and sexual violence, including those committed with the aim of forcing cooperation or confessions of guilt. Such examples are regularly included in the reports of the UN Human Rights Monitoring Mission in Ukraine (HRMMU). The Human Rights Committee voiced are concerned about continuous torture and ill-treatment by Ukrainian security personnel in November 2021, but acknowledged that the number of prosecutions for such crimes was scarce¹²⁷⁰.

Numerous violations of citizens' rights to a fair trial continue to occur, especially in criminal cases related to the conflict in Donbass. Hearing cases in the absence of the accused is common, and right-wing activists frequently openly threaten and abuse lawyers while putting pressure on members of the judiciary.

¹²⁶⁸ Concluding observations of the Committee on Economic, Social and Cultural Rights on the 6th periodic report of Ukraine. April 2014
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fUKR%2fCO%2f6&Lang=ru

¹²⁶⁹ Concluding observations of the Committee on the Elimination of Discrimination against Women on the 8th periodic report of Ukraine. February 2017
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fUKR%2fCO%2f8&Lang=ru

¹²⁷⁰ Concluding observations of the Human Rights Committee on the eighth periodic report of the Ukraine. November 2021 (comments published in February 2022)
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fUKR%2fCO%2f8&Lang=ru

The use of torture and violence against detainees by law enforcement officials, and the SBU, is systemic in nature and, generally speaking, is marked by impunity.¹²⁷¹

The 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, considering the Kiev authorities' declaration that they intend to look into every crime committed during the armed conflict (among them are mentioned as follows: arbitrary executions, sexual violence, abductions, enforced disappearances, and arbitrary and illegal detentions; in this regard, the underground prison in Kharkov was mentioned, which functioned from 2014 to 2016), expressed concern about the lack of progress in this direction and noted the availability of information that victims, especially women, are scared to report crimes due to fear of reprisals, distrust of Ukrainian state bodies, and ignorance of their rights. In addition, he emphasized that lawyers for military combat victims frequently face threats. In this regard, the CHR recommended that steps be taken to punish those responsible and to provide protection for complainants and attorneys. Additionally, it was suggested that individuals found guilty of grave human rights crimes be expelled from office.¹²⁷²

Coerced confessions are a widespread issue. The HRMMU has received complaints from people who claim that they were coerced by the SBU or other investigative organizations to admit on camera that they belonged to or had ties to armed groups. During several incidents, these videos were published on the official websites of the National Police of Ukraine or the SBU. At the same

¹²⁷¹ Report issued in January 2019 by Nils Melzer, the United Nations Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, following his visit to Ukraine from May 28 to June 8, 2018 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/010/58/PDF/G1901058.pdf?OpenElement>

¹²⁷² Concluding observations of the Human Rights Committee on the eighth periodic report of the Ukraine. November 2021 (comments published in February 2022) https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FCO%2FUKR%2FCO%2F8&Lang=ru

time, according to the Mission, the detainees made statements against themselves as a result of torture, cruel treatment or intimidation by SBU officers.¹²⁷³

With 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, the neo-Nazi Kiev regime finally gave up even formal attempts to create the appearance of maintaining law and order and human rights in the country.

The authorities uncontrollably distribute weapons to anyone who wants them, which is used primarily by criminal elements. Criminals convicted of, among other things, serious criminal offenses are released from prisons. We are talking, in particular, about former military officers Sergey Torbin (convicted of killing Kherson activist Ekaterina Gandziuk), D. Balabukh (convicted of killing a civilian during the conflict in Donbass), member of the Ukrainian Parliament and Donbass battalion commander Semen Semenchenko, former Tornado battalion commander Ruslan Onishchenko (convicted of torture, rape, and incitement to suicide). As a result, banditry, looting, armed attacks, and killings have increased in Kiev and other large Ukrainian cities, and self-declared territorial defense squads commit plundering instead of their stated objective of safeguarding fellow citizens.

Chaos and lawlessness spread across the country. People who raise the slightest suspicion are detained, interrogated and searched by radicals. Because of this, civilians face the risk of being killed under far-fetched pretexts of their alleged membership in numerous "subversive groups" and "collaborators." Numerous images of Nazis illegally massacring and mocking civilians are published on the Internet.

¹²⁷³ OHCHR Report on Human Rights in the Administration of Justice in Criminal Matters Related to the Conflicts in Ukraine from April 2014 to April 2020. August 2020.
<https://www.ohchr.org/Documents/Countries/UA/Ukraine-admin-justice-conflict-related-cases-en.pdf>

Civilians are being used as "human shields" by right-wing radical militant groups, apparently with the implicit blessing of the Kiev authorities. This was noted even in the materials of Amnesty International, an NGO, which is not known for its pro-Russian views. The organization's paper, "Ukraine: Military Endangers Civilians by Deploying Troops in Residential Areas - A New Study," emphasizes that by using civilian objects as military targets, Ukraine's armed forces violate international humanitarian law. In addition to significant civilian infrastructure including schools and hospitals, military outposts and weapon deployments were usually located in residential buildings.

Russian soldiers taken hostage are held in terrible conditions and are subjected to torture and other forms of inhuman and cruel treatment. Numerous testimonies of crimes committed by Ukrainian armed formations and National Battalions are publicly available on the Internet. The Ukrainian authorities do not even dare to bring the perpetrators of these grave crimes to justice.

The Kiev regime's efforts at aggressive neo-Nazi propaganda, accompanied by the rewriting of the history of the Great Patriotic War and World War II, have been notably consistent. It is promoting a distorted version of history, in which the USSR's role in and contribution to the victory over Nazism are deliberately diminished in order to destroy the historic memory of the Ukrainian people concerning the events of the Great Patriotic War. Various groups of Ukrainian collaborators who worked with Nazi invaders during the war under the guise of members of the "national liberation movement" as well as the government of Ukraine's policy and the active steps taken by authorities at all levels to whitewash and glorify Nazism, Nazi collaborators from World War II, and those collaborators all serve to foster a nationalist mindset among the general public. The implementation of several governmental support policies for movements that exalt Nazi thugs is given special consideration.

It should be noted that there is a legal framework for such work.

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)¹²⁷⁴ and their leaders – the leader of the OUN Stepan Bandera, and Roman Shukhevych, 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.

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 January 30, 2018, Lvov Regional Council decided to use the flag of

¹²⁷⁴ Both organizations are recognized as extremist in the Russian Federation.

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.¹²⁷⁵

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.¹²⁷⁶

A major example of Kiev's state policy in the area of "preserving national memory" is the inclusion of Verkhovna Rada of Ukraine resolutions on the commemoration of significant dates and anniversaries of Ukrainian collaborators with the Nazis. In addition, back in 2018, The Verkhovna 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 Verkhovna Rada decided to be commemorated in 2020 were the anniversaries of the births of well-known Nazi collaborators, including V.Kubiyovich who supported collaboration with the Nazis and was a founder of the Waffen-SS Galicia Division, I.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, Zhytomyr, Vinnytsia, and Belaya Tserkov, V.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 region in 1947), U.Samchuk, activist from the OUN and the

¹²⁷⁵ 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.

¹²⁷⁶ <https://strana.today/news/175167-bojtsy-upa-oun-i-unra-poluchili-v-ukraine-status-uchastnikov-boevykh-dejstvij.html> (ранее <https://strana.ua/news/175244-vekhovnaya-rada-predostavila-status-uchastnikov-boevykh-dejstvij-bojtsam-upa-oun-uvo-polesskaja-sech-i-unra-sut-zakona.html>)

editor-in-chief of Volyn, a pro-Nazi newspaper published in Rovno, who published anti-Semitic articles calling for the extermination of Jews, V.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, A.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), K.Osmak, member of the Stepan Bandera wing of the OUN, and one of the leaders of the Ukrainian National Rada in Kiev, headed by A.Melnik, A.Vyshnivskiy, one of the organizers of the Waffen-SS Galicia Division, Y.Starukh, member of the OUN board, and organizer of anti-Jewish pogroms, V.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 region and massacres of Poles, as well as other nationalists, in particular M.Zheleznyak, leader of the Koliivschina 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 V.Kubiyovich was a "historian and geographer", Y.Starukh was a "political and military figure" and U.Samchuk was "writer, publicist and journalist") with no reference to their links to Ukrainian nationalism. The memorial events honoring 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 honor of these individuals.

The draft resolution "About memorable dates of 2021" submitted to the Verkhovna Rada by deputies from the parties "European Solidarity" and "Servant of the People" on December 15, 2020 provided for celebration at the

state level of the anniversary birthdays of S.Timoshenko, Minister of UNR, who was engaged in building military facilities of Wehrmacht in Poland, L.Perfetskiy, veteran of SS division "Galicia"), N.Kapustyanskiy, deputy head of a wing of the OUN of A.Melnik, engaged in the formation of auxiliary Ukrainian units for the Nazis, V.Szczygelskiy, who was a member of the UPA for some time, shot in postwar Poland for aiding the Nazis, O.Dyakiy, member of the OUN, liquidated by Soviet security forces, and R.Voloshyn, member of the OUN and UPA.¹²⁷⁷

It is worth pointing out that this decision is being challenged in the courts. Lawyer and public person A.Portnov filed a lawsuit demanding to prohibit the celebration of the memorial dates of the Holocaust and the mass murder of Jews and Roma by Nazi criminals, approved by the Kiev City Council in December 2019. July 23, 2020. The Kiev Administrative Court of Appeal granted the lawsuit.¹²⁷⁸

On December 17, 2021, the Verkhovnaya Rada adopted another resolution on the celebration of memorable dates and anniversaries in 2022-2023. According to the document, the holidays include the 80th anniversary since the establishment of the UPA and the 110th anniversary of Stepan Bandera's associate Y.Stetsko, the 130th anniversary of P.Silenko-Kravets, member of the SS division "Galicia", the 130th anniversary of the "geologist and geographer" Y.Polyanskiy, who was the mayor of Lvov under the Nazis and directly participated in the massacre of Jews, Poles, looting, etc.¹²⁷⁹

¹²⁷⁷ <https://strana.today/news/306764-pamjatnye-daty-2021-hoda-koho-vnesli-v-postanovlenie-verkhovnoj-rady.html> (ранее <https://strana.ua/news/306764-pamjatnye-daty-2021-hoda-koho-vnesli-v-postanovlenie-verkhovnoj-rady.html>)

¹²⁷⁸ <https://strana.today/news/254461-portnov-osporil-reshenie-kievskoho-horsoveta-o-prazdnovanii-natsistskikh-dat.html> (ранее <https://strana.ua/news/280541-sud-priostanovil-reshenie-kievsoveta-otmechat-daty-svjazannykh-s-natsizmom-portnov.html>)

¹²⁷⁹ <https://vp.donetsk.ua/ukraina-mir/100938-vr-prinyala-postanovlenie-o-prazdnovanii-pamyatnykh-dat-v-2022>

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 December 24, 2019 the Lvov regional council issued an order allotting state funds in 2020 to commemorate A.Melnik, one of the leaders of the OUN and a Ukrainian nationalist, and I.Lipa and his son Y.Lipa, both nationalist ideologists.

On February 27 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 honored included V.Kubiyovich, I.Poltavets-Ostryanitsa, V.Levkovich, U.Samchuk, V.Sidor, Y.Lipa, V.Galas and A.Melnik.¹²⁸⁰

Other draft laws aimed at glorifying Nazism have also been submitted to the Ukrainian parliament. Thus, on September 21, 2020, the representatives of the parliamentary factions Voice, Servant of the People, and O.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 June 30, 1941 during the Nazi occupation of Western Ukraine.

Officials from Ukraine have regularly and openly declared their admiration for Nazi leaders. For example, former speaker of the Verkhovna Rada Andrey Parubiy in September 2018 in a live broadcast of the ICTV called Hitler 'the biggest man who practiced direct democracy'.¹²⁸¹

The activities of the Ukrainian Consul in Hamburg V.Marushchynets, who actively published xenophobic and racist posts in social networks, justifying Nazism and anti-Semitism, received a wide response in the media.

¹²⁸⁰ <https://strana.today/news/252473-kollaboranty-v-ukraine-khha-podderzhal-postanovlenie-o-pamjatykh-datakh-i-jubilejakh.html> (ранее <https://strana.ua/news/252473-kollaboranty-v-ukraine-khha-podderzhal-postanovlenie-o-pamjatykh-datakh-i-jubilejakh.html>)

¹²⁸¹ <https://korrespondent.net/ukraine/4007639-parubiyi-vspomnil-o-priamoi-demokratyyi-hytlera>

Additionally, he made public pictures of himself holding a Bandera flag and a cake, designed as Mein Kampf by Hitler that his coworkers 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.¹²⁸²

Aleksandr Nakonechniy, Mayor of Karlovka in the Poltava area, posted images wearing a Nazi uniform on the social media platform "Facebook" on May 3, 2019.¹²⁸³

An incident received a notable response in October 2019, involving then-Ukrainian Prime Minister Aleksey Goncharuk's participation in the concert by the bank 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. A. 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."¹²⁸⁴

On March 17, 2022, the head of the State Border Guard Service of Ukraine, Sergey 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.¹²⁸⁵

A. Turchinov, the former acting president of Ukraine, chairman of the Verkhovna Rada, and secretary of the NSDC of Ukraine, urged people to

¹²⁸² <https://lenta.ru/news/2019/11/12/zvilen/>, https://aif.ru/politics/world/fashistom_byt_pochetno_ukrainskiy-konsul-antisemit_vosstanovlen_na-rabote

¹²⁸³ Online environment as an instrument of violation of rights and freedoms in Ukraine. I. Berezhnaya Institute of Legal Policy and Social Protection, 2022.

¹²⁸⁴ <https://rg.ru/2019/10/14/premer-ukrainy-otdohnul-v-kompanii-neonacistov.html>

¹²⁸⁵ <https://politnavigator.news/ukrainskijj-general-poobeshhal-ubivat-russkikh-zhenshhin-i-detejj.html>

"destroy Russians wherever possible, not only in Ukraine but also outside of it – on the territory of Russia" on his page in "V Kontakte" on March 8, 2022¹²⁸⁶.

On July 1, 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 August 22, 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 December 15, 2022, Valerii Zaluzhnyi, 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 "Russians and any other enemies must be killed, just killed, and, most important of all, we should not be afraid to do it."¹²⁸⁷

In December 2022, Igor Klymenko, head of the national police, called Russian-speaking residents of Donbass "people poisoned by Russian propaganda" and "the main problem of this region".¹²⁸⁸

On January 1, 2023, the Verkhovna Rada of Ukraine, in its official Twitter account, posted a post glorifying Stepan Bandera, which also contained quotes from him. After condemnation by Polish Prime Minister Mateusz

¹²⁸⁶ https://vk.com/video-202555139_456240594

¹²⁸⁷ <https://www.economist.com/zaluzhny-profile>

¹²⁸⁸ <https://www.rbc.ua/rus/news/igor-klimenko-zaraz-ukrayini-bilshe-temryavi-1670509562.html>

Morawiecki, who stated that "in no way can we accept any leniency for those who are unwilling to admit that that terrible genocide was something unimaginable and make a full atonement, a full confession of guilt," the post was deleted.¹²⁸⁹

It should be noted that such steps by Ukrainian representatives attracted the attention of the international community, as was the case with the above-mentioned statement of A.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 in speeches by public and political figures, in the media, particularly the Internet, and during rallies, mainly directed against minorities.¹²⁹⁰

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 NGO "Center for Countering Digital Hate" (CCDH) presented a report in which Ukraine was named as one of the centers of dissemination of neo-Nazi ideology.¹²⁹¹

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 middle of the Kiev Day fair in the center of the capital they unexpectedly stumbled upon the Azov neo-Nazi battalion teaching children how to assemble and dismantle weapons. Volunteers signed up to fight in the Donbass and a shooting range was set up there. As part of the "performance," Ukrainian radicals offered young people to shoot at a

¹²⁸⁹ <https://strana.today/news/420555-v-polshe-osudili-publikatsiju-rady-ko-dnju-rozhdenija-bandery.html>

¹²⁹⁰ Concluding observations of the Committee on the Elimination of Racial Discrimination 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=ru

¹²⁹¹ 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

paper Kremlin. Nearby on the stalls sold IDs of Nazi soldiers from World War II, swastikas and other paraphernalia. French Senator Nathalie Goulet, who personally witnessed all this, sent a parliamentary inquiry to the French Foreign Ministry. After that, the SBU launched an investigation into the French senators.¹²⁹² The French Foreign Ministry, however, saw nothing alarming in the described situation, and in its response to Goulet's inquiry noted that "there are neo-Nazi groups in Ukraine," while their popularity "does not exceed the European average".¹²⁹³

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.

In Ukraine, it is not uncommon for officials at various levels to organize events and public actions glorifying Hitler's Germany, the German Nazis and their collaborators.

The Verkhovna 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 June 30, 1941, and which established a protectorate dependent on the Nazis in Galicia and laid the foundation for this entity's cooperation with Nazi Germany. The exhibition was dedicated to the activities of OUN leaders Stepan Bandera and Y. Stetsko, Roman Shukhevych, commander of Nachtigall battalion and UPA during the initial period of the Great Patriotic War.¹²⁹⁴

In February 2019, following outrage from nationalist forces over an incident during a law enforcement dispersal of a nationalist rally on Kontraktova Square in Kiev, during which a police officer shouted "Get down, Bandera!", the National Police leadership launched a flashmob "I am a

¹²⁹² <https://remembrance.ru/2021/06/30/kiev-vozmushhen-tem-chto-evropejcy-na-ukraine-nashli-nacistov/>

¹²⁹³ <https://i-sng.ru/publikacii/zabyli-shkolnyy-urok-istorii-pochem/>

¹²⁹⁴ <https://rada.gov.ua/ru/news/Novosti/Soobshcheniya/160401/html>;
<https://eadaaily.com/ru/news/2018/07/05/v-rade-ukrainy-otkryta-vystavka-vo-slavu-nahtigalya-i-evreyskih-pogromov>

Banderite" on their social media pages. The head of the National Police Sergey Knyazev and the head of the Patrol Police Department Yevgeniy Zhukov published this phrase on their Facebook page.

In March 2019, Chief of the General Staff of the AFU Viktor Muzhenko approved new patches for the brigades of the ground forces. A chevron of red and black color with the image of a skull and the inscription "Ukraine or Death" was approved for the servicemen of the 72nd mechanized brigade named after the Black Zaporozhets of the Land Forces of the Armed Forces of Ukraine. These patches bear a visual resemblance to the patches of the SS Panzer Division "Totenkopf".¹²⁹⁵

For example, in June 2020 Volodymyr Mykolayeko, Mayor of then Ukrainian Kherson,¹²⁹⁶ congratulated the city's residents on the anniversary of the adoption, in 1941 of the "Law on the Proclamation of the Ukrainian State" in Lvov by collaborationists from the Organization of Ukrainian Nationalists (OUN). That law emphasized the need to "work closely with the National Socialist Party of Greater Germany, which, under the leadership of Adolf Hitler, is creating a new order in Europe and throughout the world, and is helping the Ukrainian people to achieve freedom from the Muscovite occupation." Posters showing a reproduction of the issue of the OUN newspaper, Independent Ukraine, for July 10 1941, and citing the text of the above law, were displayed around the city.¹²⁹⁷

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. Members of the Ukrainian army not only have widespread Nazi symbols on their tattoos, but they also openly wear

¹²⁹⁵ <https://regnum.ru/news/polit/2587743.html>

¹²⁹⁶ On September 30, 2022 the Russian Federation and the Kherson Oblast signed a treaty on the admission of the Kherson Oblast to the Russian Federation.

¹²⁹⁷ <https://eadaily.com/ru/news/2020/06/26/mer-hersona-pozdravil-gorozhan-s-banderovskim-aktom-i-prisyagoy-gitleru>

chevrons with Nazi symbols and slogans, and often full copies of the chevrons used by Nazis and their accomplices during World War II.

Particularly, it was reported in the media that members of the Azov and Aidar battalions and other nationalist units captured by the Russian Armed Forces wore the chevrons and tattoos of the Waffen SS Nazi battalions and openly read and promoted *Mein Kampf* by Hitler.¹²⁹⁸

Ukrainian government representatives have also been seen using Nazi insignia. For example, President Zelenskiy published a post in the "Telegram" on May 9, 2022, congratulating the citizens of the country on Victory Day, a photograph of a Ukrainian soldier with the emblem of SS-Panzerdivision "Totenkopf" on his chest was used as an illustration. After the scandal erupted, the picture was promptly removed from the post. However, the Ukrainian Ministry of Defense did not take down a comparable image of a soldier with the logo of the SS-Panzerdivision "Totenkopf".

Every year on January 1, torchlight processions take place in Kiev and other Ukrainian cities to commemorate the birthday of Nazi henchman Stepan Bandera. They are accompanied by the shouting of nationalist slogans and the display of Nazi salutes and symbols. As of 2019, this date is "celebrated" at the state level.

On January 1, 2021, nationalists traditionally organized torchlight processions in major Ukrainian cities in honor of Bandera's birthday. The Ukrainian media noted a decrease in the number of participants in the radicals' actions, which was seen as a decline in public support for the nationalists. Nevertheless these events continue under with no opposition under the new president, who is quite open about the fact that he is sticking to the ideological course begun under Petro Poroshenko.¹²⁹⁹

¹²⁹⁸ <https://russian.rt.com/ussr/news/997883-lavrov-nacifikaciya-ukraina>

¹²⁹⁹ <https://strana.today/news/309866-marsh-bandery-v-kieve-1-janvarja-2021-onlajn-transljatsija-video.html>
(раhee <https://strana.ua/news/309866-marsh-bandery-v-kieve-1-janvarja-2021-onlajn-transljatsija-video.html>)

Another torchlight procession was held in Kiev on January 1, 2022. The march was led by activists of the nationalist party All-Ukrainian Association "Svoboda" and other right-wing organizations, as well as representatives of the schismatic Orthodox Church of Ukraine. The procession's main poster featured the Kremlin in flames, with Bandera's face in the background. The protesters also brought a placard calling for "Nuremberg-2 over Moscow-Judean Communism" and shouted nationalist and xenophobic slogans.

The nationalist march was condemned by the Israeli and Belarusian embassies in Ukraine, as well as by the German Foreign Ministry.¹³⁰⁰ On January 3, 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 Michael Brodskiy a "Kremlin agent" and called for the expulsion of "such 'diplomats' from Ukraine." Eduard Dolinskiy, Director of the Ukrainian Jewish Committee, described Yarosh's statement as "an anti-Semitic message", defining it as "a Judophobic division of Jews into good and bad: a good Jew must love his killers. The Jew who does not like Bandera and Shukhevych is an enemy and an agent of the Kremlin, he must be driven away".

On January 1, 2023, ceremonies commemorating the 114th anniversary of the birth of Bandera were held in the western regions of Ukraine. The traditional torchlight procession in Kiev was canceled due to curfew and other restrictions on public events.¹³⁰¹

One organization playing a key role in the propagation of neo-Nazism is the Ukrainian Institute of National Memory (UINM). Under its previous director, Vladimir Viatrovych, known for his Russophobic and nationalist views, the UINM was active in a number of different areas, including lobbying for laws promoting the glorification of Fascist accomplices and honoring the memory of members of the Ukrainian "liberation movement", publishing

¹³⁰⁰ <https://tass.ru/mezhdunarodnaya-panorama/13358107>

¹³⁰¹ <https://nv.ua/ukr/ukraine/events/stepan-bandera-yak-v-ukrajini-vidznachatimut-den-narodzhennya-providnika-oun-v-umovah-viyni-50294650.html>

"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 S.Petliura, Y.Konovalets, S.Bandera, R.Shukhevych, Y.Stetsko and A.Melnik as model citizens.

Thus, at the start 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% 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 UINM leadership characterized it as an anti-Nazi entity. According to the UINM report for 2018, events (photo exhibitions, lectures, and seminars) aimed at popularizing the activities of UPA fighters were held in educational institutions, military units, and state institutions as part of the project "UPA: Response of the Unconquered People." Also, for propaganda purposes, the UINM released a board game glorifying members of the Bandera underground.¹³⁰² In July 2019, the Ukrainian Ministry of Education recommended the game for use in schools.¹³⁰³

The Institute recreates "insurgent awards," which are granted to "participants in the Ukrainian liberation movement" and relatives of deceased "liberators." The UINM also organized an exhibition at the Verkhovna Rada of Ukraine titled "The Ukrainian Army: 1917-1921," a set of events defined by

¹³⁰² <https://ukrinform.ru/rubric-culture/2548034-v-ukraine-razrabotali-nastolnuu-igru-o-borbe-upa.html>

¹³⁰³ <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>

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. The new director of UINM, Anton Drobovych, recorded a video in 2020 on the eve of May 9, timed to both the 75th anniversary of the defeat of Nazism and the Day of Memory and Reconciliation, which was observed on May 8.¹³⁰⁴ In fact, the director of UINM compared the Day of Memory and Reconciliation to the Day of Victory over Nazism in World War II, in addition to the customary attempts by the current Ukrainian authorities to portray Ukrainian collaborators as fighters against Nazism, despite the fact that there is indisputable proof of their collaboration.¹³⁰⁵

In May 2021, UINM once again "draw attention" by releasing the publication of another work containing distorted historical facts. E. Dolinsky, Director of the Ukrainian Jewish Committee, published information about the distribution of a manual by the Institute, which tells how to celebrate Victory Day, on his page in social media. In particular, the manual states that the "100-thousandth UPA" fought against Nazism on the side of the anti-Hitler coalition, despite the fact that in "the best of times," according to official data, the number of members of this formation was as many as 35 thousand people.¹³⁰⁶

A notable situation is a case of whether or not to recognize the emblems of the Waffen SS division "Galicia" as Nazi in Ukrainian court and the UINM's prohibition to propagate back.

¹³⁰⁴ Remembrance and Reconciliation Day (May 8) became a state holiday in Ukraine in 2015. Former President Petro Poroshenko established it to "commemorate the exploits of the Ukrainian people, their outstanding contribution to the victory of the anti-Hitler coalition in World War II, and to express respect for all fighters against Nazism," thereby trying to unite the Red Army and the Banderites, many of whom served in the SS and other Nazi volunteer auxiliary units.

¹³⁰⁵ <https://www.rubaltic.ru/article/politika-i-obschestvo/08052020-ukraina-vstrechaet-den-pobedy-istoricheskoy-shizofreniy/>

¹³⁰⁶ <https://strana.today/news/332149-ukrainskij-institut-natspamjati-sozdal-metodichku-o-pravilnom-otmechanii-dnja-pobedy.html> (see <https://strana.ua/news/332149-ukrainskij-institut-natspamjati-sozdal-metodichku-o-pravilnom-otmechanii-dnja-pobedu.html>)

In 2017, N.Myasnikova, a Kiev citizen, disputed in court the concept advocated by then-UINM Director V.Viatrovykh that the Waffen SS Division "Galicia" 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 plaintiff filed an appeal with the court asking it to recognize the UINM'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 Division "Galicia"'s official insignia of the national-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 plaintiff also requested the court to order the UNIM to retract its statements concerning the insignia of the Waffen-SS Division "Galicia".¹³⁰⁷

On May 27 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 plaintiff's suit in part, rejecting other parts. Radical Ukrainian nationalists from the 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.¹³⁰⁸

¹³⁰⁷ <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> (пaнee <https://strana.ua/news/291280-sud-priznal-nezakonnym-reshenie-o-priznanii-simvoliki-ss-halichina-natsistskoj.html>)

¹³⁰⁸ <https://strana.today/news/291414-kak-natsionalisty-zastavili-sud-otmenit-zapret-na-simvoliku-ss-halichiny.html> (пaнee <https://strana.ua/news/291414-kak-natsionalisty-zastavili-sud-otmenit-zapret-na-simvoliku-ss-halichiny.html>)

On September 23 2020, regarding the decision on the claim of UINM, 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 December 6, 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 Division "Galicia" are no longer considered Nazi in Ukraine.¹³⁰⁹ This decision contradicts the verdict of the Nuremberg Tribunal, which recognized the SS troops, which included Waffen SS Division "Galicia", 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 alongside Yugoslav partisans.

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 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 growth of a nationalistic mood among the population, especially young people. The so-

¹³⁰⁹ <https://rg.ru/2022/12/06/verhovnyj-sud-ukrainy-ne-priznal-nacistskoj-simvoliku-divizii-ss-galichina.html>

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.

Educational literature was likewise changed to reflect the official narrative of history. Facts indicating that the Ukrainian nationalists were collaborators were removed from it. 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 Shukhevych and the "Roland" and "Nachtigall" battalions with the Nazi German army during World War II.¹³¹⁰

The policy of honoring the Nazis and their collaborators is beginning to have a negative impact on a considerable portion of Ukrainians, as indicated by sociological monitoring data, among other things. According to a sociological survey conducted by the "Democratic Initiatives" Foundation, a majority of Ukrainians (52%) celebrate the victory of the Soviet people in the Great Patriotic War on May 9. At the same time, 56% 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% 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. Nearly 40% of survey

¹³¹⁰ <https://yavoriv-info.com.ua/novini/novini-lvivshhini/zi-shkilnogo-pidruchnika-priberut-naklep-na-ukrainskix-nacionalistiv>

participants agree with the current situation, in which Memorial Day and Reconciliation Day are both recognized as national holidays.¹³¹¹

Furthermore, the Ukrainian government actively recruits right-wing radical and ultra-nationalist parties and organizations to engage in "patriotic work" among youth, giving each group state funding.

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 Shukhevych, 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 Shukhevych", etc.).

Since 2007, the "All-Ukrainian Youth Movement National Alliance" has held an annual "Festival of the Ukrainian spirit "Bandershtat" in Lutsk, Volyn region, 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."

The state awarded subsidies totaling more than a million hryvnias to the All-Ukrainian Union "Freedom" (Svoboda), and C14 in 2018 for the execution of programs aimed at "patriotic education of young people". A youth military camp named Khorunzhiy after Nazi collaborator T.Borovets and numerous other like initiatives received state funding in 2019. In the summer of 2019, three festivals – "In Tracks of Taras Borovets" in Olevsk, "Bandershtat" in

¹³¹¹ <https://dif.org.ua/article/den-peremogi-i-yogo-mistse-v-istorichniy-pamyati-ukraintsiv>

Lutsk, and "A Festival in Honor of Ukrainian Nationalist Ideologue Dmytro Dontsov" in Melitopol – were held.

In December, 2019, a statute entitled "On State Recognition and Support of the National Scout Organization of Ukraine "Plast" was adopted by the Verkhovna 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 "Hitlerjugens"), where children are deliberately ideologically brainwashed. To understand what such therapy might lead to, consider that practically all UPA commanders (Stepan Bandera, Roman Shukhevych, Vasyl Kuk, and others) have been through "Plast" at some point.¹³¹²

Also in December 2019, the Ministry of Culture, Youth, and Sports of Ukraine again allocated 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 scouting 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 for the organization of the cultural identity festival Den Plastuna); 440 thousand hryvnias for the festival of the Ukrainian spirit Bandershtat, which is allegedly of "ideological and patriotic nature"; 350 thousand hryvnias for the Youth Nationalist Congress on the propaganda of 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 region; 485 thousand hryvnias to organize a military-patriotic game "Jura"; over 250 thousand hryvnias to the Ukrainian Youth Union (supports the rehabilitation of Symon Petliura, Stepan Bandera, and Roman Shukhevych) to

¹³¹² <https://zakon.rada.gov.ua/laws/show/385-IX>; <https://news-front.info/2019/12/24/detyam-ukrainy-slugi-naroda-pod-yolochku-podlozhili-plast/>

organize a conference of the World Ukrainism, holding historical events (180 thousand hryvnias) and the organization of children's camps "Zagrada" (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 (Kiev Oblast); 560 thousand hryvnias to the Ukrainian Reserve Army for sports and patriotic camps "Kuznya Unyzh" and "Rebel Heart" for children of combat participants in the south-east of the country; 250 thousand hryvnias to the All-Ukrainian Association of Military and Historical Organizations for holding competitions at one of the military units.

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 provided funding from the state in 2020.¹³¹³ 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.¹³¹⁴ For example, the Plast organization was allocated 2.7 million hryvnias for the organization of summer camps and thematic forums. 400 thousand hryvnias were allocated to the Youth Nationalist Congress for cycles of the training program "The course of free people" and "The course of a young Banderite." 200 thousand hryvnias were allocated to the National Alliance for the All-Ukrainian Field Game "Victory", held since 2006. 120 thousand hryvnias were allocated to the "Educational Assembly" affiliated with the radical group "C14" for the action "Proud of the Ukrainians". 200 thousand hryvnias were allocated to the structure "Falcon of Freedom," which is the youth wing of the All-Ukrainian Union "Freedom" (Svoboda), to hold the "Games of Patriots" in the Ternopol region. In addition, funding was provided for the "Ukrainian People's Youth" all-Ukrainian campaign "True History of Ukraine" and the festival of

¹³¹³ http://www.dsmsu.gov.ua/media/2019/12/27/1/Rishennya_26.PDF

¹³¹⁴ <https://russian.rt.com/ussr/article/713423-ukraina-nacionalisty-deti-vospitanie-granty>

social advertising. Many of these organizations or affiliated structures received state funds under the article "National-patriotic education," as well as directly from the state and local budgets, directly for their activities.¹³¹⁵

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 was allocated for holding the all-Ukrainian festival "Zashkiv" in honor of the OUN leader E.Konovalets in the Lvov region; 185 thousand hryvnias – for the all-Ukrainian camp "Khorunzhiy" in the Volyn region, where children are brought up on the example of the OUN-UPA members; 1 million 200 thousand hryvnias – for activities "to honor the heroes of the struggle of the Ukrainian people for the independence and territorial integrity of Ukraine. 1 million 200 thousand hryvnias – for measures "to commemorate the heroes of the struggle of the Ukrainian people for 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.¹³¹⁶

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 public organization "Youth Corps" (a branch of the far-right party "National Corps") 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

¹³¹⁵ <https://strana.today/news/247099-natsionalisty-poluchili-ot-minkulta-pochti-polovinu-bjudzheta-na-molodezhnye-orhanizatsii.html> (paree <https://strana.ua/news/247099-natsionalisty-poluchili-ot-minkulta-pochti-polovinu-bjudzheta-na-molodezhnye-orhanizatsii.html>)

¹³¹⁶ Online environment as an instrument of violation of rights and freedoms in Ukraine. I. Berezhnaya Institute of Legal Policy and Social Protection. 2022.

patriotic education named after Elena Stepaniv, who fought in the First World War in the ranks of the Ukrainian Sich riflemen of the armed forces of Austria-Hungary. "Volyn Student Brotherhood" received 270 thousand hryvnias for the event "By the Paths of the UPA"¹³¹⁷.

Kiev's activities in organizing financial support for national-radicals at the state's 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 programs. According to the Bellingcat group, the government allocated funds within the program of "national-patriotic education" of young people. The investigation pointed out that such grants are used to increase the influence of nationalists and attract new supporters.¹³¹⁸

In March 2020, the acting Minister of Education and Science Lubomyra Mandziy was at the center of a scandal. It was revealed that, in 2018, she was one of the individuals responsible for organizing the schoolchildren's drawing competition with the theme of the Waffen SS Division "Galicia" and the Ukrainian volunteers who served in its ranks. She was the head of the Lvov regional administration's Department of Education at the time. The assignment was to depict "an SS man or Reichsfuhrer Heinrich Himmler meeting with his division personnel." The award ceremony was set for April 28, 2020, along with a march commemorating the Waffen-SS Division's 75th anniversary. Along with the march and drawing competition, there was a weapons exhibition. In her remarks to journalists following the uproar, L.Mandziy attempted to downplay the incident by claiming that the Department of Education "just informs schools about the competition".¹³¹⁹

¹³¹⁷ 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

¹³¹⁸ <https://ukraina.ru/news/20200130/1026509598.html>

¹³¹⁹ <https://strana.today/news/257560-io-ministra-obrazovaniya-mandzij-orhanizovyvala-vo-lvove-konkurs-v-chest-divizii-ss-halichina.html> (ранее <https://strana.ua/news/257560-io-ministra-obrazovaniya-mandzij-orhanizovyvala-vo-lvove-konkurs-v-chest-divizii-ss-halichina.html>)

Children have been recruited into the AFU and nationalist groups for a very long time, and warriors from the neo-Nazi Azov battalion (registered as a terrorist organization in the Russian Federation) have been indoctrinating them with a hatred of everything 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 misbehavior, 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, anti-Semitism, and the glorification of Nazi Germany, was carried out.

The Western press has published articles on this topic.¹³²⁰

The Ukrainian authorities are also continuing to erect monuments and memorial plaques to honor the memory of fighters from the OUN-UPA, and award state honors to those former Nazis who are still alive. The biggest ultranationalist marches take place on the day the UPA was founded and on Stepan Bandera's birthday. Radicals who attend such gatherings engage in a variety of provocative acts as well as hostile language, usually directed at Russians.

On January 29 2020, M.Mulik, a former vigilante and member of the Waffen SS Division "Galicia", was buried in the Avenue of Glory in Ivano-Frankovsk, in a formal ceremony attended by local civil servants and representatives of the church. Many of those attending the ceremony were dressed in Nazi uniforms.¹³²¹ According to the Ukrainian media, Mikhail Mulik

¹³²⁰ <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>

¹³²¹ <https://galychyna.if.ua/2020/01/28/martsinkiv-poobitsyav-nazvati-vulitsyu-imenem-mihayla-mulika/>

was a member of the regional association of Galicia veterans, and an honored citizen of Ivano-Frankovsk.¹³²²

On March 22, 2020, Lvov authorities officially marked the 95th anniversary of Waffen SS Division "Galicia" Unterscharführer R.Matsuk and presented him with a portrait of himself in his youth in a Nazi uniform as a gift.¹³²³

In April 2020, in Kalush, Ivano-Frankovsk region, the Brotherhood of the warriors from the Waffen SS Division "Galicia" presented V.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 Division "Galicia" received his award, he automatically extended his arm in a Nazi salute. Previously, in May 2018, he had been awarded the status of Honored Citizen of Kalush.¹³²⁴

On May 23 2020, to mark Heroes Day, all UPA veterans and veterans' widows¹³²⁵ living in Lvov region, were given one-off payments from the regional budget. A total of 989 people received payments.¹³²⁶

On June 21 2020, the press service of Lvov city council published on the council's web site a message from A.Sadovoy, the city's Mayor, in which he congratulated Olga Ilkiv, a former liaison of Roman Shukhevych, leader of the UPA, on her 100th birthday. The notice added the city and regional governments had joined forces to buy a flat in Lvov for Olga Ilkiv in

¹³²² <https://strana.today/news/246875-foto-kak-v-ivano-frankovske-proshchalas-s-umershim-natsistom-iz-divizii-ss.html> (ранее <https://strana.ua/news/246875-foto-kak-v-ivano-frankovske-proshchalas-s-umershim-natsistom-iz-divizii-ss.html>)

¹³²³ Online environment as an instrument of violation of rights and freedoms in Ukraine. I. Berezhnaya Institute of Legal Policy and Social Protection. 2022

¹³²⁴ <https://strana.today/news/262422-v-kalushe-nahradili-veterana-divizii-ss-poluchaja-nahradu-tot-zihanul.html> (ранее <https://strana.ua/news/262422-v-kalushe-nahradili-veterana-divizii-ss-poluchaja-nahradu-tot-zihanul.html>)

¹³²⁵ 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.

¹³²⁶ Manifestations of Nazism, neo-Nazism and xenophobia in Ukraine. Overview and analysis 2020

recognition of her services to the state and to mark the 78th anniversary of the founding of the UPA.¹³²⁷

On July 18 2020, with support from the UINM, a memorial cross was erected to honor the UPA general-cornet I.Treyko in the woods between the village of Gorodnica, in Zhytomyr region, and Storozhev, in Rovno region. The ceremony was attended by representatives of the local government, public activists and a representative of the UINM.¹³²⁸

In August 2020, a "Petliura Clean-up Day" was organized in Kiev as part of the events "honoring" the militants from the Bohdan Khmelnytsky 1st Ukrainian Regiment buried on Zamkovy Hill.

On August 19, 2020, a memorial plaque was placed on the building of the district library in the village of Yavorov, Lvov region in honor of Yuriy Lipa.¹³²⁹

On August 30, 2020 in the village of Karpilovka, Chernigov region was inaugurated monument to the Nazi collaborator, K.Brychko, member of the "Polesian Sich" and UPA, who participated in the mass murder of civilians of Polish and Jewish origin.¹³³⁰

On October 5, 2020 in the village of Dubrovka in Zhytomyr region A.Derkach was buried with military honors and the guard of honor, who was UPA military veteran, a participant in the mass killing of Jewish and Polish population of the Rovno region.¹³³¹

On October 13, 2020 the authorities in Lutsk organized the third All-Ukrainian festival and national song competition "For Ukraine! For Her

¹³²⁷ <https://city-adm.lviv.ua/news/society/public-sector/279791-mer-lvova-pryvitav-zviazkovu-romana-shukhevycha-zi-100-littiam>

¹³²⁸ <https://uinp.gov.ua/pres-centr/novyny/na-polissi-vstanovyly-pamyatnyy-hrest-general-horunzhomu-upa-ivanu-treyku>

¹³²⁹ <https://golossokal.com.ua/ru/novyny-kultury/y-misti-iavorovi-vidbylos-vidkrittia-memorialnoi-tablici-na-fasadi-raionnoi-centralnoi-biblioteki-imeni-uriia-lipi.html>, <https://eadaily.com/ru/news/2020/08/22/v-lvovskoy-oblasti-chestvuyut-vracha-evtanaziologa-iz-oun-upa>

¹³³⁰ Online environment as an instrument of violation of rights and freedoms in Ukraine. I. Berezhnaya Institute of Legal Policy and Social Protection. 2022.

¹³³¹ Online environment as an instrument of violation of rights and freedoms in Ukraine. I. Berezhnaya Institute of Legal Policy and Social Protection. 2022.

Freedom!", which was held on-line only, where they sang songs glorifying members of the UPA. And in Vinnytsia that same day was marked with an exhibition dedicated to Stepan Bandera and Roman Shukhevych.

On October 14, 2020, in Kiev, radicals from Svoboda, Right Sector, and the National Corps held their traditional march to mark the 78th anniversary of the founding of the UPA. The marchers were carrying glass jars with pictures of Anatoly Shariy, Viktor Medvedchuk and other public and opposition politicians imitating severed heads. The participants chanted slogans calling for a legal campaign against Ukrainians carrying out "pro-Russian" activities, the cancellation of the licenses of TV stations including 112-Ukraine, NewsOne, ZIK, NASH, Inter and Kiev Live, and the withdrawal of the ban on Ukrainian soldiers opening fire in the Donbass.

In Lvov, on the same day, M.Kozitskiy, Vice Chairman of the Lvov region council, took part in a ceremony in which flowers were laid on the tombs of UPA fighters, funeral prayers were read and participants took part in processions in which they displayed Ukrainian nationalist insignia.¹³³² The Ukrainian Institute for National Memory presented an exhibition in Vinnytsa. It was dedicated to the UPA's top brass, including Stepan Bandera and Roman Shukhevych, and was titled "Against Goliath."

On November 12, 2020, the Lvov Historical Museum, with support from the city government, hosted a ceremony in which relatives of fighters from the OUN-UPA were presented with medals bearing the words For Military Services, and For a Special Contribution to the Development of the OUN Resistance Army.

A national design competition for a monument honoring Symon Petliura¹³³³ was announced in Poltava on January 20, 2021.

¹³³² <https://lviv.depo.ua/rus/lviv/yak-u-lvovi-svyatkuyut-den-zakhisnika-ukraini-fotoreportazh-202010141229260>

¹³³³ <https://zn.ua/UKRAINE/v-poltave-prokhodit-vseukrainskij-konkurs-na-luchshij-pamjatnik-simonu-petljure.html>

On January 29, 2021, with the backing of the Kiev city council, Bandera readings were held in the city as in previous years.

In February 2021, I.Fialka, a former member of the Waffen-SS Division "Galicia", was buried with honors in Stryi (Lvov region). The event was attended by the mayor of the city, as well as members of nationalist structures.

On February 16, 2021, the Lvov regional council formally requested President Vladimir Zelenskiy to reinstate the honor of Hero of Ukraine for Stepan Bandera. The deputies also passed a resolution designating 2021 as the Year of Yevgeniy Konovalts, the leader of the OUN.¹³³⁴ In addition, the deputies of the Ivano-Frankovsk City Council called for awarding the title of Hero of Ukraine to the former participant of "Galicia" M.Mulik.

On March 5, 2021, Ternopol City Council deputies supported the mayor's initiative to name the city's stadium after Roman Shukhevych, where the Ukrainian Cup Final was to be held. Joel Lion, Israel's Ambassador to Ukraine, called on the authorities to reverse this decision. But the official representative of the Ukrainian Ministry of the Interior supported the decision of the city council, saying that "the protection of national memory is one of the state's key policies," and that decisions of this type should be discussed by historians and not by diplomats.¹³³⁵

The Lvov Regional Council took up this cause, and on March 16, 2021, it presented a proposal to the Ukrainian Cabinet of Ministers to rename the stadium from "Arena Lvov" to "Arena Lvov named after Stepan Bandera." This stadium was going to host the initial round of World Cup qualifying games in 2022. The initiative came from the Petro Poroshenko's Party "European Solidarity."¹³³⁶

¹³³⁴ <https://m.day.kyiv.ua/ru/news/160221-lvovskiy-oblsovet-trebuuet-vernout-bandere-zvanie-geroya-ukrainy-i-obyavil-2021-y-godom>

¹³³⁵ <https://strana.today/news/321233-ternopolskij-stadion-poluchil-imja-romana-shukhevicha.html> (ראה <https://strana.ua/news/321233-ternopolskij-stadion-poluchil-imja-romana-shukhevicha.html>)

¹³³⁶ <https://strana.today/news/323062-arena-lvov-imeni-bandery-cto-hovorjat-o-pereimenovanii-stadiona-v-chest-vozhdja-oun.html> (ראה <https://strana.ua/news/323062-arena-lvov-imeni-bandery-cto-hovorjat-o-pereimenovanii-stadiona-v-chest-vozhdja-oun.html>)

Radicals marched in Kiev for the first time on April 28, 2021, in remembrance of the occasion when the Waffen SS Nazi Division "Galicia" was founded, and Nazi symbols were shown throughout the procession. The radicals were also accompanied by police officers, who closed many of Kiev's central streets to traffic for the procession. According to R.Bortnik, head of the Ukrainian Institute of Politics, the march was financed in part by the Kiev city administration, although it claimed that this had been done in error. Before that date, demonstrations to honor the Waffen SS Division "Galicia" had been mainly concentrated in Lvov and other cities in Western Ukraine. According to experts, in view of the fact that occurred shortly before May 9, this procession can be described as a provocation, and Kiev's inaction could be explained as the result of threats from right-wing groups, who rose their influence.¹³³⁷

On May 2, 2021 members of the "National Corps" held rallies in Lvov and Ternopol to glorify the fighters of the Waffen SS Division "Galicia." Nazi symbols were also used during these events.

On May 22, 2021, a solemn ceremony to bury the remains of UPA fighters took place in the village of Strelky (Lvov region). The head of the faction of the party "European Solidarity" in the Lvov Regional Council O.Duda took part in the action.

In the middle of June 2021 O.Vaskul, chairman of OUN-UPA brotherhood in the Kiev region and former member of the Waffen-SS Division "Galicia" was buried following a solemn funeral ceremony in Saint Michael's Golden-Domed Monastery, in Kiev, which belongs to schismatic Orthodox Church of Ukraine. The ceremony was conducted according to the official funeral rites used by the Ministry of Defence of Ukraine, and included the guard of honor of the Hetman Bohdan Khmelnytsky Independent Presidential Guard

¹³³⁷ https://www.gazeta.ru/politics/2021/04/28_a_13576064.shtml

Brigade. It was attended by Sergey Kvit, former Minister of Education, Vladimir Viatrovych, the former head of the UINM, and others.¹³³⁸

On July 25, 2021, the remains of the punishers from the Waffen SS Division "Galicia", liquidated by the Soviet troops of the 1st Ukrainian Front in 1944 in the battle for Brody, were reburied with honors in the village of Chervonoye (Lvov region).

In July 2021 it became known that in Novomirgorod (Kirovograd region) a children's team called "Hitlerites" took part in street basketball competitions during the city day.¹³³⁹

On August 10, 2021, in Lvov, a celebration of the centenary of the birth of Lieutenant of the UPA, commandant of the Ukrainian auxiliary police V.Shchigelskiy was held. He took an active part in the killing of the Jewish and Polish population during the Second World War. In 1949, he was executed in Poland for aiding the Nazis, war crimes, and mass murder of civilians.

On August 18, 2021, solemn events were held to commemorate the 110th anniversary of E.Grabets, an OUN and UPA member who served as commandant of the Ukrainian auxiliary police in Rovno and was personally involved in the mass murder of around 30,000 Jews in the city, was commemorated in Lityn (Vinnitsa region). 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 Lityn sports complex after E.Grabets.¹³⁴⁰

In September 2021, it became known about plans to erect a memorial sign in the central metropolitan area as part of the "One Stone, One Life"¹³⁴¹ project

¹³³⁸ https://aif.ru/politics/world/budni_ukrainy_veterana_ss_provodil_v_posledniy_put_prezidentskiy_polk

¹³³⁹ https://www.gazeta.ru/social/news/2021/07/22/n_16278944.shtml

¹³⁴⁰ <https://vesti.ua/strana/v-vinnitse-otprazdnovali-110-letie-komandira-ukrainskogo-gestapo>

¹³⁴¹ The project "One Stone, One Life" is implemented by the Ukrainian Center for Holocaust History 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

in honor of a high-ranking member of the OUN, Vladimir Bahazyi, who was the organizer of the Ukrainian auxiliary police in Kiev and later appointed burgomaster of Kiev by the Nazis. This was reported by the head of the Ukrainian Jewish Committee, E.Dolinskiy, who particularly noted that V.Bahazyi was directly involved in the killing of the Jews of Kiev. According to the media, the name and photo of the collaborator appeared on an interactive map of the official site of the project with the addresses where the memorial stones will be installed and the names of the people in whose honor the memorial stones will appear. The biography of V.Bahazyi published in the same place did not contain any information about his involvement in the executions of Jews during the occupation of Kiev.¹³⁴² In response to an RT query, the German Foreign Ministry said that "the controversy surrounding the figure of V.Bahazyi" is taken into account, and at present there are no plans to erect a memorial sign in his honor. In the German Federal Foreign Office stressed that they take very seriously the allegations of Bahazyi's involvement in the Holocaust, and in this regard, the department together with the Ukrainian Center for Holocaust History and other specialists "will study the history of this man."¹³⁴³ As of October 12, 2021, Volodymyr Bahazyi's biography has been removed from the project website.

On October 7, 2021, a solemn reburial of UPA fighters took place near the village of Sokolovka (Lvov region).

A "memorial cross" created in 2009 for the 100th anniversary of Stepan Bandera's birth was unveiled in Kiev on October 19, 2021. The monument's construction was not permitted at that time. This time the city authorities had no objections to the nationalists' initiative.

"Stumbling Blocks" by the Cologne artist Gunther Demnig, dedicated to the memory of people persecuted during the Nazi years.

¹³⁴² <https://ria.ru/20210928/natsizm-1752215853.html>

¹³⁴³ <https://russian.rt.com/ussr/article/912962-babii-yar-ukraina-germaniya-pamyatnik>

January 11, 2022, the book "Ukrainian Junkerschafts," dedicated to the Waffen SS Division "Galicia" was presented in one of the libraries in Nikolaev (Lvov region). There was a man wearing a Nazi uniform, a cap with a Roman eagle and a skull with crossed bones, and a waist-belt.¹³⁴⁴

On February 4, 2022, during a match between Russia and Ukraine in the European Futsal Championship semifinals, Ukrainian fans chanted nationalistic and Russophobic slogans, including "Ukraine is above all!", "He who does not jump is a Moskal," etc. They also sang the song "Beat the Moskal," which called for the destruction of the Russians.

On February 5, 2022, the ninth "Bandera readings" devoted to the 80th anniversary of the UPA were held in Kiev, organized by the nationalist All-Ukrainian Union "Freedom" (Svoboda). The conference was led by one of the leaders of Svoboda, former deputy of the Verkhovna Rada of Ukraine Y.Sirotyuk. The readings, in the words of the organizers, are an "intellectual forum" that has been sponsored by Bandera's theories. The event was timed to coincide with the 80th anniversary of the UPA. Speaking at the event was Yevgeniy Karas, the leader of the far-right group "C14" (it has recently been referred as "Basis for the Future" or "Future Society"). He remarked, among other things, that "nationalists love fighting and killing." In addition, he issued a warning that extremists could attack Hungary and other European nations if radicals take control of Ukraine.

On the same day, a "unity march" was held in Kharkov, organized by the National Corps and other nationalist parties and movements. Participants in the march brought flags of the OUN-UPA and chanted nationalist slogans as they marched.

The 99-year-old M.Simchich, commander of a sotnia in UPA and a war criminal who organized and took part in the mass murder of Poles during World

¹³⁴⁴ <http://pravua.info/v-biblioteke-pod-lvvovom-proveli-prezentacziyu-knigi-ob-ss-galichina-s-muzhchinox-v-naczistskoj-forme/>

War II, was given the title of Hero of Ukraine with the Order "Gold Star" by the President of Ukraine on October 14, 2022.¹³⁴⁵ After the war, he was convicted by a Polish court for the extermination of the population of the village of Pisten in the Ivano-Frankovsk region, which was predominantly populated by Poles. The appeal to the president of Ukraine to award the honorary title to a former Nazi was initiated on October 22, 2021 by deputies of the Lvov regional council.¹³⁴⁶

Mikhail "Spartan" Moskaluk, commander of a sotnia in UPA who took part in punitive operations of battalion "Nachtigall" and fought against the Soviet partisans in Schutzmannschaft Battalion 201 "Ukrainian Legion," had a renovated monument dedicated to him unveiled on November 8, 2022 in the village of Ivanovtsy in the Ivano-Frankovsk region.

November 30, 2022 in the village of Ledyhov (Ternopol region), remains of ten members of the UPA were reburied. They died in 1944 in battles with the Red Army and NKVD troops, who liberated the western regions of the USSR from the nationalist underground and Nazi henchmen.

In December 2022, in the State Historical and Cultural Reserve "Naguevichi" in the Lvov region, a nativity scene was installed, with a statue of Stepan Bandera, leader of the OUN, placed among the traditional biblical characters.¹³⁴⁷

On December 10, 2022, Roman Shukhevych's son, Yuriy Shukhevych, who headed the right-wing radical party UNA-UNSO¹³⁴⁸ in 1990-1994, was buried with military honors in Lvov.

On December 21, 2022, the Ternopol regional council decided to establish a monument to Roman Shukhevych, who was involved in the mass

¹³⁴⁵ <https://www.president.gov.ua/documents/6992022-44385>

¹³⁴⁶ Online environment as an instrument of violation of rights and freedoms in Ukraine. I. Berezhnaya Institute of Legal Policy and Social Protection. 2022.

¹³⁴⁷ <https://strana.today/news/419500-vo-lvovskoj-oblasti-v-rozhdestvenskij-vertep-ustanovili-fihury-bajdena-i-bandery-foto.html>

¹³⁴⁸ The decision [of the Supreme Court of the Russian Federation](#) of November 17, 2014 recognized as [extremist](#), its activities are prohibited in Russia

murder of Poles and Jews in western Ukraine, in honor of the 80th anniversary of the UPA.¹³⁴⁹

On February 14, 2023, President Zelenskiy issued a decree naming the 10th Separate Mountain Assault Brigade of the AFU "Edelweiss". The same name was given to the 1st Mountain Infantry Division of Nazi Germany.¹³⁵⁰

Right-wing radicals in Ukraine actively use violence and intimidation tactics against political opponents, community activists, human rights defenders, and journalists and put pressure on the authorities to take actions that are advantageous to them because they feel the support of the official authorities and their freedom from accountability.

In carrying out their actions, radicals go unpunished. The obvious aggressiveness of such organizations, combined with the incompetence (and, in some cases, connivance) of law enforcement personnel, produces a hazardous environment in which groups of marginalized individuals threaten the majority.

On May 4, 2020, also in Kharkov, radicals from the National Corps, National Vigilantes, and Democratic Axe groups organized a demonstration against the appointment of E.Gritskov, deputy head of the Kharkov city administration, as the head of the coordinating council for issues relating to national and patriotic education. The reason was a photograph from 2015 in which E.Gritskov can be seen together with M.Dobkin, former governor of Kharkov region, holding up a red banner. On May 6 E.Gritskov resigned as the head of the Coordinating Council.

On May 23, 2020 in Kiev, radicals from the National Corps stormed the office of the Opposition Platform – For Life Party, which opposes the glorification of Nazis and xenophobia. The nationalists attempted to set fire to the office, hurled firecrackers and smoke bombs through the windows, and sprayed paint all over the building. Radicals took advantage of the connivance

¹³⁴⁹ https://teren.in.ua/news/u-ternopoli-vstanovlyat-pam-yatnik-romanu-shuhevichu_394446.html

¹³⁵⁰ <https://www.president.gov.ua/documents/802023-45805>

of the police, who blocked the work of office security, and attacked employees of the organization.¹³⁵¹

In the middle of June 2020, nationalists organized mass protests in Kiev, Dnepr (Dnepropetrovsk), Lvov, Kharkov and Chernovtsi against the draft law on amendments to the law on the use of minority languages in the education system, which was being considered in the 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 defaced symbols of the Russian state, and there were multiple reports of them clashing with police. In certain regions the nationalists were supported by the local deputies. For example, the Lvov region council stated in an application to President V.Zelenskiy that all those who voted for the draft law proposed by M.Buzhanskiy, a Verkhovnaya Rada deputy from the Servant of the People Party, would be treated as "collaborators" and "traitors to Ukraine".¹³⁵²

On February 4, 2021, members of far-right Ukrainian organizations tried to break into the "NASH" TV channel building in Kiev, demanding its closure because, in their opinion, the TV channel adheres to pro-Russian views in its policies. During clashes with right-wing radicals, police used tear gas and several people were detained.

On February 22, 2021, the far-right organization Tradition and Order attacked left-wing activists in Odessa because of their participation in protests against rising utility rates. The attackers used tear gas and threatened with sharp weapons.¹³⁵³

On February 28, 2021, members of the National Corps attacked businessman and politician Vikarchuk, who was running for the local elections

¹³⁵¹ <https://112.ua/mnenie/nacional-radikaly-napali-na-ofis-opozicionnoy-platformy--za-zhizn-537009/html>

¹³⁵² <https://ukraina.ru/exclusive/20200718/1028290011.html>

¹³⁵³ <https://violence-marker.org.ua/blog/2022/06/03/ultrapravi-konfrontacziyi-ta-nasylstvo-u-2021-roczyi/>

of 2020 for the Khmelnytskyi city and regional council on behalf of The Opposition Platform – For Life, and poured brilliant green over him.¹³⁵⁴

In April 2021, nationalists from "Freikorps" demanded to dismiss 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 Donbass, accusing her of "Russian propaganda". The radicals were echoed by representatives of the University management. Vice Rector Y.Loshkov stated in this regard that N.Semeykina discredits the title of a teacher with her words, because "if she really has such a point of view and such beliefs, then, of course, she has no place as a teacher, a Ukrainian teacher." Later N.Semeykina was included in the database of the extremist Myrotvorets website.¹³⁵⁵

On May 7, 2021, in Kharkov, the far-right destroyed the campaign banners of The Opposition Platform – For Life Party for May 9, on which it was written "Fascism will not pass".¹³⁵⁶

On May 9, 2021, during Victory Day celebrations in Kiev, nationalists provoked a fight with representatives of the Antifascist Committee of Ukraine, ripping red ribbons from their hands and trampling flowers.

On July 7, 2021, in Kiev, the right-wing radical Aleksey Svinarenko and members of his organization "National Resistance" attacked people who had come to a rally under Belarusian flags. Tear gas was used. A.Svinarenko wrote that he "attacked Belarusian anti-fascists."

On July 23, 2021, right-wing radicals in Kharkov ripped the T-shirt off a member of Party of Shariy and battered him. Information about this was spread in far-right blogs.¹³⁵⁷

¹³⁵⁴ Ibid.

¹³⁵⁵ <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>)

¹³⁵⁶ <https://violence-marker.org.ua/blog/2022/06/03/ultrapravi-konfrontaciyi-ta-nasylstvo-u-2021-roczni/>

¹³⁵⁷ Ibid.

On October 30, 2021, right-wing radicals attacked a camera crew of the "NASH" TV Channel in Sumy. A cameraman and a reporter were beaten in front of the police, and the equipment was vandalized.¹³⁵⁸

In November 2021, a wave of pogroms swept through the bars and clubs of Podol district in Kiev. On November 6, far-right activists from Foundations for the Future, Ukrainian Flag, and National Resistance attacked the famous Khvyljovy bar on Podol, blocking the entrance to the courtyard of the bar. They chanted racist and homophobic slogans, painted NS-WP (NS – National Socialism, WP – White Power) on the walls, threw firecrackers, smoke bombs, flour and eggs at the bar crew. On November 10, extremists from Centuria left "YAKARTA VIENIE" on the walls of the same bar, which seems to be a 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 November 16, the club "SHOOM" was attacked and "Death to Leftists" was written on its doors. On November 26, right-wing radicals from the Basics of Future, National Resistance, and Centuria stormed the Khvyljovy bar, smashed windows and furniture, sprayed tear gas, beat customers and guards with batons, and chanted "white power" and other racist and homophobic slogans.¹³⁵⁹

On November 27, 2021, in Korosten (Zhytomyr region), radicals attacked the "NASH" TV Channel's crew, who were interviewing Mayor Moskalenko. A journalist was punched in the face while he was reporting.¹³⁶⁰

On December 11, 2021, "patriotic activists" in Nikolaev tried to disrupt the journalists of the "NASH" TV channel from filming a tour of the museum exhibition devoted to the occupation and liberation of the city during the Great

¹³⁵⁸ <https://ria.ru/20211030/telekanal-1757027767.html>

¹³⁵⁹ <https://delo.ua/society/samoprovozglasennaya-policiya-nravov-kak-pravoradikaly-voyuyut-protiv-kieva-389685/>

¹³⁶⁰ <http://pravua.info/v-korostene-radikaly-napali-na-zhurnalistov-telekanala-nash/>

Patriotic War. In pursuit of the film crew, one of the radicals said that if this were at the front, he would "blow their heads off."¹³⁶¹

On December 18, 2021, representatives of the National Corps disrupted a congress of The Opposition Platform – For Life Party in Poltava. A fight broke out between right-wing radicals and the officers guarding the entrance to the congress, and tear gas was used.¹³⁶²

On February 1, 2022, far-right activists held a rally in front of the Nash TV channel office in Kiev, during which they burned flares, shouted "Russian, surrender!" and called for "hanging Nashists" (Nash TV channel employees).

In February 2022 in Odessa, radicals threatened the owner of the restaurant "Oblaka", where the concert of Russian rapper Basta (E.Vakulenko) was supposed to take place. A member of the Right Sector, D.Ganula, who is one of the organizers and perpetrators of the Odessa tragedy in the House of Trade Unions on May 2, 2014, wrote on his Facebook page: "The concert is scheduled at the Oblaka Restaurant, owned by Andrey Zarichanskiy. If Andrey has a brain and a pro-Ukrainian position, he will cancel the concert of the occupant. Otherwise, his business will face serious challenges – Clouds is not Zarichanskiy's only establishment. Vakulenko has come and gone, and you will live in this city!" After that, D.Ganula published a photo of himself with a submachine gun on the social media, as well as a video of people in military uniform with submachine guns. The concert was canceled.¹³⁶³

There are also cases when radicals organize actions against legislative initiatives they do not like and against court rulings against their supporters. For example during the trial of one of the two young people who poured green dye over the monument to General N.F.Vatutin in Mariinsky Park, Kiev on February 10 2020, Y.Karas, the head of the radical group C14 and representatives of D.Korchinskiy's Brotherhood movement were present in the

¹³⁶¹ <http://pravua.info/v-nikolaeve-radikaly-napali-na-zhurnalistov-telekanala-nash/>

¹³⁶² <https://violence-marker.org.ua/blog/2022/06/03/ultrapravi-konfrontacziyi-ta-nasylstvo-u-2021-roczyi/>

¹³⁶³ <http://pravua.info/radikaly-shantazhom-dobilis-otmeny-konczerta-basty-na-ukraine/>

Pechersk District courtroom, where the case was being heard. The prosecutor requested the defendant to be kept in custody during the investigation. But Judge O.Batrin decided he could be released on bail, which was provided by M.Bondar, a deputy of the Verkhovna Rada.¹³⁶⁴ According to rights activists, the presence of the nationalists in the courtroom was intended to put pressure on the judge. There had previously been a number of incidents in which radicals behaved aggressively in courtrooms and demanded that their confederates be released.

Another such case was recorded in mid-June 2020 near the court building in Kiev, where the case of the premeditated murder of a man in May 2018 in Odessa by a member of the nationalist group S.Sternenko was being considered. Radicals attacked journalists of Strana.UA, Shariy.net, and the ZIK and NewsOne TV channels who were covering the trial. The nationalists also stormed the courtroom, provoked a fight with police, set fire to flyers and set off firecrackers, all in an attempt to put pressure on the court. In all such cases the police have required all journalists to leave the courtroom without giving any explanation, and this has resulted in further attacks. After his attempt to interview the accused, journalist B.Aminov was threatened with a "visit from the ATO, who will show you how to love Ukraine." None of the attackers were arrested. Moreover, according to Strana.UA, the police subsequently apologized for beating the "activists," promising to punish those responsible.¹³⁶⁵

On July 20, 2021 in Kiev, about 40 extremists from the Future Society, National Corps, National Resistance, Alternative, Tradition and Order, Right Youth and Unknown Patriot tried to disrupt a hearing in the Court of Appeal of a complaint by Belarusian anti-fascist Alexei Bolenkov against the SBU

¹³⁶⁴ <https://strana.today/news/249605-deputat-partii-poroshenko-vzjal-na-poruki-oskvernitelja-pamjatnika-vatutinu.html> (паче <https://strana.ua/news/249605-deputat-partii-poroshenko-vzjal-na-poruki-oskvernitelja-pamjatnika-vatutinu.html>)

¹³⁶⁵ <https://strana.today/news/273216-sud-po-sternenko-kak-storonniki-radikala-izbivali-zhurnalistov-i-politsiju-foto-i-video.html> (паче <https://strana.ua/news.273216-sud-po-sternenko-kak-storonniki-radikala-izbivali-zhurnalistov-i-politsiju-foto-i-video.html>)

decision to expel him from Ukraine. Right-wing radicals also attacked left-wing activists who had come to support Alexey Bolenkov outside the courthouse.¹³⁶⁶

After the start of the special military operation of the Armed Forces of the Russian Federation to demilitarize and denationalize Ukraine on February 24, 2022, many representatives of Ukrainian far-right organizations took part in combat operations in the east of the country. The crimes they commit have taken on an entirely different scale, evolving from unlawful acts of violence to the destruction of civilians in the territories occupied by the Kiev regime, as well as the torture, torment, and murder of captive Russian servicemen.

Meanwhile, 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. Members of the Ukrainian army not only have widespread Nazi symbols on their tattoos, but they also openly wear chevrons with Nazi insignia and slogans, and often full copies of the chevrons used by Nazis and their collaborators during World War II.

Against the background of the rehabilitation of the Nazis and their collaborators, attempts are being made to smear Red Army fighters, including holding them responsible for crimes committed by the Nazis. For example, the object of such fabrications is the tragedy that took place in March 1943 in the village of Koryukovka in the Chernigov region, where the Nazis almost completely destroyed the local population as a result of a punitive action. On the 75th anniversary of the massacre, the Ukrainian media presented the events as being the fault of the partisans, who had allegedly provoked the Nazis into committing atrocities.

Nationalists and right-wing radicals, with the tacit support of the Ukrainian authorities, are year by year intensifying their efforts to disrupt events commemorating Victory Day in the Great Patriotic War and other significant dates, as well as anti-Fascist events. Generally there is no official response to

¹³⁶⁶ <https://violence-marker.org.ua/blog/2022/06/03/ultrapravi-konfrontacziyi-ta-nasylstvo-u-2021-roczyi/>

the activists' threats. The law enforcement authorities do nothing to prevent the unlawful acts of these criminals and bring them to justice, instead allowing the radicals to hide and to single out their intended victims. The actions of the nationalists are normally classified as hooliganism, irrespective of the motivations and actual nature of their conduct. But the authorities nevertheless prosecute people for displaying Soviet symbols. Experts saw such actions by the authorities as an attempt to intimidate activists, to create an atmosphere for them where they would feel uncomfortable talking about the fact that their relatives fought in the Red Army.

In 2018 and 2019 nationalists wearing Nazi symbols attacked E.Berezhnaya, the director of the Institute for Legal Policy and Social Protection, who was organizing memorial events. But the staff of the law enforcement bodies took no action in relation to the acts of the radicals, but instead arrested the victim.¹³⁶⁷

In February 2020, then-Minister of Foreign Affairs V.Pristayko said that Ukraine would not celebrate May 9.¹³⁶⁸ Earlier, during his visit to Poland in January 2020, V.Zelenskiy had blamed the Soviet Union for starting World War II.¹³⁶⁹

Nevertheless, on May 9, 2020, on the 75th anniversary of the Victory over Nazi Germany, Ukrainians took to the streets to honor the memory of the Red Army soldiers. On this day, Ukrainian nationalists undertook a number of blasphemous actions. In Odessa they interrupted a car race, started fights and disrupted events marking the 75th anniversary of the Victory. The radicals also organized marches in which they carried portraits of Nazi accomplices from the OUN-UPA and other similar organizations, as well as symbols associated with

¹³⁶⁷ 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.

¹³⁶⁸ <https://strana.today/news/252459-pristajko-i-den-pobedy-pochemu-hlava-mid-ne-khochet-prazdnovat-9-maja.html> (see <https://strana.ua/news/252459-pristajko-i-den-pobedy-pochemu-hlava-mid-ne-khochet-prazdnovat-9-maja.html>)

¹³⁶⁹ <https://ria.ru/20200128/1563949212.html>

the Nazi Waffen SS Division "Galicia".¹³⁷⁰ In Lvov young neo-Nazis organized a rally on the Hill of Glory, in which they displayed Nazi symbols and played a recording in the style of a Nazi occupiers' message, while residents were laying flowers at the tombs of soldiers who had died in the war. The Ukrainian authorities did not react to any of these or similar incidents.¹³⁷¹ In Kharkov, activists from the nationalist organizations Freikorps,¹³⁷² Union of ATO Veterans, Right Sector, and the Veterans' League for the Defense 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 louse").¹³⁷³

In 2021 memorial events to mark Victory Day were once the scene of fights and attacks carried out by radicals. Nationalists attacked a reporter from RT Ruptly video news agency after he had interviewed passers by in a Ukrainian city about their attitudes to Victory Day. In Odessa's Avenue of the Unknown Sailor, right in front of a camera operator, a fight broke out when nationalists assaulted a woman who was holding a portrait of Marshall Georgy Zhukov with a St George's ribbon attached to it. The police did not try and arrest the attackers, but instead took the victim, an Odessa citizen, to the police station. Also in Odessa, the police detained a 63-year-old man who came to Shevchenko Park with a St. George ribbon.¹³⁷⁴ On May 10, 2021, the press service of the police of the Odessa region reported the initiation of criminal proceedings against a resident of the city who, during the celebration of Victory Day, wore a cap with Soviet symbols.

On May 9, 2022, official Victory Day events in Kiev were cancelled due to martial law. However, people were able to come privately to Park of Glory to

¹³⁷⁰ <https://ria.ru/20200509/1571213659.html>

¹³⁷¹ <https://tass.ru/politika/8476375>

¹³⁷² 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.

¹³⁷³ https://www.sq.com.ua/rus/news/novosti/09.05.2020/den_pobedy_natsionalisty_razvesili_po_harkovu_bannery_foto/

¹³⁷⁴ <https://russian.rt.com/ussr/article/860361-ukraina-9-maya-zelenskii-napadeniya>

lay flowers at the tomb of the Unknown Soldier. There were far fewer people in the Park of Glory than in previous years. A 24-hour curfew was declared in Odessa and Kiev-controlled Zaporozhye on May 9, and it lasted from 10 p.m. on May 8 until 05 a.m. on May 10.

In parallel with honoring Nazi accomplices and slandering the memory of Red Army soldiers, the Ukrainian authorities are making efforts to demolish monuments to Soviet soldiers-liberators. The "war" against the monuments to Red Army soldiers and victims of the tragic events of World War II, including those related to the Holocaust, has been waged by right-wing radicals in addition to local authorities. Before 2022 Ukrainian law enforcers kept records of such incidents in a unified register, so that it could be used in criminal investigations, but those involved in these acts of desecration have never been brought to justice.

In February 2020, nationalists removed a memorial with a bas-relief of Marshal Georgy Zhukov from the wall of a student residence at Odessa I.I.Mechnikov National University, which had served as the headquarters of the Odessa Military District during the post-war years, headed by G.K.Zhukov between 1946-1948. It was the last bas relief of the great Soviet commander remaining in the city. These actions were committed by the "activists" with the consent of the University management.¹³⁷⁵

In that same month, also in Odessa, vandals desecrated the memorial commemorating the liberation of the city, on 10 April Square,¹³⁷⁶ while in Kiev's Mariinsky Park two youths desecrated the monument to Nikolai Vatutin by pouring green dye over it.¹³⁷⁷ The monument to N.F.Vatutin stands over the general's tomb. It was initially reported in the media that the police had launched a criminal case under Article 297.3 of the Ukrainian Criminal Code (desecration of a grave or other burial site or of the body of a deceased

¹³⁷⁵ <https://ria.ru/20200204/1564239120.html>

¹³⁷⁶ <https://russian.rt.com/ussr/news/721345-vandalny-oskvernili-memorial-odessa>

¹³⁷⁷ <https://russian.rt.com/ussr/news/716870-kiev-zelyonka-pamyatnik-vatutin>

person).¹³⁷⁸ But when the police arrested one vandal – the only arrest in the case – he was charged with an offence under Article 296.2 of the Ukrainian Criminal Code (hooliganism committed by a group of individuals).¹³⁷⁹

In March 2020, unknown persons damaged a monument to a Soviet soldier in the village of Nyrkov in the Ternopol region by chipping off its head and part of its arm. The law enforcement authorities opened criminal proceedings under Part 2 of Article 297 of the Criminal Code of Ukraine.

In May 2020, on the eve of Victory Day, nationalists desecrated the monument to the Soviet Army in Shelkovychniy Park, Sloviansk, by painting the figure of the soldier portrayed standing in front of the Victory banner in the colors of the OUN. The monument above the mass grave of soldiers who were killed liberating Ukraine from the fascist occupiers was also damaged.¹³⁸⁰

On May 19-20, 2020, the monument to Georgy Zhukov was once again vandalized in Kharkov: unknown persons poured red paint over it on two nights in succession.¹³⁸¹

On January 12, 2021, unknown persons desecrated the common grave of the soldiers-liberators of the Great Patriotic War in Kherson. Vandals smashed and knocked to the ground 17 monuments in that city's memorial cemetery.

On January 13, 2021, radicals desecrated a monument to Soviet soldiers who died in the Great Patriotic War, and damaged the base of the monument with flammable mixtures in the village of Yareski, Poltava region.

On March 23, 2021, nationalists desecrated and damaged the memorial to soldiers-internationalists on Shevchenko Boulevard in Cherkasy.

On May 9, 2021, vandals damaged the monument in honor of the Red Army soldiers in Noviy Razdol and Sudovaya Vishnya (Lvov region).

¹³⁷⁸ <https://kyiv.npu.gov.ua/news/novini/u-stoliczi-speczpriznachenczi-zatrimali-molodika-za-poshkodzhennya-pam-yatnika>

¹³⁷⁹ <https://strana.today/news/249605-deputat-partii-poroshenko-vzjal-na-poruki-oskvernitelja-pamjatnika-vatutinu.html> (пaнee <https://strana.ua/news/249605-deputat-partii-poroshenko-vzjal-na-poruki-oskvernitelja-pamjatnika-vatutinu.html>)

¹³⁸⁰ <https://ruskiymir.ru/news/272570/>

¹³⁸¹ <https://www.interfax.ru/world/709467>

By July 2021, the Monument of Fighting Glory of the Armed Forces of the USSR was demolished in Lvov. The figures of the Soviet warrior and Motherland were the last to be dismantled. According to media reports, all parts of the monument were sent to the "Territory of Terror" museum. On the site of the former monument, the authorities planned to create a square in memory of Ukrainian heroes.¹³⁸²

On August 18, 2021, the authorities of Drohobych (Lvov region) initiated the dismantling of the memorial "Eternal Flame", installed on the common grave of the Red Army soldiers who died for the liberation of Western Ukraine from the Nazis.

On September 30, 2021, the local authorities demolished a monument from the common grave of the Red Army soldiers in Kolomyia (Ivano-Frankovsk region). Several tombstones with the names of the buried were broken.

On October 19, 2021, nationalists desecrated and damaged a monument to the common grave of Soviet soldiers in the central alley of the Lodomir cemetery in Vladimir, Volyn region. Earlier, on the same alley, vandals desecrated a monument on the mass grave of soldiers who died during World War I.¹³⁸³

On October 22, 2021, vandals broke a memorial plaque in honor of F.Kiva, Hero of the Soviet Union in Poltava.

On October 25-27, 2021, the central element of the memorial-burial "Marsovo Pole" – a large-scale copy of the Order of the Great Patriotic War – was dismantled by decision of the Executive Committee of Lvov City Council under the pretext of "renovation, renewal and rethinking of the space around the Lychakov military cemetery".

¹³⁸² https://www.gazeta.ru/social/news/2021/07/24/n_16288910.shtml

¹³⁸³ Online environment as an instrument of violation of rights and freedoms in Ukraine. I. Berezhnaya Institute of Legal Policy and Social Protection. 2022.

On November 2, 2021, a monument to fallen soldiers in the Great Patriotic War was desecrated in Dergachi (Kharkov region) and a granite monument to the soldiers of the 227th regiment of the NKVD, who died defending Kiev, was demolished.

On November 5, 2021, extremists from the group "Future Society" ("C14") damaged a memorial at the burial site of Soviet soldiers in the village of Zubra (Lvov region).

On the night of March 15, 2022, on the Fontanka Street near Odessa, criminals destroyed a monument to the martial warriors security officers who defended the city in 1941 from the Nazi invaders.

The monument to the Soviet T-34 tank was dismantled in Mukachevo (Transcarpathia region) on April 11, 2022. On the same day, a stele to a Soviet soldier in Stryi (Lvov region) was destroyed with the help of special equipment.

On April 14, 2022, the monument to Soviet pilots made in the form of MIG-17 fighter aircraft, located at the entrance to the National Renaissance park on the "Eastern" array, was dismantled in Ternopol.

On April 16, 2022, the monument to partisan N.T.Prikhodko, Hero of the Soviet Union, was removed using a tractor in Zdolbunov (Rovno region).

On April 17, 2022, in Kharkov, the militants of the local "Kraken" armed group demolished the monument to the Soviet military commander Georgy K.Zhukov.

On April 19, 2022, following the decision of the executive committee "On dismantling of monuments of history and monumental art," the obelisk of glory in honor of soldiers who died during the Great Patriotic War was dismantled in Mukachevo (Transcarpathian region). According to local authorities, those buried in the graves will be reburied.

On the same day, a monument to the Soviet Soldier was demolished in Kremenets (Ternopol region).

On April 21, 2022, Ukrainian vandals destroyed a monument Zoya Kosmodemyanskaya, Hero of the Soviet Union, in Chernigov. On the same day, the sculpture "Red Army Soldiers in Combat" was demolished in Chernovtsi, and the Eternal Flame memorial was dismantled in a park in Drohobych (Lvov region).

On April 29, 2022, a monument erected on the grave of division commander M.M.Bogomolov, a hero of the Civil War, was demolished in Rovno. In addition, the city destroyed the plates with the names of the heroes of World War II.

In May 2022, a campaign started to destroy objects associated with the Soviet past in the city of Dnepr (Dnepropetrovsk). Among the first to be dismantled was the "Zhukov Square" stele on Victory Boulevard. A total of 13 monuments fell under demolition.

In the same month, a monument to Soviet pilots was demolished on Shevchenko Boulevard in Zaporozhye – a La-5 fighter jet, which took part in the air battles of World War II, mounted on a pedestal.

May 4, 2022, a monument to N.I.Kuznetsov, legendary Soviet intelligence officer, Hero of the Soviet Union, who during the war personally eliminated 11 generals and senior officials of the occupation administration of Nazi Germany, was demolished in Rovno.

On May 8, 2022, a monument to Soviet pioneer-hero, partisan scout Valya Kotik was dismantled in Dolgoe village (Transcarpatian region). On the same day in Uzhgorod, local authorities decided to demolish the monument to the Liberator Soldier.

On May 13, 2022, a monument to the Soviet soldier from the Eternal Flame memorial was dismantled in Chervonograd (Lvov region).

On May 18, 2022, a monument to the Red Army soldiers who liberated the city from the Nazis was demolished in Pustomyty (Lvov region).

On May 19, 2022, the Verkhovina Village Council of the Lvov region decided to demolish monuments to Red Army soldiers in the villages of Verkhovina, Iltsy, Verkhniy Yasenev and Krasnik.

On May 20, 2022, the Lvov regional administration initiated the demolition of all monuments on its territory to the Red Army soldiers who liberated the region from the Nazi invaders.

On May 30, 2022, work began to dismantle three Soviet memorial objects in Victory Park in Brovary, Kiev region. Among these monuments is the Soviet MiG-15 fighter jet, which was also produced in Ukraine.

In May 2022, a star from a monument to Soviet soldiers was dismantled in Svalyava (Transcarpathian region). A monument to Soviet tankers was destroyed in Zalishchyky (Ternopol region). A monument to Sidor Kovpak's partisans was demolished in Zbarazhskiy district of Ternopol region. In the village of Iltsy, Verkhovina district, Ivano-Frankovsk region, a monument to a Soviet soldier was destroyed. In Boryslav (Lvov region), local authorities decided to dismantle a monument to a Soviet soldier. In Rakhov (Transcarpathian region), vandals poured red paint over a monument in honor of Red Army soldiers. A few days later, the monument was torn down. A monument to the Budyonov units members was destroyed in Rovno. In the village of Yasenya (Transcarpathian region), a monument dedicated to the Soviet soldier was also destroyed. In the village of Kapustyany (Khmelnitsky region) dismantled the bust of N.F.Vatutin.

On June 2, 2022, a monument to Soviet air defense gun 52-K, installed in front of School 56 on Tenistaya Street in Odessa, which protected the city from the Nazis during World War II, was demolished. In addition, in early June, a monument to V.I.Chapayev was demolished in the village of Mazurovo in the Krivozersk community of Nikolaev region and a model of the Soviet order was dismantled. In the Naroditsy community of Zhytomyr region, Soviet symbols were stripped from the plaque with the names of Red Army soldiers. The

mosaic with the hammer and sickle was dismantled in Karlovka, Poltava region. In Rovno, they dismantled a bust of Gulya Korolyova, a Soviet actress and sanitation worker during World War II. In Korsun, Cherkassy region, memorial plaques with the names of heroes of the Soviet Union were dismantled.

On June 3, 2022, vandals pasted a plaque to N.F. Vatutin with an informational flyer in honor of R.Shukhevych in Krivoy Rog (Dnepropetrovsk region). Also the sign with the name of the street (Nikolai Vatutin) was pasted with a leaflet "Roman Shukhevych Street."

On the same day, a memorial honoring Red Army soldiers was demolished in Rovno.

In Buzhsk (Lvov region), a memorial honoring a Soviet soldier was destroyed in June 2022. Red paint was daubed on the monument honoring those who saved Bukovina from Nazi German invaders in Chernovtsi, calling it an "art installation." In the town of Glukhov (Sumy region), Soviet symbols were removed from the memorial to Red Army soldiers. Also destroyed in June were memorials to Red Army soldiers who lost their lives defending Ukraine from the Nazis in Rava-Russkaya (Lvov region), Berezhany (Ternopol region), and Torgovitsa (Transcarpathia region, in the territory of the Zhdenev Community in the Transcarpathia region), Shumsk (Ternopol region), Boryslav (Lvov region), Urezh Village (Lvov region), Gukalevtsy Village (Ternopol region), and in Rozhniatov Village in the Ivano-Frankovsk region are among the places mentioned. In Kiev, memorial plaques to Nikolai Gastello, Sidor Kovpak, Feodora Pushina, Pavel Rybalka, and Ivan Sergienko were dismantled.

A plaque from a memorial commemorating World War II military medics was demolished close to the medical school in Lvov.

In Kamenets-Podolskiy (Khmelnitskiy region), a Soviet T-34 tank was taken down from its pedestal.

In Uzhgorod, the second memorial plaque to Great Patriotic War veteran and Hero of the Soviet Union Ivan Ankudinov was dismantled.

In Kropivnitskiy (formerly Kirovograd), the plaque honoring Semyon Budyonniy was taken down.

A monument to the security officers was dismantled in the Privolnenskaya Community, Volyn region.

In the village of Podobna, Cherkassy region, the bust of Mykola Shchors was demolished.

In Rovno, the pedestal for the monument to a participant in World War I and the Russian Civil War, Oleko Dundich, was dismantled. Earlier, vandals had damaged the monument by ripping off the sculpture's head. Then the remains of Oleko Dundich were reburied – they were moved from the city center to the local cemetery.

On August 10, 2022, the executive committee of the Chernovtsi City Council made the decision to demolish and move several Soviet-era monuments from the city's main square, including the generals' and officers' common grave, the "Soldier with a Machine Gun" monument, and the T-34 tank crew of Guard Lieutenant Nikitin.¹³⁸⁴

August 19, 2022, Lvov City Council decided to dig and transfer the remains of Soviet soldiers who died during the Great Patriotic War and were buried on the war memorial "Field of Mars".

On October 19, 2022, after an unsuccessful attempt to demolish, a monument to the Nikolaev police officers who died in battles during the Great Patriotic War while on duty, was blown up in Nikolaev.

On 3 November 2022, unknown persons blew up the obelisk "Mother Motherland" located in Grieving Mother Square as part of a memorial complex with a mass grave in Nikolaev.

On November 9, 2022, the monument "Ukraine is to Liberators", which was included in the list of cultural heritage of the country, was demolished in Uzhgorod.

¹³⁸⁴ <https://ria.ru/20220810/pamyatniki-1808630229.html>

On November 26, 2022, it became known that in Khmelnytsky, at the intersection of Svobody and Proskurovskaya Streets, the Soviet monument to the T-34 tank, erected in 1967 in honor of the military units that liberated the city from the Nazi invaders, was dismantled. Mayor Simchyshyn wrote in his social network account that this tank is a "unique historical exhibit, which no longer exists in the world," so it will be a museum exhibit, which will remind us of our "occupation past."¹³⁸⁵

On December 16, 2022, a monument to the pioneer Volodya Dubinin, who was a member of a partisan detachment near Kerch during World War II, was demolished in Dnepr (formerly Dnepropetrovsk).

On December 25, 2022, in Poltava, red paint was poured on the monuments to two Soviet generals during the Great Patriotic War: N.F.Vatutin and A.I.Zygin. Both of them died during the war on the territory of the Ukrainian SSR.

Along with monuments honoring Red Army soldiers who fought against the Nazis and Ukrainian nationalists, radicals also desecrated monuments honoring prominent Russian figures and representatives of Russian culture.

Following P.Poroshenko's introduction of "decommunization" on May 15, 2015, which included the removal of all Communist monuments except those commemorating the Great Patriotic War, a new wave of monument demolitions ensued. Less than two years later, on January 16, 2017, the UINM reported the dismantling of 1,320 Lenin monuments.

In addition to monument demolition, Kiev's "decommunization" right from the start entailed primarily the renaming of settlements and streets, as well as the removal of memorial markers and imagery linked with the Soviet history.

According to official records, over six years (2015-2021), 52,000 place names have been changed, 987 localities have been renamed and more than 2,500 Soviet-era monuments have been taken down.

¹³⁸⁵ <https://ria.ru/20221126/pamyatnik-1834477083.html?in=t>

In February 2021, it was reported that the Kiev City Council had appealed against a ruling of the Kiev District Administrative Court cancelling the city authorities' decision to rename Moskovskiy Avenue as Stepan Bandera Avenue, and General Vatutin Avenue as Roman Shukhevych Avenue.¹³⁸⁶ In April 2021, the Sixth Administrative Appeals Court ruled that the renaming was lawful.¹³⁸⁷

At the end of May 2021, the Ukrainian Institute of National Memory drew up a list of 26 sites in Kiev that had not been decommunized. These included the Soviet coat of arms on the shield of the monument "Motherland", the equestrian monument to M.O.Shchors on Shevchenko Boulevard, sculptures of workers under the Arch of Peoples' Friendship (the monument was demolished on April 26, 2022) and a bust of Lenin at the Teatralnaya metro station. Presumably the sites that are to be "decommunized" need to be either demolished or renamed.¹³⁸⁸

A new wave of renaming was provoked in 2022 by the Verkhovnaya Rada of Ukraine, which began considering a bill to ban geographical names in Ukraine associated with Russia, its history and prominent figures. On December 29, 2022, the UINM and the Ministry of Culture of Ukraine reported that 7,652 toponyms throughout the country had been changed over the past year as part of "derussification" (decolonization).¹³⁸⁹

The Ukrainian government's "war" on monuments reached new "heights" in 2022, when it began to demolish monuments honoring not just Soviet leaders and soldiers who fought in the Great Patriotic War, but also to other famous people who are somehow connected with Russia.

One of the trends that emerged in 2022 was the announcement of a personal war against the great Russian poet Alexander Pushkin by fighters against the "Russian past", because Russian literature is allegedly a conductor of

¹³⁸⁶ <https://interfax.com.ua/news/general/722799.html>

¹³⁸⁷ <https://interfax.com.ua/news/general/739447.html>

¹³⁸⁸ <https://tass.ru/obschestvo/11504093>

¹³⁸⁹ <https://uinp.gov.ua/pres-centr/novyny/mkip-ta-uinp-pidbyly-pidsumky-za-rik-shchodo-podolannya-naslidkiv-rusyfikaciyi-y-totalitaryzmu>

imperial ideas, and Alexander Pushkin himself, in his poem "Poltava," negatively portrayed Hetman Ivan Mazepa, who betrayed Peter I and moved to the service of the Swedes. As of December 8, 2022, about 30 monuments to the Russian poet were dismantled across Ukraine in the first 11 months of 2022 alone.¹³⁹⁰

A monument to Russian commander Alexander Suvorov was demolished in Poltava on February 3, 2022. The rationale was that the monument "is not a monument to history, art, culture, architecture, urban planning, science and technology" and has "elements of Soviet propaganda."

The monument originally stood in the courtyard of the Kiev Suvorov Military School (renamed into the I.Bogun Military High School in 1992). In January 2019, the monument was dismantled at the initiative of the lyceum directorate and with the support of V.Kirilenko, Deputy Prime Minister, and V.Viatrovykh, Director of UINM. Later, the Alexander Suvorov monument was relocated as an exhibit to the Poltava Museum of Heavy Bomber Aviation, a division of the National Museum of Military History.

On April 7, 2022, a monument-bust to Alexander Pushkin was dismantled in Mukachevo (Transcarpathian region) and a plaque was removed from the school that bore his name. The decision was made by the local authorities.

The Alexander Pushkin monument in Ternopol was demolished on April 9, 2022. Justifying this decision, S.Nadal, Mayor of Ternopol, stated that "everything Russian should be dismantled, including the monument to the Russian writer."

On April 10, 2022, a monument to the Russian poet was dismantled by decision of the authorities in Uzhgorod.

On April 29, 2022, a monument to writer Maksim Gorky (A.M. Peshkov), located in the Central Park named after Nikolay Leontyovych, was demolished in Vinnitsa.

¹³⁹⁰ https://riafan.ru/23789952-hronika_voini_s_pamyatnikami_na_ukraine

On April 30, 2022, in Cherkasy, the authorities decided to burn with an autogenous welder on the inscription on the reunification of Ukraine with Russia, which had been on the monument to Bohdan Khmelnytskyi for many years.

On the same day, the 119th Brigade of Territorial Defense in Chernigov demolished a monument to Alexander Pushkin, which had stood in that spot in one of the city's parks for 121 years.

On May 1, 2022, it became known about the destruction of the monument to Sumy hussars in Sumy, who did not please the radicals only because they were hussars of the Imperial Russian Army.

On the same day in Odessa, the plaque "Glory to the Russian Arms" was removed from the 1904 monument. The plate was on a trophy cannon removed from a British warship during the Crimean War (1854-1855).

On May 7, 2022, in Korosten (Zhytomyr region), "activists" toppled a Soviet monument to Komsomol members, which the local authorities had previously renamed the monument "Youth of Korosten in the 20th Century."

On May 10, 2022 in the city of Dnepr (formerly Dnepropetrovsk) on Sobornaya Square, a monument to Komsomol members – a guy and a girl who planted a tree – was dismantled. The inscription on the monument reads: "Legends will tell you what we were like."

On May 11, 2022 in Chernigov region, they decided to dismantle the monument "Three Sisters" erected at the junction of the borders of Chernigov, Gomel and Bryansk regions in August 1975 in honor of the friendship of the peoples of Russia, Ukraine and Belarus. The procedure for its liquidation has begun.

On May 16, 2022, a bust of Maxim Gorky was dismantled in the village of Leventsovka, Poltava region. It was relocated to the "Soviet Period Park" in Putivl. Also, following the decision of the executive committee of the

Kozelshchyna village council of the Kremenchug district, the work of the Maxim Gorky Museum in Manuylivka village was suspended.

In mid-May it became known about the demolition of another monument to Maxim Gorkiy – in the village of Kegichevka, Kharkov region. In addition, a monument to the Russian prince Alexander Nevskiy, erected near the Orthodox church named after this revered saint, was destroyed in Kharkov.

On May 19, 2022, the authorities of Pereyaslavl, Kiev region, decided to demolish the monument in honor of reunification with Russia.

May 21, 2022, a monument to Alexander Pushkin was removed from its pedestal, which was installed in the park at the intersection of Pushkinskaya Street and Naberezhnaya Street in Nikolaev.

At the end of May 2022 in the city of Alexandria, Kirovograd region renamed the school named after Maxim Gorky and Dnepropetrovsk highway. At the same time, the issue of dismantling the bust of Maxim Gorky was raised. A monument to the writer was also demolished in the village of Holozubentsy in Khmelnytsky region. And a bust of Soviet statesman Nikolai Podgorniy – a native of Poltava region – was dismantled in Karlovka, Poltava region. In Dnepr (formerly Dnepropetrovsk), a monument and commemorative plaques erected in honor of the famous Soviet doctor N.A.Semashko were demolished.

During the same period, a number of memorial sites were attacked by vandals. In Kharkov, the bust of Slobodsko-Ukrainian governor Yevdokim Shcherbinin was doused with paint. On May 29, the monument honoring Alexander Suvorov in Ismail (Odessa region) got painted with red paint.

The surviving monuments to communist figures in Ukraine have also come under attack for their "struggle" against the Russian and Soviet legacy. For example, at the end of May 2022, a bust of Karl Marx was torn down in Khotyn, Chernovtsy region.

On May 2, 2022, fighters of the territorial defense destroyed the monument to Alexander Pushkin in Chernigov.

On June 3, 2022, the memorial plaque to Leo Tolstoy was dismantled in Kiev.

In June 2022, the Khmelnytskyi Regional Council decided to demolish the monument to the writer Nikolai Ostrovsky in Shepetovka.

On June 29, 2022, the monument to Nikolai Ostrovsky was dismantled in the village of Boyarka, Kiev region.

On August 13, 2022, an excavator smashed and demolished a monument to Maxim Gorky in Aleksandriia, Kirovograd region.

On August 15, 2022, a memorial plaque to Kiev-born Russian writer Mikhail Bulgakov was removed from the facade of the Taras Shevchenko National University of Kiev.

On October 11, 2022, the oldest monument to Alexander Pushkin, erected in front of the National Transport University in 1899, was dismantled in Kiev.

On October 30, 2022, in Odessa, insulting inscriptions were placed on the monument to the Russian Empress Catherine II, calling on the city's mayor Gennady Trukhanov to demolish the monument. On November 2, 2022, in Odessa, intruders put a red sack on this monument, wrapped a rope with a noose around its arm, and doused the pedestal with red paint.

On November 7, 2022 in Odessa, unknown persons threw a noose on the monument to commander Alexander Suvorov. On November 8, 2022, the inscription "Nastupny" (Ukr. "Next").

On November 10, 2022, the monument to the writer Nikolai Gogol in Kharkov was surrounded by sandbags. Earlier in the city, a bust of Alexander Pushkin was dismantled on Poetry Square. At first it was also covered with sandbags, and then removed.¹³⁹¹

On November 10, 2022, in Odessa, unknown persons painted with graffiti the sculpture of Alexander Pushkin, installed on the street of the same name. On

¹³⁹¹ <https://ria.ru/20221110/pamyatnik-1830499944.html?in=t>

the monument, the word "get" (translated into Russian as "out") was written on all sides.¹³⁹²

On November 11, 2022, a monument to Alexander Pushkin, which was erected at the end of the 19th century, was demolished in the center of Zhitomir. The head of the city administration, S.Sukhomlin, stated that in the future the monument could be placed in a museum, or it could be offered to Russia in exchange for Ukrainian prisoners of war.¹³⁹³

On the same day, it was revealed that the busts of writer Maxim Gorky, scientist Dmitriy Mendeleev, poet Alexander Pushkin, and scientist Mikhail Lomonosov at the "Universitet" metro station in Kiev had been covered with boards (busts of eight prominent figures of science and culture were placed on the pylons of the station's central hall, which opened in 1960). Nearby is Taras Shevchenko National University of Kiev.¹³⁹⁴

On November 13, 2022, a bust of the writer was dismantled in Odessa on the territory of the Maxim Gorky sanatorium. The decision was made by the management of the institution.¹³⁹⁵

On November 17, 2022, the monument to Alexander Pushkin was dismantled in Chernovtsy. This was reported by the City Council on its page in social networks, stating this "news" in a mocking way: "Did you know that there were two monuments to 'the great Russian poet Pushkin' in Chernovtsy? They were, because we had already dismantled one. The second is a matter of time."¹³⁹⁶

On November 18, 2022, the monument to Alexander Pushkin was desecrated again in Odessa. They put a yellow bag on the head of the bronze

¹³⁹² <https://ria.ru/20221110/pamyatnik-1830551444.html?in=t>

¹³⁹³ <https://radiosputnik.ria.ru/20221111/zhitomir-1830770172.html>

¹³⁹⁴ <https://ria.ru/20221111/kiev-1830880339.html>

¹³⁹⁵ <https://ria.ru/20221114/odessa-1831333092.html?in=t>

¹³⁹⁶ <https://ria.ru/20221117/pushkin-1832349833.html>

statue and wrapped it with duct tape, drew pictures all over it, and wrote the word "occupant" at the base of the monument.¹³⁹⁷

On November 21, 2022, the bust of Alexander Pushkin was torn down in Kremenchug. Local publication "Kremenchug Newspaper" reported that the monument will be placed in a museum.¹³⁹⁸

On November 25, 2022, in Poltava, inscriptions in white and black paint appeared on the monument to Alexander Pushkin, which is located in Birch square. Aleksandr Mamay, Head of the Poltava City Council, said that the inscriptions on the monument would be washed away after a session of the council.¹³⁹⁹

November 29, 2022, the plaque in honor of Alexander Pushkin was torn down in Nikolaev, as reported in his profile on the social network by the head of the Department of Culture and Cultural Heritage Protection of Nikolaev City Council Yuriy Lyubarov¹⁴⁰⁰.

On November 30, 2022, the Odessa City Council decided to dismantle the monuments to the Russian Empress Catherine II and the Russian commander Alexander Suvorov. Monuments have been repeatedly attacked by vandals. The monument to Catherine II was sprayed with paint, inscriptions, a red cap put on it, and a noose put in its hand, which was supposed to symbolize that the empress, who founded the city, was the "executioner", according to the authors of this action.¹⁴⁰¹

It is worth noting that Italian activists called to save the monument to Russian Empress Catherine II from dismantlement. The author of the petition at change.org is the journalist and publicist Marco Baratto, who believes that the monument should be preserved. The journalist called Catherine II one of the most important women of the Enlightenment and suggested that instead of

¹³⁹⁷ <https://radiosputnik.ria.ru/20221118/odessa-1832493489.html>

¹³⁹⁸ <https://ria.ru/20221121/kremenchug-1833034746.html>

¹³⁹⁹ <https://ria.ru/20221125/vandaly-1834261086.html>

¹⁴⁰⁰ <https://ria.ru/20221129/nikolaev-1834964507.html?in=t>

¹⁴⁰¹ <https://ria.ru/20221130/pamyatnik-1835241748.html>

demolishing the monument, it should be taken to Milan or Naples, where Enlightenment culture has a large number of followers.¹⁴⁰²

On November 30, 2022, a monument to Alexander Pushkin was demolished in Ananyev, Odessa region.¹⁴⁰³

December 1, 2022, in Ismail (Odessa region), a monument to Alexander Suvorov, made in the early 20th century in honor of the 120th anniversary of the capture of the Ismail fortress by Russian troops under the command of the great commander. was dismantled and moved from the central avenue to the museum.

On the same day, a monument to Soviet writer Nikolai Ostrovsky was demolished in Shepetovka, Khmelnytskyi region.

On December 6, 2022, simultaneously with the decision of the Supreme Court of Ukraine not to recognize the symbols of Waffen SS Division "Galicia" as Nazi symbols, B.Filatov, Mayor of Dnieper (who is famous for the formula "We'll hang them later") announced the demolition of the monuments to Pushkin, Mikhail Lomonosov and Maxim Gorky.¹⁴⁰⁴

December 10, 2022, monuments to Pushkin and Suvorov were dismantled in Tulchin, Vinnitsa region. The monuments are planned to be scrapped and the proceeds transferred to the AFU.

On December 23, 2022, the last monument to Alexander Pushkin was dismantled in Chernovtsi.

On December 29, 2022, the monument to Alexander Suvorov and the monument "The Founders of Odessa" dedicated to Catherine II and her associates were dismantled in Odessa.

In January 2023, Minister of Culture of Ukraine Alexander Tkachenko announced that a law had been submitted to the Verkhovna Rada of Ukraine,

¹⁴⁰² https://aif.ru/society/history/v_italii_prizvali_spasti_pamyatnik_ekaterine_ii_v_odesse

¹⁴⁰³ <https://ria.ru/20221130/pushkin-1835220510.html?in=t>

¹⁴⁰⁴ <https://russian.rt.com/opinion/1083328-sokolov-sud-simvolika-ss-galichina>

which among other things provides for "depushkinization" - getting rid of monuments associated with Russia and the USSR.¹⁴⁰⁵

In the light of the Russian Federation's special military operation to denazify and demilitarize Ukraine, the Western media and NGOs are becoming increasingly vocal about the whitewashing of Ukrainian neo-Nazis, who are portrayed as fighters for 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. In fact, YouTube became one of the key platforms disseminating fake news about the course of the special military operation in the territory of Ukraine, discrediting the Armed Forces of the Russian Federation.

Censorship is actively used by the company Meta that owns Facebook and Twitter social media. 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. Moderators ignored complaints from users about such definite dissemination of ideology of hatred. At the same time, reports from the Russian media, public officials and public figures, as well as ordinary citizens, containing the Russian position or simply an objective point of view on the events in Ukraine are 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 subsequent statement simply served to confirm its racist publication policy. In particular, it was announced that users would be allowed to call for the "death of the Russian occupiers."

¹⁴⁰⁵ <https://t.me/otkachenkoyiv/2876>

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 scrutiny 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 the false information.¹⁴⁰⁶

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 fighters have never concealed, and even on the contrary publicly emphasized their commitment to neo-Nazism and hatred based on nationality and ethnicity. Such actions by Meta are further

¹⁴⁰⁶ https://riafan.ru/23779823-angloyazichnyyu_versiyu_stat_i_ob_allee_angelov_v_donetske_udalili_s_vikipedii

evidence that the "collective West" contradicts its own self-proclaimed democratic values and uses misanthropic ideas to try to secure domination.

It should also be noted that the Ukrainian authorities have previously been seen attempting to edit Internet news publications so that they conceal the true picture of what is happening in Ukraine. For example, 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 articles about Crimea, Donbass, and 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".¹⁴⁰⁷

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, to which¹⁴⁰⁸ the image of "fighters for independence" is created. In this case, special attention in such works is drawn to the fact that before the Russian special military operation, many Western media pointed to the Nazi component of radical Ukrainian formations and their glorification of Nazi collaborators Bandera and Shukhevych. 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

¹⁴⁰⁷ <https://russian.rt.com/ussr/article/740011-kiev-vikipediya-perepisat>, https://news.rambler.ru/world/44072204/?utm_content=news_media&utm_medium=read_more&utm_source=copylink

¹⁴⁰⁸ The following examples may be provided. 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; 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/>

with what was previously published in objective articles by Western journalists, who acknowledged the presence of neo-Nazism in Ukraine.

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 showed the true nature of Kiev using 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 of the Kiev authorities, human rights activists apologized and organized a re-check of the study, but they did not completely retract their words.

In addition, it should be noted that Ukrainian neo-Nazi groups are closely linked to radical right and extremist groups in Europe and America. 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 U.S., has been widely known since 2015 for his involvement in combat operations in Ukraine on the side of nationalist battalions.¹⁴⁰⁹

Other information about the participation of Americans and Europeans in the military actions in Donbass also appeared in the public space. For example, the media outlet Buzz Feed News reported more than 40 U.S. citizens, and the NGO Soufan Center's September 2019 report "White supremacy extremism: the transnational rise of the violent white supremacist movement" noted that

¹⁴⁰⁹ 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.today/news/230444-azov-i-neonatsisty-ssha-pochemu-v-konhresse-khotjat-priznat-polk-terroristami.html> (ранее <https://strana.ua/news/230444-azov-i-neonatsisty-ssha-pochemu-v-konhresse-khotjat-priznat-polk-terroristami.html>)

3,879 foreigners were trained during the fighting in Donbass at the time. The participation of foreign fighters from European countries and the United States in the ranks of the Azov nationalist battalion (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."¹⁴¹⁰

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. A large-scale information campaign was launched against the UOC clergy, aimed to discredit its priests in the eyes of the parishioners and to turn them into an image of "enemy accomplices". Slanderous rumors are spread about archpriests of parishes, numerous fake news are posted on social network saying the church hierarchs allegedly assist the Russian Armed Forces storing food for them and forming arms caches. 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.

Some legislative steps have already been taken in this respect. Two draft bills aimed against the UOC were registered in the Verkhovna Rada of Ukraine. Draft law No. 7204 dated March 22, 2022, proposed by the representative of the All-Ukrainian Union "Svoboda" (Freedom) O.Savchuk, provides for, in particular, direct ban on the activities of the Moscow Patriarchate in Ukraine and nationalization of all the assets of the Church. 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 March 26, 2022 by an inter-faction group of parliamentarians who are

¹⁴¹⁰ The Brown Internationale. Die Zeit. 10 February 2021. <https://www.zeit.de/gesellschaft/zeitgeschehen/2021-02/facism-international-right-wing-extremism-neo-nazis-english>

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 November 23, 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 December 5, 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, it will legalize the raiding of canonical parishes by dissenters, which they have been seeking since 2019. In addition, the draft provides the basis for future decisions by the authorities to terminate lease agreements with religious organizations "associated with Russia," which will create conditions for the eviction of all monastic and simple communities of the UOC from the premises that are in state and communal property.

A notable role in the attack on the UOC is assigned to organized national-radical groups that raid churches. The UOC parishes become targets of numerous marauders who justify their plundering by struggle against "occupants" and their "spiritual lackeys". Videos of these actions are disseminated on social media in Ukraine with calls to follow these examples.

On February 3, 2022, the leadership of the State Historical and Architectural Reserve "Khotyn fortress" refused to renew the contract with the UOC community to use the local church, which Orthodox believers with their own efforts restored from the ruins, 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 Kiev archdiocese of the UOC was forced to issue a denial of misinformation about the alleged detention of a priest in Kiev by law enforcement officers along with a 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.

In March 2022 alone, several cases of abductions of canonical priests were reported. On March 9, 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 region. It turned out that they were kidnapped, interrogated with violence, and then forbidden not only to perform services in the Ivano-Frankovsk region, but also to live there under threat of death.

On March 16, the abbot of the church in the village of Ivanovka in Zhitomir region, Archimandrite Lavr (Berezovsky), was attacked. On the same day, a local priest, Father Gennady, was kidnapped in the village of Tomashovka, Fastovsky district, Kiev region.

On March 28, during a service in the Holy Protection Church in the city of Smela, Cherkassy region, Hieromonk Vasiliy was abducted by armed men.

The fate of Archpriest Victor Talko and members of his family at St. Michael the Archangel Church in Borodyanka, Kiev region, remains unknown. They all stopped contacting each other at the beginning of March. Earlier, the priest was threatened because he dared to express his assessment of the political situation in Ukraine to the Russian media.

In March 2022, at least six cases of attacks on churches and clergy of the UOC were recorded in the Vinnitsa region alone. On March 6, in Malye Krushlintsy, radicals broke into a church during a service, desecrated the altar, beat the priest and dragged him outside. On March 12, in the village of Lavrovka, Vinnitsa region, supporters of the OCU tried to kick a priest and parishioners out into the street during a service, threatening physical violence. The police arrived on the scene and closed and sealed the church. However, a few days later it was reopened, but for supporters of the Orthodox Church of Ukraine. On March 13, in the village of Sosnovka, dissenters forced the chairman of the parish council to open the church, allegedly for weapons checks. Then the village headman forcibly took away the keys to the church and gave them to supporters of the OCU. On the same day, in the village of Penkovka, radicals sawed down the locks and seized the premises of the local church. Church utensils and liturgical books belonging to the congregation were thrown out the window onto the street. On March 19, representatives of the so-called territorial defense blocked the entrance to the church and did not allow the priest and parishioners in the village of Mizedyakovskie Hutora, threatening them with violence. On March 20, the same individuals seized a church in the neighboring village of Pereorki. In Bolshiye Krushlintsy, local supporters tried to take away the keys of the church from the Orthodox priest, threatened to disrupt services, and demanded that he join the schism.

In the Ivano-Frankovsk region, dissenters, with the help of terrorist fighters, seized the St. Nicholas Church in Kalush, the Anno-Zachatyev Church in Verkhovina, and the Church of the Icon of the Blessed Virgin Mary "Vsetsaritsa" in the village of Tsenyava. The Church of the Intercession on Markova Hill in the village of Golovy was closed, and the chapel in the village of Shkindovskiy Grun' was sealed. Residents of the monastery of the St. Michael the Archangel in Babianka were evicted.

On April 3, 2022 in Dolyna (Ivano-Frankovsk region) after a search conducted by law enforcement officers, the UOC church in honor of John the Baptist was closed.

On April 8, 2022, clergy and believers of the Ivano-Frankovsk diocese of the UOC 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 OCU. The believers pointed out that on April 4, 2022, R.Martsinkiv, Mayor of Ivano-Frankovsk, addressed the citizens with a statement about the alleged "voluntary" change of church affiliation by the religious community of the Cathedral of the Nativity of Christ and urged the citizens to "help the community to move to another church jurisdiction". The congregation perceived this call for "help" as crude pressure to force the religious community to change its submission and as a threat to seize the church by force if this was not done.

On April 10, 2022, representatives of the OCU, together with armed men, seized the Church of the Assumption of the UOC in the village of Mikhalcha, Chernovtsy region.

On April 14, 2022, a group of armed men under the leadership of the "hierarchy of the OCU" A.Drabinko violently seized the church of the Assumption of the Blessed Virgin Mary in the village of Kruglik in the Kiev region. The intruders broke down the door and announced the "voluntary" transition of the UOC religious community into the jurisdiction of the OCU.

At the beginning of May 2022, in the village of Perenyatin, the head of the Dubno military administration, V.Pekarskiy, gave the keys to the previously sealed UOC church to supporters of the OCU. In the village of Palchi, Volyn region, "activists" cut off the locks of the Protection Church and gave it to the dissenters, and in the village of Ozero in the same region, UOC members were "transferred" to the OCU while they prayed in the church.

On May 21, 2022, dissenters from the OCU, with the support of the police and the military, seized the Church of the Nativity of the Blessed Virgin Mary in the village of Ivankov, Kiev region, and the church in the village of Belashov, Rovno region. The seizure was accompanied by clashes provoked by supporters of the OCU.

On May 26, 2022, it became known about the past seizure of the Church of the Apostle and Evangelist John the Theologian in the village of Fursy (Kiev region). Supporters of the OCU committed physical violence against the rector of the church, Archpriest Andrey Mukha, and parishioners of the UOC. The rector of the church said that after it became known about the impending provocations, the religious community of the church on behalf of the parish meeting officially appealed to the chairman of the territorial community, the Interior Ministry and the SBU, demanding the prevention of illegal actions, seizure of property and interference in the affairs of the church community. However, representatives of the authorities took no action.

On May 30, 2022, supporters of the OCU, led by men in priestly attire, attempted to seize the church in the name of Faithful Saint Prince Alexander Nevsky in the village of Tsarevka in Zhytomir region. The clergy and parishioners were able to defend their church.

In addition to using violence and intimidation, radicals, together with members of the OCU, actively organize acts of vandalism and provocation against churches and priests of the canonical church.

On May 9, 2022, in the village of Dorogostai, Rovno region, unknown persons spilled animal blood on the yard, fence, crosses and the church of Spiridon of Trimiphun.

On May 22, 2022, Archpriest Vladimir Mandzyuk, rector of the Resurrection Church in the city of Stryi, Lvov region, was splashed with green dye in his face during the service.

On May 23, 2022, it became known that a crowd of aggressive supporters of the OCU, threatening parishioners and a UOC priest, had arbitrarily replaced the locks in the church in honor of St. Archdeacon Stephen in the village of Cherniatin (Vinnitsa region). The seizure began during a Sunday service celebrated by the congregation of the canonical church. At first the dissenters interfered with the service, then they became aggressive, shouting slogans and threats. Then the supporters of the OCU held a "vote" for the transition to the new structure and arbitrarily closed the temple with their locks. None of the actual parishioners of the temple took part in the vote.

On May 29, 2022, supporters of the OCU showed up organized to Sunday services in UOC parishes in Lvov, Volyn, Rovno, Zhytomyr, and Kiev oblasts to disrupt the prayers of Orthodox believers. During a service in the St. Vladimir church in Lvov, several "activists" disrupted the service, humiliated and insulted the worshippers. Supporters of the OCU stormed the St. Michael's Church in Ozhyshche, Volyn region, also during the service and demanded that the church be given to them. They were very aggressive, attacking believers.

The UOC church of Holy Equal-to-the-Apostles Prince Vladimir in Lvov was vandalized several times just in May 2022. On May 1, radicals tried to disrupt a worship service, and on May 8, unknown persons poured foam on the door of the church and painted offensive words on the walls. On May 14, vandals tried to set fire to the church and desecrated its walls again with inscriptions. On May 25, unknown persons again painted offensive words on

the church. On May 28, vandals again desecrated the church with offensive inscriptions and scratched crosses out.

On June 14, a group of unknown assailants attacked the house of Father Peter Monastyrskiy, rector of the UOC Protection church in the village of Novozhivotov in the Vinnitsa region. Vandals stoned the priest's house, breaking the windows.

On the night of June 19 to 20, 2022, a fire broke out in the Lvov temple in honor of Holy Equal-to-the-Apostles Prince Vladimir in the Lvov-Sykhov neighborhood, as a result of arson.

Since November 2022, the SBU has tightened its grip on the canonical Ukrainian Orthodox Church as much as possible. "Counterintelligence activities" began in churches and monasteries belonging to it, aimed at intimidating the faithful. It is known that the SBU conducted searches in at least nine regions at 19 facilities of the UOC. In particular, it is known about such "counterintelligence activities" at UOC religious sites in Transcarpathia, Chernovtsi, Rovno, Volyn, Nikolaev, Sumy, Lvov, Zhytomir regions and the Kiev-controlled part of the Kherson region. In particular, searches were conducted in the Church of the Intercession and the Cathedral of the Elevation of the Holy Cross in Uzhgorod, Holy Trinity Church in Lvov, Holy Basil Cathedral in Ovruch Zhytomir region, Holy Dormition Monastery in Rovno region.¹⁴¹¹ Repeatedly Ukrainian security forces conducted searches on the territory of Kiev-Pechersk Lavra.

In the course of such "activities," the security services interrogated clergy and monks, and searched for allegedly "subversive pro-Russian literature," including the Easter messages of the Moscow Patriarch, which are sent to all the dioceses of the Moscow Patriarchate.

Kiev's persecution of the canonical Ukrainian Orthodox Church reached its climax in early December, when Zelenskiy implemented the National

¹⁴¹¹ <https://rg.ru/2022/12/14/sbu-prishla-s-obyskom-v-pravoslavnye-hramy-v-deviati-oblastiah-ukrainy.html>

Security and Defense Council's decision on restrictive measures and sanctions against it, effectively banning it altogether.

In mid-December 2022, service documents of the SBU office in the Kherson region published in the media confirmed that Ukrainian security forces had been working to intimidate UOC priests for several years after the 2014 coup. They were threatened with criminal articles and tried to instill their understanding of "patriotism." In particular, it is known about similar "preventive measures" in the Holy Spirit Cathedral and St Catherine's Cathedral in Kherson in January and April 2016. Under the pretext of checking the vigilance of the church staff, an SBU officer visited churches and intimidated the clergy, threatening to apply articles of the Criminal Code of Ukraine, which provide for punishment for crimes against national security. He called his actions of intimidation of the clergy "the formation of responsibility for one's actions". Along with this, he gave examples of the "heroism" of a number of Kherson residents who took part in punitive operations in Donbass, the ATO, to "instill a sense of patriotism" in priests. In order to intimidate the clergy, an SBU officer told UOC clerics about "the success of the Security Service of Ukraine in the Kherson region in the fight against 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 imitating explosive devices at the St Catherine's and the Holy Spirit Cathedrals.¹⁴¹²

Right after the New Year the Ministry of Culture of Ukraine terminated the lease for part of the buildings of the Kiev-Pechersk Lavra with the UOC. Thereafter, the clergy of the canonical church were not allowed into these premises for the Christmas service. Representatives of the OCU were ostentatiously brought in instead. In January 2023, President Zelenskiy decreed

¹⁴¹² <https://rg.ru/2022/12/13/sbu-neskolko-let-vela-rabotu-protiv-ukrainskoj-pravoslavnoj-cerkvi-obnaruzheny-sekretnye-dokumenty.html>

that 14 clerics of the Ukrainian Orthodox Church be deprived of Ukrainian citizenship, which is forbidden by the country's constitution.

On January 19, 2023, the Cabinet of Ministers of Ukraine submitted to the Verkhovna Rada a draft law "On Amendments to the Laws of Ukraine on the activities of religious organizations in Ukraine," which suggests a complete ban on the activities of religious organizations and institutions, in any way connected to Russia.¹⁴¹³

On January 21, 2023, the National Security and Defence Council imposed sanctions against two dozen Russian religious figures, including Metropolitan Anthony (Sevruk), chairman of the Department for External Church Relations, Acting Head of the Press Service of the Patriarch of Moscow and All Russia, V. Legoida, chairman of the Synodal Department for Church and Public Relations, and others.

Kiev's persecution of the canonical church has also come to the attention of international human rights monitoring mechanisms. In November 2021, the Human Rights Committee was concerned about the situation around the canonical Ukrainian Orthodox Church. In particular, the Committee mentioned cases of aggression, intimidation, and vandalism in churches related to the process of re-registering churches and religious communities from the jurisdiction of the UOC to the jurisdiction of the newly formed OCU. The Committee for human rights also pointed out the inaction of the Ukrainian police in such incidents and the lack of information about the investigation of offenses.¹⁴¹⁴

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.

¹⁴¹³ <https://ria.ru/20221123/rpts-1833602560.html>

¹⁴¹⁴ Concluding observations of the Human Rights Committee on the eighth periodic report of the Ukraine. November 2021 (comments published in February 2022)
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2F8%2F8&Lang=ru

These processes accelerated noticeably after the 2014 coup d'état. At the same time, Kiev's policy toward different national communities has taken a differential character, which contradicts the Constitution of Ukraine, which guarantees equal rights and freedoms for all citizens.

In legislative terms, Crimean Tatars, Krymchaks, and Karaites are in a privileged position in Ukraine, comprising now, according to the most optimistic Kiev estimates, no more than 0.1% of the population. The law "On the Indigenous Peoples of Ukraine"¹⁴¹⁵ was passed in July 2021 in the interests of these groups. This law stipulates their rights 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 been pursuing a consistent policy of legislating for the dominant role of the Ukrainian language and reducing the opportunities to use other languages in public space, with varying degrees of severity. The rights of the Russian and Russian-speaking population are subjected to the greatest restrictions. The main step in this direction was the gradual 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"¹⁴¹⁶ was adopted, which provides for the transition of Ukrainian educational institutions to the state language from 2020. At the same time, teaching in minority languages was only allowed in preschools and elementary schools.

According to the expert opinion of the Venice Commission of the Council of Europe,¹⁴¹⁷ many of the provisions of the mentioned act are discriminatory. PACE resolution "Protection and Development of Regional and Minority

¹⁴¹⁵ https://online.zakon.kz/Document/?doc_id=36748189

¹⁴¹⁶ https://online.zakon.kz/Document/?doc_id=37708387

¹⁴¹⁷ [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)

Languages in Europe" also criticized the document.¹⁴¹⁸ In particular, the author of the report on the topic of the resolution, Hungarian MP Rózsa Hoffman said: "I firmly believe that in enacting the new legislation, the country failed to meet its international obligations and Council of Europe standards." 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."¹⁴¹⁹

In April 2019, the law "On ensuring that the Ukrainian language functions as an official language"¹⁴²⁰ was adopted. It mandates the use of the Ukrainian language in all areas of public life except for private communications. Accordingly, any attempts to introduce an official policy involving multilingualism are deemed actions geared toward effecting violent changes, or toppling the constitutional order.

One of the prerequisites for this law was the February 2018 decision of the Constitutional Court of Ukraine, which declared unconstitutional the law "On the Fundamentals of State Language Policy,"¹⁴²¹ according to which the Russian language was a regional language in certain regions (13 of 24 regions). Subsequently, the Russian language was deprived of its regional status by decisions of Ukrainian courts at the instigation of some "language activists".

Two bodies, the Office of the Commissioner for the Protection of the Official Language and the National Commission on Ukrainian Language Standards, have been established in 2019 to monitor the implementation of the laws on language. The Office of the Commissioner will, in reality, perform the functions of a repressive mechanism, since its responsibilities include monitoring compliance with the requirements outlined in language legislation, including conducting official investigations and making proposals on the

¹⁴¹⁸ <https://pace.coe.int/en/files/23532#trace-1>

¹⁴¹⁹ <https://ria.ru/20181206/1547556068.html>

¹⁴²⁰ https://online.zakon.kz/Document/?doc_id=33624660

¹⁴²¹ <https://ria.ru/20180228/1515481546.html>

imposition of disciplinary or administrative penalties on people or organizations in breach of the laws on language. Moreover, starting in 2022 a legal provision imposing liability for debasing or disparaging the Ukrainian language will come into effect. The introduced system of fines is an impressive amount from 200 to 400 minimum wages.

On June 21, 2019, a group of 51 People's Deputies filed a petition with the Constitutional Court of Ukraine (CCU), that raises the issue of whether the new law is consistent with the constitution, given the restrictions that it imposes on the rights held by citizens to use and protect their native language, and the right of Ukrainian indigenous peoples and national minorities to develop their linguistic identities.¹⁴²² V. Novinskiy, one of the deputies that initiated the petition, stated that instead of regulating social interaction in the area of language policy in a multinational state, this law pits Ukrainian and Russian speakers against each other, and causes conflict between them.¹⁴²³ On July 14, 2021, the Constitutional Court of Ukraine ruled that the law on state language complies with the Constitution.¹⁴²⁴

In addition to the Russian language, the languages of other national communities, particularly the Hungarian language, have also come under attack. In December 2020, in response to a petition filed by the Ukrainian Prosecutor General Taras Kremin, the Commissioner for the Protection of the Official Language, all decisions issued by the Beregovsky and Vinogradovskiy district councils in Transcarpathia on the functioning of regional languages were deemed illegal and rescinded.¹⁴²⁵

¹⁴²² <https://www.ukrinform.ru/rubric-politics/3057613-konstitucionnyj-sud-vo-vtornik-vozmetsa-za-azykovoju-zakon.html>

¹⁴²³ <https://vesti.ua/strana/obrashhenie-v-ksu-po-yazykovomu-zakonu-yavlyaetsya-zashhitoj-prav-russkoyazychnyh> <https://strana.today/articles/analysis/277345-pochemu-predstavitel-prezidenta-v-ks-zajavil-chto-ne-nuzhno-otmenjat-zakon-o-totalnoj-ukrainizatsii-.html> (ранее <https://strana.ua/articles/analysis/277345-pochemu-predstavitel-prezidenta-v-ks-zajavil-chto-ne-nuzhno-otmenjat-zakon-o-totalnoj-ukrainizatsii-.html>)

¹⁴²⁴ <https://tass-ru.turbopages.org/turbo/tass.ru/s/mezhdunarodnaya-panorama/11902213>

¹⁴²⁵ <https://strana.today/news/312768-na-zakarpate-utratali-dejstvie-mestnye-reshenija-o-rehionalnykh-jazykakh.html> (ранее <https://strana.ua/news/312768-na-zakarpate-utratali-dejstvie-mestnye-reshenija-o-rehionalnykh-jazykakh.html>)

After the adoption of the law "On Ensuring the Functioning of the Ukrainian Language as the State Language," its provisions came into force gradually.

Since January 16, 2020, its Article 32, which defines the state language as the language of advertising in Ukraine, is in force. The exceptions are the same as in other areas: print media and advertisements may be published in one of the EU languages. The corresponding amendments have been introduced to the law "On Advertising".

On July 16, 2020, the next provisions of the law came into force, according to which the Ukrainian language was transferred to the scientific sphere. According to the new requirements, in addition to Ukrainian, it is allowed to publish scientific publications in the EU official languages, but such works must necessarily contain an abstract in Ukrainian. Dissertations, monographs, and abstracts published after that date must be in Ukrainian or English. The same languages are used both for the defence of the work in question and for the holding of public scientific events.

On January 16, 2021, Article 30 of the law came into effect, which provides for a full transition to the state language of the service area.

On July 16, 2021, a new stage of Ukrainianization of all spheres of public life began in the country. This refers to the entry into force of Articles 23 and 26 of the law on language, according to which all cultural events must be conducted in the Ukrainian language, including theater performances, concerts, show programs. Posters or advertising in other languages are prohibited, with the exception of names of artists, performers, or creative collectives. In museums, galleries, and exhibition halls, information boards, audio-video guides, booklets, and signs on exhibits must be in the state language. Films in other languages must be dubbed into Ukrainian on television or in cinemas. As for book publishers, they are required to publish in Ukrainian at least 50% of the total annual print run. The sphere of tourism and excursion services is also

becoming more and more ukrainianized. At the same time, an obligatory certification of knowledge of the Ukrainian language was launched for candidates for civil service positions.

On January 16, 2022, a new language law came into force in Ukraine concerning the media sphere. The national print media are obliged, as of January 2022, to start issuing compulsory Ukrainian versions of issues published in non-national languages (for regional media the same norm will come into force in July 2024). Russian-language content is available only as an optional. In July 2024, the quota of broadcasting programs and films in Ukrainian language on TV and radio will increase to 90% for national TV channels and 80% for regional channels (now 75% and 60% respectively).

The law prohibits advertising in the press in any language other than Ukrainian. Exceptions are made for English, the official languages of the EU, and indigenous languages. In this connection, the political party "Opposition Platform – For Life" issued a statement in which it called the destruction of Russian-language print media 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.

Since July 16, 2022, according to the next regulations of the law on language, all websites and social networking pages of public authorities, local governments, enterprises, institutions and organizations registered in Ukraine must have a Ukrainian-language version, which will be loaded by default. All goods on which computer programs are installed must have a Ukrainian-language interface. Also from this day on, fines may be levied against individuals for using the Russian language, if it is deemed to violate the provisions of the above-mentioned law.

It is worth noting that due to the sharply negative reaction of a number of European countries, primarily Hungary, to the discriminatory provisions of the law "On Education", the law "On ensuring the functioning of the Ukrainian language as the state language" included a provision stating that representatives of national minorities, whose languages are official in the European Union, if they started general secondary education before September 1, 2018, are entitled to continue it in their native language until September 1, 2023. Thus, the Russian language has been subjected to double discrimination (simultaneously in relation to the state language and the official languages of the EU), which has been once again pointed out by the Venice Commission of the Council of Europe,¹⁴²⁶ responding to the contradiction between the language law and Ukraine's international obligations, and also voicing fears that the law may create inter-ethnic tension in society. The Commission's assessments and recommendations were supported by OHCHR.¹⁴²⁷

Nevertheless, the recommendations of the expert body were ignored, and the next step towards the establishment of a mono-ethnic language regime in a multi-ethnic state was the adoption of the law "On complete general secondary education" on January 16, 2020.¹⁴²⁸ The document introduces three teaching models that depend upon the language spoken by the students. Provision is made for teaching Ukraine's indigenous peoples, which in Ukrainian law refers to the Crimean Tatars, Krymchaks, and Karaites, in their native languages during the entire period of their studies. Representatives from national minorities whose languages are official languages in the European Union have the opportunity to study in those languages during their first four years in school, after which the number of disciplines taught in Ukrainian will gradually increase from 20% up to 60% by the ninth grade. For all other students, the

¹⁴²⁶ [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)

¹⁴²⁷ OHCHR report on the human rights situation in Ukraine. February 16 – July 31, 2020

https://www.ohchr.org/Documents/Countries/UA/30thReportUkraine_RU.pdf

¹⁴²⁸ <https://iz.ru/986778/2020-03-13/prezident-ukrainy-podpisal-zakon-ob-obrazovanii>

percentage of classes taught in the official language should range from 80-100% 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 Official Language, the Russian language was subjected to triple discrimination in the Ukrainian state: in respect of the official language, official languages of the EU and indigenous people's languages.

It is indicative that the Ukrainian authorities were not ready for the implementation of these innovations. In the run-up to a general transition to using the Ukrainian language for education, during the second half of June 2020, an inventory was taken of school libraries around the country to ensure all educational institutions had sufficient textbooks. However, the resources found were not enough to implement the requirements of the law. According to pupils' parents, schools were unable to provide children with textbooks, so it was recommended that they purchase them at their own expense.¹⁴²⁹

The school year 2020/2021 showed that the implementation of the education law was conducted according to the toughest scenario, and in some regions the situation was exacerbated by local authorities. For example, in Lvov, the Ukrainization of Russian Lyceum No. 45, one of the most prestigious educational institutions in the city where about 1,000 children of different ethnicities study, was presented as a special "achievement". A school principal who was energetic about popularizing Russian-language education was forced to resign from his position, and replaced with principal who had no previous connection with the school, but supported the move away from teaching in Russian.

¹⁴²⁹ <https://strana.today/news/272272-zakrytie-russkikh-shkol-v-ukraine-hde-brat-uchebniki-na-move.html>
(ранее <https://strana.ua/news/272272-zakrytie-russkikh-shkol-v-ukraine-hde-brat-uchebniki-na-move.html>)

In order to "squeeze out" the Russian language, the forces of "civil society" (often radical organizations) were also involved, which, with the indulgence of the authorities, organized various aggressive actions against teachers who continued to use the Russian language. In March 2020, nationalists organized bullying of lyceum teachers in Lvov. The teachers were accused of "propaganda of the Russian World" and "Russification of Ukrainian children".¹⁴³⁰ A similar incident happened to the honored teacher of Ukraine P.Viktor. In April 2020, nationalists unfolded an aggressive campaign against him because he had created physics video lessons in Russian.¹⁴³¹

In November 2020, the professor of the National Technical University Dneprovskaya Politekhnika (the city of Dnepropetrovsk) V.Gromov, under the pressure of the university administration, had to retire after an official complaint lodged against him by a student who was indignant at the fact that the professor lectured in Russian.¹⁴³²

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 academic year.

In 2022, the process of "squeezing" the Russian language out of the sphere of education was completed in Ukraine: the curriculum for secondary schools for the academic year 2022/2023 no longer provides for teaching subjects in Russian or studying Russian either as a subject or as an elective. All literary works by Russian and Soviet (with the exception of Ukrainian) authors have been removed from the literature programs of Ukrainian schools.¹⁴³³ The Ministry of Culture and Information Policy of Ukraine has developed

¹⁴³⁰ <https://strana.today/news/253594-kak-vo-lvove-natsionalisty-atakujut-shkolu-s-russkim-jazykom-obuchenija-.html> (ранее <https://strana.ua/news/253594-kak-vo-lvove-natsionalisty-atakujut-shkolu-s-russkim-jazykom-obuchenija-.html>)

¹⁴³¹ <https://vesti.ua/odessa/rabotaet-na-kreml-v-odesse-zatravili-izvestnogo-professora-iz-za-yazyka>

¹⁴³² <https://strana.today/news/299846-jazykovej-skandal-v-dnepre-za-cto-uvolili-professora-hromova-iz-dpi.html> (ранее <https://strana.ua/news/299846-jazykovej-skandal-v-dnepre-za-cto-uvolili-professora-hromova-iz-dpi.html>)

¹⁴³³ https://ru.osvita.ua/doc/files/news/866/86629/1_Rishennya.pdf

recommendations for the removal of works of Russian literature from library collections. These works, according to representatives of the ministry, "will be sent to waste paper for the printing of Ukrainian books".

On February 7, 2022, two teachers in Kiev schools (Lyceum No. 303 and School No. 152) were fired for using the Russian language in the teaching process. The dismissals occurred during an investigation of two educational institutions by Taras Kremin's office, the Commissioner for the Protection of the State Language. Teachers were reprimanded in educational institutions before they were fired.

Taras Kremin, the commissioner for the protection of the state language, wrote to the mayors of several Ukrainian cities on February 9, 2022, demanding that the outdoor advertising, signboards, and signage put in contravention of the language law be removed. This message was published on the page of Taras Kremin in Facebook. In particular, it was reported that letters were sent to the heads of Kiev, Kharkov, Odessa, Dnepr (Dnepropetrovsk), Zaporozhye, Nikolayev, Kherson, Sumy, Poltava, Chernigov, Cherkasy, Chernovtsi, Kropivnitskiy, Uzhgorod, Kremenchuk, Beregovo, Mariupol, Kramatorsk, Bakhmut and Krivoy Rog, and the heads of the Volnovakha, Slavyansk, Severodonetsk and Lysychansk city military-civil administrations.

In April 2022, Taras Kremin publicly advocated the abolition of Russian-language teaching in all educational institutions of the country as of September 1 of this year.¹⁴³⁴ He added that the "Russian language" discipline should be replaced by other ones, and, to the extent it has not yet been done, make the teachers, before beginning of each Russian language lesson, to explain to Russian-speaking children that their native language is by default the language of the aggressor and they should be ashamed to speak it. Taras Kremin also said that the foreign literature program should be revised, since it places a significant emphasis on the study of the works of Russian writers. On

¹⁴³⁴ <https://strana.today/news/386692-v-shkolakh-mohut-perestat-obuchat-ruskomu.html>

April 11, 2022, he advocated for the abolition of Russian-language titles for localities throughout the country, citing the slogan "Ukraine for Ukrainians."¹⁴³⁵

The Kiev authorities are not limiting themselves to excluding the Russian language from education and science. The Verkhovna Rada of Ukraine implemented in first reading draft law 7633 on prohibiting the use of "Russian sources of information" in education in mid-December 2022, which prohibits the use of Russian-language literature in science and education. The document proposes amending the statute "On Education" to make it clear that references to literature and sources of information produced in the country's state language by Russian Federation persons or legal organizations are not permitted in Ukrainian curriculum. Similar changes are envisaged in the law "On scientific and scientific-technical activity". All this is being introduced to "protect the educational and informational space of Ukraine from the influence of Russian imperialism".¹⁴³⁶ In fact, it means a complete ban on scientific literature published in the Russian language, on the territory of Russia or by Russian citizens. Sources in Russian can no longer be used in schools, universities, or in scientific work.

Previously imposed obstacles preventing the import of Russian literature by Ukrainian authorities (in the form of refusals to obtain relevant licenses) have already had detrimental implications. According to Strana.UA (a Ukrainian online newspaper), between November 2019 and July 8, 2020, not a single Russian publication was imported into Ukraine, and not a single license was issued. The restriction applies to fiction and also to specialist literature, which has resulted in an information deficiency. The lack of up-to-date research papers, including virology, became particularly evident during the pandemic.¹⁴³⁷

¹⁴³⁵ <https://ria.ru/20220411/yazyk-1782979284.html>

¹⁴³⁶ <https://www.rubaltic.ru/amp/article/politika-i-obschestvo/20221219-v-pogone-za-movoy-ukraina-polnostyu-khoronit-ostatki-svoey-nauki-i-kultury/>

¹⁴³⁷ <https://strana.today/news/277505-zapret-na-vvoz-knih-iz-rossii-sprovotsiroval-defitsit-na-rynke-nauchnoj-literatury-v-ukraine.html> (ранее <https://strana.ua/news/277505-zapret-na-vvoz-knih-iz-rossii-sprovotsiroval-defitsit-na-rynke-nauchnoj-literatury-v-ukraine.html>)

On March 14, 2022, Ukraine's Committee on Television and Radio Broadcasting declared a ban on the import and distribution of all Russian publishing products, with the goal of "preventing Russia's cultural and informational influence on Ukrainians."¹⁴³⁸

Furthermore, in June 2022, regulations were passed prohibiting the import and distribution of books and other publishing products from Russia and Belarus, as well as the publication and sale of books written by Russian citizens.

Since May 2020, there has been a three-year extension of the 2017 ban on access on Ukrainian territory to 468 Russian sites and social networking platforms, including Yandex, Mail.ru, VKontakte, and Odnoklassniki, as well as software products from 1C, Kaspersky Lab, and Doctor Web. Furthermore, in September 2020, Oleksiy Danilov, Secretary of Ukraine's National Security and Defense Council, announced that the Ukrainian special services would track and preserve a registry of those who used the aforementioned social network.¹⁴³⁹

Despite the legal restrictions, programs in Russian are still in demand, although the Ukrainian authorities are trying to combat this. Significantly, on January 13, 2022, the National Television and Radio Broadcasting Council of Ukraine announced during an online meeting that it would conduct checks on Ukrainian channels because of the abundance of Russian-language content on New Year's Eve.

Simultaneously, the provisions of the law "On Television and Radio Broadcasting"¹⁴⁴⁰ forbid the transmission of films and programs starring "banned" actors. Also, under Ukrainian law,¹⁴⁴¹ it is prohibited to show films and TV shows related to Russian security forces, as well as Russian television and cinema productions in Russia. After 2014.

¹⁴³⁸ <https://iz.ru/1304904/2022-03-14/na-ukraine-vveli-zapret-na-vvoz-i-rasprostranenie-vsekh-knig-iz-rossii>

¹⁴³⁹ <https://www.rbc.ru/politics/25/09/2020/5f6db5599a794765448c5e81>

¹⁴⁴⁰ https://urst.com.ua/ru/act/o_televidenii_i_radioveschani

¹⁴⁴¹ https://kodeksy.com.ua/ka/o_kinematografii.htm

On October 7, 2022, the law "On Amending the Ukrainian law "On Support of National Music Production and Restriction of Public Use of Music Production Produced by the Aggressor State," which outlaws broadcasting Russian music on television,¹⁴⁴² radio, and in public places, as well as tours of Russian singers, forbids the broadcast of Russian music on TV, radio, and in public places, as well as tours by Russian performers.

Even before this law was passed, nationalists were actively involved in combating the public performance of Russian songs and, in general, the use of the Russian language in everyday life. For example, since the beginning of 2021, unofficial associations – "language activists" – in Lvov have become increasingly anti-Russian. Since early 2021, these unofficial associations – "language activists,"¹⁴⁴³ mostly young people¹⁴⁴⁴ – have become more active in Lvov. In the city, they "noted" a number of actions of the relevant direction. For example, "language activists" demanded that the administration of the cafe "Puzata Khata" stop playing Russian music in the facility and filed a complaint with the chain's headquarters. Such "actors" provoked a conflict in the city center with the entertainer, who played Russian music. Another confrontation took place in the "AzArt" hookah cafe between "blogger-activist" V.Andreev and one of the owners of the establishment V.Andreyev gave an ultimatum to the owner of the place to turn off the Russian music that was playing, to which he refused and was kicked out. 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 March 5 2021, in Lvov, nationalists assaulted two street musicians who were performing songs in Russian.

¹⁴⁴² <https://zakon.rada.gov.ua/go/2310-20>

¹⁴⁴³ Self-designation - "movny patrol", that is – "language patrol".

¹⁴⁴⁴ <https://is.gd/TmiDr3> (page of one of the associations of "movny patrol" in the social network Facebook).

The local police did not respond to this illegal attack as they should have done.¹⁴⁴⁵

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 cafe "New York Street Pizza" in Chernovtsi displayed a crossed-out image of a pig painted in Russian flag colors on the entrance. In response to the journalists' appeals, the administrator of the establishment said: "Such visitors refuse to communicate in an English foreign language and in Ukrainian. And we, on principle, do not communicate in Russian. It's our language policy."¹⁴⁴⁶

On May 30, 2022, a video from Lvov went viral, showing a volunteer refusing UN humanitarian assistance to displaced people from eastern Ukraine because they spoke Russian. When asked, the volunteer told the women that he did not understand them and demanded to address him in Ukrainian. A nearby police officer informed the displaced people that it was illegal to video the volunteer and, in response to their outrage, threatened with taking the women to the police station.

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 Defense Council of Ukraine Aleksey Danilov openly stated that "the Russian language should disappear altogether".¹⁴⁴⁷

Some Ukrainian officials have also been harassed for using the Russian language. On January 13, 2023, Kharkov Mayor I.Terekhov sued the language ombudsman Taras Kremin for repeatedly fining him for using the Russian

¹⁴⁴⁵ <https://lvov.strana.today/366447-zakon-o-jazyke-vo-lvove-izbili-ulichnykh-muzykantov-za-pesni-na-russkom.html> (пaнee <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-ispolniahshikh-pesni-na-russkom-muzykantov>

¹⁴⁴⁶ Online environment as an instrument of violation of rights and freedoms in Ukraine. I. Berezhnaya Institute of Legal Policy and Social Protection. 2022.

¹⁴⁴⁷ <https://www.rbc.ru/politics/21/10/2022/6352a7b49a7947f3b9632b73>

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, I.Terekhov said that he would continue to use Russian in his communication with Kharkov citizens, as it is spoken by 80% 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% of respondents believe that the state should provide all Russian-speaking citizens throughout Ukraine with the right to receive their school education in Russian. 40% 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% of respondents consider the state should not support such a right. In addition, 37% 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% believe this should apply in those regions where the majority of the population wants this, but not throughout all of Ukraine, and 28 % of respondents believe that the state should not support such a right.¹⁴⁴⁸

Furthermore, according to the results of another KIIS survey conducted in April 2020, 48.8% of respondents believe that the Russian language is part of Ukraine's historical heritage, and should be developed.¹⁴⁴⁹

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

¹⁴⁴⁸ <https://www.kiis.com.ua/?lang=rus&cat=reports&id=920&page=7>

¹⁴⁴⁹ https://www.kiis.com.ua/materials/pr/20200406_pressconf/politics_april%202020.pdf

State Target Social Program of National-Patriotic Education until 2025,¹⁴⁵⁰ which published the data of a sociological survey showing that less than half of the country's population – only 46% – uses the Ukrainian language in family and household communication. It is noted that this indicator corresponds to zero in Donbass. This situation is qualified by the Ukrainian authorities as "threatening".¹⁴⁵¹

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.

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

¹⁴⁵⁰ <https://www.kmu.gov.ua/news/prijnyato-koncepciyu-derzhavnoyi-cilovoyi-socialnoyi-programi-nacionalno-patriotichnogo-vihovannya-na-period-do-2025-r>

¹⁴⁵¹ <https://zakon.rada.gov.ua/laws/show/1233-2020-%D1%80#Text>, <https://zakon.rada.gov.ua/laws/show/1233-2020-p#Text>.

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.

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 interview¹⁴⁵² 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 remarks and calls for the murder of Russians were frequently broadcast. For example, the official advertisement of the program of Ukrainian journalist Y. Sokolova on "Channel 5" stated as follows: "Turn on 5! Moskals are pissed off!" In August 2022, on NTA television, she said that Russians should not be taken prisoner, they should be killed as much as possible, adding that she wanted "all of them to be destroyed as quickly as possible."

Journalist and TV host and former media director of the television channel "ZIK" O.Drozdov repeatedly publicly insulted Russian-speaking citizens and claimed that the Russian language for Ukraine is not only foreign, but also "aggressive-occupying and threatening". He also branded individuals who live in the nation and speak Russian "the pledge of war" and that they should "disappear as a species." In November 2022, O.Lakunova, a member of

¹⁴⁵² <https://kanal5.com.ua/esli-ty-schitaesh-cto-my-russkie-bolshaya-oshibka-ostavatsya-zhit-na-donbasse-zelenskij-video/>

the Ukrainian Armed Forces who returned from captivity in an exchange, declared that "the entire Russian population must be destroyed." Moreover, she urged that even children should not be spared.

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. This includes such negative comparisons as "Coloradas," "Vatniks," and "Orcs". Materials justifying and calling for the murder of Russians are being actively distributed.

Non-governmental organizations defending the interests of the Russian-speaking population of Ukraine have repeatedly sent appeals to European structures, including the Council of Europe and the OSCE, to ensure the rights of the Russian-speaking community. However, there was no reaction. 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.¹⁴⁵³

As the special military operation continued, the position of our compatriots in Ukraine deteriorated substantially 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 over the world. On social media, Ukraine's President's Advisor A. Geraschenko urged people to

¹⁴⁵³ Online environment as an instrument of violation of rights and freedoms in Ukraine. I. Berezhnaya Institute of Legal Policy and Social Protection. 2022.

"find and punish" those civilians who assisted Russian armed forces in the Kiev region. B.Filatov, the mayor of Dnepropetrovsk (Dnepr) known for his hate of all things Russian, advocated on Facebook to "kill Russians all over the world and in large numbers." The secretary of the National Security and Defense Council, A.Danilov, called the Russians "rats" and "swine dogs" ("schweinehund"), and called for "poisoning them" and "destroying them by all means".

Against this background, the situation with regard to the rights of Russian citizens and compatriots in Ukraine remains very difficult.

In 2021, Ukraine's National Security and Defense Council enacted a variety of measures imposing restrictions on Russian legal firms and individuals, including the suspension of commercial activity, the freezing of assets, and entry restrictions into Ukraine. In total, the Ukrainian sanctions lists include about 1.5 thousand Russians and more than 1 thousand Russian enterprises and companies.

Russian citizens arriving to the country from Crimea are subjected to unjustified criminal prosecution. Criminal cases on charges of "treason", "attempts on territorial integrity and immunity", "creation of paramilitary armed groups", "aiding terrorists and separatists" are initiated against them. There are reported numerous violations of the procedural rights of the Russian citizens in the course of conducting the criminal proceedings initiated against them.

Over 6.6 thousand Russians were denied entry into Ukraine in 2021 for a variety of reasons, according to the State Border Guard Service of Ukraine. On account of their "illegal" visits to Crimea and the Donbass-proclaimed republics, around 500 of these individuals had their entrance requests denied.

On June 17, 2022, the Cabinet of Ministers of Ukraine adopted Decree No. 692¹⁴⁵⁴ on withdrawal from the Agreement between the Government of the Russian Federation and the Government of Ukraine on visa-free travels of

¹⁴⁵⁴ https://base.spininform.ru/show_doc.fwx?rgn=141570

citizens of the Russian Federation and Ukraine of January 16, 1997, and also on suspension 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 October 18, 2011.

Russian journalists are de facto deprived of their rights to pursue activities in Ukraine by 2021. They are not allowed to attend events designated for the media and conducted by state government institutions. Their accreditation requests are not taken into consideration. In 2021, the Kiev office of TASS was closed due to sanctions restrictions introduced against it.

Russian citizens continue to face a challenging scenario as their rights and liberties are frequently abused. Russian-speaking activists continuously face violation of their rights to the integrity of person, dwelling, property, are intimidated and subjected to pressure by healthcare authorities, law enforcement authorities, intelligence services and nationalist groups.

In December 2018, SBU officers conducted searches in Poltava in the premises of the Russian-speaking community members. The coordinator of the All-Ukrainian Coordinating Council of Russian Compatriot Organizations, Sergey 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 Yu. Pogoda (a well-known researcher of the Great Northern War period), poet and publicist V.Shestakov (head of the Poltava Region 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 of the head of the Transcarpathia Regional Association "Rus" V.Saltykov. They seized mobile communications devices and his personal computers.

The arrest (in August 2020) on suspicion of treason 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, T.Kuzmich, who is widely known for her active work to promote the Russian language in Ukraine, cause great public outcry. She was charged by the Ukrainian security services with participating in "the creation of an agent network" and being "engaged by the Federal Security Service of Russia in espionage activities while in Crimea and transmitting materials for subversive work in the Kherson region and throughout Ukraine." It should be noted that T.Kuzmich has been visiting the peninsula on a regular basis as part of her professional obligations to participate in the "Great Russian Word" festival since 2008. The measure of restraint chosen for her was remand in custody, however in the beginning of October 2020 she was released on bail. T.Kuzmich risks a punishment in the form of imprisonment for a period of 12 to 15 years with confiscation of her property.

From the start of the special military operation, the MFA of Russia received applications from over 5 thousand 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 Defense Forces and others who obtained firearms through uncontrolled distribution.

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.

The Kiev regime's officials are taking steps to limit our citizens' liberties. The National Bank of Ukraine was one of the first such Ukrainian authorities to prohibit credit institutions from conducting currency transactions with the Russian ruble. This step made by the regulator left thousands of persons in the country without means of subsistence.

On March 1, 2022 all mobile operators in Ukraine banned communication for phones with Russian numbers.¹⁴⁵⁵

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"¹⁴⁵⁶ went into effect on March 7, 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 Defense Council, which was implemented by presidential decree, without providing any sort of compensation.

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 on November 2, 2022.¹⁴⁵⁷

On December 30, 2022 V.Zelenskiy signed Law No. 8224 "On National Minorities (Communities) of Ukraine", adopted by the Parliament on December 13, 2022, according to which ethnic Russians, or as they are veiled in the text – "who identify their membership 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, virtually all rights and freedoms are restricted, including the right to peaceful assembly, to receive funding, to establish consultative bodies under local administrations, and the right to participate in international activities.

¹⁴⁵⁵ <https://www.gazeta.ru/social/news/2022/03/03/17376829.shtml>

¹⁴⁵⁶ https://online.zakon.kz/Document/?doc_id=33474326&pos=10:-32#pos=10:-32

¹⁴⁵⁷ <https://www.rbc.ru/politics/02/11/2022/6361c4e79a79478937e28120>

The whole spectrum of xenophobia is characteristic of modern Ukraine. Anti-Semitic incidents significantly increased as a result of widespread campaigns to glorify Ukrainian Nazi collaborators who organized and took part in the slaughter of the Jewish population of the nation during World War II.

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 an incident involving the Jewish community of Kolomyia. On February 11 2020 the head of the Jewish community in Kolomyia, Y.Zalitsker, received a letter from the Ivano-Frankovsk regional division of the national police force, requiring him to send them a full list of all Jewish residents, including students, with their addresses and contact details. This demand was explained as being part of the fight against organized crime.¹⁴⁵⁸

According to a survey conducted by the Anti-Defamation League, Ukraine is the second most anti-Semitic country in Europe. In 2016, 32% of Ukrainians admitted to being intolerant of Jews, and by 2019 the proportion was 46%.¹⁴⁵⁹

The Kantor Center's report on the state of anti-Semitism around the world confirms that in Ukraine there were more incidents of anti-Semitism in 2020 than in previous years.¹⁴⁶⁰

Synagogue attacks in Vinnitsa and Mariupol, as well as the attempted burning of a synagogue in Kherson on April 20, 2020,¹⁴⁶¹ are all mentioned in the United Jewish Community of Ukraine's report on anti-Semitism from 2020. It was discovered during the investigation of the latter event that the offenders embraced Nazi philosophy and attempted to set the synagogue building on fire in order to commemorate the anniversary of Hitler's birth in this manner.

¹⁴⁵⁸ https://lenta.ru/news/2020/05/13/perepis_jude/

¹⁴⁵⁹ <https://apnews.com/f18c9fa70b794974b214b6e9f1552cfd>

¹⁴⁶⁰ <https://lenta.ru/news/2021/04/07/antisemitism/>

¹⁴⁶¹ Report on Anti-Semitism in Ukraine 2020. <https://jewishnews.com.ua/society/otchyot-po-antisemitizmu-v-ukraine-za-2020-god>

On January 19, 2020, a memorial sign commemorating the 15,000 Jews exterminated in the Holocaust was desecrated in Krivoy Rog, Dnepropetrovsk region.

On February 20, 2020, an unidentified man in camouflage burst into the synagogue in Vinnitsa and attacked a member of the congregation, shouting "beat the Jews!"

On June 15, 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, I.Gonta.¹⁴⁶²

On September 11, 2020, a sign in Ukrainian/Hebrew appeared in the Kozerog cafe in Uman, Cherkasy region, stating that "Hasidim are not served/Hasidim are not allowed in."

On the night of October 24-25, 2020 in Melitopol, Zaporozhye region, 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 anti-Semitic content in their presentation materials.

The overall number of anti-Semitic occurrences in 2021 was a little higher than it was in 2020. Anti-Semitic vandalism also increased at the same time, reaching a climax towards the end of November and beginning of December 2021, when Hanukkah was celebrated. Six Hanukkiyahs and a Holocaust memorial in Lysychansk were damaged by anti-Semitic vandalism at the time.¹⁴⁶³

On February 7, 2021, the Center of Educational Literature published the book "Jews or Zhids" by the Nazi collaborator and OUN activist Zinoviy Knysh.

¹⁴⁶² Online environment as an instrument of violation of rights and freedoms in Ukraine. I. Berezhnaya Institute of Legal Policy and Social Protection. 2022.

¹⁴⁶³ Anti-Semitism in Ukraine - 2021. <https://jewishnews.com.ua/society/antisemitism2021>

Zinoviy Knysh was directly involved in organizing the Jewish pogroms and led the anti-Semitic Ukrainian Central Committee.¹⁴⁶⁴

In 2022 the anti-Semitic acts and attacks continued.

On January 18, 2022, another act of anti-Semitic vandalism was recorded in Lysychansk. 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.

In early February 2022, Ukrainian artist R.Bonchuk showed anti-Semitic paintings as part of the "Precursor" exhibition at the Center for Contemporary Art in Ivano-Frankovsk. One of them was called "The Jew and the Pig." The second depicted a monster in a black hat, and the Torah scroll was presented in place of the meat in the shawarma machine. After complaints from the United Jewish Community of Ukraine, they were removed on February 6.

On March 31, 2022 in Ivano-Frankovsk, the director of the Ivano-Frankovsk Jewish Community, I.Perelman, was attacked while handing out lunches to the needy and was stabbed three times. Physical violence was accompanied by anti-Semitic remarks in front of numerous witnesses.¹⁴⁶⁵

On May 16, 2022, vandals in Khmelnytsky drew a swastika on the Jewish community center "Tkhia."¹⁴⁶⁶

On July 26, 2022, M.Kovalchuk, a former deputy of the Kiev city council and head of the National Patriotic Movement of Ukraine, published an anti-

¹⁴⁶⁴ Online environment as an instrument of violation of rights and freedoms in Ukraine. I. Berezhnaya Institute of Legal Policy and Social Protection. 2022.

¹⁴⁶⁵ <https://www.unian.net/incidents/direktor-evreyskoy-obshchiny-ivano-frankovska-poluchil-tri-nozhevyh-raneniya-novosti-ukraina-amp-11767225.html>

¹⁴⁶⁶ <https://jewishnews.com.ua/society/vandalyi-narisovali-svastiku-na-evrejskom-obshhinnom-czentre-v-xmelniczkom>

Semitic post on his Facebook page, in which, among other things, he claimed that "orthodox Jews practice ritual murder of people".¹⁴⁶⁷

On September 29, 2022 (on Babi Yar Memorial Day), the "OKKO" gas station near Yavorov, Lvov region, refused to serve Hasidim on the basis of their nationality and religion.¹⁴⁶⁸

On October 4, 2022, in Ivano-Frankovsk, a group of young people destroyed part of the fence, pulling down the Star of David, at the oldest cemetery in the city.

On December 26, 2022, graffiti appeared in Uzhgorod with anti-Semitic writings and a call to kill Jews.¹⁴⁶⁹

The pressure placed on Russians and other speakers of the Russian language in Ukraine in 2022 did not indicate that all of the issues affecting the nation's other ethnic minorities had been solved. Serious concern about the continuing infringement of the rights of compatriots in Ukraine are still being tested in Budapest and Bucharest. 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. The Hungarian and Romanian ombudsmen expressed their intention to find out on the spot to what extent Law No. 8224 on national minorities (communities), adopted by the Verkhovnaya Rada on December 13, 2022, actually meets the goal of protecting their rights.

The demolition of the sculpture of Turul in Mukachevo castle Palanok (Transcarpathian region), which was replaced by the Ukrainian trident on October 13, 2022, was a flagrant violation by the Ukrainian authorities of the

¹⁴⁶⁷ <https://amp.strana.today/news/401075-eks-deputat-kievrady-mikhail-kovalchuk-zajavil-chto-evrei-ubivajut-detej.html>

¹⁴⁶⁸ <https://jewishnews.com.ua/society/na-okko-v%D1%96dmovlyayut-v-obslugovuvann%D1%96-xasidam-zanacz%D1%96onalnoyu-ta-rel%D1%96g%D1%96jnyu-oznakoyu>

¹⁴⁶⁹ <https://jewishnews.com.ua/society/vipadok-antisem%D1%96tskogo-vandal%D1%96zmu-v-uzhgorod%D1%96>

right of the Hungarian community to preserve their cultural identity, as stated in this law.

The Hungarian minority living in the Transcarpathia region is also being put under pressure by the authorities. Armed Ukrainian special forces searched Laszio Brenzovich's residence and the headquarters of the Transcarpathian Hungarian Cultural Society for signs of separatist activity at the end of 2020. The pretext for the raids was the fact that the Hungarian national anthem had been performed in a meeting of the organization. According to a representative 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.¹⁴⁷⁰

The administrative reforms being done in the country also pose a threat to the interests of ethnic minorities. For example, under a decision made by the Verkhovna Rada on July 17, 2020, Beregovsky District, where Hungarians accounted for 76% of the population, was increased in size. According to I.Borto, who is the deputy head of the Transcarpathian Regional Council and a deputy representing the Hungarian Party in Ukraine, after his territory was expanded by the addition of the Vinogradovskiy District, the percentage of the Hungarian minority decreased to 43%. A similar situation can be observed in all the areas across Transcarpathia in which representatives of this nationality were concentrated. After the consolidation of the Uzhgorod district, Hungarians accounted for only 13% of the total population instead of 33%, and in Mukachevo district – 4% instead of 12%.¹⁴⁷¹

¹⁴⁷⁰ <https://strana.today/news/304131-venhry-zakarpatja-nazvali-okhotoj-na-vedm-obyski-v-venhskom-fonde-i-proverku-sbu.html>

¹⁴⁷¹ <https://ukraina.ru/exclusive/20200613/1027978005.html>; <https://gordonua.com/amp/newspolitics/rada-vmesto-490-sozdala-v-ukraine-136-rajonov-polnyj-spisok-1509766.html>

Representatives from the Romanian community also claim that their rights have been violated as a result of the linguistic and administrative reforms carried out by the Ukrainian authorities. By redrawing the boundaries of the districts where representatives from this minority lived packed tightly together, new administrative divisions were formed in which Romanians account for about 10% of the total population. For them, this means a loss of representation in the country's parliament and a decrease in the numbers of positions they hold on local councils, as well as forced assimilation that is occurring in violation of Ukraine's international obligations.¹⁴⁷²

The international monitoring mechanisms to deal with human rights indicated that most members of ethnic or national minorities in Ukraine are at risk of being subjected to discrimination or stigmatization. In particular, the Right Sector, the Azov Civil Corps, and the Social National Assembly are radical right-wing organizations that operate in the nation and promote incitement to racial hatred and the dissemination of racist ideas, according to the Committee on the Elimination of Racial Discrimination.¹⁴⁷³ There have been many instances of the dissemination of intolerant views over the Internet. Racist and anti-Semitic content is posted on specific web sites promoting a nationalist agenda.¹⁴⁷⁴ Ukraine's human rights organizations have noted a growth in the number of instances of xenophobia and aggression directed at foreigners by law enforcement officers. The practice of detaining and arresting individuals or conducting document checks based on a person's race or ethnic group is still widespread.

¹⁴⁷² <https://strana.today/news/278990-ukrainskie-rumyny-pozhalovalis-bukharestu-na-prinuditelnuju-ukrainizatsiju-i-adminreformu.html> (pauze <https://strana.ua/news/278990-ukrainskie-rumyny-pozhalovalis-bukharestu-na-prinuditelnuju-ukrainizatsiju-i-adminreformu.html>)

¹⁴⁷³ Concluding observations of the Committee on the Elimination of Racial Discrimination 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=ru

¹⁴⁷⁴ <https://strana.ua/opinions/161506-ukrainskie-natsionalisty-nachali-raspolzatsja-po-seti.html>

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 in speeches by public and political figures, in the media, particularly the Internet, and during rallies, mainly directed against minorities.¹⁴⁷⁵

The Human Rights Committee in November 2021 pointed out that hate speech is prevalent in the country and that hate crimes against minorities are often committed by members of right-wing organizations. Roma, Hungarians, and Crimean Tatars (along with Jehovah's Witnesses and members of the LGBT community) are mentioned among such minority groups.¹⁴⁷⁶

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.

Gypsies are still being stereotyped and discriminated against. Members of this community are frequently the targets of aggression, physical assault, and even murder. Right-wing radicals regularly harass Roma on the Internet, publishing offensive texts, caricatures, and collages. For example, in November 2020, a number of Ivano-Frankovsk news publications published articles describing Roma in negative ethnic stereotypes, which sparked a wave

¹⁴⁷⁵ Concluding observations of the Committee on the Elimination of Racial Discrimination 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=ru

¹⁴⁷⁶ Concluding observations of the Human Rights Committee on the eighth periodic report of the Ukraine. November 2021 (comments published in February 2022)
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FUKR%2FCO%2F8&Lang=ru

of hate speech against the Roma community and calls for violence on social media.¹⁴⁷⁷

Representatives of international human rights organizations document the slowness of the Ukrainian court system's response to local nationalists' attacks on Roma settlements.¹⁴⁷⁸ Moreover, Ukrainian civil servants actually take part in the persecution of this national minority. A well-known incident took place in March 2020, when the then Minister of Infrastructure of Ukraine V.Krykliy, along with members of the radical structures C14 and Municipal Guard, took part in a "raid" against Roma at the train station in Kiev.

Ivano-Frankovsk Mayor R.Martsinkiv issued a formal order on April 22, 2020, directing all members of the Roma community to relocate to the Transcarpathian Region.¹⁴⁷⁹

Attacks against the Roma community are recorded regularly in Ukraine. On January 10, 2021, unidentified individuals attacked a member of this ethnicity in Lvov, accused him of stealing, doused him in green dye, and battered him¹⁴⁸⁰.

On October 5, 2021, a similar attack occurred in Dnepr, during which an unidentified right-wing radical beat a Roma man and sprayed pepper spray in his face.¹⁴⁸¹

On October 17, 2021, members of the neo-Nazi organization C14 and the Municipal Guard with firecrackers and smoke bombs attacked a Roma camp in the city of Irpen. One of the organizers of the attack was A.Mevedko, who was accused in the murder of the writer Oles Buzina.

¹⁴⁷⁷ Online environment as an instrument of violation of rights and freedoms in Ukraine. I. Berezhnaya Institute of Legal Policy and Social Protection. 2022.

¹⁴⁷⁸ Concluding observations of the Committee on the Elimination of Racial Discrimination 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=ru

¹⁴⁷⁹ Online environment as an instrument of violation of rights and freedoms in Ukraine. I. Berezhnaya Institute of Legal Policy and Social Protection, 2022.

¹⁴⁸⁰ <https://violence-marker.org.ua/blog/2022/06/03/ultrapravi-konfrontacziyi-ta-nasylstvo-u-2021-roczni/>

¹⁴⁸¹ Ibid.

On October 23, 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.¹⁴⁸²

On November 17, 2021, Ukrainian neo-Nazis again attacked Roma girls in downtown Kiev. In the course of the bullying, the radicals damaged the victims' faces and clothes. They filmed their actions and distributed them on the Internet.¹⁴⁸³

On January 14, 2022, in Lutsk, a man with a gun attacked a Roma family, threatened to kill everyone, and hit a child with a brick.¹⁴⁸⁴

Even deputies are attacked by nationalists. On August 13, 2021, a Verkhovna Rada deputy from the "Servant of the People" party, Jean Beleniuk, was insulted in Kiev by two radicals who called him a "black monkey" and suggested that he "go back to Africa".

Shocking were the manifestations of racism against Asian and African nationals in Ukraine in February-March 2022. These included the beating of Indian students for their country's refusal to vote against Russia at the UN General Assembly; the rough treatment of Africans who wanted to leave Ukraine; the negative treatment of Chinese nationals, etc.

Many testimonies of victims who suffered racial discrimination when trying to leave the country with Ukrainians have been 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.

In a statement released on February 28, 2022, the African Union raised worry over Africans living in Ukraine, stating that it was shockingly

¹⁴⁸² Ibid.

¹⁴⁸³ Online environment as an instrument of violation of rights and freedoms in Ukraine. I. Berezhnaya Institute of Legal Policy and Social Protection, 2022.

¹⁴⁸⁴ <https://youtu.be/ru71taHU3yU> (Новости Луцка и Волыни)

discriminatory to "sideline" Africans and treat them in a way that was unacceptable differently.

The Kiev government is openly waging a campaign to purge political circles of unwanted individuals and groups that disagree with the biased domestic and international policy and constitute a threat to the governing elite. To accomplish these aims, they are making use of the country's intelligence services and judicial system.

The media called the actions taken by Zelenskiy's office against the political party "Opposition Platform – For Life" and its leaders a sanctioned pogrom. Following the closure of three national news channels owned by party member Taras Kozak in early February 2021, the National Security and Defense Council, on February 19, imposed sanctions on the leader of the "Opposition Platform – For Life" party, V.Medvedchuk, and his wife, TV presenter O.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.¹⁴⁸⁵ In addition, O.Marchenko was included on a blacklist hosted by the infamous Myrotvorets website for the "financing of terrorists and Russian occupiers, denying that Russian aggression exists, and participating in propaganda activities in favor of Russia (an aggressor country) etc."¹⁴⁸⁶

As of May 2021, a criminal case was opened against V. Medvedchuk and T.Kozak for state treason and attempted theft of national resources in Crimea. Medvedchuk's home was searched, and he was placed under 24-hour house arrest.

Members of the Opposition Platform – For Life party, and V.Medvedchuk's defense team believe that the criminal prosecution initiated against him is politically motivated, since the party he represents opposes the

¹⁴⁸⁵ <https://strana.today/news/318673-sanktsii-snbo-protiv-medvedchuka-19-fevralja-hlavnoe.html> (ранее <https://strana.ua/news/318673-sanktsii-snbo-protiv-medvedchuka-19-fevralja-hlavnoe.html>)

¹⁴⁸⁶ <https://strana.today/news/316460-oksanu-marchenko-vnesli-v-mirotvorets.html> (ранее <https://strana.ua/news/316460-oksanu-marchenko-vnesli-v-mirotvorets.html>)

political course taken by the current authorities. They also noted that multiple procedural violations have been recorded in the case, including the fact that it was opened unlawfully – the case against the people's deputy was opened by the SBU instead of the Prosecutor General.¹⁴⁸⁷

In addition, R. Kuzmin, a deputy from the Opposition Platform – For Life party, said that at the end of March 2021 the experts from the Security Service of Ukraine Research Institute whose conclusions formed the basis for accusing V. Medvedchuk of high treason were awarded honorary titles by a decree of the Ukrainian president. The deputy also noted that Supreme Court of Ukraine has ruled that it is illegal for experts to conduct forensic investigations if they are subordinate to the bodies that ordered those investigations.¹⁴⁸⁸

On January 10, 2023, Zelenskiy approved the decision to deprive "The Opposition Platform – For Life" deputies V. Medvedchuk, T. Kozak, A. Derkach and R. Kuzmin of their citizenship. Following this, the Verkhovna Rada voted for the early termination of their parliamentary powers. The issue of deprivation of citizenship and deputy mandates of several other "The Opposition Platform – For Life" deputies is currently being resolved.¹⁴⁸⁹

In 2022, measures to eliminate opposition political parties became even more active. On May 14, 2022 Zelenskiy signed a law banning "pro-Russian parties" in the country. Following this decision, as of January 11, 2023, Ukrainian courts had banned 17 opposition parties representing the interests of millions of Russian-speaking residents of Ukraine and advocating for dialogue with Russia. Their property, finances, and other assets were seized and turned over to the state. The leaders of these parties were criminally prosecuted.

¹⁴⁸⁷ <https://strana.today/news/334552-kiievskij-apelljatsionnyj-sud-vynes-reshenie-po-mere-presechenija-medvedchuku.html> (pauue <https://strana.ua/news/334552-kiievskij-apelljatsionnyj-sud-vynes-reshenie-po-mere-presechenija-medvedchuku.html>); <https://strana.today/news/334654-opzzh-trebuuet-snjat-obvinenija-s-medvedchuka.html>

¹⁴⁸⁸ <https://strana.today/news/335121-delo-medvedchuka-zelenskij-eshche-v-marte-prisvoil-ekspertam-iz-sbu-pochetnye-zvanija.html> (pauue <https://strana.ua/news/335121-delo-medvedchuka-zelenskij-eshche-v-marte-prisvoil-ekspertam-iz-sbu-pochetnye-zvanija.html>)

¹⁴⁸⁹ <https://tass.ru/mezhdunarodnaya-panorama/16863881>

Earlier, on April 23, 2022, amendments to the Criminal Code regarding "ensuring the responsibility of those who carry out collaborationist activities" entered into force. For complicity with the "aggressor-state" the punishment is imprisonment for up to 12 years. In reality, this innovation is used by the Ukrainian authorities to persecute dissenters. As of the end of December 2022, the Prosecutor General's Office of Ukraine had opened 18,519 criminal cases on suspicion of committing crimes against national security, including on such grounds as infringement on the territorial integrity and inviolability of Ukraine (article 110 of the Criminal Code, the number of criminal cases opened was 11,720; the number of cases of treason (article 111 of the Criminal Code) was 1,915; the number of cases of collaboration (article 111-1 of the Criminal Code) was 3,789; the number of cases of aiding an aggressor State (article 111-2 of the Criminal Code) was 365; and the number of cases of sabotage (article 113 of the Criminal Code) was 63. More than 350 convictions have already been handed down in such cases.

Public figures and human rights defenders are also prosecuted under these articles. One of the illustrative examples is the well-known Ukrainian social activist E.Berezhnaya, who actively defends the rights of the Russian-speaking population and national minorities of Ukraine. Her regular appearances at the UN, 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 March 16, 2022, Berezhnaya was detained by the SBU under the pretext of suspicion of treason and has been kept in a detention center ever since.

In March 2022, literary critic, satirist, publicist, and TV host Y.Taksyur was detained. The reason was the satirist's literary works, which allegedly "undermined the sovereignty of the state." Y.Taksyur was kept in the pre-trial detention center despite serious health problems. A few months later he was released on bail.

In June 2022, accusations of treason in absentia were brought against the famous Ukrainian political scientist Mikhail Pogrebinskiy. He was accused of acting as an "expert" and "repeatedly participating in TV programs and talk shows, disseminating well-written Russian messages aimed at destabilizing the socio-political situation in the country". Earlier, in March 2022, Mikhail Pogrebinsky's apartment was searched.

It should be noted that in the spring of 2022 there were numerous cases of persecution of public figures in Ukraine who allowed themselves to express their independent judgments about the situation in the country and conform to official approaches. The media also reported on the detention of activist A.Gorbenko, political scientist and journalist D.Dzhangirov; political scientist Y.Dudkin, who took part in live broadcasts of the channels 112-Ukraine, NewsOne, and ZIK, which were closed by the Kiev regime; politicians M. and A.Kononovych; political scientist and blogger G.Lyashenko; anti-fascist activist A.Mayevskiy (he managed to escape during the burning of the Trade Union House in Odessa on May 2, 2014); communist and anti-fascist A.Matyushenko; anti-maidan activist O.Novikov; journalist of the "NewsOne" and "Nash" TV channels M.Nazarov, head of the public organization "Slavic Movement "Russia Revived" A.Tarnashevskiy, lawyer D.Tikhonenkov, who defended activists of Antimaidan, journalist D.Tkachev, professor of the Nikolaev Institute of Law S.Shubin and many others. Sentences have been handed down in the cases of some public figures. Thus, in May 2022, A.Matyushenko was sentenced to 3 years in prison on charges of "infringement on the territorial integrity of Ukraine".¹⁴⁹⁰

After the start of the special military operation, the SBU began harassing and intimidating local Ukrainian deputies and officials who accepted humanitarian cargoes from Russia or negotiated with the Russian military to organize corridors for evacuating civilians. On March 1, 2022, V.Struk, Mayor

¹⁴⁹⁰ <https://ukraina.ru/20220715/1036459856.html>

of Kremenna, was kidnapped by men in military uniform. Two days later his body was discovered with signs of torture. On March 7, 2022, Y.Prylypko, Mayor of Gostomel, was found murdered. He negotiated with the Russian military to establish a humanitarian corridor for civilians. On March 24, 2022, H.Maciegora, 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 A.Brukhanov, Mayor of Yuzhnoye, Cherkasy City Council deputy from the "Opposition Platform – For Life" A.Zamiraylo, Kherson City Council deputy I.Karamalikhov, Mariupol City Council deputy V.Klimenko, politician I.Kolesnikov, and the mayor of the village of Kherson, E.Konovalov, Mayor of Stry Saltov, V.Ladukha, Mayor of Buryln, A.Lazurenko, deputy of Solonitsevskiy village council of Kharkov region.

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 them for Ukrainian soldiers who surrendered to the Russian Federation Armed Forces.

The fact that such actions are not in accordance with international law was pointed out by the then UN High Commissioner for Human Rights Michelle Bachelet in her report at the 50th session of the UN Human Rights Council in July 2022.

It is worth noting that representatives from Kiev's partners in the West, as well as various international organizations, have criticized the way the judicial system in Ukraine operates. The shortcomings most frequently pointed out are large-scale corruption, inefficiency, and a lack of public confidence in the system. Judicial reform was one of the principal demands put forth by the IMF. After coming to power, V.Zelenskiy took a number of steps to try to reform the judicial system. In November 2019, he signed a draft law to halve the number of judges on the Supreme Court, from 200 to 100. The document also called for

the disbanding of the Judges' Higher Qualification Commission and a reduction in the number of its members from 16 to 12 (it was restored in March 2021). However, many experts pointed out that it was unlikely that the reforms would be successful. Instead, this move provoked a confrontation between the judiciary and the president.

In September 2020, the Ukrainian Constitutional Court declared unconstitutional a number of powers held by the National Agency on Corruption Prevention (NACP), as well as an article stipulating criminal liability for officials inaccurately declaring their yearly income. This ruling elicited dissatisfaction from V.Zelenskiy, who submitted a draft law to the Verkhovna Rada on the termination of the powers of the court in its current makeup. In response to the actions taken by the head of state, I.Slidenko, a judge of the Constitutional Court, proclaimed that the president had made attempts to usurp power, and warned about the potentially tragic consequences of such a scenario. However, the president was forced to withdraw his draft when he realized that his demand to dissolve the court would not be fulfilled. According to experts, the concession made by V.Zelenskiy was the result of pressure exerted on him by the oligarchs.

It should also be noted that the Venice Commission of the Council of Europe expressed the opinion that the decision of the Constitutional Court of Ukraine on the powers of the NACP "lacks clearly defined arguments, that it does not have a solid international legal basis and that it was probably accompanied by a serious procedural flaw - the unresolved issue of conflict of interests of some judges."¹⁴⁹¹

The Human Rights Committee in November 2021 noted a number of problems with the activities of political parties in Ukraine. In particular, the cases of corruption, non-transparent financing of political campaigns, as well as the use of public funds for them caused concern. The Committee was also

¹⁴⁹¹ <https://russian.rt.com/ussr/article/838711-sudebnaya-reforma-rada-zelenskii>

concerned about broad, vague legal provisions allowing parties to refuse registration or cancel existing ones under the pretext of threats to national security. In addition to the need for transparent, effective campaign finance monitoring and investigation of corruption allegations, the recommendations to Kiev include the promotion of a culture of political pluralism. At the same time, Committee experts pointed out that the realization of civil and political rights in the country was affected by the efforts of the authorities to combat the coronavirus, which resulted in the introduction of restrictions under the pretext of combating the disease by a decision of the Ukrainian Cabinet of Ministers, which mostly affected residents of areas of armed conflict, women, Roma and the elderly.

The HRCtee was also concerned about the state of the judiciary. In particular, insufficient measures to fully ensure the independence of judges and prosecutors, the lack of a transparent procedure for the appointment and dismissal of judges, the qualification examinations, and the investigation of possible cases of corruption were noted. As a result, these factors, along with the insufficient number of judges in the country, lead to delays in the consideration of court cases and generally difficulties with access to justice for a significant number of Ukrainian citizens. The authorities were advised to refrain from interfering in the judicial system and to guarantee its independence. The fact that the investigations into the tragedies on the Maidan and in Odessa are slowed down was said to be a manifestation of the underfunding of the courts and a shortage of personnel.¹⁴⁹²

The situation with freedom of the media and freedom of speech in general remains extremely alarming in Ukraine. The authorities are blatantly interfering in the work of the press. The rights to freedom of opinion and expression are

¹⁴⁹² Concluding observations of the Human Rights Committee on the eighth periodic report of the Ukraine. November 2021 (comments published in February 2022)
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FUKR%2FCO%2F8&Lang=ru

seriously restricted, the ability of journalists to work independently is limited, and attempts are under way to tighten up censorship. The level of aggression directed at media professionals remains very high. There have been multiple incidents of right-wing "activists" blocking the entrance to television stations that the government in Kiev sees as a nuisance. The secret services interfere with the work of media and public organizations with alternative stances that differ from the official government line.¹⁴⁹³

Despite calls by many human rights organizations and bodies, no appreciable progress has yet been made in the high-profile criminal cases related to the killings of O.Buzina and P.Sheremet.

International observers also point to numerous problems in the media field. It specifically highlighted the media's lack of editorial independence, due to political bias on the part of the media owners. It also noted that journalists face difficulties in accessing public information, because of administrative barriers created by the authorities. Moreover, it points out that the actions of the national regulator, the National Council of Television and Radio Broadcasting, may also be biased in terms of its relations with the media, as it is closely affiliated with numerous politically controlled media resources.

Attempts to present an alternative view of the situation in the country or relations with Russia are sharply suppressed by the Kiev regime, and this started long before 2022. On February 2, 2021, President Zelenskiy's decree blocked the broadcasting of the nationwide news TV channels "112-Ukraine", "NewsOne" and "ZIK", owned by an MP from the "Opposition Platform – For Life" T.Kozak. T.Kozak was also placed on a sanctions list for a period of

¹⁴⁹³ Monitoring of the human rights situation in Ukraine from January 2018 - April 2019
<https://forbiddentoforbid.org.ua/ru/monitoring-prav-cheloveka-konets-2018-nachalo-2019/>

5 years. In his opinion, all these actions were caused by the mismatch between the TV channels' positions and the central line pursued by the authorities.¹⁴⁹⁴

Nash, and the ZIK and 112-Ukraine television channels had all been subjected to pressure from Ukrainian law enforcement bodies on previous occasions. They were accused of broadcasting programs in which some of the participants allegedly made statements that constituted a display of national or racial hatred, made calls for the overthrow of the constitutional order, amounted to a threat to the state's territorial integrity and sovereignty, and also made comments popularizing the state bodies of an "aggressor country" and justifying the occupation of Ukrainian territory. But the case never made it to completion.

After the Ukrainian president's decision to close down those television stations the journalists who had worked in them founded a new television channel – Перший Незалежний (First Independent). The channel made its first broadcast, and was closed down almost immediately. With these events in mind, several dozen well-known Ukrainian journalists from different media joined forces to act in defense of their rights and demand that the authorities put an end to their attacks on the press.¹⁴⁹⁵

Criminal prosecutions are often used as a way of putting pressure on inconvenient journalists. Repeated searches were conducted in the editorial offices of news agencies. Since 2015, numerous accusations have been made against the editor-in-chief of Ukraine's largest independent online media outlet Strana.UA, I.Guzhva, as a result of which he was forced to leave the country and seek political asylum in Austria. In August 2021, in accordance with a decision of the National Security and Defense Council, sanctions were introduced against him, which also applied to legal entities associated with him.

¹⁴⁹⁴ <https://strana.today/articles/analysis/315598-kakimi-budut-posledstvija-blokirovki-kanalov-dlja-zelenskoho-.html> (ранее <https://strana.ua/articles/analysis/315598-kakimi-budut-posledstvija-blokirovki-kanalov-dlja-zelenskoho-.html>)

¹⁴⁹⁵ <https://tass.ru/mezhdunarodnaya-panorama/11581293>

In particular, the Strana.UA website was blocked. A.Medinskiy,¹⁴⁹⁶ a former soldier and the owner of the Open Ukraine news agency, head of RIA Novosti Ukraine K.Vyshinskiy, and the independent journalists Y.Lukashin and V.Skachko have all been subjected to criminal investigations. D.Vasilets¹⁴⁹⁷ (released under house arrest in 2018, as the Court of Appeal reversed the verdict, but the case was not closed), V. Muravitskiy¹⁴⁹⁸ (from 2018 was under 24-hour house arrest, since November 2019 – under overnight house arrest), P.Volkov¹⁴⁹⁹ (in March 2019 fully acquitted) were kept in pre-trial detention facilities, as a rule without the right to bail.

Moreover in addition to exerting direct pressure on media which adopt an independent position on highly sensitive issues, the state is also supporting nationalists in their attacks on the offices of media organizations. Thus, the buildings and premises of the TV channels Inter, Nash, 112-Ukraine, and NewsOne were repeatedly threatened and aggressed by radicals. As a rule, such incidents occurred in connection with events involving participants from Russia or the demonstration of material critical of the Kiev authorities (including the famous film by American director Oliver Stone, "In the Struggle for Ukraine").

On June 11, 2020, supporters of the radical S. Sternenko, accused of a murder carried out in Odessa in May 2018, sent journalists working for A.Shariy's media outlets, away from the SBU building, where the criminal investigation was being conducted. A video published on Twitter shows how, after one journalist asked why her colleagues were being mistreated, the nationalists activated a siren and, using a megaphone at extremely close range, shouted expletives at her.¹⁵⁰⁰

¹⁴⁹⁶ Ibid.

¹⁴⁹⁷ <https://riafan.ru/1212680-otsidevshii-bolee-dvukh-let-ukrainskii-zhurnalist-rasskazal-o-terrore-rezhima-poroshenko>

¹⁴⁹⁸ <https://uspishna-varta.com/ru/pravozashhitnye-kejsy/delo-vasiliya-muravitskogo>

¹⁴⁹⁹ <https://ukraina.ru/news/20190327/1023114167.html>

¹⁵⁰⁰ <https://strana.today/news/272646-storonniki-sternenko-prohnali-ot-zdanija-sbu-storonnikov-sharija.html> (раhee <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->

On November 28, 2020, V.Tovkes, a correspondent from the NewsOne television channel was assaulted while reporting from Kiev's Park of Glory. An unidentified person in a mask and hood came up to the journalist, grabbed her microphone and smashed it on the pavement, shouting "That is a racist channel!", then he shoved her, shouted some insults and ran away. Although the police opened a criminal case into the incident, as yet there are no reports of any suspect having been identified and arrested.

On February 12 2021, in Kiev, radicals from the C14 group attacked V.Shevchuk, a journalist from the newspaper Pravovoy Kontrol, who was reporting on a protest organized by nationalists outside the building of the Nash television channel. Law enforcement authorities did not arrest the attacker, although the victim detained him, and deliberately delayed the process of obtaining surveillance footage. The lawyer of the journalist who had been attacked stated that the investigators had reasons for covering up the crime.¹⁵⁰¹

A total of 197 cases of violation of freedom of expression were recorded in 2021, 145 of which were cases of physical assault on representatives of the mass media (in 2020 – 229 and 171 respectively).

Human rights organizations have pointed out that the impunity of perpetrators of previous attacks has worsened the situation of media freedom. As an example, the brutal beating in Cherkasy of investigative journalist V.Komarov, who was in a coma for a month and a half and died on June 20, 2019, was cited.¹⁵⁰² The UN Human Rights Monitoring Mission in Ukraine has also noted that radical right-wing nationalist groups are continually putting pressure on the investigation into the killing of O.Buzina, which has been under way for more than three years. As a result, the case, which has been

[zurnalistas.com.ua](https://zurnalistas.com.ua/news/272487-pod-zdaniem-sbu-hruppa-podderzhki-sternenko-prizyvaet-plevat-v-litso-zhurnalistas.html) (ранее <https://strana.ua/news/272487-pod-zdaniem-sbu-hruppa-podderzhki-sternenko-prizyvaet-plevat-v-litso-zhurnalistas.html>)

¹⁵⁰¹ <https://strana.today/news/317443-ljudi-karasja-sovershili-na-menja-otkrovennoe-napadenie-a-politsii-zatjahivaet-s-rassledovaniem-zhurnalista-serhej-shevchuk-o-podrobnostjakh-napadenija.html>

¹⁵⁰² Amnesty International Report: Human Rights in Eastern Europe and Central Asia. Review of 2019 <https://www.amnesty.org/download/Documents/EUR0113552020ENGLISH.PDF>

considered by a number of judges, has in effect been put on hold, and the proceedings had to be restarted from the beginning after the judge in charge of the case withdrew from it in May 2019.¹⁵⁰³ Meanwhile, on December 12 2019 the law enforcement authorities arrested three suspects in the killing of the well-known journalist P. Sheremet in 2016.¹⁵⁰⁴

In November 2021, the Human Rights Committee noted with concern the attacks and acts of intimidation against journalists and human rights defenders by right-wing radicals (it was especially noted that anti-corruption activists and LGBT defenders were suffering). It also mentions the delays in the investigations into the murders of journalists O.Buzina, P.Sheremet and V.Komarov, due to which the perpetrators have not yet been found. It was recommended that Kiev prohibit official interference 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.¹⁵⁰⁵

As noted above, in 2022 the Kiev authorities actively used the emerging situation to turn the state into the only source of information. Ukraine has taken measures in this area before. On March 11, 2021, President Zelenskiy approved the decision of the NSDC to create the Center for counteraction to disinformation, which is a working body of the Council.¹⁵⁰⁶ The Center is now known for spreading a lot of false information and "fake" news.

Legislative steps are being taken to combat alternative viewpoints. On March 19, 2022, the president of Ukraine enacted the decision of the National Security and Defense Council "On the implementation of a unified information policy under martial law," according to which all national TV channels are to be

¹⁵⁰³ <https://www.ohchr.org/EN/NewsEvents/Pages/AttacksAgainstJournalists.aspx>

¹⁵⁰⁴ https://ria.ru/20191224/1562805139.html?rcmd_alg=svd

¹⁵⁰⁵ Concluding observations of the Human Rights Committee on the eighth periodic report of the Ukraine. November 2021 (comments published in February 2022)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FCO%2FUKR%2FCO%2F8&Lang=ru

¹⁵⁰⁶ <https://tass.ru/mezhdunarodnaya-panorama/10952263>

united on a single information platform of strategic communication – the 24-hour marathon "Unified News".

On August 30, 2022, the Verkhovna Rada supported in the first reading the scandalous draft law "On the Media", designed to become a tool in the fight of the authorities against unwanted members of the press. This document, in particular, prohibits the publication of "materials containing the popularization or propaganda of organs of the aggressor state" as well as "unreliable materials" (the criteria for defining such materials are rather vague).

On December 16, 2022, this biased document was finally adopted by the Verkhovna Rada. The new regulation introduces the Kiev regime's total control of the media, extrajudicial blocking, and a de facto ban on the publication of any neutral information about Russia. It gave the National Television and Radio Broadcasting Council of Ukraine unlimited mechanisms of pressure on any media, up to large fines and extrajudicial closure.

The normative act was adopted without regard to the opinion of the journalistic community. It was criticized in the summer of 2022 by the European Federation of Journalists, which called the project "worthy of the worst authoritarian regimes". Even at the stage of preparation of the draft law, it was severely criticized by the scientific-expert department of the parliament itself, which noted in its conclusion that "the provisions of the draft 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 practice of the European Court of Human Rights". It was also stated that "the mechanism of general regulation is indicated by the classic indicators of state coercion, characteristic of strict regulation of the activities of state power bodies".¹⁵⁰⁷

¹⁵⁰⁷ <https://www.rubaltic.ru/article/politika-i-obshchestvo/20221216-dostoyyny-khudshikh-avtoritarnykh-rezhimov-na-ukraine-prinyali-shokiruyushchiy-zakon-o-smi/>

Secretary General of the International Federation of Journalists Anthony Bellanger in his statement of January 12, 2023 criticized the new law "On media" as a threat to media freedom and pluralism of opinion and called on the Kiev authorities to revise it in a dialogue with journalist associations.¹⁵⁰⁸

While the Ukrainian authorities are trying to gain full control over the law-abiding media, the notorious Myrotvorets website, which blatantly violates citizens' right to privacy, continues its operations without any hindrance. The site publishes illegally collected personal data of both Ukrainian citizens and foreigners who it considers to be "separatists": or "enemies of Ukraine", including reporters, politicians, cultural figures and even Russian diplomats.

This web site is used by the Ukrainian special services and radical nationalist organizations in order to put psychological pressure on those whom they accuse of "separatism and treason". The most egregious example was the site's publication in 2015 of personal data of the writer and journalist Oles Buzina, including his address. He was killed shortly afterwards this information appeared on the site. Many media professionals have reporting having their bank accounts blocked after the site listed them as "enemies of Ukraine". It is also known that in May 2016, the head of the National Bank of Ukraine V.Gontareva signed a letter recommending that Ukrainian organizations and businesses use the website "Myrotvorets" to obtain the data needed to "combat financial abuse 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 NGO Uspishna Varta, which has identified more than 100 court decisions in criminal cases in which the reasoning given in the text of the judgement cites materials taken from the Myrotvorets site.¹⁵⁰⁹

¹⁵⁰⁸ <https://www.ifj.org/media-centre/news/detail/category/press-releases/article/ukraine-ifj-calls-on-the-government-to-revise-new-media-law.html>

¹⁵⁰⁹ Use of materials from the Myrotvorets site in court practice. Uspishna Varta Human rights platform January 22 2019 <https://uspishna-varta.com/ru/news/ispolzovaniye-materialov-sayta-mirotvorets-v-sudebnoy-praktike>

On March 14 2021, R.Zaitsev, the head of Myrotvorets, clearly hinted, in an interview with the Ukrainian newspaper Fakti that his site was supported by the Ukrainian authorities (the Foreign Ministry, Interior Ministry, Ministry of Defense and Border Force) and also by foreign (Western) special services.

To date, more than 240 thousand people are listed in the Myrotvorets database, of which about 75 thousand are Russians. Including the personal information of 327 minors was published on the site. In October 2021, a 12-year old resident of Luhansk F.Savenkova who allegedly "poses a threat to the national security of Ukraine" was included in the Myrotvorets database. The reason thereof was her open appeal to the members of the UN Security Council on the Children's Day where she drew attention to the situation of children in Donbas.

In January 2022, "Myrotvorets" announced the opening of a new area of activity – combating unscrupulous law enforcement officers who allegedly fabricate criminal cases. However, to this category the site administrators referred only those investigators and prosecutors who conducted criminal proceedings against veterans of the ATO and members of nationalist battalions, as well as against the deputy S.Fedina, who made extremist statements.

International human rights organizations have brought attention to the issues that this vile Internet resource's operation in Ukraine is causing. 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 NGO Journalists without Borders, but this did not bring results.

In November 2021, the Human Rights Committee pointed out the lack of information about the results of criminal investigations into the operation of the odious website Myrotvorets. We are talking about cases of publication of personal data of thousands of Ukrainians and other persons accused by the web

resource of connections with "armed groups" or called "terrorists".¹⁵¹⁰ 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 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 on which information should be sent during the year.

Because of the internal armed conflict unleashed by Kiev nine years ago in the southeast of the country, hundreds of thousands of Ukrainian citizens suffered, including the elderly, women and children. As a consequence of the restrictions imposed by Ukrainian authorities, citizens living in areas of the fighting have faced serious threats and challenges, in particular their lives have been put at risk, and they have faced difficulties in accessing basic services – water, heating and health care – a lack of adequate housing and a lack of legal protection and redress mechanisms. The restrictions imposed by the Kiev authorities created extremely unfavorable conditions for residents of the southeast and prevented them from receiving pensions and other benefits.

This range of problems has attracted the attention of many international human rights bodies and mechanisms, as well as human rights defenders, who have pointed out with concern that the ongoing hostilities are affecting the entire population of the country, affecting primarily people living in close proximity to the theater of hostilities and IDPs, and causing mass impoverishment and stagnation of the Ukrainian economy.

The fact that residents of Donbas do not have the same amount of rights as residents of Kiev-controlled Ukraine was pointed out by the Human Rights

¹⁵¹⁰ Concluding observations of the Human Rights Committee on the eighth periodic report of the Ukraine. November 2021 (comments published in February 2022)
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FUKR%2FCO%2F8&Lang=ru

Committee in October 2021 (the concluding observations themselves were published in February 2022). The differences are expressed, in the opinion of the Committee, including in the difficulties faced by the civilian population of Donbass in obtaining birth certificates for children (possible only after a court decision). At the same time, the need to intensify efforts to protect civilians, especially children, under wartime conditions, including demining, was pointed out. The Committee also noted with concern the severe restrictions on civilians crossing checkpoints on the line of contact, imposed under the pretext of the spread of coronavirus infection. The Committee expressed concern that internally displaced persons face multiple forms of discrimination (notably in the exercise of political rights, in particular the ability to vote). This hinders their integration into society. In this regard, the Kiev authorities were recommended to take measures to facilitate registration at the place of actual residence of IDPs and to encourage them to participate in electoral processes.¹⁵¹¹

In addition, there have been reports in the media of a sharp increase in human trafficking in Ukraine in 2022, or more precisely, in human organs for transplantation (the previous peak of this illegal activity was noted in 2014-2015; international organizations also drew attention to this, including the OSCE, which noted in 2014 that bodies of people with their internal organs taken were found in mass graves in the combat areas, most likely the victims of transplants). Information about this was published, in particular, by the Tsargrad TV channel.¹⁵¹² Experts also note that even during the Kiev regime's preparation for the offensive in the Donbass republics, the Verkhovna Rada began to urgently consider draft laws aimed at maximum simplification of

¹⁵¹¹ Concluding observations of the Human Rights Committee on the eighth periodic report of the Ukraine. November 2021 (comments published in February 2022)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FUKR%2FCO%2F8&Lang=ru

¹⁵¹² See for example https://amp.tsargrad.tv/articles/chjornaja-transplantologija-na-ukraine-izvestna-propiska-doktora-smert_604078, https://tsargrad.tv/investigations/koney-v-krematorij-ukraina-platit-za-oruzhie-vnutrennimi-organami-grazhdan_523850

transplantation specialists in the country, and in 2022 the lawmaking in this direction intensified even more. 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 can become a donor under a simplified procedure. On April 14, 2022, the Verkhovnaya Rada passed a new law on transplantation, according to which this activity is exempt from VAT, which actually creates the preconditions for the simplest possible export of organs from Ukraine.¹⁵¹³

The Kiev regime and armed formations under its control continue to commit crimes against civilians in Donbas and liberated areas of the Kherson and Zaporozhye regions. Artillery strikes in 2022 killed 4,574 civilians in these territories, including 153 children; several thousand people, including 279 children, were wounded. About 100 cases were registered when civilians, including 4 children, were blown up by banned PFM-1 "Lepestok" anti-personnel mines.

It should be noted that numerous accounts of crimes committed by Ukrainian neo-Nazi units and foreign mercenaries against Russian servicemen with unprecedented, Nazi brutality are not included in this document. The assessment of these criminal acts, that have fully confirmed the commitment of the present-day neo-Nazi in Ukraine to the ideas and tactics of the German Nazis and local collaborators from the OUN (Organization of Ukrainian Nationalists) and UPA (Ukrainian Insurgent Army) during the Great Patriotic War is made by the Russian competent authorities within the framework of investigation of numerous criminal cases based on these monstrous crimes. Significant efforts are also made by the Russian civil society organizations and by all persons concerned who reveal the truth about the real face of the Ukrainian government and the National-Radicals protected by it.

¹⁵¹³ <https://www.rubaltic.ru/article/politika-i-obshchestvo/20221027-zelenskiy-prevratil-ukrainu-v-ray-dlya-chernykh-transplantologov/>

In Russia, crimes against civilians in Donbass and Ukraine committed by the Kiev military and political leadership, nationalists, and representatives of Ukrainian security agencies have been recorded and investigated by the Investigative Committee of the Russian Federation since 2014. As of early December 2022, 2,244 criminal cases had already been opened. Such crimes include terrorism, cruel treatment of civilians, the use of prohibited means and methods in armed conflict, murder, intentional destruction and damage to property (Articles 205, 356, 105, 167 of the Russian Criminal Code) and others. The defendants include over 350 individuals, in particular representatives of the high command of the AFU, as well as commanders of military units who gave criminal orders for the shelling of civilians and civilian infrastructure. A total of 132 criminal cases have been completed.¹⁵¹⁴ Other criminal cases are still pending. The Investigative Committee of Russia establishes and provides legal assessment of the actions of all persons involved in the crimes.

¹⁵¹⁴ <https://sledcom.ru/news/item/1747425/>

Finland

Finland's domestic and foreign policies have traditionally focused on human rights issues. The country is a party to the fundamental international treaties in this area and has developed domestic legislation in the relevant area. It tops global rankings compiled by Western NGOs on freedoms,¹⁵¹⁵ the rule of law,¹⁵¹⁶ security and policing,¹⁵¹⁷ judicial independence¹⁵¹⁸ and governance.¹⁵¹⁹

Basic human and civil rights are enshrined in Chapter 2 of the Constitution of Finland, which also establishes the obligation of public authorities to ensure their implementation (Article 22). The provisions of normative legal acts are supplemented by a number of strategic documents governing the human rights policy of the state – the government program 2019, the national action plan on basic rights and human rights for 2020-2023, the human rights policy report 2021. Periodically reports are published on various aspects of the authorities' work on the human rights track.

Nevertheless, despite the fact that human rights NGOs have no serious criticism of Finland in terms of ensuring rights and freedoms, and Finland has established itself as a "model country" in this respect, a number of recent precedents demonstrate that official Helsinki still has problems in the area of human rights.

Racial discrimination and xenophobia remain a problem in the country. Finnish society is generally wary of foreign nationals on a domestic level (the Committee on the Elimination of Racial Discrimination pointed this out in 2017), and employment and self-fulfillment opportunities for foreigners are traditionally worse than for Finnish citizens.

¹⁵¹⁵ Global Freedom Scores (compiled by the NGO Freedom House), shares first place with Norway and Sweden.

¹⁵¹⁶ Rule of Law Index 2021, third place after Denmark and Norway.

¹⁵¹⁷ World Internal Security and Police Index 2016, second place after Singapore.

¹⁵¹⁸ Global Competitiveness Report 2019, first place.

¹⁵¹⁹ Legatum Prosperity Index 2021, first place.

It should also be noted that the Finnish authorities recognize that right-wing extremist sentiments are widespread and even growing in society. This, in particular, was brought to the attention of the Finnish Security Police in its most recent annual report. Such ideas have become widespread, including among law enforcement officers. An investigation in 2020-2022 revealed a group of right-wing radicals in the Finnish police. As a result, three employees were fired from the agency, two of whom were suspected of preparing to commit a crime.

Certain changes can be observed among nationalist organizations. The ban in Finland in 2020 of the Nordic Resistance Movement (Pohjoismaiden Vastarintaliike, also known as the Nordic Resistance Movement, NRM) forced its former members to seek new forms of interaction, which led to the fragmentation of the movement. Experts call one of the "successors" of the NRM the national-socialist movement "Kohti Vapautta!" ("Toward Freedom!"), formed around the march of the same name, which since 2016 Finnish nationalists have held on Independence Day on December 6. The Pohjanvaritio network and the Pohjoismaiset Kansansosialist (National Socialists of the Nordic Countries) are also counted among them. The relatively large youth organization Kansallissosialistinuoret (Young National Socialists) also has ties to the NRM.

Another quite notable radical right-wing youth organization is Uudenmaan akseli (Uusimaa Axis), which declares its goal to educate and unite young people in the nationalist movement. However, at the same time the structure organizes radical actions aimed at inciting hatred. On Finnish Independence Day, December 6, 2022, Finland held a public action of burning the Russian flag while its leader declared that "the Russian state as we know it should disappear from the world map." Uudenmaan akseli, as part of its active participation in the social and political life of the country, maintains ties with a number of Finnish nationalist associations with political ambitions. Thus, the

association cooperates with the nationalist organization "Sinimustaliike" ("Blue-Black Movement"), which has registered a party of the same name and announced its intention to participate in the parliamentary elections of 2023. In addition, "Uudenmaan akseli" cooperates with one of the largest nationalist associations in the country "Suomen sisu" ("Finnish persistence"), which according to experts, also has the opportunity to participate in the Finnish parliament through deputies of "indigenous Finns" party.

Among other things, hate speech is quite common in the Finnish-language segment of the Internet and the media. This is confirmed, among other things, by the findings of a case study published in March 2021 by the Finnish State Council.

As for the Russian-speaking diaspora, in addition to higher unemployment than among the Finnish population, difficulties remain an important problem for compatriots who are economically active with employment in a profession obtained in the USSR or the Russian Federation. Many are forced to agree to low paid jobs where no high qualification is needed.

As the result of a large-scale information anti-Russian campaign of the Finnish government after the beginning of the special military operation in Ukraine by the Armed Forces of the Russian Federation, significant growth of discriminatory attitude towards our compatriots has been noted. This is noted also by civic organizations, including the Finnish Association of Russian-speaking Organizations (FARO) and the Central Union for Child Welfare. At the same time, the Finnish authorities began to take some measures to reduce the degree of Russophobia. A joint statement asserting that there is no place in Finland for intolerance and violence against ordinary citizens, regardless of their country of origin or the language they speak, was issued by the parliamentary factions of all major Finnish parties. Administrations of large Finnish cities, including Helsinki, expressed their concerns in connection with

the increasing xenophobic rhetoric. The largest Finnish trade union organizations called for inadmissibility of racist insinuations and discrimination at work. At the same time, there have been a number of cases of discrimination against Russians by private companies that refuse to sell goods to customers who "look like Russians."

Despite their stated commitment to non-discrimination, Finnish authorities continue to conduct anti-discriminatory measures. The recent decisions of the Finnish government on visa restrictions for Russians look extremely inconsistent, which, in fact, were a manifestation of discrimination on the basis of nationality. In August 2022, a daily quota for the total number of accepted applications was implemented (500 per day for all of Russia, with 100 for tourist applications). Later, it was decided to prohibit the issuing of tourist visas to Russian citizens beginning September 30, 2022. To justify the latter step, the Finns formally referred to the provisions of the Schengen Code, which allows such restrictions "to prevent damage to the international position of the state." Furthermore, the country's leadership has repeatedly said openly that the tourist ban is prompted by "ethical" concerns: it appears unfair that Russians can live normal lives and travel while Europe at this time is engaged in hostilities.

Another example of the discriminatory attitude of Finnish authorities towards Russian citizens based solely on their citizenship was an information about a female contestant on the Finnish show "The Voice" being disqualified from the competition on 24 October 2022 distributed by the Finnish news service "Yle" because she had a Russian passport, despite her Finnish citizenship. According to the media, the victim moved to Finland seven years ago and recently received Finnish citizenship. On the eve of the contest, she received a message of exclusion with the justification that "the participant is excluded from the song contest as a citizen of a state waging an aggressive war." Her repeated participation in pro-Kiev rallies, assistance to refugees, and

critical social media statements in the midst of Russia's special military campaign in Ukraine did not help either.

The discriminatory attitude of Finnish authorities toward natives of Russia is illustrated by the position of Finland's Non-Discrimination Ombudsman Kristina Stenman. She actually supported such restrictions in her address to reporters, saying that in some situations, what one perceives discrimination may have legal foundations. As an example, the ombudsman mentioned anti-Russian sanctions imposed jointly by Finland and other EU nations, which apply to specific situations and individuals. In this interpretation, the Finnish authorities do not consider it necessary to point out that the Finnish Constitution and Non Discrimination Act 55 prohibit discrimination on the basis of legal status or personal characteristics such as origin, language, or nationality.

The current international situation has also partially affected the presence of the Russian Orthodox Church in Finland. In the heat of a Russophobic fervor, the Turku authorities revoked their earlier permission to use the municipal building adjacent to 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 Assumption of the Blessed Virgin Mary, which had existed there since 2001 and had a regular congregation, was forced to close in the summer of 2022, and its staff was forced to seek other ways to continue the activities demanded by the local Russian-speaking residents.

Law enforcement has been criticized both in terms of racism and discrimination and in the performance of its functions by police officers. For example, there have been incidents of ethnic profiling (checks of documents based on visual identification with an ethnic minority) by law enforcement officials. The UN human rights treaty bodies, in particular the CESCR and the HRCtee, as well as the Council of Europe's European Commission against Racism and Intolerance, have drawn attention to this. In 2021, the police, in

fact, publicly admitted to the press that they had purposely tracked the Roma population in the metropolitan area from 2013 to 2017. On September 8, 2022, the Supreme Administrative Court issued a guilty verdict against Helsinki police officers who stopped two black women on the street in 2016 as part of street prostitution monitoring. The court defined the police officers' actions as discrimination, since they were found to have no other grounds for conducting the inspection than the ethnicity of the individuals in question.

There have also been cases of disproportionate use of coercive measures by law enforcement agencies against participants in peaceful demonstrations. Interactions between police and activists from the Elokapina environmental movement were frequently reported in the media. In particular, on October 3, 2020 the police violently broke up the action of this movement, the participants of which blocked the traffic in Helsinki: pepper gas was used against some people present and more than 50 people were detained. On October 8, 2021, 52 protesters were seized during an Elokapina rally outside the government building for allegedly obstructing the passage of ministers and endangering their safety, which was later unconfirmed. Many of the people who ended up in the hands of law enforcement officers complained later that they were held in the police station longer than the statutory time limit. There were cases of mass detentions in the course of other events of the mentioned organization that took place during 2021-2022.

A case in which three editors and journalists from Finland's largest daily newspaper, Helsingin Sanomat, were accused by the country's prosecutor's office of releasing material reportedly containing national security secrets sparked interest in the journalistic community. According to police enforcement, the journalists broke the law when they published an article regarding the Finnish Defence Intelligence Agency in December 2017. Journalists deny all accusations and justify the article's publication by saying

that citizens have the right to know what is going on in society, and they consider the case an act of state censorship.

Cases of abuses of migrants' and Roma's rights, including discrimination and harassment in sectors such as job, housing, and education, continue to be documented. When seeking asylum, refugees face a number of constraints, including the inability to supplement or explain previous applications. Introduced alternatives to detention, such as "prescribed residence," also contain restrictive reporting obligations. The Human Rights Committee¹⁵²⁰ and the Committee on Economic, Social and Cultural Rights, among others, have drawn attention to these problems.¹⁵²¹

In addition, the authorities are taking steps to tighten policies towards migrants. The Border Protection Act was updated as part of the legislative process in the spring of 2022 to handle "hybrid threats," such as the migration crisis and the large number of asylum applicants. In extraordinary cases, they empower the Finnish authorities to limit the acceptance of asylum applications to one or more border crossings. Such an innovation was regarded by the international human rights organizations with alarm. Thus, in her July 27, 2022 letter to the Minister of the Interior of Finland, the Council of Europe Commissioner for Human Rights Ms. Dunja Mijatović,¹⁵²² generally understood the concerns of the Finns and pointed out that the amendments, adopted to the aforementioned law, could potentially violate the universal principle of non-refoulement of a person to his home country, where he might be in danger, as well as deprive foreigners of their fundamental right to claim asylum if they are turned away en masse at the border. The letter also calls attention to the fact that

¹⁵²⁰ Concluding observations of the Human Rights Committee on the seventh periodic report of Finland. March 2021

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/FIN/CO/7&Lang=Ru

¹⁵²¹ Concluding observations of the Committee on Economic, Social and Cultural Rights on the seventh periodic report of Finland. March 2021

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E/C.12/FIN/CO/7&Lang=En

¹⁵²² <https://rm.coe.int/letter-to-krista-mikkonen-minister-of-the-interior-of-finland-by-dunja/1680a7537d>

the amendments' proposed procedures may result in migrants being placed in special border centers more frequently.

Restrictions on migrant family reunification, which were initially implemented in reaction to the record migratory wave of 2014-2015, have become a controversial topic in recent years. The minimal income requirements for applicants for a residence visa in Finland as family members of an already settled refugee are a contentious issue. Under public pressure, there is now a trend toward relaxing these regulations, at least for the relatives of underage refugee children who enter the country unaccompanied. The corresponding draft law to amend the Law on Foreigners was submitted by the government to Parliament in June 2022.

Regarding the situation of women's rights in Finland, researchers continue to note the relevance of the problem of gender segregation in the labor market and the persistence of a wage gap compared to men. Violence against women remains a serious challenge. According to a 2014 study by the EU Agency for Fundamental Rights, in Finland, they are victims of violence more often than the European Union average, and among Finnish women between 18 and 74 years of age, the share of those who have experienced physical and/or sexual violence after the age of 15 was 47%. National statistics add that women are the typical victims of domestic violence (75% of adult victims in 2020). At the same time, it is assumed that during the COVID-19 pandemic the situation has only worsened in this respect. Discrimination against women in the workplace persists. Traditionally, women are more engaged in caring for family members and running the household, and work in the social sphere, which earns lower wages than other sectors of the economy. In addition, women's average

pension benefits are about a third lower than men's (a ratio that has narrowed since 2002).¹⁵²³

The repatriation from Syrian refugee camps of children of Finnish nationals who have joined the terrorist organization Islamic State (illegal in the Russian Federation) remains an issue. In December 2019, the Finnish government decided to repatriate more than 30 of them. According to information available to date, three of them returned home, but the repatriation plan was subsequently halted under the pretext of a coronavirus pandemic. Concerns about the situation of these children were expressed by the Human Rights Committee in March 2021.¹⁵²⁴ 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.¹⁵²⁵ This is the second decision of a treaty body on this issue, the first being that of France.

There are also problems with the rights of the elderly. And Finland's population is one of the oldest or age-related 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 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

¹⁵²³ Statement by Claudia Mahler, Independent Expert on the enjoyment of all human rights by older persons following a 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>

¹⁵²⁴ Concluding observations of the Human Rights Committee on the seventh periodic report of Finland. March 2021 https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/FIN/CO/7&Lang=Ru

¹⁵²⁵ Decision of the Committee on the Rights of the Child on a communications procedure under the Additional Protocol to the Convention on the Rights of the Child concerning communication No. 100/2019. October 12, 2022. (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) <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsqrmBuLu9J7Rgo8IDUtMmbHgC%2fa0eHNdJv%2fg2BMTAQTFOdvfkIJ3COXC6jLNR81jHDEEKqKHmIk5fs%2fXHgT1lkxkua%2f3obCOBHNwaZZ%2b%2b39CgVeG9tFVE9NMvjS750Tazw%3d%3d>

from the current 22% to 26% by 2030 and 29% by 2060.¹⁵²⁶ Accordingly, the problems identified in this category affect a fairly large part of society. Particularly, limitations on the fundamental rights of senior citizens have resulted from actions made by the government in response to the COVID-19 pandemic to stop the virus's spread at the national and local levels. These measures have affected health and care services, the ability for the older generation to get outdoors. There have also been instances where a pandemic prevented an old couple from living together or when, in the name of an emergency, immediate family members were prohibited from attending a burial. Restrictions on physical distance have led to a cessation of communication and information for many older people. Coronavirus-related Seniors without their own electronic devices who require assistance utilizing the Internet face considerable restrictions as a result of the closing of public libraries and other locations with access to communications technology.¹⁵²⁷

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 it is an innovation that is still being

¹⁵²⁶ Statement by Claudia Mahler, Independent Expert on the enjoyment of all human rights by older persons following a 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](https://www.ohchr.org/en/2021/11/end-mission-statement-
united-nations-independent-expert-enjoyment-all-human-rights-older)

¹⁵²⁷ Ibid.

considered by Parliament, 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 Finland, there are still a number of significant shortcomings in the realization of the rights of the indigenous Sami peoples. Among other things, experts acknowledge that during the 20th century the Finnish government systematically suppressed the Sámi language and culture in the process of national formation, although this policy is assessed as milder in comparison to Norway and Sweden.

Sami youngsters who were transported to boarding schools were treated unfairly by the Finnish government, according to critics. The Finnish way of life promoted in these educational institutions, which aimed to form "real" Finnish citizens, resulted in the fragmentation of Sami children's identity or contributed to their feeling of being "between" two worlds and their inability to fully integrate into Sami or dominant Finnish society.¹⁵²⁸

The process of reconciliation is slowly taking place. In 2019, the Sami Parliament of Finland launched an initiative to form a Sami Truth and Reconciliation Commission in Finland, taking as a model similar bodies in Canada and several Latin American countries. 2020's coronavirus epidemic hindered an already gradual progress.¹⁵²⁹ It should be recognized that the Sámi community has largely suffered as a result of COVID-19. The Sami have experienced increased suffering as a result of the restrictive and isolationist policies, which have hindered their capacity to maintain relations with other Sami communities overseas, especially those where they have kin, and with Sami communities at home.¹⁵³⁰

¹⁵²⁸ This issue is explored in more detail in the next paper: 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.

¹⁵²⁹ "Sapmi." The Indigenous World 2021, ed. by Dwayne Mamo. Pp. 506-518. The International Work Group for Indigenous Affairs (IWGIA), 2021.

¹⁵³⁰ Ibid.

It is pointed out that the Sami people in Finland face discrimination in education and housing, as well as in employment and the possibility of using their native language in everyday life, especially for medical and social services. There are also insufficient opportunities for language learning outside of the Sámi Homeland - the Sámi region. The European Commission against Racism and Intolerance¹⁵³¹ and the Committee on Economic, Social and Cultural Rights drew attention to these problems.¹⁵³²

Legal disputes involving the Sami relate to two main subjects. 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 inherited land rights of the Sámi are based on the principle of permanent use, but these rights have not been documented for the Sámi, so these areas are administered by the state. In this context, the question of Finland's ratification of the International Labor Organization Convention 169 concerning Indigenous and Tribal Peoples, which it signed in 1989, 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. Wind turbine development, for example, benefits local outlying

¹⁵³¹ Report of the European Commission against Racism and Intolerance on Finland (fifth monitoring cycle). Adopted on June 18, 2019 and published on September 10, 2019. <https://rm.coe.int/fifth-report-on-finland/1680972fa7>

¹⁵³² Concluding observations of the Committee on Economic, Social and Cultural Rights on the seventh periodic report of Finland. March 2021 https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E/C.12/FIN/CO/7&Lang=En

villages but also causes tension between the Sámi and the enterprises who operate the facilities (since they are generally situated in Sámi grazing grounds).¹⁵³³ In the case of reindeer herding, which is practiced by the Saami, the construction of such a facility affects 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.¹⁵³⁴

Another story concerns the right of indigenous citizens to participate in the election of members of the Sami Parliament. Now the Supreme Administrative Court of Finland has the final word, which can satisfy a person's request to be included in the electoral list, even if the parliament itself had previously refused to do so. The problem is connected to an expansive interpretation of the definition of who is a Sami in the Act on the Sámi Parliament, which the court first applied in connection with the 2011 Sami elections. Subsequently, a similar practice has taken place in other elections for the Sami representative body. According to the Saami Council (an NGO that unites the Saami in Norway, Russia, Finland and Sweden), with a total of 5,800 voters in the Saami Parliament, the court has admitted 161 people to it since 2011, against the will of the parliament itself. At present, the demands of the Sámi authorities are to annul earlier court decisions and to amend the law in order to avoid differences in the interpretation of the definition of the Sámi in the law.

¹⁵³³ Examples of conflicts between Sami and private companies over the construction of wind energy facilities are given in "Sapmi" in *The Indigenous World 2020*, ed. by Dwayne Mamo. Pp. 526-535. IWGIA, 2020.

¹⁵³⁴ S. Nysten-Haarala1, T. Joonas, I. Hovila. Wind energy projects and reindeer herders' rights in Finnish Lapland: A legal framework. / *Elem Sci Anth (ELEMENTA Science of Anthropocene)*. 2021.

France

France historically rivals with Great Britain to claim the title of the home country of human rights. The Constitution and the laws of the Fifth Republic reflected the principles enshrined in the Declaration of the Rights of Man and of the Citizen back in 1789. Paris is working to strengthen specialized institutes and regulatory framework in this area at the national and international levels.

State monitoring of the situation in this area within the country is realized by the Ombudsperson and the National Consultative Commission on Human Rights (Commission nationale consultative des droits de l'homme, CNCDH).

The post of the Ombudsperson is enshrined in the Constitution in 2008 and has been established by the law of March 29, 2011 instead of the "Mediator of the Republic" (Médiateur de la République) having existed from 1973. The Ombudsperson is appointed by the President of France for six years without the possibility of extension or reassignment. The candidate is subject to approval by the National Assembly and the Senate. The Ombudsperson's competencies cover fighting all forms of discrimination, protecting the rights of children, monitoring observance of professional ethics by law enforcement officials, protecting the rights of persons applying to public authorities. The Ombudsperson's apparatus is about 250 people in the central office and 550 in territorial offices.

The CNCDH is an independent public authority whose tasks include monitoring the respect by the French state of its obligations at the national and international level, preparing recommendations for the government and the parliament, analysing draft laws. The Commission is composed of 64 members – representatives of major human rights NGOs, trade unions, religious associations, both chambers of the parliament and the Ombudsperson.

An important role for protecting human rights, fighting discrimination and promoting public policy in this sphere is played by the 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) functioning from 2012 under the Prime Minister of France.

In the French Ministry of Foreign Affairs the issues of international cooperation for human rights are the responsibility of the Ambassador at Large, as well as of the Directorate for the UN and international organizations, human rights and Francophonie.

France is a party to most major international and European conventions and agreements for human rights protection. However, there are reservations to a number of instruments.

Thus, as France does not recognize in principle at the legislative level the existence of national, religious, linguistic or other minorities, Paris maintains reservations to article 27 of the International Covenant on Civil and Political Rights. In addition, France has not ratified the European Charter for Regional or Minorities Languages and is not a party to Protocol No. 12 to the European Convention on Human Rights and Fundamental Freedoms, the Framework Convention for the Protection of National Minorities and the European Convention on the Participation of Foreigners in Public Life at the Local Level.

Among the major universal human rights treaties to which France is a party, the only exception is the Convention on the Rights of all Migrant Workers and Members of Their Families.

Human rights situation in France is in focus of dozens of national and international NGOs issuing annually relevant conclusions and reports. In general the situation in this area is traditionally estimated as relatively favourable, but characterized by enhancing negative trends.

The most significant and far-reaching derogation of French authorities from the rule of law was seen in the context of the coronavirus pandemic. Unprecedented quarantine measures repeatedly imposed in 2020-2021 led to significant restrictions of many fundamental human rights and freedoms, which

concerned practically all the population, including the freedom of movement, peaceful assembly, expression, and worship.

The coronavirus pandemic had a grave impact on the respect of the economic, social, and cultural rights. According to the NGO Secours populaire (Popular help), one person out of three lost their income after the first quarantine, and millions of people faced poverty. In 2020, unemployment rate returned to around 9 per cent. The transition of activity of most citizens to remote mode due to the quarantine also led to infringement of their right to work and education.

The pandemic has also led to an increase in homelessness. According to the study of the French office of UNICEF together with the organization "Federation of Solidarity Actors", 93 per cent families in Paris having called the hotline with a request to grant them accommodation promptly did not obtain what they needed. On the rest of the French territory 44 per cent of request examined ended with refusals.

Migrants, asylum-seekers, and refugees have been the most vulnerable to the COVID-19 threat, in particular those exposed to the risk of poverty and social exclusion. Commissioner for Human Rights in France Claire Edon after her visit in Calais in September 2020 described the migrants' living conditions as "inhuman or degrading" and stressed that access to food, water and hygiene is difficult in such circumstances. The ombudsperson noted that migrants in Calais don't have enough masks, and social distance and regular hand washing with soap are virtually impossible to ensure.

The freedom of assembly became even more restricted because of the coronavirus pandemic that broke out in early 2020. In November 2020, protests in major cities of France – Paris, Bordeaux, Strasbourg, Nantes, Rennes – organized by representatives of local Catholic communities claiming authorization to hold church services were dispersed by police, and in some cases the demonstrators were fined for non-respecting the self-isolation regime

in force in France. During the quarantine period, forceful dispersals of "anti-COVID" demonstrations were regular, with indiscriminate and disproportionate use of non-lethal means.

The French State Council held that the ban on demonstrations with more than 10 participants is disproportionate and represents a serious violation of human rights.¹⁵³⁵

Restrictions of fundamental rights during the pandemic raised the concern of Commissioner for Human Rights in France Claire Edon. After the renewal of the state of health emergency in the country on October 17, 2020, she published an article calling for improving mechanisms of democratic and judicial control over the sphere of application and the impact of emergency measures.¹⁵³⁶

The problem of excessive use of force by law enforcement officials remains persistent. The number of police killings increases annually. The relevant official statistics are published by the General Inspectorate of the Police Service (IGPN) of the French Ministry of Interior from 2018: 14 people in 2017, 17 in 2018, 27 in 2019, 32 in 2020, and 37 in 2021.

However, IGPN reports do not question the legality of action by law enforcement officers, and their figures include eliminated especially dangerous criminals as well as people who died due to the abuse of power by police officers.

In 40 per cent of cases, there is no information on the legal consequences of deaths resulting from the actions of law enforcement officers, in 20 per cent of cases – the investigation is terminated for lack of *corpus delicti*, in 10 per cent – the court acquits law enforcement officers; in 25 per cent of cases

¹⁵³⁵ Locking Down Critical Voices: How governments' responses to the Covid-19 pandemic are unduly restricting civic space and freedoms across the EU. Civic Liberties Union for Europe (Liberties). September 24, 2020.

<https://www.liberties.eu>

¹⁵³⁶ Coronavirus pandemic in the EU – impact on basic human rights: social rights. 1 September 2020 – 31 October 2020. European Union Agency for Fundamental Rights. November 27, 2020.

https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-coronavirus-pandemic-eu-bulletin-november_en.pdf

a conditional sentence is imposed, and only in 5 per cent of cases verdicts with real terms of imprisonment are pronounced.

According to the French human rights NGO "Basta!" specialized in independent investigations of excessive use of force by law enforcement officials, the standard portrait of the victim is a 25–30-year-old person of African descent or an Arab from a poor suburb. The most common cause of death is gunshot wounds during attempted escape or refusal to obey the demands of the police. Often the cause of death is a heart attack or asphyxiation during arrest or pre-trial detention due to the use of special techniques for detention and/or restraint (such as "bending" or "mechanical asphyxiation" that are prohibited in many countries, but not in France) recognized by the European Committee for the Prevention of Torture (CPT) in 2002 as cruel, including due to the high risk of death.

Human rights defenders believe that France frequently violates the European Convention for the Prevention of Torture and Other Cruel or Inhuman Treatment or Punishment and note the impunity of French guardians of law. Doubts are roused about the thoroughness of investigations into allegations of violence and abuse of authority by law enforcement officials. In a significant number of cases, there are refusals to initiate criminal proceedings and, where criminal cases do occur, administrative sanctions imposed are often not sufficiently severe or proportionate to the seriousness of the offence.

Complaints about "people in uniform", depending on the structure they belong to, are first examined either by the Inspectorate-General of the National Police or by the Directorate-General of the National Gendarmerie, which delays possible prosecution for many cases of physical violence.

In 2021, there were regular forceful dispersals of demonstrations against sanitary permit regime and of mass events organized in violation of "anti-COVID" restrictions.

The NGO Amnesty International notes in its report for 2021 that there were many cases of indiscriminate and disproportionate use of non-lethal means by law enforcement bodies, including tear gas and stun grenades. The NGO calls it a violation of the norms of national and international law. It underlines that no independent investigation has yet been initiated even on the scandalous case of violent dispersal of several hundred participants of the techno festival in Redon (region of Bretagne), which left some people seriously injured, and one person lost his hand.

According to the report of the Byelorussian Ministry of Foreign Affairs for 2022 on the most prominent cases of human rights violations in certain countries of the world, French motorists, inspired by anti-COVID protest actions of truck drivers in Canada, tried to hold a similar protest action in Paris. To ensure opposition from the law enforcement agencies, more than 7,000 police officers and gendarmes were mobilized to prevent the blocking of roads by the convoy named "Freedom Convoy". On February 12, 2022, the police prefecture announced the arrest of a total of about 800 cars at the entrances to the capital. On February 13, 2022, protests broke out across France, with the participation of more than 32,000 people, about 7,600 of them in Paris, the TV chain BFMTV reported. Although Paris authorities prohibited the action, a part of the convoy entered the Champs-Elysees. The security forces had to repeatedly apply tear gas.

In May 2022, the police applied tear gas trying to stop mass riots during the European Cup final at the Stade de France stadium in Saint-Denis, suburb of Paris. The riots were caused by unsatisfactory organization of the sport event by the French party, which led to the fact that more than 2,000 people having bought their tickets failed to get into the stadium, as well as by incapacity of the French police to ensure due security level.

Methods of daily work of law enforcement bodies are often discriminatory.

Mistreatment by law enforcement officials of migrants, as well as of French nationals of a non-European phenotype is quite common. They are often subjected to identity checks on spurious pretexts.

In September 2021, President of France Emmanuel Macron announced the establishment of the mechanism for parliamentary monitoring of human rights violations by law enforcement officials. But the NGO Amnesty International esteems that this measure does not ensure fully independent control over the activities of the police and gendarmerie.

The malfunctioning justice administration system remains the source of human rights violations. Human right defenders note prejudice against foreigners, unacceptably long processing periods, and unfairly severe sentences. Investigations are not impartial. The access of lawyers to accused persons is restricted, as well as to case files, transmitted to the defence by parts and after considerable delay.

Such violations have been faced by Russian compatriots Alexander Vinnik, Ivan Zhirnov, Mikhail Ivkin and Pavel Kosov, as well as Valentin Balakhnichyov and Alexey Melnikov.¹⁵³⁷

France has in place about 50 readmission agreements with foreign States, including the USA.

As concerns Russian citizens, politically motivated decisions take place. An illustrative example is the case of Alexander Vinnik, who was extradited to France and sentenced to imprisonment on charges of extorting money via malware and laundering the proceeds. Alexander Vinnik served his sentence and was to be released on June 30, 2022. But he was placed under extradition arrest on the request of the USA. On June 30, 2022, the Russian Embassy sent a note requesting immediate release of Alexander Vinnik, and on July 1, 2022, a

¹⁵³⁷ For more details see the Report by the Ministry of Foreign Affairs of the Russian Federation "On Violations of the Rights of Russian Citizens and Fellow Citizens in Foreign Countries" for 2021. https://www.mid.ru/ru/foreign_policy/humanitarian_cooperation/-/asset_publisher/bB3NYd16mBFC/content/id/4641517

note about the need for the French party to fulfil the request of the Russian Prosecutor General's Office on his extradition to Russia. No one of the requests of the Russian party has got an answer so far. Nevertheless, in August 2022 Alexander Vinnik was extradited to the USA and currently¹⁵³⁸ he is in American prison.

There are also cases of seizure of minor children during divorce of their parents, one of which is a Russian citizen. In January 2020, the minor son of Mrs. Ananyeva was seized and placed in another family by court decision pretexting the lack of possibilities for his mother to provide the necessary conditions for the child's upbringing. There is information that the boy has been repeatedly abused in the foster family. Mrs. Ananyeva's daughter, born on May 5, 2020, was seized two days after her birth and placed under the care of social services. Though the mother has provided necessary conditions for the children's housing and upbringing, the competent services refuse to reconsider their decisions. The Embassy issued Russian passports for the children.

French penitentiary system remains a traditional target of criticism from human rights defenders. Owing to overcrowding and unsanitary conditions, French prisons and detention centres had for years been considered to be almost the worst in Western Europe.

The Committee against Torture and the Human Rights Committee expressed their concern about frequent cases of ill-treatment of detainees in France, poor prison conditions and manifestations of racism and homophobia from the police and prison administration.

The European Committee for the Prevention of Torture functioning within the Council of Europe had concluded that "conditions of detention,

¹⁵³⁸ As at December 9, 2022.

particularly in national police stations, do not always correspond to the notion of human dignity".¹⁵³⁹

According to the Ministry of Justice official data, the average prison occupancy rate was 134.7% as at the beginning of 2022. But the NGO Observatoire international des prisons (International Observatory of Prisons) esteems that the real rate is much higher and may reach 180%.

According to the annual reports of the Controller General of Places of Deprivation of Liberty, Islamic prisoners sent to segregation units in order to prevent the spread of their ideology are not allowed to work, receive education, learn a profession; they are not provided psychologists in spite of their requests. Though they are not always people condemned to serve their sentences in strict regime for serious crimes. High security measures are applied to all Islamic prisoners. They serve their sentences in strict conditions beyond legal norms. For the slightest fault they have their terms extended to a maximum.

Lawyers complain about the practice of labelling. Sometimes in the literal sense: prison administration can put a sign on the cell door that the prisoner is under surveillance due to manifestations of radicalization.

At the official level, strict approach to Islamic prisoners is openly recognized. Public prosecutor of the court of cassation François Molins (until recently, head of the unit of the Public Prosecutor's Office dealing with all terrorist cases) stated: "The point is to protect the society by extending their stay in prisons to a maximum extent. Maybe, keeping them isolated as long as possible is not a very honourable thing, but it is necessary to protect the society".

It should be noted that this is a part of a general increasing trend towards the rise of xenophobia, racism and anti-Semitism observed by human rights organizations. According to the National Consultative Commission on Human

¹⁵³⁹ Report to the French Government on the visit to France of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from November 23 to 30, 2018. March 24, 2020. <https://rm.coe.int/16809cfffaf>

Rights, the level of tolerance in French society has generally been declining since 2010.

The Committee on the Elimination of Discrimination against Women, the Human Rights Committee and the Committee against Torture pointed to the increase in racist, xenophobic, anti-Muslim, and anti-Semitic manifestations, including violent ones, in France, expressing concern that this could lead to the rise of feeling of rejection in some communities.¹⁵⁴⁰

In 2020, 11,300 offences committed on ethnic, national, racial, or religious grounds have been recorded, where 5500 are crimes of various gravity. Most of these offences are reported in Paris and in the metropolitan region of Ile-de-France.

The National Consultative Commission on Human Rights notes that there is a deliberate underreporting of racist attacks in France. Surveys indicate that approximately 1.1 million French citizens have faced threats, violence, or discrimination on national or religious grounds.

According to the Jewish Community Protection Service in France, in 2020 the number of anti-Semitic incidents decreased by 50 per cent compared to 2019 (339 incidents recorded in comparison to 687 in 2019), but the number of physical attacks on anti-Semitic grounds had hardly changed. In 2021, 589 anti-Semitic incidents were registered, by 75% more than in 2020. But the number of physical attacks grew by 36%.

France holds the leading positions among the EU Member States in terms of the number of anti-Semitic actions. However, in the vast majority of cases, anti-Semitism does not originate from neo-Nazis or the extreme right but come

¹⁵⁴⁰ 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=CAT%2fC%2fFRA%2fCO%2f7&Lang=ru

from the Muslim part of the population – the Palestinian diaspora and, more recently, from radical youth belonging to other ethnic groups.

As experts note, the government has not yet managed to stop the spread of Islamist ideas, and the authorities, guided by domestic political considerations, try to show these facts up not as a manifestation of Muslims' dislike of Jews, but as a more global problem of anti-Semitism, thus shifting the emphasis to the need to combat the right-wing conservative movements.

Neo-Nazi manifestations of anti-Semitism in France tend to cause negative social and political reaction. Recent high-profile cases include the desecration with swastika of 96 graves in a Jewish cemetery in Lower Rhine department in February 2019; the demolition and swastika desecration of a stele on the site of a synagogue destroyed by the Nazis; and the swastika poster at the entrance to a kindergarten in Strasbourg.

The number of hostile actions against Muslims began to decrease after the surge of Islamophobic sentiment against the background of the terrorist attacks in 2015. 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 and mosques, abuse of the Koran, etc.

According to the statistics of the French Ministry of Interior, 171 manifestations of Islamophobia were recorded in 2021, which is by 32% more compared to 2019. Taking into account sanitary restrictions, 2020 is not illustrative.

Some Muslim associations esteem that official figures are underrated, but there are no independent data for 2019-2021, because on December 2, 2020, the relevant NGO Collective against Islamophobia has been prohibited and dissolved out of court by the French Council of Ministers.

In 2021, as a result of the Government's attempts to regulate confessional activity of Muslim organizations and put it within the republican framework, the

Conseil français du culte musulman (French Council of Muslim Cult), which united representatives of major intra-confessional groups and movements stopped its activity and was dissolved. In fact, such state intervention is a kind of "macro-violation" of the freedom of religion, as the Government wants to impose to French Muslims modalities of worship.

In February 2022, more than 30 representatives of French academic community addressed an open appeal to President Emmanuel Macron, expressing deep concern about the "institutionalization of Islamophobia" at the level of state power, which sees signs of radicalism in ordinary Muslim religious practices and prohibits them under the pretext of the primacy of the republican principle of secularism. But the media refused to publish the appeal, considering it an inappropriate intervention ahead of the presidential elections.

There are also manifestations of racism against the title ethnos in France. However, the State is trying in every way to distance itself from the European population's calls to protect it from "black racism".

Cases of violence, humiliation of human dignity on the grounds of racial, ethnic, and religious hatred, and desecration of Christian places of worship are generally ignored or considered ordinary offences by the French authorities. Many human rights organizations, including the NGO SOS Racisme, do not monitor racial crimes against white people at all.

[In 2019 the French Ministry of Internal Affairs provided statistics on the manifestations of Christianophobia for the first time. According to its data, 1063 actions were registered in 2018, 1052 in 2019¹⁵⁴¹. By the end of 2020 the Ministry had not provided disaggregated data concerning racist offences.¹⁵⁴² In 2021, 686 hostile acts against Christians were reported. It is mainly about vandalism against temples, however, in the pre-Christmas period attacks and

¹⁵⁴¹ <https://www.interieur.gouv.fr/fr/Actualites/Communiqués/Statistiques-2019-des-actes-antireligieux-antisemites-racistes-et-xenophobes>

¹⁵⁴² <https://www.interieur.gouv.fr/fr/Actualites/Communiqués/Les-atteintes-a-caractere-raciste-xenophobe-ou-antireligieux-en-2020>

verbal aggression from Muslims against Catholics holding religious ceremonies became more frequent.

Discrimination and stigmatization of the Roma is widespread. Racist discourse is often used against this category of population, including by elected politicians, calling for their exclusion from society. The authorities forcibly close informal settlements inhabited by the Roma, often with the excessive use of force by the police. The low level of school enrolment among Roma children, as well as cases of refusal by some municipalities to enrol Roma children in schools under the pretext of the state of emergency, are noted. The Committee on the Elimination of Racial Discrimination, the Committee against Torture, the Human Rights Committee and the Committee on Economic, Social and Cultural Rights noted with concern the many problems faced by Roma communities in France.

In 2020, the French Ministry of Internal Affairs created a national anti-hate office for coordinating prevention, data collection and investigation of anti-Semitic, anti-Muslim, or anti-Christian incidents¹⁵⁴³.

The French authorities continue abusing counter-terrorism rhetoric to unnecessarily expand the powers and technological capabilities of special services, as well as to limit citizens' personal freedoms.

Human rights activists criticize the policy of the Government to increase control over the Internet and various types of telecommunications. Evidence of massive interception of metadata by the French intelligence services without judicial procedure and without the approval of the National Commission on Informatics and Freedoms is constantly emerging. Mobile telephone operators are forced to informally provide intelligence agencies with unhindered access to the databases and metadata of their clients.

¹⁵⁴³ <https://www.lesechos.fr/politique-societe/gouvernement/cimetiere-juif-profane-christophe-castaner-cree-un-office-national-de-lutte-contre-la-haine-1153644>

There is a lack of adequate mechanisms to monitor the work of the National Platform of Judicial Interception which enables to receive any information passing through all major digital communications at the national level at any time. The ability of the established six-member monitoring committee (judge, deputy, senator and experts from the Ministry of Justice, the Ministry of Internal Affairs, and the Ministry of Culture) to monitor the flow of 5 million requests and 40,000 taps per year (the estimated capacity of the platform) is brought into question.

In this regard, the NGO Reporteurs Sans Frontieres (Reporters without Borders) claimed a violation of press and media freedom and demanded that the confidentiality of journalists' sources of information and their right to work without surveillance be protected and that judges be involved in the procedure of obtaining permissions to establish surveillance.

According to the report of the National Intelligence Technology Control Commission, in 2020 around 22,000 people were under surveillance of the security services, more than 8,700 of them – on suspicion of being linked with terrorists. In 2021, 22,958 people became objects of surveillance of special services in France (994 people more than in 2020), more than 9700 of which within the framework of countering terrorism. It should be noted that methods of uncontrolled and mass data collection were used much more frequently.

Another fact that is worth attention is the undemocratic and irrelevant character of mechanisms aimed to create, add to and update the list of persons "representing a threat to the national security of France". It turned out that it includes not only potential or actual terrorists and violators of public order, but also political activists, journalists having alternative positions, organizers of demonstrations. 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 July 30, 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.

To counter Islamist ideology that nourishes terrorism, the French government follows a course of strengthening control over NGOs and confessional organizations.

On August 24, 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 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.

The law "On general security" was also adopted in May 2021. It provides for a significant expansion of powers of municipal police, as well as of the list of security officers authorized to get access to security footage, and allows using drones to ensure public order, locate offenders and save people.

Human right activists regularly criticize national protection mechanisms against discrimination on the grounds of age, disability, religion, or belief in areas such as education, access to goods and services, health care and social protection.

Apart from this, French legislation prohibiting the wearing of religious symbols in public places (including the hijab fully covering the face) violates the right to freedom of conscience and religion.

Regarding labour market, the notion of discrimination is not clearly defined in the legislation. Different treatment of people in employment and professional activity depending on their religion or belief is not considered discrimination if it is based on "important requirements related to the nature of the work." 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 NGO SOS Racisme undertook a so-called discrimination test in France. The organization's staff responded to 775 rental offers in Ile-de-France using fictional personal data. The research showed that persons of North African origins and those from French overseas territories or sub-Saharan African countries have respectively 37 and 40 per cent less chances to get housing than a person of "traditional French origin".

It is noted that French real estate agencies have a discriminatory attitude towards their clients of North African origin. In 2019, the ombudsperson conducted a research of the impact of his campaign to raise awareness on this issue. According to its results, the ombudsperson's activity allowed to reduce the risk of discrimination while accessing housing.¹⁵⁴⁴

¹⁵⁴⁴ Research and results. Test on discrimination while accessing housing depending on origin, measuring of the impact of the Ombudsperson's information campaign on real estate agencies. Human Rights Commissioner in France. <https://www.defenseurdesdroits.fr/fr/communiqu%C3%A9-de-presse/2019/10/test-de-discrimination-dans-l'acc%C3%A8s-au-logement-selon-l'origine-les>

According to the Council of Europe report on press freedom published in April 2020, France is in the top ten member States for acts of violence or aggression against journalists during manifestations. 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 respect of the rights of migrants and asylum-seekers raise serious concerns of human rights defenders. It is noted that social services often do not fulfil their obligation to grant due care to unaccompanied migrant children, and the migrants themselves are held in unacceptable conditions and ill-treated. Detention centres are overcrowded and do not meet hygienic. The conditions of detention are degrading.

On July 22, 2021, the European Court of Human Rights (ECHR) 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.

Human rights NGOs condemn police harassment and abuse of migrants and humanitarian workers. 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 July 2020, the European Court of Human Rights (ECHR) 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 NGO Association of Assistance to Persons Having no Documents notes that up to 10,000 people are detained and placed in detention facilities each year at Paris airports (often without the possibility of timely access to lawyers and relatives). The cells are overcrowded and do not meet hygiene requirements and the conditions of detention are degrading to human dignity. According to human rights defenders, the procedure for the repatriation of illegal migrants also remains humiliating.

Human rights activists also point out 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.

The report of the NGO Amnesty International for 2021 states that migrants and refugees continue to face humiliating treatment in France. 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 November 24, 2022, at least 27 people drowned when trying to reach Great Britain in a boat.

Many human rights NGOs reported cases of discrimination of refugees on national grounds in France: after February 24, 2022, natives of Ukraine were given priority when granting housing, social and financial aid to the detriment of asylum-seekers from other countries.

Islamist radicalism whose ideology is very far from human rights standards improves its positions in the suburbs of many French cities where migrant families from Muslim countries are concentrated. Local Muslims, who place Sharia law above Republican one, practise forced marriages, disinheritance of women, polygamy, etc. The attempts by the authorities to influence the situation have remained unsuccessful so far, and it continues to deteriorate

80 per cent of migrant children living in squats, emergency housing or temporarily with relatives do not attend school. In the case *EUROCEF v. France*, the European Committee of Social Rights found that France had violated the right of unaccompanied migrant children to social, legal and economic protection for several reasons: shortcomings in the national shelter assessment and allocation system with regards to unaccompanied migrant children; delays in appointing a special guardian; detention of unaccompanied migrant children in waiting areas and hotels; the use of bone testing to establish the age which is considered inappropriate and unreliable by the Committee; lack of clarity on how unaccompanied migrant children can get access to effective remedies.¹⁵⁴⁵

It is noted that social protection services often do not fulfil their obligations to provide such minors with adequate care.

In the case *Khan v. France*, the ECHR declared that the State had violated the article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) prohibiting inhuman or degrading treatment, for the authorities had not provided with housing an unaccompanied 15-year-old child evicted from an informal refugee camp in Calais.

France is one of the leaders among UE countries by the number of restrictions on freedom of minor migrants for less than 48 hours prior to their further placement according to the Dublin system. And, though detention of

¹⁵⁴⁵ https://fra.europa.eu/sites/default/files/fra_uploads/fra-2019-fundamental-rights-report-2019_en.pdf

unaccompanied children is not allowed by the law, this measure can be applicable to families with children in extreme cases.

In 2019, 276 minors from 113 families were held in conditions of restricted freedom slightly less than two days in mainland France. But most children are being detained in the overseas region of Mayotte – around 3,100 young migrants from more than 2,200 families in 2019 (for comparing, 1221 children in 2018). Most children come from the nearby Comoro Islands. Most of them are placed together with their families, but sometimes unaccompanied children are arbitrarily associated to accompanying adults. Moreover, according to civil society organizations working in Mayotte, birth certificates attesting that a migrant has not reached majority are sometimes ignored by competent officials.

It is worth noting that French citizens have been also subjected to such detentions. Thus, on January 6, 2020, the Administrative Court of Mayotte upheld the decision to restrict freedom of a mother with child, though the latter was born in Mayotte and his father was supposedly a French citizen.¹⁵⁴⁶

Former France's Human Rights Defender Jacques Toubon regularly noted that unaccompanied migrant children in the country constantly face difficulties in exercising their rights to access justice, lawyer, and interpreter. The lack of State care increases the risk that they may be (and often are) subject to human trafficking and all kinds of exploitation, including sexual. What makes the problem worse is that minor victims of trafficking, as well as adults, are considered offenders, not victims, and are treated on the basis thereof.

The situation surrounding nationals of Chechnya living in France deserves special attention. The number of cases of revoking refugee status from foreigners suspected of radicalization or convicted of disturbing public order with a view to their eventual expulsion to their country of origin increased

¹⁵⁴⁶ Report of the EU Agency for Fundamental Human Rights for 2020.
https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-fundamental-rights-report-2020_en.pdf

recently. In 2020 the French Bureau for Refugees and Stateless Persons revoked refugee status from 312 people. Almost a quarter of them are Russians, most are Chechens. It is grossly beyond the similar rate for other ethnic groups. Thus, the Afghans, leading in number among the asylum-seekers in France, have been subjected only to 5 per cent withdrawals.

Human rights community notes that the claims in question often do not present good reasons for revoking refugee status (suspicious posts on social media, contacts with imams suspected of propensity for radical Islam, etc.).

UN human rights treaty bodies, in particular the Committee on Economic, Social and Cultural Rights[1033], the Committee on the Elimination of Racial Discrimination[1034], the Committee against Torture[1035] and the Committee on the Elimination of Discrimination against Women[1036] 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. It was also noted that administrative obstacles which impede access of such persons to social and economic rights reduce the effectiveness of the safeguards put in place as part of the reform of the asylum system.

It is noted that France's capacities to receive migrants are extremely limited. The great majority of centres for asylum-seekers have already reached their maximum capacity or are overcrowded. 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.¹⁵⁴⁷

Until 2022, French authorities refused to repatriate from Syria their own citizens suspected of terrorist crimes and their families. In the summer of 2022,

¹⁵⁴⁷ <https://www.asylumineurope.org/reports/country/france>

16 women and 35 children were returned to France. However, according to the NGO Amnesty International, about 75 women and 160 children are still detained in camps in Kurdish-controlled territories, including seriously ill, staying in inhuman life-threatening conditions.

Family and gender issues are one of the priorities around human rights protection in France. Since 2012, the country's policy has been aimed at actively promoting LGBT rights in all spheres of public life. This causes rejection in part of the French society, which sometimes results in protests. In 2013, after the adoption of the law on same-sex marriage, the SOSHomophobia Association recorded 3,517 such actions. In the following years, their number started to decrease: 2,197 in 2014, 1,318 in 2015, but then it started to increase again: 1,575 in 2016, 1,650 in 2017, 1,905 in 2018, and 1,899 in 2019.

Meanwhile, the French Constitutional Council denied mayors who opposed the law the right to use the freedom of conscience clause in delegating the registration of same-sex marriages to their deputies. According to several experts, this constitutes a violation of the civil rights enshrined in the Constitution and article 9 of the European Convention on Human Rights.

The situation regarding the protection of children's rights in France is ambiguous. There are serious excesses and double standards in law enforcement practice around juvenile justice. However, these issues have so far been ignored by human rights activists.

On the one hand, the French social control bodies that monitor children's rights in the family are known for their almost absurd severity. Given the vague wording used in the legislation, parents can be deprived of parental rights even in case of minor violations. Thus, parents are often deprived of their rights because of their "suffocating love" for their children – this notion can theoretically include almost any action of parents.

On the other hand, the same social control authorities do not care about beggars who sit all day on the street with young children. 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 French school and pre-school sex education deserves special attention as it has in fact become a tool to promote the interests of the LGBT community. In 2015, as an experiment allegedly aimed at preventing discrimination based on sexual orientation, the teaching of "gender theory" was introduced into the educational curriculum of several hundred schools and kindergartens. In practice, however, it appears that relevant neo-liberal attitudes and concepts are being actively promoted among children aged 3-4 years (in particular through fairy tales).

It was attempted to introduce teaching "gender theory" in all kindergartens and schools at the national level. However, the initiative met resistance from society. Its implementation was suspended (although not completely abandoned). But some consequences remain. For example, at the interview when enrolling a child in kindergarten, the incoming pupil is asked about their gender so that teachers can then treat the child in accordance with the child's self-perception.

Another systematic violation of children's rights that does not appear in the reports of Western human rights NGOs is also related to lobbying for the rights and interests of LGBT individuals in family relations. Under François Hollande, same-sex marriages were legalized, and such unions gained the right to adopt children.

Emmanuel Macron's Administration decided to move beyond, and in 2017 included in the draft law "On Combating Sexual and Sexist Violence" a provision fixing the minimum age of minors at which sexual intercourse with them with their consent is not considered defilement or rape and suggested that such minimum age of consent should be set at 15. 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. Many independent observers noted

that it was actually the legalization of paedophilia. The French Parliament under the pressure of public opinion removed the minimum age provision when adopting the law.

In France, sexual intercourse with a minor is currently criminalized only if it can be proved that violence, threat, coercion, or deception took place. The shift of moral values and traditional foundations can be seen by law enforcement practice where it is not uncommon for persons who have had sexual intercourse with minors to be acquitted. For example, in October 2017, the Jury of the Department of Seine-et-Marne acquitted a 30-year-old French citizen who had sexual intercourse with an 11-year-old girl.

Human rights and feminist organizations condemn the lack of resources allocated to the realization of State measures against domestic violence announced in 2019.

According to the Ministry of Internal Affairs, the number of such cases increased by more than 45 per cent during the pandemic. In July 2020 the National Assembly adopted a law that, on the one hand, increases penalties for perpetrators of acts having led to the suicide or attempt of suicide of the victim, on the other hand, allows doctors to violate doctor-patient confidentiality when they consider that the victim's life is in imminent danger.

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.

The human rights situation in France's overseas territories raises many questions. The Committee on the Elimination of Racial Discrimination has noted that the legal regime for the use of the ancestral lands held and used by

indigenous peoples' communities since time immemorial, where mining activity is taking place, does not allow them to lead 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. There are numerous difficulties as regards access to education, health care and public services, in particular regarding civil status and justice.

In New Caledonia, land ownership issues relating to the Kanak population have not been resolved. This community faces difficulties in the enjoyment of economic, social, and cultural rights and is underrepresented in administrative bodies. There are difficulties in gaining access to education in local languages and to Kanak culture for the children of the community.

A large proportion of the indigenous and tribal population of French Guyana and half of the population of Mayotte lack birth certificates and identity papers, which prevents them from using basic services, including education and health care. That is largely due to the fact that article 55 of the French Civil Code provides for a very short deadline for birth registration, failing which a judicial procedure must be conducted before a court, which may take up to 18 months, leaving children with no legal proof of existence. The difficulty of indigenous peoples' access to health services accounts for high maternal mortality rates in Mayotte and French Guyana.

The overseas departments of France encounter problems related to the negative impact of adverse environmental conditions on people's lives. For example, mercury poisoning of water and grounds because of mining and illegal mining activities in French Guyana has a negative impact on the health of the local population, especially women and girls. In French Polynesia, the authorities take no actions to address the negative impact of French nuclear tests on the health of the local population.

Such an attitude towards the recommendations of international human rights monitoring mechanisms shows that Paris does not intend to soften its

approach. On several issues, losing cases at the ECtHR is more convenient for France than attempting to change the situation.

Federal Republic of Germany (the)

There is an increasing tendency for German law enforcement and intelligence agencies to expand their powers of intrusion upon citizens' privacy.

Human rights violations 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, "turning a blind eye" to even outrageous cases when necessary. 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.

The current attitude towards historical memory in Germany is particularly alarming. The country's historical responsibility for the crimes of the Nazi regime is recognized at the state level. The following are criminally prosecuted: public denial, justification or underestimation 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 (para. 86, 86a and 130 of the German Criminal Code (CC)).

There have also been convictions of individuals who formerly collaborated with the Nazis. On 20 December 2022, the court in Itzehoe passed a sentence 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.¹⁵⁴⁸ The case found that Furchner enjoyed the trust of the camp authorities.

However, despite the fact that the German establishment understands that

¹⁵⁴⁸ 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

attempts to revive the Nazi ideology and the theory of racial superiority in modern conditions are inadmissible and that it still recognizes German negative role in World War II, the activities of the German authorities regarding preservation of historical memory and increasing manifestations of neo-Nazi ideology in Germany cause concern. According to the German Federal Service for the Protection of the Constitution (BfV, internal security and counter-intelligence agency), there are about 34,000 right-wing extremists in Germany, approximately 13,500 of which are described as violent-prone.¹⁵⁴⁹

Xenophobic, Islamophobic, anti-Semitic, and blatantly Russophobic public statements have been recorded, which were made also by members of the parliament and regional legislative bodies.

Mass right-wing extremist and xenophobic events with several dozens to several hundred people regularly take place in Germany. Among the largest of such events are annual right-wing demonstrations in Dresden on the anniversary of the carpet bombing of the city by British and American aircraft on 13 - 15 February 1945. Up to 800 people took part in another such demonstration with revisionist slogans on 13 February 2022.¹⁵⁵⁰ Right-wing extremists were noticeably active in protests against government measures against the COVID-19 pandemic. The most scandalous episode was the demonstration in Berlin on 29 August 2020, when such a group (about 300 – 400 people) managed to break through the cordon around the Reichstag building and climb its steps with "imperial" black-white-red flags, which are often used by German neo-Nazis.¹⁵⁵¹

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

¹⁵⁴⁹ https://www.verfassungsschutz.de/SharedDocs/publikationen/DE/verfassungsschutzberichte/2022-06-07-verfassungsschutzbericht-2021.pdf?__blob=publicationFile&v=2

¹⁵⁵⁰ <https://www.saechsische.de/dresden/verkehrsbehinderungen-am-13-februar-in-dresden-5625094.html>

¹⁵⁵¹ https://www.rbb24.de/politik/thema/2020/coronavirus/beitraege_neu/2020/08/berlin-reaktionen-reichsflaggen-absperren-durchbrochen-reichs.html

need to fight radicals as a cover to actually suppress citizens who disagree with the social and political realities established in the country. The 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 radicalizing 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 recently increased pressure on right-wing circles (including the Alternative for Germany party) which oppose the sanctions policy. In early December 2022, this was prompted by an 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. They allegedly planned to storm the Reichstag and Bundestag, arrest deputies, overthrow the federal government and return the constitutional order to that of the Second Reich. Arrests of persons accused of being involved in the coup took place simultaneously in several countries besides Germany.

Observers note a growing number of adherents of the so-called "citizens of the Reich" (Reichsbürger), who do not recognize the legitimacy of the Federal Republic of Germany and its authorities and consider themselves citizens of the German Empire in its pre-war borders. It has been estimated that there are currently about 21,000 Reichsbürger. According to experts of the German Federal Ministry of the Interior, more than two thousands of them are violent-prone.¹⁵⁵² In December 2022, the German state security forces carried out a large-scale operation to prevent a coup d'etat in the country, which,

¹⁵⁵² https://www.verfassungsschutz.de/SharedDocs/publikationen/DE/verfassungsschutzberichte/2022-06-07-verfassungsschutzbericht-2021.pdf?__blob=publicationFile&v=2

according to them, had been prepared by Reichsbürger. Earlier, on 19 March 2020, one of the largest organizations of Reichsbürger, the United German Peoples and Tribes, had been banned. Among other issues, its members had distributed propaganda materials of a racist and anti-Semitic nature.¹⁵⁵³

Sociological studies indicate that extremist ideologies have been gradually spreading in broad segments of German society. In June 2021, the results of a study conducted by the Friedrich Ebert Foundation on the political attitudes of the German middle class were published. In particular, the study revealed an alarming ambivalence. On the one hand, there was a decrease in pure right-wing extremist views in society. On the other hand, there was an increase in the number of those who do not distance themselves sufficiently from statements with populist and xenophobic overtones. Thus, it appears that the German middle class is partly open to populist ideas and manifestations of domestic discrimination. This creates the potential for the spread of hateful views in large segments of society.

The presence of right-wing extremist elements in the German law enforcement structures is significant (according to official reports of the German law enforcement agencies, this category of extremists includes Reichsbürger). For example, according to the second special report of the German Federal Ministry of the Interior on this topic, published in May 2022, from July 2018 to June 2021, vetting of law enforcement agencies staff (police, special services, Bundeswehr, customs) has been carried out 860 times on suspicion of having right-wing extremist views or views close to those of Reichsbürger. In 327 cases the suspicions were confirmed. Over 450 criminal proceedings on incitement of interethnic hatred, use of symbols of anti-constitutional organizations and distribution of their propaganda were instituted.¹⁵⁵⁴

¹⁵⁵³ <https://www.bmi.bund.de/SharedDocs/pressemitteilungen/DE/2020/03/verbot-reichbuergervereinigung.html>

¹⁵⁵⁴ <https://www.verfassungsschutz.de/SharedDocs/publikationen/DE/rechtsextremismus/2022-05-lagebericht->

The spread of right-wing extremist sentiments has been recorded in various German law enforcement agencies. For example, in July 2020, one of the special forces units of the German armed forces was disbanded after right-wing radical sentiments among military personnel were disclosed. In June 2021, 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.¹⁵⁵⁵

There have been many scandals in the German police when its officers sent photos of Hitler, swastikas and other Nazi symbols, photo montages of shootings of black people and other racist images in mobile messengers.¹⁵⁵⁶ A specialized report published in December 2020 by the Parliamentary Oversight Panel (which oversees the activities of law enforcement agencies) pointed out that right-wing radicals in the police, special services, and Bundeswehr maintain close ties to right-wing extremist parties, movements, and groups.¹⁵⁵⁷ Evidence that police officers from the federal states of Hesse, Baden-Württemberg and Bavaria in 2018-2019,¹⁵⁵⁸ as well as from Berlin and North Rhine-Westphalia in 2020 were members of extremist chats was made public.¹⁵⁵⁹

There have been cases of off-duty use of police databases, and in a number of such cases, citizens, public figures and politicians have received threats. Among others, information about incidents in Hesse¹⁵⁶⁰ and Frankfurt am Main¹⁵⁶¹ was published.

Civil society activists pointed out that the German authorities tolerate

[rechtsexremisten-reichsbuerger-und-selbstverwalter-in-sicherheitsbehoerden.pdf](#)

¹⁵⁵⁵ <https://www.reuters.com/world/europe/german-soldiers-dismissed-over-hitler-birthday-song-2021-06-16/>,

<https://www.bbc.com/news/world-europe-57487869>,

<https://www.gazeta.ru/army/news/2021/06/17/16115654.shtml?updated>

¹⁵⁵⁶ <https://www.faz.net/aktuell/politik/inland/berlin-und-nrw-neue-rassistische-chatgruppen-bei-polizei-entdeckt-16981029.html>

¹⁵⁵⁷ <https://dip21.bundestag.de/dip21/btd/19/251/1925180.pdf>

¹⁵⁵⁸ <https://www.dw.com/ru/pravye-jekstremisty-v-rjadah-policii-frg-vse-nachalos-v-chate/a-54963251>

¹⁵⁵⁹ <https://www.faz.net/aktuell/politik/inland/berlin-und-nrw-neue-rassistische-chatgruppen-bei-polizei-entdeckt-16981029.html>

¹⁵⁶⁰ <https://www.dw.com/ru/v-germanii-razgoraetsya-skandal-ob-ugroзах-pravykh-ekstremistov/a-54182888>

¹⁵⁶¹ <https://www.hr-inforadio.de/programm/themen/nsu-20---die-bedrohung-geht-weiter-nsu-162.html>

various neo-Nazi manifestations, although they pretend 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 anti-Semitic 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.¹⁵⁶²

The fact that German right-wing radicals established ties to foreign structures which also share extremist views has been made public. Investigative journalism materials published in February 2021 by Die Zeit revealed a trend toward the internationalization of extreme right-wing movements. In practical terms, this trend manifested itself in the fact that German far-right organizations had strengthened ties to Ukrainian neo-Nazis and, among other things, have participated in the armed conflict in Donbass on the side of the Kiev regime. Information is provided about the intense activity in Germany of the Ukrainian neo-Nazi association "Azov" and about its cooperation with the German neo-Nazi associations.¹⁵⁶³

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 disseminated on so-called imageboards ("4chan," "8chan," etc.)

¹⁵⁶² <https://lt.sputniknews.ru/20191115/V-Germanii-vozmutilis-nazvaniem-ucheniy-Zheleznyy-volk-v-Litve-10675615.html>

¹⁵⁶³ 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

and on platforms for gamers ("Steam," "Discord," etc.).¹⁵⁶⁴ 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.¹⁵⁶⁵ In 2021, more than 2,400 criminal offenses related to the dissemination of "hate speech" in the Internet (incitement to national and religious hatred, insults, etc.) were officially recorded in Germany.¹⁵⁶⁶

In March 2020, ECRI called on Germany to intensify 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 state levels.¹⁵⁶⁷

In November 2021, the Human Rights Committee 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.¹⁵⁶⁸

The intensified manifestations of hatred in Germany in recent years represent a cause for concern. By the end of 2021, the German Federal Ministry of the Interior had recorded 10,500 hate crimes against certain groups

¹⁵⁶⁴ <http://dipbt.bundestag.de/doc/btd/19/161/1916170.pdf>

¹⁵⁶⁵ https://www.idz-jena.de/fileadmin/user_upload/_Hass_im_Netz_-_Der_schleichende_Angriff.pdf

¹⁵⁶⁶ <https://www.bka.de/SharedDocs/Downloads/DE/UnsereAufgaben/Deliktsbereiche/PMK/2021PMKFallzahlen.pdf>

¹⁵⁶⁷ The European Commission against Racism and Intolerance Report on Germany (sixth monitoring cycle). Adopted on 10 December 2019, published on 17 March 2020 <https://rm.coe.int/ecri-report-on-germany-sixth-monitoring-cycle-/16809ce4be>

¹⁵⁶⁸ Concluding observations of the Human Rights Committee on the seventh periodic report of Germany. November 2021. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/357/48/PDF/G2135748.pdf?OpenElement>

(compared to 10,240 incidents in 2020, an increase of 2.6 per cent), of which over one thousand were violent crimes. At the same time, there were recorded 9,200 xenophobic, 2,800 racist and over 700 Islamophobic criminal acts as well as over 100 criminal acts on the grounds of hatred against Roma.¹⁵⁶⁹ There were recorded 1,600 crimes against refugees and asylum seekers (201 of them were injured) and 84 attacks on their accommodation facilities.¹⁵⁷⁰ Most of the offenses were committed by supporters of right-wing ideologies.

In 2022, The Advisory Committee on the Framework Convention for the Protection of National Minorities noted with concern the problem with the overall climate of tolerance in Germany. In particular, it pointed out that while mainstream political discourse had come to recognize that Germany is a country of immigration with an ethnically, linguistically and religiously diverse society, those who oppose diversity had become more active. According to the AC FCNM, this was due in part to the growing popularity of extreme right-wing parties. In addition, since politicians had begun to publicly express such xenophobic, anti-Semitic and Islamophobic views, this ideology had begun to permeate mainstream political discourse through public debate. Consequently, the polarization between those who favor openness to diversity and those who oppose it, fueled by social media, has intensified. With reference to two 2019 studies on anti-Semitism and Islamophobia, the AC FCNM noted that anti-Semitism (according to a related case study, more than a quarter of respondents agreed with a number of anti-Semitic statements and stereotypes about Jews) and Islamophobia had reinforced in German society; according to the second study, Islam was perceived as a threat by about half of the survey participants. The German media, which often portray Islam negatively,

¹⁵⁶⁹ <https://www.bmi.bund.de/SharedDocs/downloads/DE/veroeffentlichungen/nachrichte/2022/pmk2021-hasskriminalitaet.pdf>

¹⁵⁷⁰ <https://www.zeit.de/gesellschaft/zeitgeschehen/2021-03/rechtsextremismus-fluechtlinge-angriffe-straftaten-bundesinnenministerium-2020>

contributed to this.¹⁵⁷¹

In 2021, the number of crimes against religious communities increased significantly. These are primarily crimes against "representatives of religion" (an increase of 40.5 per cent over the previous year) and against "religious symbols" (an increase of 15 per cent). The number of attacks on synagogues have risen (104.2 per cent), while vandalism against mosques decreased by more than 47 per cent.¹⁵⁷²

The even worsening problem of anti-Semitism in Germany is of concern to human rights defenders. For the sixth year in a row, police statistics have recorded a steady increase in anti-Semitic crimes in Germany. In 2021, more than 3,000 of them were recorded (an increase of 28.75 per cent over 2020), of which 64 involved the use of violence. In 51 cases it caused bodily injuries to the victims.¹⁵⁷³ Of the politically motivated anti-Semitic crimes recorded by police in 2021, 1,194 were committed online. The EU Agency for Fundamental Rights cited the Federal Criminal Policy Office when pointing out that of the politically motivated crimes recorded in 2021 (this category includes offenses motivated by anti-Semitism), the largest category involved damage to property (27 per cent of all crimes) and distribution of insulting material (25 per cent). Another 9 per cent of cases were related to incitement of hatred.¹⁵⁷⁴

The unofficial data cited by the EU Agency for Fundamental Rights also indicate a high level of anti-Semitism in Germany. Data from the Federal Association of Departments for Research and Information on Antisemitism (Bundesverband der Recherche- und Informationstellen Antisemitismus

¹⁵⁷¹ Advisory Committee on the Framework Convention for the Protection of National Minorities Opinion on Germany (fifth cycle). Adopted on 13 February 2022, published on 14 June 2022 <https://rm.coe.int/5th-op-germany-en/1680a6e008>

¹⁵⁷² <https://www.bmi.bund.de/SharedDocs/downloads/DE/veroeffentlichungen/nachrichte/2022/pmk2021-hasskriminalitaet.pdf>

¹⁵⁷³ <https://www.bmi.bund.de/SharedDocs/downloads/DE/veroeffentlichungen/nachrichte/2022/pmk2021-hasskriminalitaet.pdf>

¹⁵⁷⁴ Antisemitism. Overview of antisemitic incidents recorded on the European Union, 2011-2021. European Union Agency for human rights. 2022. https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-antisemitism-overview-2011-2021_en.pdf

e.V. (RIAS)), also show an increase in incidents. In 2021, 2,738 antisemitic incidents, including 6 cases of serious violence, 63 physical assaults, 204 cases of property damage, 101 incidents with threats, 2,182 cases of offensive behavior and 182 cases of mass distribution of related materials were recorded. In 2021, RIAS recorded the highest number of anti-Semitic incidents online since monitoring began: 951 online incidents, or 40 per cent of all incidents in 2021. The next largest category was offenses that took place in public places (883 incidents). Most of these incidents were recorded in the five German federal states where RIAS has offices. 447 incidents were recorded in Bavaria (239 in 2020), 1,052 in Berlin (1,019 in 2020), 141 in Brandenburg (138 in 2020), 53 in Schleswig-Holstein (56 in 2020) and 92 in Thuringia. The NGO Amadeu Antonio Foundation also reported an increase in anti-Semitic incidents. In particular, it recorded 304 anti-Semitic incidents in 2021.¹⁵⁷⁵

At the same time, there is no doubt that this is the "tip of the iceberg" without taking into account unreported offenses and various "domestic" incidents which are not prosecuted. Relevant NGOs provide more a complete view of the situation. For example, in 2021, the Center for Antisemitism Research recorded more than one thousand anti-Semitic incidents of all kinds in Berlin alone.¹⁵⁷⁶ In addition to "traditional" anti-Semitism with right-wing extremist motivations, the "new" anti-Semitism exercised by the Muslim population has become more frequent. Mass demonstrations in favor of "solidarity with Palestine" regularly take place in Germany, accompanied by offensive anti-Jewish slogans (for example, on 23 April 2022 in Berlin).¹⁵⁷⁷

At the same time, there has been a downward trend in the number of crimes motivated by Islamophobia. A total of 732 such incidents were recorded

¹⁵⁷⁵ Antisemitism. Overview of antisemitic incidents recorded on the European Union. 2011-2021. European Union Agency for human rights. 2022. https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-antisemitism-overview-2011-2021_en.pdf

¹⁵⁷⁶ https://report-antisemitism.de/documents/Antisemitische-Vorfaelle-2021_Jahresbericht_RIAS-Berlin.pdf

¹⁵⁷⁷ <https://www.tagesspiegel.de/berlin/pro-palaestinisische-demonstration-in-berlin-ermittlungen-wegen-landfriedensbruch-gefaehrlicher-koerperverletzung-und-volksverhetzung/28273926.html>

in 2021. The decrease was 28.65 per cent compared to the previous year.¹⁵⁷⁸

After the Russian Federation launched a special military operation in February 2022 to denazify and demilitarize Ukraine and protect civilians in Donbass, there was a sharp increase in discrimination, insults, threats, and direct violence against Russian-speaking people living in Germany, provoked by unprecedented aggressive rhetoric by German officials and propaganda hysteria in the media. According to the German Federal Criminal Police Office, at its height there were up to 200 criminal offenses motivated by Russophobia per week.

It should be noted that the sharp increase in discrimination after the start of Russian special operation was against not only Russians and natives of Russia, but all representatives of the Russian-speaking diaspora, including Jews and Russian Germans from among the late resettles. It should be pointed out that most of the Russian-speaking diaspora, who were victims of persecution and harassment, also have German citizenship. Since the end of February, there have been numerous incidents, including cases outside the legal framework and involving 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 services, illegal dismissal from work, numerous bank refusals to provide services, forced public repentance and condemnation of actions of the Russian authorities, etc. Psychological harassment and persecution of Russian-speaking children in schools – by both classmates and teachers – has become widespread. Many schools hold classes in which teachers, following centralized instructions, assign homework to students that discredits Russia and its authorities and distorts information about what is happening in Ukraine. Russian-speaking children who refuse to attend such lessons and assignments are threatened with expulsion from schools.

¹⁵⁷⁸ Antisemitism. Overview of antisemitic incidents recorded on the European Union. 2011-2021. European Union Agency for human rights. 2022. https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-antisemitism-overview-2011-2021_en.pdf

Under these circumstances, on 2 March 2022, the Russian Embassy in Berlin established a special feedback channel with Russian compatriots to collect information about cases of discrimination and harassment of Russian-speaking people, as well as to respond promptly to their concerns about such discriminatory incidents. The Embassy aggregates information received on specific cases of violations of the rights of Russian-speaking citizens in Germany and posts it on its official website in the section #StopHatingRussians.

In addition to the harassment of Russian citizens in Germany at the domestic level, discrimination against Russians has also affected the cultural sphere. A campaign was launched in Germany to force Russian cultural figures to publicly condemn the actions of the Russian authorities. This was followed by demonstrative refusals to cooperate with Russian artists and cultural institutions, as well as by attempts to remove Russian art works from programs.

The wave of Russophobia has also affected religious sites. In March 2022, 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 were recorded.

At the end of last year there were recorded manifestations of spy mania. On December 21, 2022, German police arrested a foreign intelligence officer, accused of high treason for allegedly passing information to Russian intelligence. According to German media reports, this was one of the biggest spy cases in the Federal Intelligence Service.¹⁵⁷⁹ It was also reported that other members of German intelligence may have been involved in working for the Russian secret services.

Among the human rights issues of concern to the international community there are a number of problems related to law enforcement in Germany. First of all, this is manifested in the widespread racial profiling of the

¹⁵⁷⁹ <https://www.spiegel.de/politik/russischer-spion-beib-and-enttrant-a-a61e49e7-d680-4903-bc0c-0336135383e6>

German police. Both international human rights monitoring mechanisms and human rights organizations draw attention to this. In 2019, The European Commission against Racism and Intolerance highlighted this problem, as well as the lack of effective support mechanisms for victims of racial profiling. In this regard, ECRI called on the German authorities to take appropriate measures to remedy the situation.¹⁵⁸⁰ 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.¹⁵⁸¹

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.¹⁵⁸²

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 ethnic minorities. The Committee 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

¹⁵⁸⁰The European Commission against Racism and Intolerance Report on Germany (sixth monitoring cycle). Adopted on 10 December 2019, published on 17 March 2020 <https://rm.coe.int/ecri-report-on-germanv-sixth-monitoring-cycle-/16809ce4be>

¹⁵⁸¹ECRI Conclusions on the Implementation of the Recommendations in Respect of Germany Subject to Interim Follow-Up. Adopted on 29 June 2022, published in 20 September 2022. <https://rm.coe.int/ecri-conclusions-on-the-implementation-of-the-recommendations-in-respe/1680a807d2>

¹⁵⁸²Concluding observations of the Human Rights Committee on the seventh periodic report of Germany. November 2021. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/357/48/PDF/G2135748.pdf?OpenElement>

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 AC FCNM, 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.¹⁵⁸³

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 labor market, in health care, when seeking housing, etc., as well as "institutional" racism in government and administration, including the practice of "racial profiling".¹⁵⁸⁴ Sociological research has confirmed that people of non-German appearance are disproportionately subjected to control measures by the police. Many respondents complained about racist and Islamophobic remarks from police officers.¹⁵⁸⁵

In a 2021 report, the German section of the NGO Amnesty International also pointed that the organization 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.¹⁵⁸⁶

Germany is very strict in defining the scope of citizens' right to freedom of assembly. In 2021 and 2022, German demonstrators protesting against coronavirus restrictions were highly violently dispersed in a number of cities.

¹⁵⁸³ The Advisory Committee on the Framework Convention for the Protection of National Minorities Opinion on Germany (fifth cycle). Adopted on 13 February 2022, published on 14 June 2022 <https://rm.coe.int/5th-op-germany-en/1680a6e008>

¹⁵⁸⁴ <https://www.tagesspiegel.de/wissen/alltagsrassismus-in-deutschland-wenn-der-hass-krank-macht/25295914.html>

¹⁵⁸⁵ <https://www.tagesschau.de/inland/studie-polizei-101.html>

¹⁵⁸⁶ <https://www.amnesty.de/informieren/amnesty-report/deutschland-2021>

Protesters were dispersed with the use of detentions, the use of batons and tear gas.¹⁵⁸⁷ The use of so-called "special means" by the police are also confirmed in the 2022 report of the Ministry of Foreign Affairs of the Republic of Belarus Source "The Most Resonant Human Rights Violations in Certain Countries". It is remarkable that on 17 January 2022 when Thomas Haldenwang, head of the Federal Office for the Protection of the Constitution, commented on the protests against coronavirus measures, in fact he equated the participants of these actions to the enemies of the state.¹⁵⁸⁸

New restrictions in this area were introduced under the pretext of the need to combat the "justification of war." On 25 November 2022, the German parliament adopted, without a public hearing, amendments to Article 130 of the German Criminal Code in the context of the "war in Donbass," that effectively created conditions for the potential criminal prosecution of anyone who publicly expressed support in Germany for the Russian special military operation (this article, which contains provisions for punishing denial of the Holocaust, provides for measures against denying or diminishing facts of war crimes, genocide, and crimes against humanity; thus, public criticism of the Ukrainian regime and actions of the Ukrainian army can be equated with Holocaust denial).

International human rights monitoring mechanisms have also pointed to the excessive use of police force in Germany. In November 2021, the Human Rights Committee expressed concern about the widespread abuse of power by the German police, especially noting that this had occurred when police officers were policing events such as the 2017 G20 Summit in Hamburg. It also noted that federal police officers, as well as some law enforcement officers in several states, are not required to wear identification badges, making it difficult to

¹⁵⁸⁷ <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>

¹⁵⁸⁸ Report of the Ministry of Foreign Affairs of the Republic of Belarus "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

investigate allegations of excessive use of force. In addition, experts were also concerned that a significant number of complaints of mistreatment by law enforcement officers did not reach the courts.¹⁵⁸⁹

The Human Rights Committee pointed out with concern that the legal framework governing the fight against terrorism in Germany, following amendments to federal and state law in 2017-2018, has given law enforcement officers excessively broad powers. In practice, this has contributed to a set of administrative control measures for the police against persons considered "potential offender"; an increase in the time limits for police custody; an expansion of the grounds for preventive post-conviction detention against "extremist criminals" and an increase in the period during which persons considered "potential offender" can be held in administrative detention without being charged.¹⁵⁹⁰ One year earlier, the Human Rights Committee had also pointed out the issue of preventive detention of "extremist criminals".¹⁵⁹¹

The Human Rights Committee also raised the issue of ensuring the independence of the judiciary, pointing out that prosecutors are dependent on the executive branch in law and in practice, and called on the German authorities to take relative measures.¹⁵⁹²

The Advisory Committee of the Framework Convention for the Protection of National Minorities has pointed to widespread discrimination against Roma in Germany, both with and without German citizenship. Referring to relevant German NGOs and researchers, it noted that discrimination against

¹⁵⁸⁹ Concluding observations of the Human Rights Committee on the seventh periodic report of Germany. November 2021. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/357/48/PDF/G2135748.pdf?OpenElement>

¹⁵⁹⁰ Concluding observations of the Human Rights Committee on the seventh periodic report of Germany. November 2021. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/357/48/PDF/G2135748.pdf?OpenElement>

¹⁵⁹¹ Concluding observations of the Human Rights Committee on the seventh periodic report of Germany. November 2021. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/357/48/PDF/G2135748.pdf?OpenElement>

¹⁵⁹² Concluding observations of the Human Rights Committee on the seventh periodic report of Germany. November 2021. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/357/48/PDF/G2135748.pdf?OpenElement>

this community is so widespread as to amount to "institutional racism". According to the AC FCNM, poverty, poor housing conditions, and low levels of education are more prevalent among German Roma than among most other populations. It was also pointed out that Roma children face structural discrimination at school from teachers, classmates and parents of the latter. Intolerance of Roma by teachers also affects grades of the first.¹⁵⁹³

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.¹⁵⁹⁴ In November 2021, the Human Rights Committee raised concerns in this regard, pointing out that the aforementioned regulations facilitate widespread and indiscriminate mass and targeted surveillance of citizen communications, including extraterritorial communications, by intelligence agencies. The German authorities were called upon to ensure that surveillance takes place within the framework of effective independent oversight mechanisms, namely

¹⁵⁹³ The Advisory Committee on the Framework Convention for the Protection of National Minorities Opinion on Germany (fifth cycle). Adopted on 3 February 2022, published on 14 June 2022 <https://rm.coe.int/5th-op-germany-en/1680a6e008>

¹⁵⁹⁴ <https://www.amnesty.de/allgemein/pressemitteilung/deutschland-verhaeltnismaessigkeit-von-staatstrojanern-fragguerdig>, <https://www.reporter-ohne-grenzen.de/pressemitteilungen/meldung/rsf-strebt-verfassunasbeschwerde-an>

judicial mechanisms, as well as to provide access to effective remedies in cases of abuse.¹⁵⁹⁵

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.¹⁵⁹⁶ According to media reports, Pegasus was also used by the German Federal Intelligence Service, but there were no official comments on the matter.¹⁵⁹⁷

In 2021, a record number of incidents with the use of violence against journalists (80) were recorded in Germany (65 in 2020). Most of these incidents took place during demonstrations against restrictive measures in Germany introduced in connection with the COVID-19 pandemic coronavirus infection. Twelve cases of unjustified use of force against journalists by the police have been recorded. It has been pointed out in the negative light that there is a lack of legal options for the media to obtain background information from government agencies, as well as a continued decline in the diversity of daily print media due to their worsening economic situation.¹⁵⁹⁸

There are problems with freedom of expression. Opinion polls indicate that censorship is present in the German society, whereby the opinions expressed by citizens are correlated with the "right" attitudes, while alternative opinions are silenced for fear of being at odds with the mainstream. In June 2021, the Allensbach Institute for Public Opinion Research published the results of a study on freedom of expression in political affairs. It showed that 45 per cent of those who took part responded positively to the main research

¹⁵⁹⁵ Concluding observations of the Human Rights Committee on the seventh periodic report of Germany. November 2021. [https://documents-dds-](https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/357/48/PDF/G2135748.pdf?OpenElement)

¹⁵⁹⁶ <https://www.sueddeutsche.de/politik/pegasus-spionage-bka-trojaner-1.5403678>

¹⁵⁹⁷ <https://www.taegesschau.de/investigativ/ndr-wdr/spionagesoftware-nso-bka-107.html>

¹⁵⁹⁸ <https://www.reporter-ohne-grenzen.de/nahaufnahme/2022>

question about the possibility of free expression, but 49 per cent indicated that it is better to be cautious on this issue. Fifty-five per cent of respondents said that they consciously refuse to express their opinions in accordance with the demands of the political situation. Thus, the findings of the researchers show that the "right" attitudes contradict the sentiments of the people, who, however, are unwilling (or apparently afraid) to express judgments that differ from the general state attitudes.

Double standards and various methods of pressure are applied by the German authorities to the Russian media. After the start of the special military operation of the Armed Forces of the Russian Federation to demilitarize and denazify Ukraine and protect the DPR and LPR, the Russian media outlets RT DE and SNA News (formerly Sputnik Deutschland) fell under EU-wide sanctions, implying a ban on their activities in all European Union member states. SNA News decided to completely stop broadcasting in Germany and closed its official Internet portal and social media accounts. RT DE was officially blocked from broadcasting in Germany, but its programs were available on a number of third-party network platforms. The main website of the channel was subjected to massive DDoS attacks. On 17 March 2022, Berlin Administrative Court rejected the appeal of RT DE dated 8 March 2022, in which the Russian media tried to challenge the fine of 25,000 euro, imposed on it by the media regulator of Berlin and Brandenburg for allegedly failing to comply with the ban on linear broadcasting in Germany. RT DE was charged with an additional fine of 40,000 euro.

It should be noted that targeted attacks by social, political and journalistic circles on the Russian media operating in Germany, above all on the television channel Russia Today (RT DE) and the Ruptly video agency associated with it, have been going on since as early as 2020. Even then, a toxic background was being carefully created around Russia Today, with groundless defamation widespread in the German press about its bias and partiality as well as its

alleged attempts to sow discord in German society, etc. In May 2021, Commerzbank announced the closure of RT DE and Ruptly accounts without giving any reasons, and terminated their banking services. Under Germany's pressure, the Luxembourg authorities refused to grant the Russian television channel the appropriate license to broadcast in German on German territory. The rejection was not prevented by the fact that RT DE's application was drawn up in accordance with Luxembourg and EU-wide legislation and was submitted on the same grounds on which a number of other media, including those from countries outside the European Union, had previously been unhindered by the Luxembourg authorities. The pinnacle of the campaign was the announcement by representatives of the German intelligence agency that they were officially "monitoring" the activities of RT DE.

Days after the channel's launch (16 December 2021), approved by a license granted by the Serbian authorities under the European Convention on Transfrontier Television of 5 May 1989, the media regulator in Berlin and Brandenburg succeeded in halting RT DE's broadcasting from the European telecommunications satellite EUTELSAT 9, and launched a process to further limit RT DE's broadcasting on German territory. On 2 February 2022, the Berlin-based broadcaster received official notification from the media regulator to stop its linear broadcasts via Internet, satellite, and third-party media platforms and applications.

Thus, the political "heating" of the issue of Russophobia and sanctions against Russia, carried out by the German media, is used not only as a tool to restrain Russian-German relations, but also for the formation of appropriate attitudes in German society. Thus, it is not surprising that most German media disseminate anti-Russian propaganda. According to an analysis, carried out by the University of Mainz, of publications in the German media from February to May 2022, Russia was shown in a negative light in 88 per cent of materials, and Russian President Vladimir Putin in 96 per cent. The opinion of the Russian

side regarding the Ukrainian crisis was published in 10 per cent of cases. Contrary to the German economic and political realities, 66 per cent of the articles emphasized the benefits of the anti-Russian sanctions for Germany.¹⁵⁹⁹

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.¹⁶⁰⁰

According to a number of human rights NGOs (Pro Asyl, Amnesty International, etc.), Germany does not sufficiently contribute to the implementation of refugees' right to international protection.¹⁶⁰¹ Of the 150,000 applications for asylum, on which decisions were made by the Federal Office for Migration and Refugees in 2021, only 32,000 (21.4 per cent) were fully satisfied, 23,000 (15.3 per cent) applicants received so-called subsidiary protected status, and 4,800 (3.2 per cent) received deferred deportation. 35,000 (23.4 per cent) applications were rejected, consideration of the remaining 55,000 (36.7 per cent) was terminated on formal grounds. Thus, the aggregate "protective quota" was less than 40 %.¹⁶⁰² Human rights defenders criticize the

¹⁵⁹⁹ <https://www.otto-brenner-stiftung.de/sie-moechten/sich/ueber/aktuelles-informieren/detail/news/die-qualitaet-der-medienberichterstattung0ueber-den-ukraine-krieg/news-a/show/news-c/NewsItem/>

¹⁶⁰⁰ 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>

¹⁶⁰¹ <https://www.proasyl.de/thema/asyl-in-deutschland/>

¹⁶⁰² https://www.bamf.de/SharedDocs/Anlagen/DE/Statistik/SchluesselfzahlenAsyl/flyer-schluesselfzahlen-asyl-2021.pdf?__blob=publicationFile&v=3

lengthy family reunification procedures, especially for citizens of Afghanistan, Eritrea, and Syria, who in some cases had to wait more than a year to be interviewed at German consular offices.¹⁶⁰³

In May 2019, the Committee against Torture pointed out the problems of migrants, including the detention of such persons by German authorities, their placement in separate centers, de facto isolation, numerous expulsions, as well as manifestations of racial discrimination.¹⁶⁰⁴

In 2021, 12 thousand migrants were deported from Germany. The practice of deporting people to crisis regions has been criticized by human rights defenders. For example, 167 people were deported to Afghanistan in 2021 (before the moratorium on deportation took effect on 11 August 2021).¹⁶⁰⁵

The Law on More Effective Implementation of the Obligation to Leave entered into force in Germany on 21 August 2019 and has been aimed at facilitating the deportation of migrants who have been denied the right to international protection. In particular, the list of conditions under which it is possible to place such persons in places of detention before deportation has been expanded, the time limits for such detention have been increased, and the placement of deportees in regular prisons has been legalized in the event of a shortage of places in specialized institutions.¹⁶⁰⁶

At the same time, German authorities are pursuing a policy of attracting migrants. According to the media, in 2022 Germany accepted 191,000 migrants, which is 57 per cent more than last year. The government is developing plans to attract workers and professionals, and German business and labor unions are calling for a comprehensive policy in this area and a simplified procedure for acquiring citizenship. In the fall of 2022, the government decided on the key provisions of a new immigration law for skilled workers. It is assumed that non-

¹⁶⁰³ <https://www.amnesty.de/informieren/amnestv-report/deutschland-2021>

¹⁶⁰⁴ Concluding observations of the Committee against Torture on the sixth periodic report of Germany. May 2019. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/357/48/PDF/G2135748.pdf?OpenElement>

¹⁶⁰⁵ Ibid.

¹⁶⁰⁶ <https://www.amnesty.de/informieren/amnestv-report/deutschland-2021>

EU citizens without recognized qualifications will also be allowed to enter the country. Selection criteria must include professional experience or a connection to Germany.¹⁶⁰⁷

At the same time, anti-migrant sentiments are widespread in the German society. A YouGov study published at the end of December 2022 shows that in recent years German citizens have had a negative attitude toward migrants: Two-thirds of those surveyed see nothing positive in the permanent reception of refugees.¹⁶⁰⁸

Human rights organizations point to the poor detention conditions of asylum seekers in Germany, which primarily affect women and children. A significant proportion of underage migrants do not attend school. Migrant women face restrictions on their privacy, domestic violence and sexual harassment. Access to the labor market is problematic for migrants; exploitation and degrading treatment by employers are not uncommon.¹⁶⁰⁹

The Human Rights Committee also raised problems of migrants. In particular, HRC experts pointed out restrictions on family reunification due to quotas imposed by the German authorities, the negative practice of deporting migrants without providing procedures for individual evaluation of each case, poor living conditions in migration centers, which are also located in geographically remote areas, which limit the access of residents to basic services.¹⁶¹⁰

In September 2022, the Committee on the Rights of the Child pointed out discrimination against disadvantaged children, including asylum-seeking, refugee and migrant children, Roma and other minority children, children with

¹⁶⁰⁷ https://www.focus.de/finanzen/news/mit-offenen-armen-empfangen-wirtschaft-fordert-mehr-zuzug-nach-deutschland-und-begruesst-ampel-plaene_id_181328595.html

¹⁶⁰⁸ <https://www.welt.de/politik/ausland/plus242857561/Umfrage-zu-Asyl-Deutsche-im-internationalen-Vergleich-besonders-skeptisch.html>

¹⁶⁰⁹ <https://www.proasyl.de/thema/asyl-in-deutschland/>

¹⁶¹⁰ Concluding observations of the Human Rights Committee on the seventh periodic report of Germany. November 2021. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/357/48/PDF/G2135748.pdf?OpenElement>

disabilities, and children from social and economically disadvantaged families.¹⁶¹¹

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.

This concern is also supported by studies in this area published by the media. 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 and does not know elementary mathematics.¹⁶¹² 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.

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 cent.¹⁶¹³ The number of persons without permanent housing is

¹⁶¹¹ Concluding observations of the Committee on the Rights of the Child on the combined fifth and sixth periodic reports of Germany. September 2022.
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/DEU/CO/5-6&Lang=en

¹⁶¹² https://www.n-tv.de/der_tag/Alarmierenden-Befunde-Experten-sehen-dringenden-Handlungsbedarf-an-Grundschulen-article23773012.html

¹⁶¹³ <https://www.destatis.de/DE/Themen/Gesellschaft-Umwelt/Einkommen-Konsum-Lebensbedingungen/Lebensbedingungen-Armutsgefahrdung/Tabellen/armutsschwelle-gefaehrdung-mz-silc.html>

estimated to be at least 300,000 people.¹⁶¹⁴ Over 1,600,000 people regularly visit places where food is distributed free of charge to the poor.¹⁶¹⁵

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).¹⁶¹⁶ The German law enforcement community recognizes the enormous amount of latent crime in this area, which is primarily due to victims' fear of seeking help. The widespread violence against children, sexual exploitation, including on the Internet, was brought to the attention of the Committee on the Rights of the Child in September 2022. The Committee experts called on the German authorities to strengthen measures to ensure that children who are victims or witnesses of violence receive comprehensive support as quickly as possible, including medical and psychological therapy, and to prevent the further secondary victimization of these children. Among other problems, the CRC noted the large number of children, especially from social and economically disadvantaged families, who are exposed to secondhand smoke; the prevalence of gaming disorders and other forms of Internet addiction among children; high rates of somatic disorders, eating disorders and other types of mental health problems, including attention deficit and hyperactivity disorder.¹⁶¹⁷

According to the German Federal Criminal Police Office, in 2020 over 119,000 women in Germany were victims of violence by their partners or

¹⁶¹⁴ <https://www.bagw.de/de/themen/zahl-der-wohnungslosen/index.html>

¹⁶¹⁵ https://www.tafel.de/fileadmin/media/Publikationen/Jahresberichte/PDF/Tafel_Deutschland_Jahresbericht_2020_DS.pdf

¹⁶¹⁶ https://www.bka.de/DE/AktuelleInformationen/StatistikenLagebilder/PolizeilicheKriminalstatistik/PKS2021/pks2021_node.html

¹⁶¹⁷ Concluding observations of the Committee on the Rights of the Child on the combined fifth and sixth periodic reports of Germany. September 2022. https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/DEU/CO/5-6&Lang=en

former partners, more 350 of whom were killed.¹⁶¹⁸ Statistics for 2021 have not yet been released. At the same time, since the spring of 2020, after the introduction of restrictive measures in connection with the COVID-19 pandemic, there has been a significant increase in the number of calls to the federal domestic violence helpline (over 51,000 in total in 2020).¹⁶¹⁹ Human rights defenders criticize the lack of access to specialized assistance for women, including the possibility of temporary accommodation for victims of violence to isolate them from their abusers.¹⁶²⁰ The Human Rights Committee also expressed concern in this regard, noting in particular the increase in domestic violence during the COVID-19 pandemic, the underreporting of violence against women, the low number of prosecutions and convictions, and the continued lack of shelters for victims, despite the funding allocated for this purpose.¹⁶²¹

There are still unequal working conditions for men and women. According to the EU Commission, the difference in their average wages in Germany is 18.3 per cent in favor of males. In this respect, Germany ranks 24th in the European Union, ahead of only Latvia, Estonia and Austria).¹⁶²²

According to the German Federal Anti-Discrimination Agency, the body received more than 16,400 citizen appeals from 2017 to 2020. In 3 per cent of the cases, the applicants complained about violations of their rights on ethnic/racial grounds, in 32 per cent on disability, in 24 per cent on gender grounds. This was followed by grounds such as age (12 per cent), religion and world view (7 per cent).¹⁶²³

¹⁶¹⁸ https://www.bka.de/SharedDocs/Downloads/DE/Publikationen/JahresberichteUndLagebilder/Partnerschaftsgewalt/Partnerschaftsgewalt_2020.pdf?__blob=publicationFile&v=3

¹⁶¹⁹ <https://www.hilfetelefon.de/das-hilfetelefon/zahlen-und-fakten/jahresbericht.html>

¹⁶²⁰ <https://www.frauenrechte.de/unsere-arbeit/themen/haeusliche-und-sexualisierte-gewalt/forderungen/308-forderungen-zum-thema-haeusliche-gewalt>

¹⁶²¹ Concluding observations of the Human Rights Committee on the seventh periodic report of Germany. November 2021. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/357/48/PDF/G2135748.pdf?OpenElement>

¹⁶²² https://ec.europa.eu/eurostat/databrowser/view/earn_gr_gpr2/default/table?lang=de

¹⁶²³ <https://www.antidiskriminierungsstelle.de/DE/was-wir-machen/bericht-an-den-bundestag/vierter-bericht/vierter-bericht-an-den-bundestag-node.html>

The German Institute for Human Rights, as the national center for monitoring the implementation of the Convention on the Rights of Persons with Disabilities, has criticized the German authorities' lack of attention to the situation of persons with disabilities in the context of combating the COVID-19 pandemic. In particular, this includes ensuring equal access to medical care as well as avoiding excessive social exclusion, including in institutions for persons with disabilities.¹⁶²⁴

In August 2020, the German Foreign Ministry announced the results of its monitoring of compliance with human rights standards by large German companies in their activities abroad. According to the data received, no more than 17 per cent of the inspected companies complied sufficiently with these requirements.¹⁶²⁵ The relevant law adopted in June 2021 is criticized by human rights defenders, as it concerns only enterprises with the staff of 3,000 people or more, covers only a part of the production and logistics chains, and does not contain specific provisions on compensation by enterprises to victims of violations.¹⁶²⁶

¹⁶²⁴ https://www.institut-fuer-menschenrechte.de/fileadmin/Redaktion/Publikationen/Position/Covid-19_Auswirkungen_auf_die_Rechte_von_Menschen_mit_Behinderungen.pdf

¹⁶²⁵ <https://www.auswaertiges-amt.de/de/aussenpolitik/themen/aussenwirtschaft/wirtschaft-und-menschenrechte/ergebnisse-2-umfrage-nap/2374446>

¹⁶²⁶ <https://www.amnesty.de/informieren/amnesty-report/deutschland-2021>

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 set 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, dated May 15, 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.¹⁶²⁷

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

¹⁶²⁷ Report of the European Commission against Racism and Intolerance on Croatia (fifth monitoring cycle) adopted on March 21, 2018 and published on May 15, 2018.
<https://rm.coe.int/fifth-report-on-croatia/16808b57be>

survey, 96 per cent had witnessed someone making offensive comments based on national or ethnic origin, skin colour, gender, or religious affiliation.¹⁶²⁸

The FRA 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).¹⁶²⁹

Discriminatory practices often take more radical forms, often mixed with manifestations of historical revisionism and distortion of history. For example, the Advisory Committee of the Framework Convention for the Protection of National Minorities, 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.¹⁶³⁰

The same problem was highlighted by F.Salvioli, UN Human Rights Council Special Rapporteur on the Promotion of Truth, Justice, Reparation, and Guarantees of Non-Recurrence, who visited Croatia in late November-early December 2021.¹⁶³¹ In his statement following the visit, he noted an increased number of instances of hate speech, glorification of convicted war criminals or denial of the commission of 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

¹⁶²⁸ The 2020 report of the EU Agency for Fundamental Rights

https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-fundamental-rights-report-2020_en.pdf

¹⁶²⁹ The 2022 report of the EU Agency for Fundamental Rights

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/>

¹⁶³⁰ The fifth opinion of the Advisory Committee of the Framework Convention for the Protection of National Minorities on Croatia, adopted on February 1, 2021.

<https://rm.coe.int/5th-op-croatia-en/1680a2cb49>

¹⁶³¹ 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, November 26 – December 2, 2021.

https://www.ohchr.org/en/statements/2021/12/preliminary-observations-official-visit-croatia-special-rapporteur-promotion#_ftn2

criminals with the support of certain 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 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 in the war.

The same problem was highlighted earlier, in 2015, by the Human Rights Committee¹⁶³² and the Working Group on Enforced or Involuntary Disappearances.¹⁶³³

As of the end of 2022, the number of people reported missing during the crisis of the early 1990s was 1,816.¹⁶³⁴ 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.

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 incidents¹⁶³⁵ of hate speech against the Serbian population in 2021, the highest number in the last several years. Particularly noteworthy is the 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 up to 30 times increase).¹⁶³⁶ 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

¹⁶³² 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>

¹⁶³³ 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>

¹⁶³⁴ Statement by T. Medved, Minister of Veterans' Affairs. <https://narod.hr/hrvatska/identificirano-6-osoba-stradalih-u-domovinskom-ratu-hrvatska-branjiteljja>

¹⁶³⁵ Report of the NGO Serb National Council for 2021. <https://snv.hr/publikacije/snv-bulletin-22/>

¹⁶³⁶ Report of the NGO Serb National Council for 2021. <https://snv.hr/publikacije/snv-bulletin-22/>

regard, a public action was held in the city of Rijeka in the spring of 2019 to remove such inscriptions on 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 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.¹⁶³⁷

According to ECRI, the role of the media in spreading hate speech and inciting interethnic hatred is increasing. Regional print media portrayed national minorities, mainly Serbs and Roma, in a negative and stereotypical manner. The media has also contributed to the increase in Islamophobic attitudes in society, describing the arrival of refugees as an "invasion".¹⁶³⁸

The Advisory Committee of the FCNM in February 2021 also noted an increase in the use of hate speech in social media and political discourse, the formation of prejudicial attitudes towards Serbs and Roma in particular. 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 ethnic minorities hardly ever appear on Croatian radio or television programs. At the same time, insufficient human and financial resources of media companies make it impossible to create the necessary number of quality products oriented to the needs of national minorities.¹⁶³⁹

¹⁶³⁷ 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

¹⁶³⁸ Report of the European Commission against Racism and Intolerance on Croatia (fifth monitoring cycle) adopted on March 21, 2018 and published on May 15, 2018. <https://rm.coe.int/fifth-report-on-croatia/16808b57be>

¹⁶³⁹ Fifth Opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities on Croatia, adopted on February 1, 2021. <https://rm.coe.int/5th-op-croatia-en/1680a2cb49>

In June 2019, the Council for National Minorities under the Government of Croatia acknowledged in its statement that some local media have 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).¹⁶⁴⁰ In 2017, Croatia 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.

According to the Ministry of Justice, between January 2014 and April 2017, 24 cases were initiated under Article 325 of the Criminal Code (incitement to violence and hate speech), of which 13 were on the grounds of sexual orientation, seven – on national origin, one – on ethnic origin, one – on religious beliefs, and two – on other grounds. Twenty-one cases resulted in convictions. As for administrative offenses motivated by hatred, according to the Ministry of Justice, there were 37 cases in 2012, 23 – in 2013, 20 – in 2014, 12 – in 2015, and 5 – in 2016. Of this total number of cases, the suspects were found guilty in 38 cases.¹⁶⁴¹

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 national 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.¹⁶⁴²

¹⁶⁴⁰ 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>

¹⁶⁴¹ Report of the European Commission against Racism and Intolerance on Croatia (fifth monitoring cycle) adopted on March 21, 2018 and published on May 15, 2018. <https://rm.coe.int/fifth-report-on-croatia/16808b57be>

¹⁶⁴² 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>

The Constitutional Law on the Rights of National Minorities 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 Law 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 ethnic 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 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).¹⁶⁴³

The international human rights community has noted the 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, by January 2017, 134,000 Serbs had returned to Croatia (more than half of those who 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

¹⁶⁴³ 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>

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.¹⁶⁴⁴

Violent incidents are most common in the areas where the majority of Serb returnees now live. There are no official statistics on attacks against people of this ethnicity. According to the Serb National Council (SNV), 506 hate crimes against the Serbian national minority were recorded in 2021 (compared to 400 episodes in 2019 and 381 – in 2018). These included 297 graffiti on private homes and public buildings inciting 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.¹⁶⁴⁵ In its report, ECRI drew attention to reports of sixteen cases of violence, including attacks against journalists and human rights activists, and several cases of property damage, mostly concerning bilingual signs featuring Cyrillic scripts, religious buildings and cemeteries. The Serbian Orthodox Church estimated that it suffered 20 incidents of vandalism in 2016.¹⁶⁴⁶ Croatian Human Rights Ombudsperson T.Šimonović notes in the 2021 annual report¹⁶⁴⁷ an increase in anti-Serb riots and crimes against the Serb minority. A tattoo in the Serbian language caused the beating of a young Croatian man in Split in July 2018. In September 2018, leader of Croatian Serbs M.Pupovac was attacked in the center of Zagreb. In 2021, dozens of graffiti containing hate

¹⁶⁴⁴ Report of the European Commission against Racism and Intolerance on Croatia (fifth monitoring cycle) adopted on March 21, 2018 and published on May 15, 2018. <https://rm.coe.int/fifth-report-on-croatia/16808b57be>

¹⁶⁴⁵ Report of the NGO Serb National Council for 2021. <https://snv.hr/publikacije/snv-bulletin-22/>

¹⁶⁴⁶ Report of the European Commission against Racism and Intolerance on Croatia (fifth monitoring cycle) adopted on March 21, 2018 and published on May 15, 2018. <https://rm.coe.int/fifth-report-on-croatia/16808b57be>

¹⁶⁴⁷ 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>

speech against M.Pupovac were discovered in Zagreb, Gospic, Split and Vukovar. What is more, Gospic City Hall refused to paint over the anti-Serbian graffiti, citing respect for "freedom of speech".¹⁶⁴⁸ In May 2021, on Orthodox Easter, soccer fans organized a series of marches and demonstrations in the Serbian-populated Borovo district of Vukovar, with banners calling for "slaughtering the Serbs". The Vukovar administration did not condemn those actions, with the mayor I.Penava accusing the Serbian population of the city of constant provocations against the Croats.¹⁶⁴⁹

Nationalistic anti-Serb rhetoric often becomes part of the election campaigns of several Croatian parties (Homeland Movement, Croatian Democratic Union, etc.). In May 2021, during the mayoral elections in Zagreb, anti-Serbian statements were made in public speeches by M.Škoro (at that 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.¹⁶⁵⁰

There have been cases of firing the directors of a number of museums and banning folklore events in which artists from Serbia and Bosnia and Herzegovina have confirmed their participation. These episodes are not only manifestations of a discriminatory attitude toward members of certain nationalities, but also a violation of the right to freedom of artistic expression.

The problem worth special mentioning in the context of the realization of the rights of national minorities is the implementation of the Law on Languages of National Minorities, according to which a national minority language is introduced as a second language for use in those administrative and territorial units where members of this 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

¹⁶⁴⁸ Report of the NGO Serb National Council for 2021. <https://snv.hr/publikacije/snv-bulletin-22/>

¹⁶⁴⁹ Report of the NGO Serb National Council for 2021. <https://snv.hr/publikacije/snv-bulletin-22/>

¹⁶⁵⁰ Report of the NGO Serb National Council for 2021. <https://snv.hr/publikacije/snv-bulletin-22/>

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. Referring to the most recent Croatian census, which reported that the percentage of Serbs among the inhabitants of Vukovar was less than one third (29.73 per cent), in December 2022 the Vukovar City Council amended the City Statute and prohibited the use of the Cyrillic alphabet and Serbian language for official purposes.¹⁶⁵¹

The HRCttee also pointed out the problems in the exercise of the right to use native languages, in particular those based on the Cyrillic script, faced by members of national minorities back in 2015.¹⁶⁵²

The rise of historical revisionism in the form of glorification of the fascist Ustasha regime has further exacerbated this trend. For example, in December 2013, the leader of the far-right Croatian Party of Rights sent a message to the director of the Jasenovac memorial site with explicit expressions of hatred. The message ended with the Ustasha greeting "Za dom spremni" ("For Homeland – ready!"). Particularly worth mentioning is the ongoing practice of "fighting" against anti-fascist monuments on the territory of Croatia. In 2021, 10 monuments were destroyed or desecrated, and one partisan mass grave was moved (February 2021, Noskovačka Dubrava)¹⁶⁵³. Racist or inflammatory graffiti featuring Nazi, Ustasha or other symbols, which frequently target members of the Serb minority, is another prevalent form of inciting hatred in society. Typical messages include "Kill the Serb" and "Serbs should be hanged".

In its report, ECRI deplored the growing number of revisionist materials on social networks. For example, in 2015 there were dozens of cases with

¹⁶⁵¹ <https://n1info.rs/region/u-vukovaru-ukinuta-cirilica-i-zvanicna-upotreba-srpskog-jezika/>

¹⁶⁵² 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

¹⁶⁵³ Report of the NGO Serb National Council for 2021. <https://snv.hr/publikacije/snv-bulletin-22/>

photos of individuals wearing Ustasha uniform being posted on social networks.¹⁶⁵⁴

Sporting events continue to become a site for occasional incidents of hate speech. FIFA has repeatedly fined the Croatian Football Association because of racist behaviour by fans and players, again mostly related to expressions of nostalgia for the Ustasha regime, during soccer 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 state 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 not participated in the commemorations of the liberation of the Jasenovac concentration camp organized by the state authorities as a sign of protest, and have held separate independent actions.¹⁶⁵⁵

There are a number of problems with the realization of the rights of the Roma community. According to the latest 2021 census, there are 17,810 Roma living in the country.¹⁶⁵⁶ 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 a representative in the parliament, as well as in local government in the regions. The Croatian government has an Office for Human and National Minority Rights. The interests of Roma are also protected by the NGO Croatian Romani Union *Kali Sara*.

¹⁶⁵⁴ Report of the European Commission against Racism and Intolerance on Croatia (fifth monitoring cycle) adopted on March 21, 2018 and published on May 15, 2018. <https://rm.coe.int/fifth-report-on-croatia/16808b57be>

¹⁶⁵⁵ Report of the European Commission against Racism and Intolerance on Croatia (fifth monitoring cycle) adopted on March 21, 2018 and published on May 15, 2018. <https://rm.coe.int/fifth-report-on-croatia/16808b57be>

¹⁶⁵⁶ Data from the Croatian State Bureau of Statistics on the 2021 census. https://podaci.dzs.hr/media/rqbcinx/popis_2021-stanovnistvo_po_naseljima.xlsx

Nevertheless, this ethnic group as a whole remains marginalized and discriminated against. This fact is noted in both NGO reports and in the 2021-2027 National Strategy for the Integration of Roma.¹⁶⁵⁷ Among the main reasons for the plight of this population group are the low level of housing, lack of access to adequate health care, education, etc.

ECRI notes¹⁶⁵⁸ 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, the internet portal dneвно.hr, which has a rapidly growing audience, has on numerous occasions published materials of racist, xenophobic and antisemitic nature, which resulted in warning decisions by the Agency for Electronic Media (AEM).

The National Strategy for the Integration of Roma for 2014-2020 has not been implemented. In this regard, a similar document for 2021-2027 was developed and adopted, as well as an Operational Plan for its implementation for the period 2021-2022. According to the Croatian Ombudsperson¹⁶⁵⁹, in 2021 60 per cent of Roma children aged from three to six did not attend kindergartens or pre-schools. Only 31 per cent of Roma aged from 15 to 18 receive secondary education (36 per cent of males, 26 per cent of females).¹⁶⁶⁰ The issue of eradicating the practice of segregation in educational institutions remains acute. For example, in the 2020/2021 academic year, 20 per cent of Roma children studied in separate classes, and 12.8 per cent studied in mixed classes where

¹⁶⁵⁷ National Strategy for the Integration of Roma for 2021-2027. <https://www.npur.hr/Nsur>

¹⁶⁵⁸ Report of the European Commission against Racism and Intolerance on Croatia (fifth monitoring cycle) adopted on March 21, 2018 and published on May 15, 2018. <https://rm.coe.int/fifth-report-on-croatia/16808b57be>

¹⁶⁵⁹ 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>

¹⁶⁶⁰ 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>

Roma students formed an absolute majority.¹⁶⁶¹ In the 2018/2019 academic year, there were 65 classes in Croatian schools with only Roma pupils. Nevertheless, according to the FRA report, this number was higher than the previous year.¹⁶⁶² As an example of the specifically difficult situation of the Roma we can cite the situation in the 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.

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.¹⁶⁶³

According to the 2014 statistics, 27.2 per cent of Roma live in uninhabitable housing: collapsed houses or slums. More than half (about 56 per cent) of the houses are overcrowded with tenants. People living in them do not have a bed per family member and live in cramped quarters: on average they have 12.9 square meters of living space per person (while the minimum standard is 14 square meters). Furthermore, 35 per cent of Roma households do not have access to a source of drinking water inside the house or on the adjacent territory. Only a third of Roma homes are connected to water supply and electricity systems. Sixty-one per cent of Roma do not have access to a toilet or bathroom in the house. All of this leads to a high level of unsanitary conditions. Only 4 per cent of households are up to European hygiene standards.

¹⁶⁶¹ 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>

¹⁶⁶² The 2020 report of the EU Agency for Fundamental Rights.
https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-fundamental-rights-report-2020_en.pdf

¹⁶⁶³ Report "Human Rights in Croatia. Overview of in 2021" by NGO *Human Rights House*
<https://www.kucaljudskihprava.hr/2022/04/26/ljudska-prava-u-hrvatskoj-pregled-stanja-za-2021/>

Another aspect showing disparity in living standards is heating. Thus, in the Republic of Croatia, 56 per cent of households are heated with wood, while the rest are heated with gas from a gas pipeline or gas cylinders. At the same time, more than 90 per cent of Roma heat their homes with wood.

Disparities can also be seen in the level of material deprivation of the population: 69.5 per cent among the Roma group and 23.8 per cent among the rest of the population. The disproportion of extreme material deprivation is even more noticeable: 47.1 per cent versus 12.2 per cent.

The difference between the living standards of the Roma in urban areas and in rural areas is even more pronounced. Those living in rural areas in almost 93 per cent of cases face the lack of basic amenities. There also exists an important problem of illegal settlements the exact number of which is impossible to determine. The absence of such data in the database of the local self-government bodies makes it impossible to deal with the territorial development of these areas. This leads to unauthorized dumpsites and pollution of the environment.

Thus, representatives of the Roma ethnicity live in conditions that are not comparable to 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 Human Rights Committee (HRCttee), following its review of Croatia's third periodic report in March 2015, expressed concern about statistics suggesting a low level of enjoyment of rights by Roma as well as Serbs, in particular with regard to access to housing, health, employment and participation in public affairs. It referred to reports of racist attacks against members of ethnic minority groups, in particular Roma and Serbs, and noted that no proper investigations were conducted, and the perpetrators were not

brought to justice.¹⁶⁶⁴ The Ombudsperson of the Republic of Croatia also stated that the majority of ethnically-motivated crimes were committed against the Serbian minority and Roma.

However, most cases of ethnically motivated violence against Roma are not reported due to mistrust and limited mutual understanding between the Romani community and the police, as well as the widespread practice of ethnic profiling by law enforcement officials.¹⁶⁶⁵

The events that took place on June 1, 2019, in Čakovec were indicative of the real attitude of the Croatian population toward this ethnic minority. More than 1,000 protesters took part in a mass march against the state's support of 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 Strategy for the Integration of Roma, consisting of the Deputy Prime Minister, 10 specialists from the relevant government agencies, 10 representatives of the Roma minority, and a Roma MP. Its basic tasks are: systematic monitoring of the implementation of the Strategy, submission of recommendations and expert opinions, proposal of relevant measures as an Action Plan for a two-year period.

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, progress in solving the main problems over the past 20 years is measured in small percentages, while the main problem – the division of Roma settlements into "legal" and "illegal" ones – remains at the center of the agenda.

¹⁶⁶⁴ 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

¹⁶⁶⁵ Report of the European Commission against Racism and Intolerance on Croatia (fifth monitoring cycle) adopted on March 21, 2018 and published on May 15, 2018. <https://rm.coe.int/fifth-report-on-croatia/16808b57be>

The question of Roma employment remains unsettled. According to official data for 2021, unemployment rate among members of this ethnic minority between the ages of 20 and 44 was 68.7 per cent.¹⁶⁶⁶ In this connection an important step toward overcoming the marginalization of the Roma minority has been the development of large-scale programs specifically designed for this category of the population by national employment agencies and other public institutions for training, career orientation, developing job seeking skills, professional development, etc.¹⁶⁶⁷

In her 2018 report, the Ombudsperson pointed out the unacceptability of introducing compulsory theology (mostly Catholic) as a subject in preschools and general education schools, and the inclusion of Catholic theology in the list of mandatory subjects for state certification at the end of schooling.

There are 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.¹⁶⁶⁸ Moreover, according to a number of human rights organizations, the current law enforcement practice in the country jeopardizes the independence of journalism. According to the NGO Human Rights House, there were 924 lawsuits against Croatian media outlets and their journalists in 2021.¹⁶⁶⁹ In 2018, the Ministry of Culture did not announce a tender for the right to use the allocated financial aid from the Media Fund which operates under the European Social Fund. A number of experts saw this as an attempt to put pressure on the media by the state.

¹⁶⁶⁶ 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>

¹⁶⁶⁷ The 2020 report of the EU Agency for Fundamental Rights.

https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-fundamental-rights-report-2020_en.pdf

¹⁶⁶⁸ Report "Human Rights in Croatia. Overview of in 2021" by NGO *Human Rights House*

<https://www.kucaljudskihprava.hr/2022/04/26/ljudska-prava-u-hrvatskoj-pregled-stanja-za-2021/>

<https://safejournalists.net/napadi-na-novinare/?lang=hr>

¹⁶⁶⁹ Report "Human Rights in Croatia. Overview of in 2021" by NGO *Human Rights House*

<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>

In 2021, the 2022-2027 National Strategy for Culture and Media Development was adopted.

Many human rights activists point to the control of the leading media outlets 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).¹⁶⁷⁰

However, when it comes to the issue of ensuring the right to freedom of opinion and expression, it is not only the situation of the media that causes concern. The story of the protesters against the installation of a monument to the country's first president F. Tuđman caused a wide public response: 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, Zagreb court in 2018 banned *Croatia Airlines* employees from going on strike.

Certain difficulties also exist in the social sphere. According to the 2021 census, 22.45 per cent of Croatian residents are over 65 years old (according to Eurostat, the figure was 19.6 per cent in 2019), and 14.27 per cent of the population are under 14 years old (14 per cent in 2019).¹⁶⁷¹ 18.3 per cent of citizens live in the poverty risk zone, and among single people over the age of 65 the figure is 52.1.¹⁶⁷² In 2021, the subsistence minimum 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 benefits (on the grounds of disability, veteran's benefits, social benefits, etc.).

¹⁶⁷⁰ Report "Human Rights in Croatia. Overview of in 2021" by NGO *Human Rights House* <https://www.kucaljudskihprava.hr/2022/04/26/ljudska-prava-u-hrvatskoj-pregled-stanja-za-2021/>

¹⁶⁷¹ Croatian State Bureau of Statistics. <https://dzs.hr>

¹⁶⁷² 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 Human Rights Ombudsperson, during 2018 there was an increase in complaints about physical violence among prisoners. There has been an increase in the number of special measures to ensure order in prisons (1,931 cases in 2018, 1,656 – in 2017) and means of coercion (56 cases in 2018, 46 – in 2017). Overcrowding in prisons and pretrial detention facilities is also a major problem. In 2021, the most difficult situation was in the prisons of Zagreb (150 per cent), Karlovac (155 per cent) and Osijek (168 per cent).¹⁶⁷³

The situation of women in Croatia, especially in the employment sector, raises certain concerns. According to the 2021 census, women account for 51.8 per cent of the population of Croatia, while the employment rate for women is 46 per cent.¹⁶⁷⁴ And the most serious problem is unemployment among women in the age group from 25 to 29 years (11.7 per cent) and from 50 to 55 years (12.4 per cent).¹⁶⁷⁵ There is also a pay gap between women and men employed under the same conditions (in 2021 men earned 7 per cent more than women, all other things being equal, in 2019 the figure was 13 per cent, in 2020 – 6,9 per cent).¹⁶⁷⁶ The most significant gender pay gap in favour of men is recorded in finance, insurance and banking sector (23.9 per cent), as well as in health care (22.1 per cent) and trade (16.9 per cent).¹⁶⁷⁷

According to the 2021 report of the Croatian Gender Equality Ombudsperson, the institution dealt with 710 cases of gender-based discrimination during the reporting period. 437 out of 610 new complaints received by the Ombudsperson's Office in the same year concerned violations of

¹⁶⁷³ 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>

¹⁶⁷⁴ Report of the Croatian Gender Equality Ombudsperson for 2021.
<https://www.ombudsman.hr/hr/download/izvjesce-pucke-pravobraniteljice-za-2021-godinu/?wpdmdl=13454&refresh=6290848867cc01653638280#page=3>

¹⁶⁷⁵ Report of the Croatian Gender Equality Ombudsperson for 2021.
https://www.prs.hr/application/images/uploads/Godi%C5%A1nje_izvje%C5%A1%C4%87e_2021_FINAL.pdf
¹⁶⁷⁶ <https://www.tportal.hr/biznis/clanak/smanjuje-se-razlika-u-placama-izmedu-muskaraca-i-zena-a-zanimljivo-je-u-kojim-su-djelatnostima-zene-bolje-placene-foto-20210611>

¹⁶⁷⁷ Report of the Croatian Gender Equality Ombudsperson for 2021.
https://www.prs.hr/application/images/uploads/Godi%C5%A1nje_izvje%C5%A1%C4%87e_2021_FINAL.pdf

women's rights. The complaints concerned mainly the areas of social security, pensions and health care (29.2 per cent), as well as labour relations (19.5 per cent). Complaints of discrimination on the basis of gender accounted for almost 85 per cent.¹⁶⁷⁸

Several programs have been adopted to address the issue of gender equality in Croatia. The most significant of them are: *Building Successful Protection – Changing the System to Combat Violence against Women* for 2017-2019, *Equal Rights. Equal Wages. Equal Pensions* for 2018-2020 and *Towards Equal Rights for men and women: connecting work and family life*.

According to the Croatian Ministry of the Interior, in 2021, the number of persons detained on suspicion of domestic violence was 8,368 (2 per cent less than in 2020), of whom 6,402 were men and 1,966 were women. Of the total number of victims of violence, 79 per cent were women.¹⁶⁷⁹

Since 2018, the Ministry of Justice of the Republic of Croatia has had a Commission for the Supervision and Optimization of the Activities of Relevant Services Dealing with Administrative and Criminal Cases of Domestic Violence. A list of measures to provide psychological assistance to victims of domestic violence has also been developed.

In 2018, five two-day courses were held on the topic of domestic violence, attended by 178 justice and police officers. To intensify the implementation of the National Strategy of Protection against Domestic Violence for 2017-2022, a Working Group was established in 2018 to develop the text of a new Protocol for Action in Cases of Domestic Violence.

A number of problems regarding the protection of children's rights were identified by the Committee on the Rights of the Child in June 2022.¹⁶⁸⁰ The

¹⁶⁷⁸ Report of the Croatian Gender Equality Ombudsperson for 2021.

https://www.prs.hr/application/images/uploads/Godi%C5%A1nje_izvje%C5%A1%C4%87e_2021_FINAL.pdf

¹⁶⁷⁹ Report of the Croatian Gender Equality Ombudsperson for 2021.

https://www.prs.hr/application/images/uploads/Godi%C5%A1nje_izvje%C5%A1%C4%87e_2021_FINAL.pdf

¹⁶⁸⁰ Concluding observations of the Committee on the Rights of the Child on the combined fifth and sixth periodic reports of Croatia. June 2022.

Committee noted the de facto discrimination against ethnic minority children, particularly Serb and Roma children, children with disabilities, and migrant, asylum-seeking and refugee children, especially in the areas of education and health care services.

In particular, the Committee noted unequal access to health services for children in rural and island areas; limited access to specialized outpatient medical care, including assistance of pediatricians, 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.

The HRCtee was also concerned about the lack of a comprehensive policy by the Croatian authorities to protect children from violence. As a result, this leads in practice 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 held accountable and punished, and redress provided to victims in appropriate cases. Another recommendation is to strengthen child-friendly

comprehensive support for child victims of violence, regardless of where they live.

Problems of children with disabilities have also been identified, 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 islands. This also includes high rates of abandonment of children with disabilities and aftercare for them in special institutions.

In its 2019 report, the EU Agency for Fundamental Rights cited complaints from individuals who crossed the EU's external border and were mistreated in Croatia and pushed back across the border. The nongovernmental organization *Save the Children* reported that between January and November 2018, more than 1,350 children were pushed back across the EU's borders, involving violence in almost one third of cases. When the Croatian Ombudsperson investigated the allegations, she was refused 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 addressed a letter to the Croatian authorities, requesting them to investigate alleged incidents of violence against migrants and theft by law enforcement authorities.¹⁶⁸¹

Reports of cases of ill-treatment of persons detained by police while attempting to cross borders prompted representatives 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

¹⁶⁸¹ The 2019 report of the EU Agency for Fundamental Rights.
https://fra.europa.eu/sites/default/files/fra_uploads/fra-2019-fundamental-rights-report-2019_en.pdf

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 where asylum-seekers who were expelled from the Croatian territory are housed.

In December 2021, a report on the aforementioned visit was published with recommendations to the official authorities. It pointed to the need to stop migrants being ill-treated by police officers and to ensure that such cases are investigated effectively. 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 (providing incomplete information, not being allowed to access 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, butts and even tree branches. Doctors from the delegation recorded numerous fresh wounds and bruises on the bodies of migrants. According to testimonies received by the CPT, the victims were forced to march through the forest barefoot and with their hands tied to 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 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.¹⁶⁸²

In September 2022, a CPT delegation made its seventh periodic visit to the country (the previous one was in 2017) to verify the implementation of its previous recommendations. The results are still pending.

¹⁶⁸² Council of Europe anti-torture Committee publishes report on its 2020 ad hoc visit to Croatia: <https://www.coe.int/en/web/cpt/-/council-of-europe-publishes-report-on-its-2020-ad-hoc-visit-to-Croatia>

Serious gaps remain in the organization of guardianship for unaccompanied migrant minors. In Croatia, this function is entrusted to local social welfare centers, but, as the FRA 2020 report notes, their staff lack training to do this properly. In particular, it is common practice to appoint a guardian from the group of people with whom the child entered Croatia, rather than a professional with the relevant expertise.¹⁶⁸³

In 2020, Croatian Human Rights Ombudsperson L. Vidović demanded an investigation after the letter from a doctor at a hospital treating patients with the coronavirus was published in the media. The letter referred to the shortage of medicine and food in the hospital.¹⁶⁸⁴

In 2022, there were manifestations of discrimination against Russian citizens, because after the start of Russia's special military operation to denazify and demilitarize Ukraine and protect civilians in Donbass, the level of anti-Russian propaganda in the media increased, and fake news began to spread en masse. However, no large-scale aggressive Russophobic manifestations have been recorded in society.

Nonetheless, letters with insults and threats were sent to the e-mail address of the Russian Embassy. There were isolated discriminatory incidents against employees of the Russian Embassy. In March 2022, two major banks, "PBZ" and "Raiffeizen Bank", refused to open accounts for Russian diplomats without explanation. A condition for the continuation of banking services to Russian citizens in a number of financial institutions was the signing of a statement by account holders which contained a provision expressing 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 the lease of an apartment to an

¹⁶⁸³ The 2020 report of the EU Agency for Fundamental Rights.

https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-fundamental-rights-report-2020_en.pdf

¹⁶⁸⁴ The 2020 report of the EU Agency for Fundamental Rights.

https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-fundamental-rights-report-2020_en.pdf

employee of the Russian diplomatic mission. There were cases of discrimination against children of Russian compatriots living in Croatia in schools, including facts of intimidation.

The cancellation of flights for Russian airlines in Europe has affected tourists from Russia in Croatia. However, despite the difficulties, they managed to leave the country via Turkey and Serbia. In April 2022, the Croatian side refused to approve an overflight and landing in Zagreb of a humanitarian plane intended to evacuate employees of the Russian Embassy who had been expelled from Croatia.

Montenegro

In 2021, human rights situation in Montenegro was still negatively impacted by the consequences of the new coronavirus disease (COVID-19) pandemic.

The Protector of Human Rights and Freedoms in Montenegro (Ombudsperson) shared this view of the situation (in 2019, the Parliament of Montenegro appointed Siniša Bjeković to this post). As in 2020, the authorities adopted various, though significantly less extensive, restrictive measures in order to curb the spread of the disease (from time to time, they introduced health regulations regarding the work of state, municipal, public organizations and various activities). Such measures were not conducive to widespread or systematic violations of civil liberties, however, in the opinion of the Ombudsperson, they inevitably gave rise to certain restrictions of human rights from the point of view of international standards.

The country has problems related to the slowness and inefficiency of the authorities, excessively lengthy consideration of cases in the judicial system. This is evidenced, in particular, by the fact that most of the complaints from Montenegrin citizens to the 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 proceedings and review of court decisions. In addition, citizens were dissatisfied with the work of prosecution services, 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.

In total, according to the Ombudsperson's 2021 report, his Office was examining 1,123 cases relating to appeals and complaints of individuals (including groups of citizens) and legal entities (1,075 cases in 2020), of which 155 cases were carried over from 2020. The Ombudsperson's work on 904 cases (81% of the total number) was completed (in 2020, it was 86%). Complaints lodged by citizens to the Ombudsperson's Office were mostly related to labor relations, social security, protection of public health, application of sanitary measures, lack of response or delayed response to their requests from government authorities, respect for the interests of the most vulnerable groups in the population (people of Roma nationality, persons with disabilities, women victims of domestic violence, women working reduced hours, children from rural areas, persons of low income, older persons, elderly workers and employed persons with health conditions).

Violations of the rights of persons in custody have also been documented in Montenegro. The Montenegrin Ombudsman has received complaints from people temporarily detained in police stations or in places of deprivation of liberty about the actions of the Police Directorate and the Administration for the Execution of Criminal Sanctions. Their complaints 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 Committee against Torture indicated in May 2022 that the problem persisted,¹⁶⁸⁵ noting that its recommendations on the matter 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

¹⁶⁸⁵ 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/C/MNE/CO/3&Lang=ru

are not punished with penalties commensurate with their grave nature, and that the statute of limitations for the crime of torture remains in place. The statute of limitations for such crimes made 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 information, including at the time of questioning. Against this background, the Committee noted the ineffectiveness of investigations of such cases (particularly with regard to the identification of perpetrators). Law enforcement officers 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 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 in regard to the respect of the rights of children and youth remained difficult in 2021. In this respect, 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 challenges 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, as well as a country where human beings are trafficked 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 and tolerance towards such crimes in Montenegro and the fact that the competent authorities often do not believe children or accuse them of having provoked the crime, make it very difficult to solve this problem.¹⁶⁸⁶

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 their prevalence. What is certain is that Roma communities are the most affected, mostly due to their social exclusion, discrimination and poverty. Girls are the most frequent victims.

There is evidence of discrimination and unequal treatment on the grounds of national origin, social group, sexual orientation, sex, 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 Committee against Torture pointed out the

¹⁶⁸⁶ 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>

prevalence of domestic violence in Montenegro, as well as low level of prosecution and leniency of sentencing for perpetrators.¹⁶⁸⁷

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 housing for displaced Roma. This issue was touched upon in their comments on Montenegro by the Advisory Committee on the Framework Convention for the Protection of National Minorities,¹⁶⁸⁸ the European Commission against Racism and Intolerance,¹⁶⁸⁹ the Committee on the Elimination of Racial Discrimination,¹⁶⁹⁰ and the United Nations Human Rights Special Rapporteur on trafficking in persons, especially women and children, Maria Grazia Giammarinaro, following her visit to Montenegro in 2019.

In the past year, the situation related to the realization of social and economic rights of Montenegrin citizens remained difficult. A significant number of people, mostly in the northern regions of the country, continue to live in poverty. The issues of employment, increasing wages, improving housing conditions were still relevant to 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 was particularly difficult.

The Ombudsman's report pays special attention to the situation in the field of freedom of expression, including media freedom (given the importance

¹⁶⁸⁷ 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/C/MNE/CO/3&Lang=ru

¹⁶⁸⁸ 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>

¹⁶⁸⁹ Report of the European Commission against Racism and Intolerance on Montenegro (second monitoring cycle) adopted on 20 June 2017, published on 19 September 2017. <https://rm.coe.int/second-report-on-montenegro/16808b5942>

¹⁶⁹⁰ 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%25252FC%25252FMNE%25252FCO%25252F2&Lang=ru

of the press in the shaping of the public opinion), the creation of conditions that guarantee uninhibited expression of opinions by citizens and ensure that journalists can pursue their activities, as well as cases of abuse of the right to freedom of speech. He estimated that manifestations of hatred and intolerance to other opinions are most frequently observed in online media and the Internet. There have also been instances of attacks or threats of violence against journalists and media enterprises. The Ombudsperson believed that the adoption in 2021 of amendments to the Montenegrin Criminal Code, which introduced criminal law measures to protect journalists, was an important step to ensure the safety of their work. The Ombudsperson noted that in 2021 the country as a whole had made "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 under the scrutiny of international monitoring mechanisms. The Committee against Torture expressed concern about cases of intimidation and physical attacks against journalists.¹⁶⁹¹ 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 the lack of effectiveness of the Montenegrin commission for monitoring investigations into attacks on journalists.

The issues of overcoming ethnic 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

¹⁶⁹¹ 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/C/MNE/CO/3&Lang=ru

power in the country, as was the case in 2020. For example, 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 this 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 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 by the State.

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, the enthronement of Joanikije, Metropolitan of Montenegro and the Littoral of the Serbian Orthodox Church of Montenegro, gave rise to violent protests of supporters of the Montenegrin Orthodox Church over.

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 republics. Its participation in the Russophobic campaign was facilitated by Podgorica's ever-strengthening policy of unconditional adherence to the position of Washington and Brussels. 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 Minister Radulović's statement about the need to break off diplomatic relations with Russia. The message was deleted a few hours later. Later, the Montenegrin Foreign Ministry apologized for the post, explaining that it had misinterpreted the statement of

Montenegrin Foreign Minister. Allegedly, it only concerned the implementation of the EU sanctions against Moscow, and not the termination of relations.

At the beginning of June 2022, there was another unprecedented event – the Montenegrin authorities along with Bulgaria and Northern Macedonia prohibited the plane of the Minister of Foreign Affairs of the Russian Federation Sergey Lavrov, who was to visit Serbia (the visit was scheduled for June 6-7), to fly through their territory.

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 leadership 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). There is no information about the Montenegrin authorities suppressing such hateful activities or dissociating themselves from them.

Czechia

Czechia 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. The recent years mark a continued "slide" of Prague, which has outlined human rights issues as one of its domestic and foreign policy priorities, to a Russophobic course that often takes aggressive forms of "war" with monuments to Soviet soldiers, as well as to the open whitewashing of Nazi accomplices. These actions take place against the background of more frequent attempts to promote, in the Czech society, the 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 outrageous incidents were the dismantling by the Prague City Council of the memorial plaque dedicated to the liberation of the city by the troops of the 1st Ukrainian Front from the building of the Town Hall on the main square¹⁶⁹², the dismantling of the monument to the Soviet tank crews (the IS2 tank, which was removed from the pedestal and repainted in pink), the putting in the city district of Prague 6 in 2018 of "explanatory

¹⁶⁹² Even though initially the City Council promised to put the plaque back up after repairs, the new city leadership refused to return the plaque in 2019.

plaques" on the monument to Marshal Konev in Interbrigády Square, under whose command the Red Army fought for the liberation of the city, as well as the repeated acts of vandalism against the monument and memorial to the Red Army soldiers near the 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 monument was also removed from the central database of military memorials of the Defense Ministry of the Czech Republic. Currently, the statue of Ivan Konev is in the depository, its pedestal in Interbrigády square is destroyed. When this blasphemous act was conducted, both the calls of the public to preserve the historically significant landmark and the condemnation of the President of the country Milos Zeman were ignored. Moreover, the state of emergency imposed due to the spread of the new coronavirus infection and the restriction of free movement around the city, according to the head of the Prague-6 district Ondřej Kolář (who made this barbaric decision), were deliberately used by the authorities to carry out the dismantling without public protests.

However, the Czech Russophobes did not stop there. On 26 May 2022, Marshal Konev was deprived of the title of honorary citizen of Prague by decision of the Prague city authorities. And on 21 June 2022, the Prague-3 City District Legislative Assembly voted to rename Konev Street, located in this district.

As part of its policy aimed to falsify the history of World War II and demonize the USSR and Russia, Czechia makes every effort rehabilitate the Russian Liberation Army (ROA) of Andrey Vlasov, which collaborated with the Nazis, in order to attribute to this organization the "decisive role" in liberating Prague from Nazism in May 1945. In recent years, there has been an increase in public attempts of this kind in the country. On 30 April 2020, a

monument to Vlasov's supporters was erected in the Řeporyje district of Prague on the initiative of its infamous leader, Pavel Novotný. On 7 May 2022, there was a memorial service at this monument, with flowers laid in front of it. There is a memorial to the ROA in the Olšany Cemetery in Prague, at which memorials are regularly held. These acts occur simultaneously with measures to "fight" against Soviet monuments.

There are examples of a tolerant attitude towards manifestations of Nazism and Nazi theme, whitewashing Third Reich servicemen. The Iron Cross memorial to Czech volunteers in the ranks of the Wehrmacht and the Waffen-SS, restored in 2011 in the village of Kořenov (Liberec Region), is still a place of attraction for Czech 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.

There are also cases of unhindered distribution of products with Nazi symbols. In May 2020, international attention was drawn to a calendar published by the Czech publishing house Naše vojsko with photographs of Nazi leaders, the Czech occupation administration and other Nazi criminals. The publication by Guidemedia publishing house of a book denying the Holocaust also caused a resonance. This publisher had previously published compilations of Hitler's speeches and anti-Semitic materials.

After Russia launched the special military operation in February 2022 to demilitarize and denazify Ukraine and protect the DPR and the LPR, discrimination against Russian citizens and compatriots increased sharply in Czechia, especially in daily life.

The first emotional reaction to the events in Ukraine resulted in a wave of "individual sanctions" against Russians in various spheres of public life. In a number of Prague cafes, 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 reports of Russians being denied medical assistance. Moreover, some professors have refused to teach students from Russia, hold examinations and tests for them, and cooperate with Russian scientists. In addition, it has come to light that Czech universities have broken cooperation agreements with Russian educational institutions. Several banks have refused to open and maintain accounts for Russian clients. Representatives of the banking sector do not have a common policy: some banks only request Russians to provide additional documents and drag out the process, others refuse completely without explaining the reasons.

The Czech authorities are also taking legislative steps. Back in February 2022, public support for the Russian leadership and Russian actions in Ukraine was criminalized, it is now punishable with imprisonment for one to three years. This way, the Czech government essentially criminalized the right to freedom of opinion and expression as such under articles 365 "approval of a criminal offense" and 405 "denial, approval, and justification of genocide" of the Czech Criminal Code.

In line with the policy of the European Union, the Czech government, by virtue of its Decree No. 130 of 25 February 2022, stopped issuing visas and permits for long-term and permanent residence to Russian citizens, including for applications submitted before the Decree came into force. Exceptions can only be provided in case of a foreign policy interest of the Czech Republic. At the same time it was stated that humanitarian visas will be issued. Commenting on the authorities' position, Minister of the Interior of Czechia Vít Rakušan explained that humanitarian cases include family reunification and the threat of persecution in Russia. The Czech Foreign Ministry expanded the list: "A humanitarian visa is issued to a person whose life is in danger because of repression, resistance to or criticism of the regime, or when there is a danger of persecution for political or other reasons." 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.

Apart from discriminatory attitudes toward Russians, Czechia has also subjected to repression sensible citizens who have the courage to express their opinions publicly. In particular, a Czech language teacher in a Prague school was suspended from teaching for giving her unbiased assessment of the events in Ukraine and their true causes in class, she is in danger of getting fired for exercising her right to freedom of expression. She was informed on by her students, who secretly recorded the teacher's words on a cell phone. Czech Minister of Education Petr Gazdík, known for his Russophobic views, publicly expressed his support for such a hard punishment. He had previously called Belarusian and Russian students studying in Czech universities a "threat to the national security of the country."

However, Czechia does not stop at efforts to glorify Nazi accomplices and to inculcate Russophobia. The country has a number of problems in various areas of human rights promotion and protection that are regularly cause criticism and concern of both European monitoring institutions and the nongovernmental sector.

In 2021, measures taken by the Czech authorities to combat the coronavirus infection affected and limited a number of basic 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 public demonstrations was reduced to 500 people. This was pointed out, in particular, by the Human Rights Council of the Government of the Czech Republic in its regular report on the state of human rights in the Czechia. According to the EU Agency for Fundamental Rights, until June 2021, only persons registered in the Czech public health insurance system were eligible for

vaccinations in the country; citizenship of EU member states alone was not enough.¹⁶⁹³

Restrictive coronavirus measures led to protests by Czech citizens. On 1 February 2022, a demonstration outside the Chamber of Deputies of the Czech Parliament, which was considering a proposal to extend the pandemic law, led to clashes between protesters and police.¹⁶⁹⁴

The way the mass media function in the country evokes criticism. According to the Human Rights Committee, the concentration of private media in the hands of several players has increased recently, which leads to stronger political influence on the media and affects coverage of the actions of all political actors.¹⁶⁹⁵

In its latest review, Reporters Without Borders noted that freedom of the press in Czechia is threatened by the high concentration of privately owned media and the pressure exerted on public broadcasting.¹⁶⁹⁶ The state of freedom of speech in the Czech Republic has also raised concerns of the European Broadcasting Union, which has expressed concern about the increasing politicisation of the Czech Television governing council.¹⁶⁹⁷

International human rights monitoring bodies recorded the prevalence in Czechia of racist ideas and prejudices, racially motivated crimes, in particular attacks on property, threats against Roma, Jews, migrants and national minorities' activists, as well as attacks on them. Among other things, the fear of the majority of victims to report crimes committed against them was noted, which leads to underestimated relevant indicators in the law enforcement agencies' reporting.

¹⁶⁹³ 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

¹⁶⁹⁴ https://mfa.gov.by/kcfinder/upload/files/22.07.04_report_HR_2.pdf

¹⁶⁹⁵ Concluding observations of the Committee for Human Rights 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

¹⁶⁹⁶ <https://rsf.org/en/country/czech-republic>

¹⁶⁹⁷ www.ebu.ch/news/2021/04/public-service-media-in-the-czech-republic-under-threat

Thus, the Committees against Torture (May 2018)¹⁶⁹⁸, on the Elimination of Racial Discrimination (August 2019)¹⁶⁹⁹ and the Human Rights Committee (October 2019)¹⁷⁰⁰ expressed concern about the extent racist and hateful ideas, prejudices and stereotypes, 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, mayors of cities and members of the government, used such rhetoric. The media play an important role in the spread of racist stereotypes and prejudices against minority groups. It often comes to a point where journalists who try to report independently and impartially on migration issues face threats and pressure from radicals. The HRCttee noted that the media is used to reinforce stereotypical prejudices based on ethnicity or religion.

Similar concerns were expressed by the European Commission against Racism and Intolerance (ECRI) in October 2020. In particular, ECRI notes that hateful attitude towards Muslims, migrants and Jews are widespread in the country, and over the five recent years, Islamophobia and anti-immigrant sentiments have become the hallmarks of political discussion. Despite the fact that the Czech Republic witnessed neither terrorist attacks by Islamist terrorist organizations nor consequences of the migration crisis of 2015, the country recorded a low level of tolerance towards these two groups of people.¹⁷⁰¹

¹⁶⁹⁸ 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=en

¹⁶⁹⁹ 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=en

¹⁷⁰⁰ Concluding observations of the Committee for Human Rights 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

¹⁷⁰¹ Sixth report of the European Commission against Racism and Intolerance on Czechia. Adopted on 1 October 2020, published on 8 December 2020. <https://rm.coe.int/ecri-6th-report-on-the-czech-republic/1680a0a086>

The EU Fundamental Rights Agency noted that "outrageous incidents" on the grounds of racial hatred and xenophobia, especially against migrants and ethnic minorities, were reported in the Czech Republic in 2017. Thus, large-scale campaigns "against the dominance of the Roma and migrants" in Brno, Ostrava, and other large Czech cities were cited as examples, which, as noted, often ended up in riots, clashes with the police, followed by numerous arrests of protesters.

The Advisory Committee on the Framework Convention for the Protection of National Minorities (ACFC) emphasized that hatred in Czechia is manifested mainly against Muslims, migrants and Roma. It particularly noted that the focus of such manifestations has shifted from hatred against Roma towards anti-Muslim and anti-immigrant rhetoric. The Committee also pointed out negative attitudes prevailing in parts of the Czech society against certain ethnic groups, which are also supported by statements by mainstream politicians. This, in turn, contributes to an intimidating atmosphere in which population groups belonging to national minorities are afraid to invoke their rights and do not declare their ethnic affiliation in censuses.¹⁷⁰² Effectively, the Committee describes a situation of indirect discrimination against national minorities. As the ACFC notes with reference to the views of representatives of a number of national minorities in Czechia, in some cases the authorities have criticised minority representatives for invoking certain minority rights for the reason that the majority population in the area concerned would react negatively. The Advisory Committee also pointed out that certain national minorities are tolerated as long as they are not visible in society, but that they risk facing disadvantages as soon as they invoke their rights.

By way of an example of the negative perception of national minorities in Czechia, the ACFC also cited the fact that in the 2021 census form, the question

¹⁷⁰² Fifth Opinion on the Czech Republic of the Advisory Committee on the Framework Convention for the Protection of National Minorities. Adopted on 31 May 2021, published on 6 October 2021.
<https://rm.coe.int/5th-op-czech-republic-en-restricted/1680a2b3d6>

about ethnic affiliation was optional. Citing the words of the representatives of the German, Polish, Roma and Ukrainian minorities, the ACFC informed that the optional nature of the question had significantly reduced the number of persons responding to it in 2011. For fear of negative attitudes from the majority population, representatives of national minorities argued that the number of Germans, Poles and Roma who declared their ethnic affiliation in that census was considerably smaller than the estimates made by the representatives of these minorities.

In addition, the ACFC mentioned the persistence in Czechia of anti-German attitudes and a tendency to link the presence of this minority and measures to protect it to the period of National Socialism.

The Committee on Economic, Social and Cultural Rights in 2022 expressed concern about persistent discrimination, hate speech, prejudices and stereotypes directed towards certain individuals and marginalized and disadvantaged groups, among which it mentioned Roma, persons with disabilities, migrants, refugees and asylum seekers. In addition, the Committee noted that education in minority languages does not include all national minorities and cover the entire country.¹⁷⁰³

Anti-Semitic manifestations are also on the rise in Czechia. In particular, FRA confirms a significant increase in antisemitic incidents in 2021 citing data from the Federation of Jewish Communities of the Czech Republic – up to 1,128 (for comparison, 694 such incidents were recorded in 2019 and 874 in 2020), and this "positive" trend has been going on for at least the last 10 years. Most cases (1119) concern antisemitic manifestations on the Internet and in the media. The authorities' official data on registered antisemitic crimes also show

¹⁷⁰³ 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

an upward trend: 37 antisemitic offenses were registered in 2021, 27 in 2020, and 23 in 2019.¹⁷⁰⁴

A controversial 2014 case, when the owner (of a Ukrainian origin) of the Brioni hotel in Ostrava refused to provide accommodation to Russian citizens under the pretext of the reunification of the Crimea with Russia, is still standing out in terms of discrimination. 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. This case was referred to Czech courts and in the end, the Constitutional Court sided with the hotel owner and overturned the decisions of lower courts and the Supreme Administrative Court, stressing that entrepreneurs do not have to be politically neutral. This verdict does not meet the international legal obligations of Czechia, including under the international Covenants on Economic, Social and Cultural Rights and on Civil and Political Rights of 1966. Czech experts criticized this decision, stressing that it was legally incorrect. It is noteworthy that Pavel Rychetský, the President of the Constitutional Court of the Czech Republic, expressed his implicit disagreement with the final decision and recommended to refer the matter to the European Court in Luxembourg¹⁷⁰⁵, which, in his opinion "could cope with this phenomenon".

The Human Rights Council of the Czech Government also paid attention to this case, including it in its review under the section on discrimination on the basis of race and ethnic origin. The Council tried to explain the final decision of the Constitutional Court, which justified the businessman's desire to express his political views and draw a line between clients accordingly by the freedom of entrepreneurship, by the fact that the Czech legal framework does not include citizenship as a basis for discrimination. At the same time, the Council specified

¹⁷⁰⁴ EU Agency for fundamental rights. Antisemitism. Overview of antisemitic incidents recorded in the European Union. 2011-2021. https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-antisemitism-overview-2011-2021_en.pdf

¹⁷⁰⁵ Высшая инстанция Суда ЕС, решения которой не могут быть обжалованы.

that the list of these bases is provided, but not limited, and "it remains unclear how this case would have ended" if, instead of "citizenship," nationality had been the stated reason, since these concepts are related.

One of the recent examples of racially motivated hatred was the incident in March 2021, when a Slavia Praha footballer Ondřej Kúdela insulted a black Glasgow Rangers player Glen Kamara. By decision of the Disciplinary Body of the Union of European Football Associations, the Czech athlete was banned for 10 UEFA matches for racist remarks. The incident received a wide response in the Czech information space, and most of the political establishment (even local right-wing liberals, traditionally specializing in human rights issues, said that the hype around this case would only strengthen racist trends in the Czech Republic) sided with Ondřej Kúdela, considering the decision to be a politicized one. Thus, in his open letter to members of the UEFA Disciplinary Body, Head of the Office of the President of the Czech Republic Vratislav Mynář called the disqualification of Ondřej Kúdela "a fight of losers against successful people", as well as "hypocrisy and discrimination without proof".

The Roma issue remains unresolved, despite the numerous initiatives of the Czech authorities. This national minority is considered the largest in Czechia (according to 2020 data collected by the Czech government, approximately 150 to 300 thousand Roma live in the country, constituting 1.4 to 2.8% of the population). The situation of the overwhelming majority of Roma is rather difficult: about half are integrated into Czech society, the rest fall under the category of "socially excluded" persons, that is, they have no permanent jobs, live mainly on social welfare and, in many regions of the country, in "closed-off" neighbourhoods (there are about 600 such "ghettos", located mainly in the Ústí nad Labem region), characterized by poverty and high crime rates. According to the Office of the Human Rights Ombudsman in the Czech Republic, the number of such socially disadvantaged areas has almost tripled

recently. It is noted that a negative attitude towards Roma is firmly rooted in the minds of a significant part of Czechs.

In July 2021, the Czech Senate passed a law on compensation (effective January 2022) for Roma women who had been forcibly sterilized between 1966 and 2012. Notably, this vicious practice continued for an eight whole years after the Czechia was admitted to the European Union in 2004. Each of the surviving victims – according to some estimates, there could be as many as several thousand – can expect to receive 300,000 Czech korunas. If, of course, they have time to submit the relevant application and collect the necessary documents within the time limit set by the law. In this regard, CESCR has pointed out that the time frame of three years to claim for compensation might be too short for these women to be properly informed and to bring their claims.¹⁷⁰⁶

There have also been known incidents of attacks against Roma. In June 2021, a Roma man, Stanislav Tomáš, was killed by police officers in Teplice. The investigation, in the course of which the then Minister of the Interior stated that the victim's blood contained narcotic substances that could have caused his death, lasted six months. At the same time, deputy Ombudsman of the Czech Republic made public some evidence proving that the police officers made a number of serious mistakes when arresting the victim that led to his death.¹⁷⁰⁷ The EU Agency for Fundamental Rights has also pointed to police errors during the arrest.¹⁷⁰⁸

Roma children face discrimination in education: segregated schools are widespread. According to the European Commission against Racism and

¹⁷⁰⁶ 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/C.12/CZE/CO/3&Lang=ru

¹⁷⁰⁷ Amnesty International – Human Rights Situation in the Czech Republic in 2021 (<http://www.amnesty.cz/zprava/5340/stav-lidskych-prav-v-ceske-republice-v-roce-2021>)

¹⁷⁰⁸ 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

Intolerance, around 20% of Roma pupils attend primary schools where Roma make up more than 50% of students. In 13 such schools, the proportion of Roma pupils is above 90%. Moreover, the Commission highlighted a high-profile court case against a primary school in Ostrava, which allocated one building to Roma children and one to non-Roma children.¹⁷⁰⁹

Widespread discrimination against Roma in the Czech Republic and the segregation of Roma children in schools were noted with concern by the Committee on Economic, Social and Cultural Rights in May 2014¹⁷¹⁰ and March 2022,¹⁷¹¹ the Committee against Torture in May 2018,¹⁷¹² the Committee on the Elimination of Racial Discrimination in August 2019,¹⁷¹³ the Human Rights Committee in October 2019,¹⁷¹⁴ the European Commission against Racism and Intolerance in December 2020¹⁷¹⁵, European Union Agency for fundamental rights in its 2020 report,¹⁷¹⁶ and the Advisory Committee on the Framework Convention for the Protection of National Minorities in 2021. In particular, the ACFC noted that Roma, along with Muslims, are the most

¹⁷⁰⁹ Sixth report of the European Commission against Racism and Intolerance on Czechia. Adopted on 1 October 2020, published on 8 December 2020. <https://rm.coe.int/ecri-6th-report-on-the-czech-republic/1680a0a086>

¹⁷¹⁰ Concluding observations of the Committee on Economic, Social and Cultural Rights on the second periodic report of Czechia. May 2014. https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2FCZE%2FCO%2F2&Lang=ru

¹⁷¹¹ 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/C.12/CZE/CO/3&Lang=ru

¹⁷¹² 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

¹⁷¹³ Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined twelfth and thirteenth periodic reports of the Czech Republic. August 2019. https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FCZE%2FCO%2F12-13&Lang=ru

¹⁷¹⁴ Concluding observations of the Committee for Human Rights 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

¹⁷¹⁵ Sixth report of the European Commission against Racism and Intolerance on Czechia. Adopted on 1 October 2020, published on 8 December 2020. <https://rm.coe.int/ecri-6th-report-on-the-czech-republic/1680a0a086>

¹⁷¹⁶ Fundamental rights report 2020. EU Agency for fundamental rights. https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-fundamental-rights-report-2020_en.pdf

frequent targets of hate speech, with a shift in emphasis in recent years from hatred of Roma to anti-Muslim and anti-migrant rhetoric. On the whole, it is stated that public expressions of anti-Roma sentiment are still frequent, with a noticeable increase in social media. This negative attitude is supported by statements of a number of Czech politicians, including at the highest level. The ACFC reported in this regard that such attitudes are of great concern and disappointment to national minorities. The Committee on Economic, Social and Cultural Rights indicated that Roma are the least educated. In addition, according to the Committee, few migrant children reach high school.¹⁷¹⁷

It was also noted that, despite the measures taken by the Czech authorities in the fields of education, culture, media and police training, the country is still experiencing an increase in negative attitudes towards population groups because of their ethnic affiliation or religion. In this context, the Agency for Social Inclusion, which supports the integration of Roma, is implementing the "Campaign Against Racism and Hate Violence". In addition, it was noted that the authorities do not keep separate statistics on hate speech against persons belonging to national minorities. It was also noted that the authorities do not collect statistics specifically on hate speech against persons belonging to national minorities. Citing data from the Czech authorities, the ACFC points out that in 2019, 38 crimes relating to "defamation of nation, race, ethnicity or other groups" were reported (rising from 29 in 2018 and 17 in 2017) and 22 prosecuted (compared to 25 in 2018 and 10 in 2017).¹⁷¹⁸

The ECRI mentioned the long-standing problem of the "vicious circle" in which a large part of Czech Roma population lives: lack of education leads to

¹⁷¹⁷ 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/C.12/CZE/CO/3&Lang=ru

¹⁷¹⁸ Fifth Opinion of the Advisory Committee of the Framework Convention for the Protection of National Minorities on Czechia. Adopted on 31 May 2021, published on 6 October 2021. <https://rm.coe.int/5th-op-czech-republic-en-restricted/1680a2b3d6>

lack of demand in the labor market, living in disadvantaged areas, which negatively affects access to social security and health care.

Moreover, on 23 November 2020, the European Committee of Social Rights (ECSR) made its decision on a 2017 complaint filed to this body by the European Roma Rights Center and the Mental Disability Advocacy Center. The complainants brought to the attention of the Committee the Czech practice of "institutionalization of children" under three years of age (mainly Roma and disabled people) in the form of placing them in social welfare institutions instead of providing family care. Taking into account the position of UN Human Rights Council Special Rapporteur on the right to health Dainius Puras, the ECSR stated that Prague violated the provisions of article 17 of the European Social Charter of 1961, which provides for the right of mothers and children to social and economic protection. In this regard, Czech NGO Human Rights Forum points out the need for "systemic changes" in this area. These same problems were pointed out by the Committee on Economic, Social, and Cultural Rights in 2022.

The treaty bodies' attention was also drawn to the problems associated with the detention of refugees and asylum seekers arriving in Czechia in special camps. Both the conditions and the long periods of stay of migrants in these specialized centers gave rise to criticism. This problem has been pointed out in particular by the Committee on the Elimination of Racial Discrimination, the Committee against Torture and the Human Rights Committee. The HRCttee noted with concern that senior Czech officials were encouraging public perceptions of migration as a threat to public safety and that the media was being used to inspire fear of migrants and asylum seekers. The Committee also mentioned the low number of positively reviewed asylum applications, noting a possible link between these statistics and statements by Czech high-ranking

government officials.¹⁷¹⁹ The Committee on Economic, Social and Cultural Rights expressed similar concerns. Among other things, it drew attention to the fact that migrants, including children, are mostly detained during all asylum procedures. In addition, such persons face difficulties in obtaining permanent residence.¹⁷²⁰

The state of affairs in the judiciary also arouses criticism of international human rights mechanisms. Thus, the 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 to the current procedures for the selection, appointment, promotion and transfer of 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 called on Prague to eradicate all forms of undue interference with the judiciary by the legislative and executive branches and safeguard it in law and in practice.¹⁷²¹

Numerous shortcomings were noted in the field of ensuring equal rights and opportunities for women in the Czechia. Thus, at the end of 2019, the European Committee of Social Rights found the collective complaint of the University of Women in Europe against Czechia justified, revealing a violation of the rights to equal pay, equal opportunities and equal treatment in the labour market without discrimination on the basis of gender. The Committee noted that Czech legislation contained norms on remuneration, but there was a lack of transparency in payments and levers of control in the private sector. The lack of

¹⁷¹⁹ Ibid.

¹⁷²⁰ 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/C.12/CZE/CO/3&Lang=ru

¹⁷²¹ Ibid.

noticeable progress in combating gender discrimination in terms of wages and number of women in the management of companies was also mentioned.

Czechia also has problems with regard to the protection of children's rights. The Committee on the Rights of the Child has expressed extreme concern about the widespread sexual exploitation and abuse of children in the country, the large number of children deprived of family care, the low standard of living of children with disabilities, and discrimination against Roma children¹⁷²² (on this issue, see also the section above on the Roma population in general).

The Committee called on the Czech authorities to amend the legislation in order to better ensure respect for children's rights, stressing especially the need to adopt a definition of the child and to adjust the national legal framework accordingly – first and foremost, to remove all exceptions that allow marriage for those under 18 years of age and to prohibit child marriage. The Committee pointed to the need to reinstate the National Plan for Combating the Commercial Sexual Exploitation of Children¹⁷²³ and to review the Czech Criminal Code to ensure that all persons under 18 years of age are protected against sexual exploitation.

The CRC also expressed concern about the problem of children's responsibility for their parents' debts and called for measures to be taken to address it. According to the Committee, a large number of families with children are experiencing housing difficulties because the benefit-free zone policy led to the increased vulnerability of the most vulnerable populations, including Roma families with children, and the draft law on social housing was rejected in 2015. As a result, there is an acute need for affordable housing in the country.

¹⁷²² Concluding observations of the Committee on the Rights of the Child on the combined fifth and sixth periodic reports of Czechia. September 2021. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/293/72/pdf/G2129372.pdf?OpenElement>

¹⁷²³ The Plan ran from 2006 to 2008, the new version has not been developed or adopted so far.

The same problem was addressed by the Committee on Economic, Social, and Cultural Rights, which in March 2022¹⁷²⁴ expressed concern about the situation in this area, pointing to a lack of adequate housing available, and high housing costs and rental prices, confirmed by the large number of homeless people. It also noted that the Czech authorities allocate insufficient funds for housing allowance. The Roma community in the Czech Republic is the most affected by this problem. To make matters worse, according to CESCR, the provision allowing the creation of benefit-free zones in housing was repealed in 2021 by the Czech Constitutional Court. These negative trends are accompanied by an unfavorable economic situation. Thus, CESCR stressed that the minimum wage in the Czech Republic remains one of the lowest in the region. Moreover, the current living wage in the Czech Republic does not include the cost of housing and does not adequately reflect the real cost of living. The situation is aggravated by the fact that the real living wage is ever-decreasing due to inflation.

In early 2021, the Czech Republic came under criticism from the Council of Europe's European Committee of Social Rights for not providing adequate conditions for children during trials. According to the conclusion of international experts, minors under 15 years of age get no legal assistance at the preparatory stages of the proceedings, and the opportunity for out-of-court settlement of such cases is not used. Already back in 2017, a complaint on this issue was filed by the International Commission of Jurists human rights organization, arguing that the Czech Republic thus violated the provisions of the European Social Charter signed by it (this document assumes that a lawyer is previously working with children, who must advise them of the existing rights and forthcoming procedure).

¹⁷²⁴ 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/C.12/CZE/CO/3&Lang=ru

In 2020, in connection with the coronavirus pandemic and lockdown, the problem of domestic violence came to the fore, although according to official data from the Czech Ministry of Internal Affairs, the number of such complaints formally decreased (there were 249 complaints in the first half of 2020, and 327 in during the same part of 2019). Optimism regarding the statistics is not shared by Czech non-governmental organizations providing assistance to victims of domestic violence, who were approached for assistance by almost 40% more¹⁷²⁵ applicants than before the coronavirus crisis. Researchers explain that the difference in indicators is due to the fact that law enforcement authorities compile their data guided by the number of incidents that had consequences (for example, temporary eviction of the aggressor from home or bringing the case to court). In connection with the increased attention to this problem, the shortcomings of the victim assistance system became apparent – first of all, the absence of a single hotline for consultations and a small number of social shelters for victims of violence. According to experts, the problem is complicated by the fact that the concept of domestic violence is not clearly defined in Czech legislation, therefore, people seek help mainly in extreme cases.

On 8 March 2021, the Czech Government presented the national Government Strategy for Equality of Women and Men for 2021-2030. This document sets a number of strategic goals to improve the gender balance.

In the meantime, international monitoring bodies have identified a number of problems in this area. For example, the Committee on Economic, Social and Cultural Rights expressed concern in 2022 that the gender pay gap persists, including due to vertical and horizontal segregation of women in the labour market and women's overrepresentation in part-time employment. It also noted much lower labour participation rate of women, the concentration of

¹⁷²⁵ According to an assessment made during an independent investigation by the Institute of Sociology of the Czech Academy of Sciences.

women in traditionally female-dominated professions and the continued underrepresentation of women in managerial positions in the public and private sectors. It also noted that the lack of childcare facilities in the country means that women more often assume the role of household carer and thus face the issue of balancing their professional and personal lives, including having difficulties re-entering the labour market after maternity leave.¹⁷²⁶

In the area of punishment execution, the Committee against Torture has criticized the Czech authorities over the continuing practice of surgical castration of sex offenders. In this regard, the CPT emphasized that surgical castration can only be carried out on a voluntary basis.¹⁷²⁷ The Human Rights Committee has stated with regard to this problem that such a practice, even if based on nominal consent, raises issue of compatibility of Czech domestic law with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.¹⁷²⁸

¹⁷²⁶ 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/C.12/CZE/CO/3&Lang=ru

¹⁷²⁷ 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=en

¹⁷²⁸ Concluding observations of the Committee for Human Rights 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

Switzerland

The Swiss Confederation's general record in the field of human rights has been traditionally considered by experts as quite positive.

The success achieved by Switzerland in promoting human rights is exemplified, as cited by the authorities, by a low number of verdicts passed by the European Court of Human Rights (ECHR) against the Confederation. For instance, in 2021, the ECHR received 273 claims and rejected 249 of the claims presented earlier. Only seven cases against the Confederation were heard, out of which in three cases a judgement was given against the Swiss authorities.

Complaints that have been upheld concerned the following issues: the detention of a person after serving a prison sentence in connection with the clarification of new circumstances; imposition of a fine on a beggar of Roma origin; and unequal conditions of conscription for civil (alternative) service for persons with different categories of fitness for military service.

However, to date, Switzerland does not have a national human rights institution that fully complies with the Paris Principles, which would be granted "A" status in accordance with the Paris Principles. The new body, which will be established by a law approved by the Swiss parliament on 1 October 2021 in response to the expiry of the mandate (extended until the end of 2022) of the interim national human rights competence centre, is intended to acquire this status. The new institution will act as a centre of expertise and will also have an ombudsman function and deal with complaints of human rights violations. Annual funding amounts to 2.5 million Swiss francs.

However, the largest right-wing conservative Swiss People's Party (SPP) stated that there was no need to establish a national human rights institution in order to satisfy the recommendations of international organisations and to obtain the "coveted" "A" status. In Switzerland, the SPP believes that there are enough NGOs and specialised national and cantonal human rights commissions that have been successful in monitoring and protecting human rights without

wasting additional budgetary resources. However, other political parties did not support this position.

In its report prepared for another cycle of the Universal Periodic Review of the UN Human Rights Council (November 2017), the Swiss government gave an account of the legal and administrative measures taken to improve gender equality, protect the rights of migrants and minorities and address human trafficking.

However, according to the representatives of the civil society of Switzerland, the government did not cover some inconvenient issues when preparing the report. Most violations affect the rights of refugees and stateless persons, victims of domestic violence and various minorities. Besides, the Swiss Criminal Code lacks provisions prohibiting torture. The Confederation has not adopted general laws introducing accountability for discrimination on the grounds of age and with respect to migrants.¹⁷²⁹

In December 2019, the Council of Europe's European Commission against Racism and Intolerance (ECRI) pointed out an increase in public 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 cannot 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 to one of the recommendations made by ECRI, migrants who cannot return to their country of origin for six years (or even less) should be granted the status of permanent residents in the Confederation.¹⁷³⁰

¹⁷²⁹ At the same time, there are laws prohibiting discrimination on the grounds of sex, race, ethnicity, religion and disability.

¹⁷³⁰ European Commission against Racism and Intolerance report on Switzerland (sixth monitoring cycle), adopted on 10 December 2019, published on 19 March 2020
<https://rm.coe.int/ecri-report-on-switzerland-sixth-monitoring-cycle-/16809ce4bd>

Nevertheless, in its 2022 interim follow-up of Switzerland's previous recommendations, the ECRI concluded that no steps had been taken by the authorities to remedy the situation in the several years since the report was published. In the meantime, the government's refusal to regularise 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 deteriorate to such an extent that, according to ECRI, neither further integration nor return to their country is possible.¹⁷³¹

Swiss law contains numerous legal obstacles that limit access to family reunification for persons with refugee status.¹⁷³²

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.¹⁷³³

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.¹⁷³⁴

As the Committee on the Elimination of Discrimination against Women (CEDAW) noted in November 2022, the lack of a clear definition of labour

¹⁷³¹ Concluding observations of the European Commission against Racism and Intolerance on Switzerland's implementation of recommendations subject to interim monitoring. 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>
¹⁷³² 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=ru

¹⁷³³ 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

¹⁷³⁴ 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

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 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 85-95 per cent of women in prostitution are migrant women, often in an irregular situation.¹⁷³⁵ 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.¹⁷³⁶

Victims of domestic violence of non-Swiss origin often find themselves in a difficult situation. Their rights are formally guaranteed by the Federal Act on Foreigners and Integration. In particular, it provides victims with the possibility to remain in the territory. However, in practice, its provisions are only applied when such violence is systematic or reaches a "serious level". This leads foreign victims to refrain from seeking assistance for fear of losing their residence permit. The same motives motivate non-EU citizens when they decide not to apply for social assistance.¹⁷³⁷

Access to education for migrant children in federal reception centres remains difficult. Moreover, young asylum seekers who have been denied the

¹⁷³⁵ 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%2FCO%2FCHE%2FCO%2F6&Lang=en

¹⁷³⁶ 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=ru

¹⁷³⁷ 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=ru;

Concluding observations of the Committee on the Elimination of Discrimination against Women on the combined 6th periodic report of Switzerland. November 2022.

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD/C/CHE/CO/10-12&Lang=ru

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 persisting gap between the academic performance of children from migrant families, low-income families and children from privileged backgrounds.¹⁷³⁸

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.¹⁷³⁹

CED in May 2021 and the Committee on the Rights of the Child (CRC) in October 2021 expressed their concern about cases of unaccompanied minor asylum seekers registered in Switzerland disappearing. The experts pointed to the low number of cases investigated and the risk that such children may end up being victims of the crime of enforced disappearance.¹⁷⁴⁰

Experts of the Committee on the Elimination of Racial Discrimination (CERD) and the CRC criticized that the acquisition of Swiss nationality for newborn children is conditional on the status of their parents. It was also not guaranteed at a later stage. Thus, children born to Swiss parents find themselves in a situation of statelessness.¹⁷⁴¹

¹⁷³⁸ 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=ru;

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=CEDAW%2fC%2fCHE%2fFCO%2f6&Lang=en

¹⁷³⁹ 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

¹⁷⁴⁰ 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;

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%2fFCO%2f1&Lang=en

¹⁷⁴¹ Concluding observations of the Committee on the Rights of the Child on the combined 5th and 6th periodic reports of Switzerland. October 2021.

When expelling irregular migrants, especially asylum seekers, force is increasingly used.

Another problem is the restriction on freedom of movement for those granted temporary admission (permis F). This makes it difficult for them to change their canton of residence and travel abroad.¹⁷⁴²

ECRI experts also noted that Switzerland's national legislation on combatting discrimination against national minorities is insufficiently developed, resulting in a blurring of their legal status and inequality due to different standards set at the cantonal level.¹⁷⁴³

In December 2021, the CERD criticised the lack of a normative definition of direct and indirect racial discrimination at the federal level, of provisions expressly prohibiting racial profiling, and of an aggravating circumstance in the Swiss Criminal Code for racially motivated hate crimes. Experts noted an increase in manifestations of racism while legal action in this field is scarce. In addition, monitoring of such offences remains insufficient, due to the non-mandatory nature of registration and the lack of uniformity in its implementation.¹⁷⁴⁴

The Swiss Penal Code criminalizes incitement to strife or hatred, as well as discrimination on the grounds of racial, ethnic or religious affiliation. However, the procedure of access to justice for victims of such crimes is

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=ru

¹⁷⁴² 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=ru

¹⁷⁴³ European Commission against Racism and Intolerance report on Switzerland (sixth monitoring cycle), adopted 10 December 2019, published 19 March 2020.

<https://rm.coe.int/ecri-report-on-switzerland-sixth-monitoring-cycle-/16809ce4bd>

¹⁷⁴⁴ 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=ru

extremely complicated. There is still a noticeable discrepancy between court statistics on this category of cases and data collected by relevant NGOs.¹⁷⁴⁵

The Committee on Economic, Social and Cultural Rights (CESCR) also pointed out in this regard in October 2019 that the absence of a general anti-discrimination law is an obstacle to ensuring victims' access to effective remedies and adequate protection against all prohibited grounds and multiple forms of discrimination.¹⁷⁴⁶

The need to improve Swiss law so that national minorities' rights are not infringed is also 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 2018.¹⁷⁴⁷

Antisemitism has increased. In addition to insults and hostile allusions to the Jewish community on the Internet and in real life, including by representatives of the "Party of Nationally Oriented Swiss", in January 2021 there were cases of pork meat being thrown under the doors of synagogues in Lausanne and Geneva. In February 2021, swastika pictures were painted on the walls of a synagogue in Biel. Half of the 487 members of the Jewish community surveyed in 2020 by The Zurich University of Applied Sciences encountered anti-Semitism in the past five years, especially in social media and messenger groups.

The UN Human Rights Council Special Rapporteur on contemporary forms of racism drew attention to the rather high level of anti-Semitism and acts of violence against Jews (in particular among the French-speaking population of

¹⁷⁴⁵ Fourth Opinion of the Advisory Committee of 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>

¹⁷⁴⁶ 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=ru

¹⁷⁴⁷ Fourth Opinion of the Advisory Committee of 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>

Switzerland). She also pointed to the rise of right-wing extremist groups, which she saw as a serious threat to Jewish communities.¹⁷⁴⁸

The Advisory Committee of 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.¹⁷⁴⁹

The deterioration of attitudes towards Muslims in Swiss society has been accompanied by acts of vandalism in cemeteries, offensive graffiti on mosques walls and incitement to hatred, including on social media.

The Swiss authorities have always stressed that Switzerland has a long and strong tradition of direct democracy embodied in regular national and local referendums on various political, social and economic issues.

In March 2021, for example, a legislative initiative banning the concealment of persons' faces in public places was put to general vote. The declared main purpose of the new measure was to enable law enforcement agencies to deal more decisively with masked offenders, including at demonstrations and sporting events. Moreover, according to the Public Committee which initiated the referendum, "hiding one's face in public places contradicts the liberal spirit of living together".

The proposed legislative changes were adopted by 51.21 per cent of the votes against 48.79 per cent. Thus, the traditional clothes of Muslim women – burqas and niqabs – have been automatically banned and may only be worn in places of religious worship. This innovation has naturally caused dissatisfaction on the part of Muslim believers. Thus, the Central Islamic Council of Switzerland said that the referendum outcome caused "deep disappointment

¹⁷⁴⁸ Report of the Special Rapporteur of the HRC on contemporary forms of racism on the glorification of Nazism A/HRC/38/53 to the 38th session of the Council. June 2018.
<https://undocs.org/en/A/HRC/38/53>

¹⁷⁴⁹ Fourth Opinion of the Advisory Committee of 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>

among Muslims who were born and raised" in the country. A number of NGOs claimed in their turn that the basic rights of a religious minority had been violated in the state.

Of interest in this context is the position of the Confederation government which proposed a softer alternative to the draft. A less discriminatory version of the bill would only require the disclosure of the face if the authorities insist on it in order to establish identity.¹⁷⁵⁰

In addition, some Islamic figures consider the constitutional ban on the construction of new minarets, imposed following the 29 November 2009 referendum, a violation of their community's rights.

Cases of local residents demonstrating against the organization of Roma camps have also been recorded. Roma of non-Swiss origin are often not allowed to stop in certain areas at all. This reinforces xenophobic attitudes and leads to conflicts between different population groups.¹⁷⁵¹ The protests are supported by posters with expressions and images that insult and demean the dignity of the members of this group.

Experts expressed concern that the measures taken by the authorities were not sufficient to promote the traditions, culture and languages of this people. There is also a lack of support for the education of children belonging to this minority.¹⁷⁵²

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

¹⁷⁵⁰ Switzerland bans the wearing of burqa and niqab in public places. TASS. 7 March 2021.

<https://tass.ru/mezhdunarodnaya-panorama/10854143>

¹⁷⁵¹ Ibid.

¹⁷⁵² 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%2fC.O%2f4&Lang=ru

mechanism for consultation with national minorities at all levels of government in order to take their views into account on issues affecting them.

The Advisory Committee on the Framework Convention for the Protection of National Minorities' experts estimate that repeated instances of public expressions of hostility towards Yenish and Sinti/Manush, as well as towards the members of the Jewish or Muslim community, clearly amount to hate speech. This phenomenon has reached particularly large proportions on social media. At the same time, public and immediate condemnation of such actions is not systematic.¹⁷⁵³

At the same time, the Advisory Committee on the Framework Convention for the Protection of National Minorities commended some preventive measures taken by the authorities, in particular the Federal Commission against Racism, including the campaign for tolerance and intercultural dialogue.¹⁷⁵⁴

According to a report by the Federal Commission against Racism, 630 racist incidents were recorded in Switzerland in 2021, including 207 incidents against Africans, 53 – against Muslims and 31 – against Jews. These were mostly insults in public places and at work; in 39 cases physical violence was used. It is noted that the actual level of racism, primarily of a domestic nature, is substantially higher than the figures recorded.

The issue of racial profiling by police officers and officials deserves particular attention. In March 2021, the court acquitted the police officer who shot and killed E.Mandundu, a native of the Democratic Republic of Congo, in Be, Canton Vaud, during an inspection in 2016.

Earlier, in 2016, also in Lausanne, a jogger from Cape Verde was brutally beaten by police officers who mistook him for a drug trafficker. However, no official was punished as a result of the investigation. For example, a 40-year-old

¹⁷⁵³ Fourth Opinion of the Advisory Committee of 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>

¹⁷⁵⁴ Ibid.

Nigerian man died of a heart attack when attempting to resist during a police check in Lausanne in 2018. The case is still under investigation.

According to the CERD, in addition to people of African descent, Roma (Yeniche, Sinti/Manushi and Roma) and non-Swiss persons are also victims of violence by law enforcement officers. However, the number of cases in which the prosecution of police officers who have tolerated such treatment has resulted in a ruling in favour of the applicant remains low.¹⁷⁵⁵

Experts also believe that the introduction of amendments to the Federal Act on the Use of DNA Profiles in Criminal Proceedings and the Identification of Unknown or Missing Persons could further aggravate the situation regarding racial profiling and stigmatisation of persons based on race, colour, and ethnicity. The amendments would authorise police officers to carry out DNA analysis from crime scenes for external features (DNA phenotyping).¹⁷⁵⁶

The lack of centralised training for the judiciary on these issues, and where such training does take place, it is voluntary. Police training, which includes anti-discrimination training, is also considered insufficient to eradicate the practice of racial profiling.¹⁷⁵⁷

In January 2022, the UN Human Rights Council Working Group on People of African Descent undertook an official visit to Switzerland. This included visits to Bern, Zurich, Geneva and Lausanne. At the conclusion of the visit, the experts noted that people of African descent face systemic racial discrimination in a number of ways. Regarding racial profiling, the experts stated that such police behaviour only feeds negative racial stereotypes that exist in society.

¹⁷⁵⁵ 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=ru

¹⁷⁵⁶ Ibid.

¹⁷⁵⁷ Ibid.

However, the experts of the Working Group welcomed a number of positive developments, namely the rise of anti-Black racism in public discourse, the dialogue between the State and civil society regarding the use of racist and colonial symbols in public places, and the involvement of civil society in combating racial profiling and police brutality.¹⁷⁵⁸

The situation around illegal adoptions of Sri Lankan children by Swiss families in the 1970s and 1990s also compromises the image of the Confederation as a reference country for human rights. The existence of the problem, which had previously been of interest only to a limited circle of NGOs and individual research institutions, was nevertheless recognised 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 has promised adopted persons support in finding their biological parents.¹⁷⁵⁹

Russia's launch of a special military operation to denazify and demilitarise Ukraine on 24 February 2022 led to an increase in discrimination against Russians and aggravation of anti-Russian sentiments in Switzerland, including among the country's political elite. Thus, on 5 March 2022, the co-chairmen of the Social Democratic Party of Switzerland, S.Vermut and M.Meyer, sent an open letter to the Federal Council (government) with the idea of creating a special interdepartmental commission to check the assets of both sanctioned and other wealthy Russian citizens in order to uncover a network of front men to avoid "further financing the war in Ukraine" from the

¹⁷⁵⁸ Media statement by the UN 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>

¹⁷⁵⁹ Adoptions in Sri Lanka: the Federal Council regrets the failings of the authorities. Federal Council. 14 декабря 2020 г.
<https://www.admin.ch/gov/fr/accueil/documentation/communiqués.msg-id-81577.html>

Confederation territory. It was also suggested that the residence permits issued to this group be rechecked in Switzerland.¹⁷⁶⁰

During rallies in support of the Kiev authorities in February-March 2022, mayors of major Swiss cities made statements that were insulting and inciting hatred against the Russian leadership.

Swiss banks have massively started to verify the grounds for opening accounts of Russian clients living in the Confederation and not subject to sanctions who do not have Swiss or EU citizenship. As reported by the local press without naming names, some banks have stopped serving Russians who are not on sanctions lists. In addition, fellow citizens have been refused to open new bank accounts under the pretext of preventing them from circumventing sanctions.

In some cases, domestic racism and harassment have been experienced by Russian children studying at schools. However, the authorities prefer not to comment on these problems.

The right to freedom of opinion and expression has also been violated. In March 2022, Switzerland's largest cable network operators (Swisscom, Sunrise UPC, Teleboy, Salt) decided to stop rebroadcasting RT and Sputnik.¹⁷⁶¹ At the same time, the country's largest media outlets continue their anti-Russian rhetoric and present as "correct" only those representatives of compatriots who openly criticize the special operation.

There have also been isolated attempts to "abolish" Russian culture. In February 2022, the Verbier Classical Music Festival announced the termination of cooperation with the world-renowned Russian conductor and artistic director of the Mariinsky Theatre, Vladimir Gergiev, and the Neva Foundation, which was one of the main sponsors of this annual event.

¹⁷⁶⁰ <https://www.sp-ps.ch/publikationen/rote-linien/den-oligarchen-im-umfeld-von-wladimir-putin-gezielt-das-handwerk-legen>

¹⁷⁶¹ Ukraine war: Swisscom & Co. block Russian TV channels. Nau.ch. 28 February 2022
<https://www.nau.ch/news/wirtschaft/ukraine-konflikt-swisscom-co-sperren-russische-tv-sender-66119183>

In February and March 2022, a Swiss citizen and his wife, a native of Ukraine, publicly and repeatedly disseminated hate speech in Russian on various social media pages, including death wishes to Russians and Belarusians. In April 2022, the Russian Embassy in Switzerland requested the Prosecutor's Office to check whether the couple had violated the provisions of the Criminal Code of the Swiss Confederation (public incitement to hatred or discrimination against a person or group of persons because of their racial or ethnic origin). In August 2022, the Office of the Public Prosecutor confirmed to the Embassy that criminal proceedings had been initiated against the couple under four articles punishable by imprisonment for up to three years or a fine. On 11 October 2022, the Office of the Public Prosecutor in Lenzburg-Aargau confirmed the entry into force of the judgment of 8 September that a Ukrainian woman was criminally liable (suspended fine of SFr 14,700, fine of SFr 2,000, costs of proceedings and police costs of SFr 1821.5).

There have been isolated cases of politically motivated persecution of Russians in Switzerland even before the special military operation to demilitarise and denationalise Ukraine. In particular, on 21 March 2021, a Russian businessman V.D.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 were registered: consular access was organised to him, constant communication with his lawyers and relatives was maintained, and the necessary medical care was provided. However, the Swiss side refused to transfer the Russian national to house arrest and, after a rather lengthy examination, rejected the request for extradition of the Russian General Prosecutor's Office for an offence punishable under part 4 of Article 159 of the Russian Criminal Code (large-scale fraud) 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 of appealing against the decisions rendered by the judicial authorities. In the course of the proceedings, the Swiss rejected the compatriot's defence arguments about the political nature of his criminal prosecution in the United States. After the Swiss Federal (Supreme) Court confirmed the extradition decision, the Russian national was extradited on 18 December 2021.

Another burning 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 actions 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, presents in detail an extensive factual record of violations of the rights of demonstrators by law enforcement officials during the reporting period.¹⁷⁶²

The excessive use of force by law enforcement agencies has been criticised by the Council of Europe's European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT).¹⁷⁶³

The Confederation's intelligence services have the power to carry out very intrusive surveillance under the pretext of insufficiently defined objectives, such as the need to protect national interests. What is more, the time period for which data may be retained is not specified.¹⁷⁶⁴

¹⁷⁶² 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

¹⁷⁶³ Report to the Swiss Federal Council 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 8 June 2022

<https://rm.coe.int/1680a6d051>

¹⁷⁶⁴ Concluding observations of the Committee on the Elimination of Racial Discrimination 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

The procedure in force in the Confederation for the arrest and pre-trial detention of persons accused of offences creates the basis for potential violations of the right to security of the person. 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 he/she has 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 by pre-trial detention with special security measures, which usually takes place in solitary confinement with very strict restrictions on contacts.

During its visit to the Confederation in March-April 2021, the CPT recorded in two police stations in the canton of Vaud that the legal periods of pre-trial detention or imprisonment on conviction had been exceeded by several weeks. In this case, the situation of the detainees was aggravated by a combination of poor conditions of detention and regime. The Committee delegation asked the Swiss authorities to take immediate steps to end that

practice, to strengthen safeguards against ill-treatment and to abolish the use of chairs and beds with restraints in police stations.¹⁷⁶⁵

An example of a situation in which a detainee's rights were grossly and repeatedly violated is the case of Russian citizen E.A.Giussani (Panova) who was sentenced to life imprisonment for complicity in the murder of her husband's ex-wife, committed in 2016. A large number of procedural irregularities were committed at the initial stage of the trial, resulting in a harsh sentence. For example, our citizen was not provided with a qualified interpreter, some of the interrogations took place during her illness, and the key points of the charges were based on circumstantial evidence. Moreover, the authorities of the canton of Ticino, where the case was being considered, failed to inform the Russian Embassy in good time of the arrest of Ms. Giussani and of the fact that she had two daughters, one of whom was a minor at the time. After reviewing 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.¹⁷⁶⁶

Another problem highlighted by the European monitoring body is the co-incarceration of juvenile and adult (albeit under 25 years old) offenders.

¹⁷⁶⁵ Report to the Swiss Federal Council 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 8 June 2022

<https://rm.coe.int/1680a6d051>

¹⁷⁶⁶ Ibid.

Similarly, children with disabilities, including those with autism, are sometimes institutionalised with adults.¹⁷⁶⁷

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.¹⁷⁶⁸

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 ECHR 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, sparked public outcry.¹⁷⁶⁹

¹⁷⁶⁷ Report to the Swiss Federal Council 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 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

¹⁷⁶⁸ 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

¹⁷⁶⁹ Concluding observations of the Committee on the Elimination of Racial Discrimination on the 4th periodic report of Switzerland. July 2017.

In addition, the Committee on the Rights of Persons with Disabilities noted with concern in April 2022 the use of forced medical procedures and treatment, chemical, physical and mechanical restraints, isolation and segregation in prisons, residential care institutions and psychiatric institutions.¹⁷⁷⁰

It should be noted that the violation of the rights of Swiss citizens by medical professionals in particular has repeatedly been the subject of criticism 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.¹⁷⁷¹

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 % lower than that of men in similar positions.

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fCHE%2fCO%2f4&Lang=ru

¹⁷⁷⁰ 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

¹⁷⁷¹ 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;

Concluding observations of the Committee on the Elimination of Discrimination against Women on the combined sixth periodic report of Switzerland. November 2022.

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FCHE%2FCO%2F6&Lang=en

Restrictions on the right to privacy and family life 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 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 him/her. 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.¹⁷⁷² 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 the close attention of both the government and relevant international organisations.

¹⁷⁷² Child and Adult Protection Center – German. Die Anlaufstelle Kindes- und Erwachsenenschutz. <https://kescha.ch>; Swiss Society for the Protection from the Child and Adult Protection Service – German KESB-Schutz Schweiz; <https://www.kesb-schutz-schweiz.ch/>

Sweden

In recent years, Sweden has seen the emergence of disturbing trends in the field of human rights stemming from major migration and socio-economic challenges, which pose risks to the national welfare system.

The coronavirus pandemic and the influx of Ukrainian refugees have also made certain adjustments to the human rights situation in the country.

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.

Thus, the provisions of such laws as the Act on Measures to Prevent Certain Particularly Serious Crimes (2007:979), the Act on Measures to Investigate Certain Crimes that are Threats to Society (2008:854), and the Act on Electronic Eavesdropping (2007:978, incorporated in the Swedish Code of Judicial Procedure 1942:740), which, in 2014, were granted a permanent status. These legal acts provide the Swedish law enforcement agencies with much greater opportunities to use special means of covert surveillance, and to do so not only during criminal investigations but also as part of preventive action. At the same time, prosecuting authorities were vested with much broader powers to issue temporary permits for using such special means as well as for using the obtained information in other investigations.

The Signals Intelligence Act (2008:717), which, many experts believe, was adopted as a result of the US lobby, provides the signals intelligence service of the armed forces of Sweden with the right to collect information from cables and networks that cross the country's border, as well as to eavesdrop on telephone conversations. Noteworthy is that over a dozen of cases of abuse of authority related to the use of the special means while collecting information has been recorded since the law entered into force.

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.

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.¹⁷⁷³

The Swedish authorities' practice of surveillance of citizens and the collection and processing of personal information, a matter of concern to the

¹⁷⁷³ 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

national human rights institution and human rights organisations, has also been pointed out by the EU Agency for Fundamental Rights.¹⁷⁷⁴

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 2014¹⁷⁷⁵ and the Human Rights Committee in March 2016.¹⁷⁷⁶ The HR Committee 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

¹⁷⁷⁴ EU Agency for Fundamental Rights Report 2022 https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-fundamental-rights-report-2022_en.pdf

¹⁷⁷⁵ Concluding observations of the Committee against Torture on the combined 6th and 7th periodic reports of Sweden. November 2014.
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fCO%2f6-7&Lang=ru

¹⁷⁷⁶ Concluding observations of the Human Rights Committee on the 7th periodic report of Sweden. March 2016.
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fCO%2f7&Lang=ru

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.¹⁷⁷⁷

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. Similar concerns were raised by the EU Agency for Fundamental Rights in its 2022 report.¹⁷⁷⁸

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

¹⁷⁷⁷ Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 22nd and 23rd periodic reports of Sweden. May 2018.
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fSWE%2fCO%2f22-23&Lang=ru

¹⁷⁷⁸ Concluding observations of the Committee against Torture on the 8th periodic report of Sweden. December 2021
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FSWE%2FCO%2F8&Lang=en

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% 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 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 per cent 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 per cent) than women (7 per cent).¹⁷⁷⁹

AOHR 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 2021.¹⁷⁸⁰

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

¹⁷⁷⁹ EU Agency for Fundamental Rights' 2019 report https://fra.europa.eu/sites/default/files/fra_uploads/fra-2019-fundamental-rights-report-2019_en.pdf

¹⁷⁸⁰ EU Agency for Fundamental Rights Report 2022 https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-fundamental-rights-report-2022_en.pdf

Committee emphasised that the establishment of organisations promoting and inciting racial hatred is permitted by the Swedish State.¹⁷⁸¹ 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 2014.¹⁷⁸² The Committee against Torture in 2014, the Human Rights Committee in 2016 (with the Committee reiterating its previous concerns in this regard¹⁷⁸³) and the Committee on Economic, Social and Cultural Rights in 2016.¹⁷⁸⁴ It is noteworthy that despite Sweden's clarification to the HRCttee regarding the situation against racism, experts still have concerns about the issue several years later.¹⁷⁸⁵

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. According to ECRI, the number of registered cases of defamation, expression of racially motivated prejudice has remained at the same level (643 in 2011 and 635 in 2015). At the same time, the number of threatening cases increased by 20 per cent (1650 in 2011 and 1972 in

¹⁷⁸¹ Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 22nd and 23rd periodic reports of Sweden. May 2018.

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fSWE%2fCO%2f22-23&Lang=ru

¹⁷⁸² Concluding observations of the Committee against Torture on the combined 6th and 7th periodic reports of Sweden. November 2014

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fSWE%2fCO%2f6-7&Lang=ru

¹⁷⁸³ 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

¹⁷⁸⁴ Concluding observations of the Committee on Economic, Social and Cultural Rights on the 6th periodic report of Sweden. June 2016

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fSWE%2fCO%2f6&Lang=ru

¹⁷⁸⁵ 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

2015), anti-propaganda cases increased by 39 per cent (396 in 2011 and 552 in 2015), and damage/graffiti cases increased by 138 per cent (296 in 2011 and 703 in 2015).¹⁷⁸⁶

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 country¹⁷⁸⁷ (as of 2018, such centres were only operating in three districts of the capital).

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

¹⁷⁸⁶ Доклад Европейской комиссии по борьбе с расизмом и нетерпимостью по Швеции (пятый мониторинговый цикл), принят 5 декабря 2017 г., опубликован 27 февраля 2018 г. <https://rm.coe.int/fifth-report-on-sweden/16808b5c58>

¹⁷⁸⁷ Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 22nd and 23rd periodic reports of Sweden. May 2018. https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fSWE%2fCO%2f22-23&Lang=ru

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.¹⁷⁸⁸

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.¹⁷⁸⁹

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

¹⁷⁸⁸ Concluding observations of the Committee against Torture on the 8th periodic report of Sweden. December 2021

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FSWE%2FCO%2F8&Lang=en

¹⁷⁸⁹ <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.

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.¹⁷⁹⁰

In July 2019, in Visby in the south of the country, NRM activists blocked the entrance to an exhibition on Holocaust survivors organised by the R.Wallenberg Institute together with photographer S.Sjösvärd, and then entered its grounds, where they chanted anti-Semitic slogans. The radicals were not detained by the police, who arrived on the scene, and left the building unharmed.¹⁷⁹¹

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.¹⁷⁹²

According to 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. This has resulted in acts of aggression with anti-Semitic overtones

¹⁷⁹⁰ <https://www.jpost.com/diaspora/neo-nazi-nordic-resistance-movement-targets-jews-on-yom-kippur-643809>

¹⁷⁹¹ <https://www.timesofisrael.com/swedish-neo-nazis-disrupt-exhibition-of-holocaust-survivors-portraits/>

¹⁷⁹² <https://www.timesofisrael.com/baby-dolls-splashed-with-red-paint-strung-outside-swedish-synagogue/>

against children of Jewish origin. To a large extent, such manifestations occur in Malmö.¹⁷⁹³

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% of this nationality in the country describe anti-Semitism as a "serious problem"¹⁷⁹⁴ (in comparison, in 2013 this figure was 60%).¹⁷⁹⁵

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.¹⁷⁹⁶

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, 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.

¹⁷⁹³ <https://www.haaretz.com/world-news/europe/.premium-as-israel-and-hamas-fight-in-gaza-antisemitism-explodes-online-in-sweden-1.9828015>

¹⁷⁹⁴ EU Agency for Fundamental Rights' 2019 report https://fra.europa.eu/sites/default/files/fra_uploads/fra-2019-fundamental-rights-report-2019_en.pdf

¹⁷⁹⁵ In the latest overview of anti-Semitism in the EU 2011-2021, 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.

¹⁷⁹⁶ 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 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).

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 per cent) and the number of incidents of agitation against Muslims rose from 45 to 102 (127 per cent).¹⁷⁹⁷

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 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.¹⁷⁹⁸ The Committee on the Elimination of Racial Discrimination highlighted the difficulties faced by Swedish Muslims, especially persons of African descent, in accessing

¹⁷⁹⁷ 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>

¹⁷⁹⁸ 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

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.¹⁷⁹⁹

It is also significant that CERD raised the issue of selective response by the Swedish law enforcement agencies to offences involving racism.¹⁸⁰⁰ 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 stigmatizing persons of foreign origin or those belonging to ethnic and religious minorities were also voiced by the Human Rights Committee.¹⁸⁰¹

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.), labor and housing markets. Biased decisions on depriving Roma people of their parental rights or baseless denial of access to education are quite common.

¹⁷⁹⁹ Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 22nd and 23rd periodic reports of Sweden. May 2018.
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fSWE%2fCO%2f22-23&Lang=ru

¹⁸⁰⁰ Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 22nd and 23rd periodic reports of Sweden. May 2018.
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fSWE%2fCO%2f22-23&Lang=ru

¹⁸⁰¹ 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

As of 2019, 20% of Roma children were experiencing hunger, according to AOHR.¹⁸⁰²

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 2016¹⁸⁰³, the Committee on Economic, Social and Cultural Rights in June 2016¹⁸⁰⁴, and CERD in May 2018.¹⁸⁰⁵ 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.

AOHR also notes that Sweden has a high level of discrimination against Roma and Travellers. According to the EU 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.¹⁸⁰⁶

In its 2022 report, AOHR 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

¹⁸⁰² 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

¹⁸⁰³ 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

¹⁸⁰⁴ Concluding observations of the Committee on Economic, Social and Cultural Rights on the 6th periodic report of Sweden. June 2016

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fSWE%2fCO%2f6&Lang=ru

¹⁸⁰⁵ Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 22nd and 23rd periodic reports of Sweden. May 2018.

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fSWE%2fCO%2f22-23&Lang=ru

¹⁸⁰⁶ 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

authorities on this issue).¹⁸⁰⁷ 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 higher. The de-facto segregation is observed in opportunities of learning the Swedish language and, subsequently, in access to educational institutions and the labor market. This leads to the development of "parallel societies", which in turn further impedes the integration of immigrants and their children.¹⁸⁰⁸ 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.¹⁸⁰⁹

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

¹⁸⁰⁷ EU Agency for Fundamental Rights Report 2022 https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-fundamental-rights-report-2022_en.pdf

¹⁸⁰⁸ 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>

¹⁸⁰⁹ EU Agency for Fundamental Rights' 2019 report https://fra.europa.eu/sites/default/files/fra_uploads/fra-2019-fundamental-rights-report-2019_en.pdf

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 AOHR, Sweden has the second highest number of withdrawals of refugee status after Germany in 2021 (1349 and 3690 cases respectively).¹⁸¹⁰

The practice of Swedish law enforcement agencies of forcibly removing migrants and asylum seekers and detaining them before doing so was highlighted by the Committee against Torture in November 2014¹⁸¹¹ and December 2021¹⁸¹², the Human Rights Committee in March 2016¹⁸¹³ and the Committee on Economic, Social and Cultural Rights in June 2016.¹⁸¹⁴ Despite further information provided by the Swedish authorities to the HRCttee on this issue, experts remained concerned about the situation.¹⁸¹⁵ 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

¹⁸¹⁰ 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

¹⁸¹¹ Concluding observations of the Committee against Torture on the combined 6th and 7th periodic reports of Sweden. November 2014

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fCO%2f6-7&Lang=ru

¹⁸¹² Concluding observations of the Committee against Torture on the 8th periodic report of Sweden. December 2021

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fCO%2f8&Lang=en

¹⁸¹³ 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%2fCO%2f7&Lang=ru

¹⁸¹⁴ Concluding observations of the Committee on Economic, Social and Cultural Rights on the 6th periodic report of Sweden. June 2016

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fCO%2f6&Lang=ru

¹⁸¹⁵ 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://www.bbc.com/news/world-europe-53959492>

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.¹⁸¹⁶ Against this 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 denationalise Ukraine and protect civilians in Donbass, violations of the rights of Russian compatriots living in Sweden have increased. The Swedes inspiredly joined the German- and English-speaking vanguard of harassment and persecution of Russians. 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.

¹⁸¹⁶ <https://www.bbc.com/news/world-europe-53959492>

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.

During 2022, unprecedented pressure was exerted on Russian compatriot organisations in Sweden. The leaders of the organisations received threatening letters and encountered attempts at undue interference in their activities by the authorities. A number of organisations have been deprived of funding allocated by the state for the activities of civil society structures.

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 incoming Ukrainian refugees are also discriminated, including being forced into prostitution.

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.¹⁸¹⁷ 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.¹⁸¹⁸

In 2021, the CPT pointed out that pre-trial detention is still frequently used in Sweden: between 2014 and 2017, the frequency of its use increased by 5%. The Committee also noted that the use of solitary confinement remains widespread.¹⁸¹⁹

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 number of deaths in nursing homes due to staff negligence, inefficiency and incompetence of ambulance services is increasing,

¹⁸¹⁷ Concluding observations of the Committee against Torture on the combined 6th and 7th periodic reports of Sweden. November 2014
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fSWE%2fCO%2f6-7&Lang=ru

¹⁸¹⁸ 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

¹⁸¹⁹ Concluding observations of the Committee against Torture on the 8th periodic report of Sweden. December 2021
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fSWE%2fCO%2f8&Lang=en

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).

AOHR, 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.¹⁸²⁰

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 AOHR's 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

¹⁸²⁰ EU Agency for Fundamental Rights Report 2022 https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-fundamental-rights-report-2022_en.pdf
EU Agency for Fundamental Rights Report 2022

learning systems have caused additional difficulties for students with disabilities and caused them to fall behind in their studies.¹⁸²¹

The question of the situation and status of Sami – the country's 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.

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 infrastructure¹⁸²².

According to the Living History Forum, Amnesty International and other NGOs, discrimination and racism against the Sámi remain a problem in Sweden in relation to their traditional livelihoods. Often members of national minorities have to defend their right to reindeer herding, hunting, gathering, and shooting predators that threaten the free grazing of livestock and their livestock in years-long legal proceedings.

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

¹⁸²¹ EU Agency for Fundamental Rights Report 2022 https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-fundamental-rights-report-2022_en.pdf

¹⁸²² 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.

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).

However, individual Sami victories in the "court field" do not solve the problem of displacement of the indigenous population from their historical homeland. The main culprits are extractive industries and green energy, which have had a negative impact on the environment and the traditional livelihoods of the Swedish Sami.

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.¹⁸²³

¹⁸²³ <https://www.ohchr.org/en/press-releases/2022/02/sweden-open-pit-mine-will-endanger-indigenous-lands-and-environment-un>

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 Principles¹⁸²⁴ 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.

The range of problems faced by the Swedish Sami has been highlighted by, among others, the Human Rights Committee in March 2016¹⁸²⁵, the Committee on Economic, Social and Cultural Rights in June 2016¹⁸²⁶, and the

¹⁸²⁴ "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.

¹⁸²⁵ 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

¹⁸²⁶ Concluding observations of the Committee on Economic, Social and Cultural Rights on the 6th periodic report of Sweden. June 2016

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.¹⁸²⁷

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fSWE%2fCO%2f6&Lang=ru

¹⁸²⁷ 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>

Estonia

The human rights situation in the Republic of Estonia is precarious. This is primarily due to the discriminatory policy pursued by the authorities in the context of the ethnic, linguistic, and national diversity of the country's population. Since the 1990s, Estonia has appeared in the documents of international human rights organizations as a persistent and systematic violator of the rights of national minorities. The disadvantaged situation of this category of people, especially the Russian-speaking population, as well as many serious deficiencies in ensuring freedom of expression and many other human rights, completely refutes the Estonian authorities' claims about themselves as a country with a developed mechanism of public administration and promotion of human rights.

In Estonia, the supremacy of the Estonian ethnos, its language and culture over other peoples living in the country is enshrined at the constitutional level,¹⁸²⁸ and the political, socio-economic and cultural rights of the non-titular population are openly restricted.

Tallinn ignores numerous recommendations and observations of specialized structures of the UN, OSCE and the Council of Europe, primarily the Advisory Committee of the Framework Convention for the Protection of National Minorities.¹⁸²⁹ Estonia has so far failed to accede to a number of key international documents protecting their rights. The international treaties ratified by Estonia, first of all the European Charter for Regional or Minority Languages, are not being implemented in full under formal pretexts. Official human rights structures are more of a tool to justify the rigid ethnocratic line of the authorities. Estonians, in turn, exploit their role as victims of the "Soviet occupation" and accuse Russia of bias.

¹⁸²⁸ The preamble to the 1992 Constitution of the Republic of Estonia declares that "the state is called upon to ensure the preservation of the Estonian nation, language and culture for centuries."

¹⁸²⁹ The leading ethnic minority in Estonia is the Russian-speaking community (which includes Russians, Ukrainians, Belarusians, Tatars, and North Caucasian diasporas), which numbers approximately 365,000 people (about 25% of the population).

One of the most blatant manifestations of state policy of discrimination on the basis of language and nationality is the continuing practice of mass statelessness in Estonia, including in the form of such a category as "non-citizens."¹⁸³⁰ As of January 1, 2022 there were 66592 stateless persons or about 5% of the population (68992 people, 6% the year before), the overwhelming part of which were Russian compatriots and their descendants. Estonia is still among the top ten countries with the largest number of stateless persons.

"Grey passport holders"¹⁸³¹ 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 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 April 21, 2022 members of the Fatherland faction of the Riigikogu (the Estonian parliament), under the pretext of the "disloyalty" of foreigners (meaning primarily Russian citizens and stateless persons), introduced a bill to deprive these categories of the country's population of the right to vote in local elections.

According to the Estonian law "On Ratification of the Framework Convention for the Protection on National Minorities of the Council of Europe," "non-citizens" are excluded from the scope of this instrument. For this category alone, registration at the place of residence is a prerequisite for the exercise of social and economic rights. Gray passport holders also experience serious difficulties in international travel.

¹⁸³⁰ "Non-citizens" in Estonia are officially referred to as "persons with undetermined citizenship. A non-citizen's passport is called an "alien's passport."

¹⁸³¹ This name is given by the color of the passport cover.

In 1992 the inhabitants of the country who did not have citizenship of the first Republic of Estonia (1920-1940) or who were not descendants of its citizens became stateless. The Estonian authorities justified this loss of rights by the fact that they or their parents and grandparents had been "brought" into the country during the "Soviet occupation." By this decision Estonia grossly violated norms and principles of the Treaty on Basic Principles of Interstate Relations of January 12, 1991 between the RSFSR and Estonia, in particular, its article 3, which implies that "the parties will provide the possibility to obtain citizenship of their countries to all permanent residents of their respective territories in accordance with his/her freely expressed desire". Accordingly, those children born in Estonia to stateless persons were also stateless.

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 taken in 1991 to build a mono-ethnic and monolingual state, refuse to grant full civic status to the above category of residents, requiring them to pass a high level of Estonian language proficiency exam.

The Law on Citizenship of 1995 stipulated that only a person whose one parent was an Estonian citizen at the time of birth could be a citizen of Estonia by birth. 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 B1¹⁸³²; to know the Constitution of Estonia and the Law "On Citizenship"; to have permanent

¹⁸³² As of July 1, 2015, those who pass the Estonian language exam will be reimbursed for studying Estonian.

legal income, to be "loyal to the Estonian State"; to swear allegiance to the Estonian constitutional order.

Reproduction of "non-citizens" stopped only on January 1, 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 symbolic "indulgence" in June 2018, stateless persons were given the opportunity to study Estonian language courses at the expense of the state budget for the subsequent citizenship exam. The decrease in the number of "non-citizens," like in neighboring Latvia, where this shameful phenomenon also takes place, is mainly due to their natural attrition.

A definite step forward was the entry into force in February 2020 of amendments to the Estonian Law on Citizenship, which allowed children born in Estonia with a parent or grandparent with a "grey" passport who lived in Estonia before August 20, 1991, and whose other parent is a citizen of another country, to apply for citizenship under the simplified procedure. However, if a minor wishing to obtain Estonian citizenship is a citizen of another state, he or she must renounce that citizenship in advance. There are about 1,500 children under 18 years living in Estonia, who could obtain Estonian citizenship in a simplified procedure. However, most of them (about 1300) have the citizenship of Russia, while the Russian legislation does not allow to renounce it and get another passport before coming of age.¹⁸³³ Thus, the vast majority of those covered by the amendments cannot actually take advantage of the benefits.

The fact that Estonia has not yet acceded to key international documents in this area (the 1954 Convention relating to the Status of Stateless Persons, the

¹⁸³³ Article 9 of the Federal Law "On Citizenship of the Russian Federation" formulates that "Citizenship of the Russian Federation may not be terminated if, as a result of termination of citizenship of the Russian Federation, the child becomes stateless. Thus, this norm represents a legal guarantee aimed at preventing the emergence of statelessness.

1961 Convention on the Reduction of Statelessness, and the 1997 European Convention on Nationality) is also illustrative in this regard.

The problem of statelessness in Estonia has received considerable attention from international human rights monitoring mechanisms. In January 2017, the Child Rights Committee noted the limited nature of the amendments to the Law on Citizenship and urged the Estonian authorities to ensure the accelerated naturalization of the children of non-citizens.¹⁸³⁴ The CoE Commissioner for Human Rights, following a visit to Estonia (June 11-15, 2018), raised the issue of easing naturalization conditions for people over the age of 65, pointing out that many Russian-speaking elderly people cannot obtain Estonian citizenship because of their inability [due to their age] to learn Estonian.¹⁸³⁵ In February 2019, the Committee on Economic, Social, and Cultural Rights expressed concern in this regard (according to the Committee, as of January 1, 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 view, were limited and did not apply to a number of categories of children.¹⁸³⁶ In April 2019, the Human Rights Committee also expressed concern about the limited scope of the amendments to the Law on Citizenship, which exclude certain categories of "non-citizen" children; the strict state-language requirements for naturalization procedures; and the adverse effects of "undetermined citizenship" status on the political participation of stateless persons and recommended to take measures to address these gaps.¹⁸³⁷

¹⁸³⁴ Concluding observations of the Committee on the Rights of the Child on the combined 2nd to 4th periodic reports of Estonia. January 2017.
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fEST%2fCO%2f2-4&Lang=ru

¹⁸³⁵ <https://rm.coe.int/report-of-the-council-of-europe-commissioner-for-human-rights-dunja-mi/16808d77f4>

¹⁸³⁶ Concluding observations of the Committee on Economic, Social and Cultural Rights on the 3rd periodic report of Estonia. February 2019.
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fEST%2fCO%2f3&Lang=ru

¹⁸³⁷ 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

The above-mentioned observations and recommendations are ignored by the Estonian side. At the same time, right-wing nationalist politicians from the ruling parties do not hide their hopes to solve the problem of "non-citizens" in a natural way (that is, through their attrition, migration, etc.).

Another acute problem is the infringement of the rights of national minorities, especially the Russian-speaking minority, to receive education in their native language. To date, all opportunities for education in Russian have been eliminated in the country. The Estonian authorities continue to ignore the "Hague Recommendations on the Rights of National Minorities to Education" prepared on the initiative of the OSCE High Commissioner on National Minorities in October 1996. The document contains references to the basic international documents in this field – the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (Article 4), the UNESCO Convention against Discrimination in Education (Article 5), the document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE (paragraph 34), 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. Thus, in Tallinn and Tartu Universities it is partially possible to study in it only in "Russian Philology" (Bachelor's degree) and "Slavic languages and cultures" (Master's degree). Russian-language study programs are still available at the private Estonian University of Entrepreneurship "Mainor" and the Estonian Academy of Arts. As a consequence, no more than 30% of Russian-language high school graduates enter Estonian universities, while more than 50% of those from Estonian-language schools do.

The systematic estonianization of gymnasium and vocational secondary education (10-12 grades) and preschool education continues. At present, according to Estonian law, no more than 40% of subjects can be taught in

Russian at the gymnasium level. But soon it will not be possible. On December 19, 2022 the president of Estonia approved the amendments to the Law on Basic School and Upper Secondary School. The amended act states that as of 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 August 1, 2024, and principals from August 1, 2023. This will be monitored by the Department of Languages, 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% of subjects in Russian) until school year 2029/2030. After that, schools must ensure educational processes exclusively in the state language within three years. Not long before this amendment was passed, on December 16, 2022, a plan of action up to 2030 was approved for the transition of Russian schools to the Estonian language of education.¹⁸³⁸

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 do not pass the Estonian language proficiency exam by August 2023 will be fired, even though there is no one to replace them in the country.¹⁸³⁹

At the same time, the Estonian government is implementing a program of merging Russian-speaking and Estonian-language schools and gymnasiums 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, completely Estonian-language educational institutions (Keila, Tartu, Rakvere, Haapsalu, Viljandi, Kohtla-Järve, Põlva,

¹⁸³⁸ <https://www.rubaltic.ru/news/17122022-ministr-obrazovaniya-estonii-utverdil-plan-perevoda-russkikh-shkol-na-estonskiy-yazyk/>

¹⁸³⁹ <https://www.rubaltic.ru/news/22122022-zakharova-vlasti-estonii-obyavili-voynu-vsemu-russskomu/>

Võru, etc.) appear without regard to the interests of Russian students and their parents.

A clear example of this approach is the merger in 2019 of the Russian and Estonian gymnasiums in Kohtla-Järve (75% of the city's population is Russian) into a fully Estonian-language public gymnasium, without discussing this step with the Russian-speaking community. Russian-speaking students in this institution have faced blatant discrimination on linguistic and ethnic grounds by the administration and Estonian teachers since the first days of study. Meanwhile, a similar reformatting was planned for the Russian gymnasiums in Narva (where more than 90% of the population is Russian-speaking) by 2022.

In basic schools (grades 1-9), it is still possible to teach in Russian up to 100% of the curriculum, but the "optimization" program is being implemented here as well. Under this pretext, in November 2019 the municipal authorities of Keila eliminated the only Russian-speaking school in the city, despite the objections of parents and protests organized by them in favor of keeping the Russian-language school.

In February 2021, the Tallinn District Court ruled to dismiss the appeals of the students' parents and to uphold the August 19, 2020, decision of the administrative court refusing to overturn the Kale authorities' decision to reorganize school education in the city. On June 21, 2021, the Estonian Supreme Court also dismissed a cassation appeal challenging this decision to close the school. The plaintiffs are preparing to appeal this decision to the European Court of Human Rights (ECHR).

The termination of training and professional development of Russian-speaking teaching staff since the 1990s has had a very negative impact on the sphere of Russian-speaking school education. As a consequence, the number of Russian-speaking institutions of general education has decreased from 96 to 76 in the last 10 years.

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 scientifically informed opinion. Professor A.Pulver and Professor A.Toomela acknowledge in the study "Foreign-speaking child in Estonian school" (Institute of Psychology, Tallinn University, Tallinn, 2012) that Russian-speaking children studying in Estonian school are not able to realize their abilities and they show lower level results. Children with high abilities show average results. Children with average abilities are correspondingly low. This does not happen with teaching in the native language: in this case children develop and maintain their level of achievement. As a result of the difficulties faced by Russian-speaking children in Estonian school, their self-esteem decreases. Children who study in their native language do not experience such changes. Thus, we cannot talk about equal educational opportunities. Showing results below their abilities, Russian children are limited in getting education and especially in continuing it at a higher level (gymnasium and university).¹⁸⁴⁰

Public activists point out that the main problem in the integration of Russian-speaking students is not the low level of Estonian language skills, but the inability of the Estonian authorities during the years of independence to provide quality teaching the state language. There are not enough textbooks and teachers among Russians. Estonians are extremely reluctant to teach in Russian schools and gymnasiums.

As a result, in the context of Tallinn's course on estonianization of all spheres of social life, primarily education, not only assimilation of Russian-speaking children takes place, but also deprivation of their right to receive

¹⁸⁴⁰ <https://regnum.ru/news/polit/3338792.html>;
<https://dokole.eu/wp-content/uploads/2021/07/29.10volikoguprotokoll.pdf>

education in their native language, which automatically leads to restriction of access to quality education for this category of students.

The NGO "Russian School of Estonia" continues to be actively involved in the protection of Russian-language schools. Its representatives met with OSCE High Commissioner on the Rights of National Minorities, Kairat Abdrakhmanov in Tallinn on November 10, 2022 and informed him about the situation of Russian-language education in the country as well as other serious problems, including the preservation of statelessness and the criminal prosecution of human rights defender Sergey Seredenko.

With regard to the situation with education in Russian language in Estonia we should also keep in mind that in recent years an active manipulation of public opinion on the subject of "necessity and demand" of transition to "unified school" and "unified educational system" has been conducted through mass media under the pretext of care about Russian population, the worse social and economic situation of which is allegedly connected with lack of state language proficiency. It is supposed to abolish the division into Estonian and Russian schools and kindergartens in favor of uniform Estonian-language institutions with some optional opportunities to support native speech for students from non-majority communities.

Estonian officials, including the country's leadership, have made public statements to this effect. For example, in December 2019, then-President Kaljulaid publicly stated that "we have actually decided to switch to a unified Estonian-language education system." On February 24, 2021 on Estonian Independence Day she said that sending Russian children to Estonian schools is not just the right of Russian parents, but also their obligation.¹⁸⁴¹ On December 28, 2022, Kersti Kaljulaid, already not being the president of the state (on October 11, 2021 Alar Karis took office of the president of the Estonian Republic), tried to give a good look to actions of Estonian authorities

¹⁸⁴¹ <https://www.president.ee/ru/official-duties/speeches/16451-2021-02-24-16-28-05/index.html>

in liquidation of education in Russian language, stating that it was safety issue for small State, so "we all stay in one information space and there will be no situation that our Russian-speaking people receive worse education and therefore they have less possibilities." At the same time, she revealed the real reason for official Tallinn's actions, pointing out that students who receive education in Russian probably have "an entirely different worldview."¹⁸⁴²

In July 2019, the chairman of the Fatherland party, which was then part of the government coalition, Helir-Valdor Seeder, announced that Estonia "will completely switch to an Estonian-language education system," noting that expert discussions were underway on "how to do this as quickly and efficiently as possible." However, there were no consultations with the Russian-speaking community.

The role of the Department of Languages (until August 1, 2020 – the Language Inspectorate), a special supervisory and punitive body independent of parliamentary and public control, in securing discrimination against non-Estonians should be noted separately. 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. At the same time, the authorities ignore the observations concerning the repressive nature and uncontrollability of such an inspection.

The problem of discrimination on the basis of state language proficiency in Estonia has received attention from international human rights monitoring bodies. 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.¹⁸⁴³ In 2022, the Committee reiterated its concern in this area, noting

¹⁸⁴² <https://www.rubaltic.ru/news/28122022-premer-estonii-dlya-bezopasnosti-strany-nuzhno-otkazatsya-ot-russkoyazychnogo-obrazovaniya/>

¹⁸⁴³ Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 10th and 11th periodic reports of Estonia. August 2014.

that despite Estonia's Equal Treatment Act, which prohibits discrimination against an employee or potential employee on the basis of citizenship and ethnicity, such treatment on the basis of proficiency (or rather lack of proficiency) in the Estonian language is not considered discrimination in practice. 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.¹⁸⁴⁴

In 2015, the European Commission against Racism and Intolerance 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 the requirements for national minorities to pass the Estonian language are too complicated.¹⁸⁴⁵ ECRI also focused on this problem in 2022, noting that the situation of the Russian-speaking population is characterized by a high level of social exclusion. Among other things, it stressed that Russians are the most disadvantaged in the labor market and also face a number of problems in education because of the language of education. 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 of a remote work format. In addition, many hid the first symptoms of the disease for fear of being fired.¹⁸⁴⁶

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fEST%2fCO%2f10-11&Lang=ru

¹⁸⁴⁴ Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 12th and 13th periodic reports of Estonia. April 2022.

<https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsq90DTob4ikPW5%2fSYlCWY%2bsTv4D7bkEbOqgPC2IgX%2bZhrsC0LVGMdazwZw%2bHIR%2fVTCJQsvj7Oir%2bNS5aln%2fwOj11b8cVSIHQNH4Mj4oNamJOXsczsRWStBIDLusa5FiBnA%3d%3d>

¹⁸⁴⁵ Fifth Opinion of the European Commission against Racism and Intolerance on Estonia. Adopted June 16, 2015, published October 13, 2015. <https://rm.coe.int/fifth-report-on-estonia/16808b56f1>

¹⁸⁴⁶ Sixth report of the European Commission against Racism and Intolerance on Estonia. Adopted March 29, 2022, published June 9, 2022 <https://rm.coe.int/6th-ecri-report-on-estonia/1680a6d5e6>

The Advisory Committee of the Framework Convention for the Protection of National Minorities also drew attention to the lack of constructive dialogue between the Estonian authorities and national minority communities on language issues, including the functioning of the Language Inspectorate.¹⁸⁴⁷

In January 2017, the CRC expressed concern about the language policy in secondary schools, which often prevents Russian-speaking students from studying basic subjects. It also pointed to general discrimination against children belonging to ethnic minorities in accessing education.¹⁸⁴⁸

In February 2019, CESCR expressed concern about the lack of flexibility in the application of percentage quotas for teaching in Estonian at Russian-language high schools. This, according to CESCR experts, becomes an obstacle to Russian-speaking students in Russian-language schools mastering basic subjects that are taught only in Estonian and, in the case of vocational schools, leads to a shortage of qualified teachers able to teach specialized subjects. The situation is exacerbated by the punitive approach of the Estonian authorities to enforcing the Language Law, including through the mandate and functions of the Language Inspectorate.¹⁸⁴⁹

The Human Rights Committee in March 2019 expressed concern about the impact of language policies and practices that continue to hinder the full enjoyment of the rights of the Russian-speaking population on an equal basis

¹⁸⁴⁷ Fourth Opinion of the Advisory Committee of the Framework Convention for the Protection of National Minorities. Adopted March 19, 2015, published October 21, 2015.

<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168047d0e5>

¹⁸⁴⁸ Concluding observations of the Committee on the Rights of the Child on the combined 2nd to 4th periodic reports of Estonia. January 2017.

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fEST%2fCO%2f2-4&Lang=ru

¹⁸⁴⁹ Concluding observations of the Committee on Economic, Social and Cultural Rights on the 3rd periodic report of Estonia. February 2019.

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fEST%2fCO%2f3&Lang=ru

with the rest of the country's population. It also supported CESCR's view of the inflexibility of applying a quota for teaching in Estonian.¹⁸⁵⁰

Indirect infringement of rights and interests of Russian-speaking inhabitants of Estonia is fixed in social and economic sphere. According to statistical data, the share of Russian-speaking unemployed is almost twice as high as that of Estonian-speakers. There is a clear imbalance in the civil service, where the number of non-Estonians does not exceed 3% (while the share of non-Estonian population is about 30%). This problem was highlighted in February 2019 by the CESCR, which criticized the Estonian authorities for the ongoing discrimination against the non-Estonian-speaking population, who face systemic discrimination in all areas of public life due to insufficient proficiency in the state language. According to the experts of the Committee, this is evidenced by the high level of unemployment and poverty among the non-Estonian-speaking population.¹⁸⁵¹

The problem of unequal representation of titular and non-titular communities in local government, especially in Tallinn, remains unsolved. If we proceed from the principle of proportional representation, then in the Estonian capital, which has about 350 thousand voters, one deputy of the City Assembly (79 seats) should be elected from about 4,430 eligible citizens. However, according to the law on local elections 16 deputies from the capital's biggest "Russian" district Lasnamäe (over 100 thousand voters) are elected to the City Assembly, while from mostly "Estonian" district Pirita (a little over 13 thousand voters) – 6 deputies. Thus, to elect one deputy the "Russian" district needs about 6 thousand votes, while the "Estonian" district needs only 2 thousand.

¹⁸⁵⁰ 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

¹⁸⁵¹ Concluding observations of the Committee on Economic, Social and Cultural Rights on the 3rd periodic report of Estonia. February 2019.

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fEST%2fCO%2f3&Lang=ru

The Committee on the Elimination of Racial Discrimination pointed to the low level of participation of non-titular nationalities in public and political life in Estonia.¹⁸⁵²

The Estonian authorities, having formally enshrined in the Constitution (Article 52) the right to use a second language in local governments where the state language is not the native language of the majority of the population, in fact legally limited the possibility of implementing this right in areas of compact residence of the Russian-speaking minority in the north-east of the country. Thus, in accordance with the law "On Language" (Part 3, Article 5), only citizens of the Republic are considered members of the national minority (that is, citizens of Russia permanently residing in the country and "non-citizens" are not counted). As a result, in Narva (where Russians constitute more than 90% of the population) only 47% of non-titular residents are officially registered when the restrictive criterion of citizenship is applied.

This problem has been addressed by the Committee on Economic, Social and Cultural Rights, which has noted with concern the excessively high threshold for minority language speakers, beyond which it becomes possible to use the language in dealing with local authorities in areas where persons belonging to those minority language groups traditionally or in substantial numbers reside. It also expressed concern about the exaggerated requirements for the use of traditional local names, street names and other public topographical indications in a minority language in areas where persons belonging to that minority language group traditionally or in substantial numbers reside.¹⁸⁵³

¹⁸⁵² 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

¹⁸⁵³ Concluding observations of the Committee on Economic, Social and Cultural Rights on the 3rd periodic report of Estonia. February 2019.
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fEST%2fCO%2f3&Lang=ru

Estonia, which ratified the Council of Europe's Framework Convention for the Protection of National Minorities in the late 1990s, has avoided implementing its Article 11, which explicitly requires the recognition of patronymics of national minorities, and refuses to include this information in the national identity documents issued to Russian residents. The Estonian authorities also ignored the recommendations of the Committee on the Elimination of Racial Discrimination and the Committee on Economic, Social and Cultural Rights to officially recognize patronymics of Russian-speaking inhabitants. The Committee on Economic, Social, and Cultural Rights, in particular, noted in February 2019 that the Estonian authorities' obstacles to national minorities' use of middle names in official personal documents limit their ability to exercise the right to protect their cultural identity.¹⁸⁵⁴

In addition, the CERD explicitly referred to Estonia's punitive approach to the implementation of the official language and recommended that it should be reconsidered by ensuring the effectiveness of the monitoring mechanism of the language supervisory bodies. The experts also emphasized that the Estonian authorities do not strike a balance between their stated recognition of diversity in society and the degree of imperative they attach to proficiency in Estonian, including making it a prerequisite for employment. CERD also noted that the "Law on Language" restricts the use of minority languages in public administration to local authorities only, and in areas where most permanent residents do not speak Estonian.¹⁸⁵⁵

Human rights activists also note in this connection that Estonian Russians are practically forced out of many important spheres of the economy and are

¹⁸⁵⁴ Concluding observations of the Committee on Economic, Social and Cultural Rights on the 3rd periodic report of Estonia. February 2019.

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fEST%2fC.O%2f3&Lang=ru

¹⁸⁵⁵ Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 12th and 13th periodic reports of Estonia. April 2022
<https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsq90DTob4ikPW5%2fsvlCWY%2bsTv4D7bkEbOqgPC2IgX%2bZhrsC0LVGMdazwZw%2bHIR%2fVTCJQSvj7Oir%2bNS5aln%2fwOjl1b8cVSIHQNH4Mj4oNamJOXsczsRWStBIDLusa5FiBnA%3d%3d>

actually engaged in low-skilled labor. The authorities' policy of "integrating" the non-Estonian population also contributes to this, while little attention is paid to social and economic integration. For example, it is much more difficult for a Russian entrepreneur to get a loan than an Estonian. In addition, even Russians who know Estonian do not stand competition with Estonians. As a result, inequality between ethnic communities in the country continues to grow. The unemployment rate among Estonians is 5.8% and among Russians 9.4%. The highest number of the unemployed is in the regions populated by Russians (mainly in Ida-Viru County).

The Estonian authorities continued to demonstrate their determination to defeat the rights of Russian-speaking residents in 2022. On March 18, the Estonian Labor Inspectorate issued a clarification that advised employers, if an employee is seen wearing a St. George's ribbon, a "Z" symbol or using the Russian flag in social media, to proceed from the fact that "incitement to war and hate speech are crimes under the Estonian 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. For example, as early as March 1, 2022, the head of Elron (a commuter rail company) Lauri Betlem informed his employees that expressing "support for the Russian criminal regime" on social networks was inadmissible. It was noted that employment contracts would be terminated for "loss of trust and damage to the reputation of the employer."

Regardless of the development of the economic situation, the country's regional localities with predominantly Russian inhabitants are underfunded by the state. As a result, the poorest local governments in Estonia are those located in regions with Russian population. Among the poorest are the towns of Ida-Viru County (Narva, Kohtla-Järve, Sillamäe) and Maardu, located near Tallinn.

The drastic deterioration of the situation of the Russian-speaking population is evidenced by the Integration Monitoring Report published by the Estonian Ministry of Culture on May 10, 2021. These results confirm the actual failure of the state integration reform in Estonia. Forced estonianization does not contribute to harmonious integration of ethnic minorities into Estonian society. Thus, 29% of non-Estonians believe that "they are not welcome here" (in 2016 – only 16% of respondents). 38% of non-Estonians feel that they are "second-class citizens" in Estonia (21% in 2016), and 26% said that there is intolerance towards them (10% in 2016). Up to 70% of people in the target group believe that they have no influence on the development of society and the state, another 73% believe that their career prospects are inevitably worse than those of ethnic Estonians. The dependence of socio-economic and career advancement on ethnic and linguistic affiliation and ethno-discrimination in the level of remuneration remain strong. On average, non-Estonians in identical positions earn 15% less. 50% of schoolchildren who study in a language other than Estonian have difficulties in learning and experience serious stress.

In May 2019, the Estonian parliament passed amendments to the Law on Defense Forces, giving the military an extrajudicial right to conduct identity checks and covert surveillance on "suspicious persons," which was another step toward the formation of a police state. Parliamentarians went into conflict with then-President Kaljulaid when she refused to approve the amendments. She referred to the fact that in Estonia such control can already be carried out by the Police Department and Security Police (special service) of the Ministry of Internal Affairs of the Republic of Estonia, and granting similar powers to the military contradicts the Constitution.

Nevertheless, the amendments were accepted. The authorities ignored the concern expressed earlier in the year by the Human Rights Committee about Estonia's lack of sufficient legal safeguards against arbitrary interference by State security and intelligence agencies with citizens' right to privacy in

connection with the intelligence agencies' surveillance and interception activities, as well as with the sharing of intelligence information with foreign intelligence agencies.¹⁸⁵⁶

Cases of ill-treatment of persons deprived of their liberty are also recorded: there are enough facts of ill-treatment of inmates in Estonian correctional institutions. Detainees arrested by law enforcement agencies have problems in obtaining legal counsel. Prisoners have difficulties in accessing medical and legal assistance. Unqualified medical personnel are employed in detention facilities. There is also a problem with the allocation of funds for medical treatment in prisons. In addition, there is evidence of psychological pressure by prison staff. Complaints have been recorded of detainees being held in punishment cells for excessive periods of time, detention for minor disciplinary infractions, and excessively strict security measures that undermine human dignity.

Estonia's penitentiary institutions remain opaque to public scrutiny. The Chancellor of Law and the Human Rights Defenders Council (consisting of 50 people, the selection criteria and approval procedure of which raises questions for human rights defenders) have these powers.

These trends are also confirmed by the Estonian authorities. For example, in December 2019, Chancellor of Law Ülle Madise visited Viru prison without prior notice and found violations of sanitary conditions there.

A disturbing trend is the dramatic increase in deaths in custody. At the same time, the number of incidents investigated and convictions of perpetrators is rather low. This problem has been brought to the attention of the Human Rights Committee.¹⁸⁵⁷ According to a report by the Estonian Ministry of Justice,

¹⁸⁵⁶ 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

¹⁸⁵⁷ Concluding observations of the Human Rights Committee on the 4th periodic report of Estonia. March 2019.

15 prisoners died in Estonian prisons or hospitals in 2019, almost twice as many as in 2018. In July 2020, O.Lvov, a detainee who, according to his attorneys, was not allowed to take necessary medication, died in Tallinn prison for undisclosed reasons.

At the same time, the Estonian authorities committed serious violations during the implementation of the 2008 agreement between the Estonian government and the UN on the enforcement of judgments of the International Criminal Tribunal for the former Yugoslavia. For example, according to Article 3 of the treaty, Estonia was obligated to accept to serve sentences only those persons whose sentences did not exceed the maximum limit of punishment provided for the crime in the national penal legislation. The last president of the Republic of Serbian Krajina, Milan Martić (sentenced to 35 years of imprisonment), general of the Army of the Republic of Serbia Dragomir Milošević (sentenced to 29 years of prison) and commander of the paramilitary formation "White Eagles" Milan Lukić (life sentence) were placed in the Tartu prison of high security by the ICTY judgment. However, the fact that, under Estonian law, the maximum term of imprisonment is 20 years (followed by life imprisonment) calls into question the legitimacy of the imprisonment of Milan Martić and Dragomir Milošević on Estonian territory.

Estonia is ranked highly in Western ratings of freedom of expression, information, and media activity with an "enviable" consistency. In reality, however, there is almost total censorship in the country, which is more evident with regard to Russian State and private media resources, as well as Estonian alternative media platforms that are at odds with the official agenda. Accordingly, the Estonian authorities continue to cleanse the country's public and political space of alternative opinions. Spy mania and anti-Russian hysteria are unleashed for this purpose. To this end, the Estonian special services are

practicing various methods of pressure on politicians, public figures, human rights defenders and journalists, and civil society activists who are disloyal to the authorities and who express views on the internal and foreign policy of the country and its history that differ from the official one.

Significant in this regard is the interview of A.Sinisalu, the director of security police of the Republic of Estonia, to news portal "Delfi" dated June 1, 2020 when he directly pointed at "disloyalty" of NGO "Human Rights Information Center" (the oldest organization of the country specializing in legal protection of the Russian and Russian-speaking community) and openly declared that the presence of the persons disagreeing with violation of national minorities' rights in Estonia is undesirable.

One of the methods used by the special services to put pressure on dissenters is the opening of criminal cases under far-fetched pretexts. For example, until 2018, there was a criminal case for "providing incorrect data" and "supporting documents" against A.G.Kornilov, the editor-in-chief of the national portals Baltia and Baltnews, who was named in the 2014 KAPO yearbook as a "propagandist and agent of the Kremlin's influence" (the case was closed after a large fine was paid). In February 2019, a court ruling entered into effect against a prominent Estonian Russophile, A.B.Krasnoglazov, director of the NGO Tallinn Pushkin Institute, who was charged with "embezzlement of funds" and "document forgery." In July 2019, police detained and subjected to hours of interrogation the head of the human rights NGOs "Kitez" and "Russian School of Estonia," M.Y.Rusakov. The purely civil action brought against him, related to internal disagreements in the United Left Party of Estonia, was used by the security forces to seize all the technical media and communication tools from him.

At the end of March 2021, human rights activist and lawyer Sergey Seredenko was detained in connection with a trumped-up criminal charge of committing a crime against the Republic of Estonia. The authorities concealed

information about his arrest for almost a month.¹⁸⁵⁸ The Estonian human rights activists and their colleagues from other Baltic countries pointed out that the reason for these actions was the active work of Seredenko and other Russian activists to preserve the Russian-language education in that country and protect the monuments of the Red Army soldiers who died in the battles for the liberation of Estonia from Nazism (including the movement "Night Watch"). Sergey Seredenko acted as Estonia's "Russian ombudsman" on a voluntary basis for a long time. Local mass media manipulated public opinion in order to create a negative impression of the human rights activist. At the same time, many facts of pressure upon him were intentionally ignored: for instance, it was not mentioned that Seredenko, who had two higher educations, recently had to work as a janitor in Maardu gymnasium, as he could not find a job in his profession because of the security police mark (KAPO). Seredenko also provided free legal advice to human rights activists and activists of Russian communities in Latvia and Lithuania.¹⁸⁵⁹

The arrest of Seredenko caused a wide resonance among the public of the Baltic States. NGOs representing Russian-speaking community of Estonia, members of the United Left Party of Estonia,¹⁸⁶⁰ representatives of the Russian Union of Latvia (RUL) and other activists held actions in his support. European Parliament deputies T.Zhdanok (from Latvia)¹⁸⁶¹ and J.Toom (from Estonia)¹⁸⁶² attracted attention to Seredenko's prosecution. The NGO "Russian School of Estonia" in the context of the "case" of Seredenko called the PACE to pay attention to the persecution of citizens for dissent in the country and noted the

¹⁸⁵⁸ <https://lv.sputniknews.ru/world/20210330/15422485/estonia-arestovan-russkoyazychnyy-pravozaschitnik.html>,

¹⁸⁵⁹ <https://regnum.ru/news/polit/3236502.html>

¹⁸⁶⁰ https://sputnik-meedia.ee/Estonian_news/20210421/334498/V-Talline-proshel-uzhe-vtoroy-piket-Svobodu-pravozaschitniku-Sergeyu-Seredenko.html

¹⁸⁶¹ <https://lv.sputniknews.ru/Latvia/20210408/15467802/Latviya-ugrozhaet-a-Estoniya-uzhe-sazhaet-v-Rige-trebuyut-osvobodit-pravozaschitnika-Seredenko.html>

¹⁸⁶² https://sputnik-meedia.ee/Estonian_news/20210409/278143/Evrodeputat-Yana-Toom-prizvala-vnesti-yasnost-po-delu-Sergeya-Seredenko.html

practice of establishing baseless criminal cases against people who somehow disagree with the general "right opinion".¹⁸⁶³

The representatives of the Russian community of the Baltic States, European Parliament, Riigikogu and Riga City Council sent an appeal to Estonian President Kaljulaid to stop politically motivated persecution of human rights activist Seredenko, as reported by the "Russian Union of Latvia" party. Among those who signed the open letter are MEP Tatyana Zhdanok, Riga City Council deputies Miroslav Mitrofanov, Yakov Pliner, Vladimir Buzayev and Aleksandr Kuzmin, as well as Mihhail Stalnuhhin, an Estonian MP.¹⁸⁶⁴

On September 22, 2022, the Estonian court sentenced 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. One month after the verdict, Seredenko got in touch with journalists and told exactly what his "crime" was. According to him, there were five different versions of the accusation consistently put forward during the investigation. The Estonian prosecutor's office could not formulate what the criminal activity of the human rights defender was. That's why the consideration of the case was carried out behind closed doors. As a result, Seredenko was accused according to part 1 of article 235 (1) of the Estonian Penal Code – an act against the interests of Estonia in favor of a foreign country. Russia was appointed as such. The article is formulated extremely vaguely and thus is open to wide interpretations. The lawyer of Seredenko filed an appeal against the decision of the court of the first instance.¹⁸⁶⁵

Another favourite method of the Estonian secret services to deal with unwanted people is the formulation of claims of a financial nature. For example, Andrei Krasnoglazov, director of the Tallinn Pushkin Institute NGO, was forced

¹⁸⁶³ https://m.sputnik-meedia.ee/Estonian_news/20210426/360171/Russkaya-shkola-Estonii-prizvala-PASE-dat-otsenku-arestu-Sergeyu-Seredenko.html?mobile_return=no

¹⁸⁶⁴ <http://ruskiymir.ru/news/287171/>

¹⁸⁶⁵ <https://www.rubaltic.ru/article/politika-i-obshchestvo/20221024-zhertva-rusofobskogo-rezhima-pravozashchitnika-posadili-za-pravdu-ob-unizhenii-russkikh-v-estonii/>

to leave Estonia after his office was searched in June 2021 by the Tax and Customs Department (under the jurisdiction of the Ministry of Finance).

The human rights NGO Human Rights Information Center is a constant figure in the KAPO yearbook. The same constant public attention is given to the NGO Russian School of Estonia.

The Estonian media has a strict "editorial policy", in fact – an unspoken censorship that does not allow to publish positive or even neutral materials about Russia, to criticize the flaws of Estonian state policy in the sphere of interethnic relations, to question the concept of "Soviet occupation", to talk about the liberation of Estonian territory from the Nazis during World War II, to cover the existence of Estonia as part of the USSR in a positive way, etc.

Russian media in recent years have been forced to operate in Estonia in the face of open opposition from the authorities, who consider them to be conductors of "hostile propaganda." For example, as of January 1, 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 declared a violation of EU sanctions against Dmitry Kiselev, the general director of the Rossiya Segodnya news agency. As a consequence of those sanctions, 35 employees (including 3 Russian citizens) lost their jobs. These actions were taken despite the fact that back in December 2019, the then OSCE Representative on Freedom of the Media, Harlem Desir, noting that no sanctions had been imposed on Sputnik in the EU, appealed to the Estonian authorities to "refrain from unnecessary restrictions on foreign media, which could have a negative impact on the free flow of information."

Since March 20, 2020, under pressure from 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.

The few Russian journalists accredited in the country have been denied access to official events without any explanation. State and municipal officials avoid contact with them on formal pretexts. The Estonian authorities are demonstratively ignoring requests and appeals from representatives of the Russian media accredited in the country – 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 applied to them. Under pressure from the special services, banking structures refuse to provide services to them (accounts are closed; contractual obligations are unilaterally terminated without explanation, etc.).

The Russian Federation's special military operation to denazify and demilitarize Ukraine and protect civilians in Donbass was a serious catalyst for cleansing the Estonian information space of "Kremlin disinformation and propaganda." The Estonian authorities a priori consider Russian media as instruments of influence.

As a result, in 2022, all the methods of pressure on journalists practiced by the Estonian secret services were used with renewed vigor. Aggressive propaganda was unleashed in the country against everything related to Russia. The Estonian information space was 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 were fabricated against unwanted journalists, 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 Media,¹⁸⁶⁶ an Internet news portal, announced that it was shutting down because of pressure and restrictions from Estonian banks and authorities, and because of threats to its

¹⁸⁶⁶ The "Sputnik Meedia" portal was created by former employees of the "Sputnik Estonia" news agency, which was shut down two years ago due to heavy pressure from the Estonian police.

employees. During the year, banks in Estonia have been freezing employee salaries and closing Sputnik's accounts based on suspicions of "money laundering, financing of terrorism, illegal sale of alcohol." In addition, many newsmakers have recently refused to cooperate with the portal, and the editor-in-chief and staff have been receiving "blatant threats" from unknown people.

On April 6, 2022, Sputnik Media editor-in-chief Cherysheva was detained in Tallinn by the Estonian Money Laundering Data Bureau on suspicion of violating sanctions. She was facing up to five years in prison, but her defense achieved to have the evidence in the case declared illegal. On May 10, 2022, the Harju County Court ruled that the seizure of property without a warrant during the search of Cherysheva's home and, accordingly, the evidence obtained thereby, was illegal. On July 7, 2022, the Tallinn District Court did not satisfy the appeal of Chief State Prosecutor Taavi Pern.

As a result of the efforts of Estonian authorities, 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 as a whole. 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).

The Estonian authorities continue the practice of cancelling residence permits (with the wording "poses a threat to the security of Estonia") and expelling Russian citizens permanently residing here, as well as banning them from entering the Schengen area for five years.

A residence permit was revoked and entry into the Schengen area was denied for 10 years on security grounds ("threat to the constitutional order, terrorist crime or other serious crime") to M.Reve, one of the defenders of the Warrior-Liberator monument when it was sacrilegiously moved during the "Bronze Night" in 2007.

On April 27, 2022, Russian citizen S.Chaulin, one of the organizers of the "Immortal Regiment" events, was detained on suspicion of organizing illegal public actions. He came to Tõnismägi (where the Bronze Soldier stood before the removal) with flowers and candles. In February 2023 the Estonian authorities annulled his residence permit. The police department explained its decision by the fact that the activist "had been actively spreading hostile propaganda of the Russian Federation for a long time," and that the organization he headed had pursued a "divisive policy."

On May 9, 2022 activist of Russian-speaking community Yulia Kalinina was detained.

On December 6, 2022, the Police and Border Guard Board (under the Ministry of Internal Affairs of Estonia) sent a notice to A.G.Kornilov, editor-in-chief of baltija.eu portal and member of the Coordinating Council of Russian Compatriots of Estonia. In social networks, the Estonian authorities warned his audience that "serving Russia's politics of division will have consequences."

A similar measure was applied to S.S.Neprimerov, chairman of the board of the Narva Union of liquidators of the Chernobyl accident (deported on September 30, 2022), activist from Narva A.Sushev, declared a "Kremlin provocateur" (deported on September 21, 2022), activist of the Russian Union in Tartu, former leader of the South-Estonian Union of Afghan War Veterans R.Usmanov (deported on June 14, 2022), and A.Yesakov, member of the board of NPO "Russian compatriots in Europe", one of the organizers of "Immortal regiment" in Tallinn (deported on May 4, 2022).

In addition, expulsions are also applied to Russian citizens with criminal records, under the formal ground that they have a "country of origin." They do not take into account their lack of stable ties with Russia (housing, jobs, relatives, etc.), which puts them in unfavorable economic conditions.

Estonia regularly abuses the right to deny 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 protect their violated rights, the Estonian courts, which are formally independent, rule against them with reference to "national security interests."

This practice was tightened after amendments to the Law on Entry and Departure were adopted in the fall of 2017 due to "significant changes in the current environment and security architecture. These innovations gave authorities the legal tools to block entry into the country for persons for whom "there is information that they intend to come to Estonia for criminal purposes." The amended law affects, for example, persons with regard to whom "there is reason to believe that they may or may have been involved with foreign intelligence services" (the latter, of course, does not include agencies of NATO member countries). A number of Russian politicians and journalists fell under these restrictions, including Russian State Duma deputy Konstantin Zatulin, journalists P.Kostrikov, E.Erofeeva, A.V.Zakharov, St. Petersburg activists A.Koveza, S.Khristenko, M.Pirogov, and A.Malikov.

Russian journalists are currently banned from professional activities in Estonia. An attempt to prepare a story about the removal of a monument to the T-34 tank in Narva led to the detention and expulsion of Izvestia employees K.Soldatova and D.Timofeev on 17 August 2022.

Estonian law enforcement and security agencies are taking measures to identify pro-Russian citizens. On March 8, 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 "egregious cases" of social media activity should be promptly reported to the special service.

Estonian special services, as well as security services of other Baltic states, spread rumors about alleged "active approaches of Russian special

services towards residents of the republics crossing the border." On March 11, 2022, a similar announcement was published on the KAPO website. Commenting on the above-mentioned publication, the deputy director general of the service A. Toots urged to report any attempts to contact, otherwise "when convicted, citizens will end up in the same list as traitors and anti-state criminals."

After the start of the Russian special military operation to denazify and demilitarize Ukraine, the Estonian authorities, in addition to combating the Soviet memorial legacy and searching for Estonians allegedly cooperating with the Russian secret services, began to move consistently to completely sever ties between the Russian and Estonian peoples.

The first steps were taken in the field of culture. On April 21, 2022, the Estonian government supported the "principled" position that the road to Estonia is "closed" to those performers and cultural figures from Russia and Belorussia who justify "Russia's aggression against Ukraine and support Putin's actions." On August 9, 2022 Estonian Prime Minister Kaja Kallas, supporting Ukrainian President Zelensky's racist demands to expel all Russians from Europe, declared that visiting Europe is a "privilege" and demanded to stop issuing tourist visas to Russian citizens in the European Union.

The bans on maintaining contacts also affected the twinning relations between Russian and Estonian cities. As a result, the partnership between them was severed.

On March 7, 2022, a member of the Riigikogu from the ruling Reform Party and at the same time the party faction leader in the Tallinn City Council Kristen Michal called for "deputinization of the Estonian capital and cleaning of its information space from the Russian propaganda."

Discrimination against Russians also affected the sphere of education. In the spring of 2022, Estonian universities unilaterally terminated agreements with Russian universities and stopped accepting Russian applicants.

Neo-Nazi ideas and theories continue to spread in Estonia with the open assistance of officials. Such a policy has already in principle formed the basis for increasing the popularity of parties that advocate radical nationalist positions, and has also contributed to the spread of hateful ideology.

International human rights monitoring procedures have pointed to such disreputable practices in Estonia. 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 100 euros) were provided in 2011 under Section 151(1) of the Estonian Criminal Code for posting comments on the Internet that are recognized as hate speech and incitement to violence.¹⁸⁶⁷

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 HRCtee 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 Criminal 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.¹⁸⁶⁸ Against this background, it is not surprising that the

¹⁸⁶⁷ 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

¹⁸⁶⁸ 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

Committee has observed frequent instances of hate speech, including by politicians and opinion-makers, as well as hate crimes.

The Estonian authorities ignore all the observations of international human rights monitoring bodies.

Along with promotion of neo-Nazi ideas in Estonia since 1990s, nationalistic circles systematically and persistently impose distorted, nationalistic ideology and Russophobia-influenced interpretation of shared history of Russia and Estonia. The Soviet period is subject to the greatest falsification, and modern Estonian historiography presents it as "occupation 1940-1991", and the events of the Great Patriotic War. On this basis, the myth of the "freedom fighters" who fought against the "Soviet aggressors" in the form of the Wehrmacht, Waffen-SS and security and punitive units, which masks the glorification of Nazi criminals and their accomplices, is built. Information about war crimes of Estonian collaborators, first of all, their participation in punitive actions against civilians, annihilation and torture of concentration camp prisoners and Soviet prisoners of war, is suppressed. In 2022, the revisionist line received a new, powerful impetus.

In this State, the example of the "deeds of the Forest Brothers" and the Estonian SS is used as a basis for the patriotic education of the Estonian Defense Forces and the "Defence League" militia, and a network of their "bunkers" is opened as memorial sites throughout the country. The organization "Union of Former Forest Brothers of Estonia", which works to glorify the "partisans", operates without hindrance.

Not only are the crimes of Estonian collaborators and "forest brothers", their active participation in the massacres of civilians in Russia, Belarus and Ukraine, the mass murder and torture of concentration camp prisoners and Soviet prisoners of war, and the mass murder of Jews hidden, but also such "figures" are glorified as heroes of the "struggle for independence." Thus, since 2007, after the amendment to the law on holidays adopted by the Estonian

Parliament, the day of liberation of Tallinn from the Nazi forces – September 22 – was declared the Day of Resistance. The Estonian authorities have a similar attitude toward Victory Day. Accordingly, the Estonians who fought in the Red Army and liberated the territory of the Estonian SSR are tacitly erased from the local "pantheon of heroes" and presented as accomplices of the "Soviet occupiers."

The scale of the Estonian authorities' work to propagate the heroic myth of the "forest brothers" is shown by the fact that in May 2021 Estonia and Latvia created a map and brochure of military-historical tourist sites, which is also aimed at glorifying these armed formations. The mentioned map includes more than 150 places connected with these bands – well-kept "former military objects" with an extensive exposition, as well as "natural objects" – battlefields, trenches and bunkers of "forest brothers". The organizers propose to combine their visit with walks in the woods and nature trails.

At the highest level, the Estonian authorities, together with the heads of other Baltic countries, are making attempts to falsify history in order to blur their own unsightly history of cooperation with the Nazis by denigrating the Soviet Union and the actions of the Red Army, which liberated Europe. An example can be the joint statement on the occasion of the 75th anniversary of the end of World War II in Europe, made by the presidents of Lithuania, Latvia and Estonia on May 7, 2020. It considers the liberation of the Baltic countries from the Nazis by the Red Army as "occupation and annexation", "because one totalitarian regime (Nazi) was replaced by another (communist) one". One more example – the video statement of heads of three Baltic states published in June 2021 on the occasion of the 80th anniversary of deportations from these countries (June 14, 1941) in which the attempt to develop the thesis about equal responsibility of Nazi Germany and the Soviet Union is also made.¹⁸⁶⁹

¹⁸⁶⁹ <https://remembrance.ru/2021/06/15/pribaltijskie-prezidenty-vnov-vystupili-s-lozhju-o-sovetskih-deportacijah/>

The whitewashing and perpetuation of Estonian Nazi collaborators is actively and openly encouraged by the leading figures in the right-wing nationalist parties Fatherland and the Conservative People's Party of Estonia (EKRE), which from April 2019 to January 2021 were part of the government coalition and now hold a combined third of the vote in the Estonian parliament.

Supporters of these parties are the main inspirers and organizers of the annual gatherings of former SS members and their contemporary admirers 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. Usually representatives of the legislative and executive branches of government take part in this event (in particular, on July 27, 2019, Riigikogu MPs from the EKRE and Fatherland party, representatives of the Ministry of Defense and the Defence League (people's militia), as well as members of ultranationalist and neo-Nazi groups participated in this action).¹⁸⁷⁰ Members of the Estonian parliament participated in the rally in 2021, while in 2020 another neo-Nazi coven at Sinimäe was prevented by the coronavirus. 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 next meeting of veterans of Estonian division of Waffen-SS and their followers in Sinimäe on July 30, 2022 was rather modest, without participation of politicians and other notable persons of the country. About a hundred people gathered.¹⁸⁷¹

Public events are also held in 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. Another such exhibition took place on August 19-20, 2022 in

¹⁸⁷⁰ https://ee.sputniknews.ru/estonian_news/20190727/17357965/pamjatj-Estonia-esesovtsy-Sinimae-pochtili-deputaty-i-voennyje.html

¹⁸⁷¹ <https://rossaprimavera.ru/news/8db1bfa4>

the XIV "International Festival of Military History," among the organizers were local organizations of "freedom fighters." During this event the "forest brothers" were also honored.

Another torch procession on February 24, 2022 in the center of Tallinn on the occasion of the anniversary of declaration of independence of the Estonian People's Republic, organized by the Estonian National Democratic Party and its youth organization "Blue Awakening", confirms the general mood. During the action, which usually gathers a significant number of participants from Estonian neo-Nazi groups, Waffen SS and Nazi Germany symbols are openly displayed and nationalist and xenophobic slogans are chanted. In 2021, due to the restrictions imposed in connection with the spread of the coronavirus infection, the event was of a smaller scale. The procession also included people with posters calling on Russia to return "the territories lost under the Tartu Treaty" and with a flag of "Free Ingermanlandia" (an organization promoting the idea of secession from Russia of the Kingisepp district of the Leningrad Oblast). In 2022 the organizers urged the marchers to leave their political posters at home. According to the video report of the event, several thousand people took part in it.¹⁸⁷²

Monuments are being erected in Estonia to the direct participants of the Nazi formations. For example, in August 2020, a monument was unveiled in the village of Luulupe on the island of Saaremaa to 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 Põllua (EKRE), who called the Nazi collaborators "freedom fighters."

In presenting Elmar Ilp as a hero, the Estonian ultra-rightists remain silent about the fact that in reality he committed criminal offenses, terrorized and killed civilians for the sake of robbery, and tortured women and the elderly.

¹⁸⁷² <https://regnum.ru/news/polit/3517553.html>

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 really "fighting" against.¹⁸⁷³

In October 2020, Lääne-Viru County held a "theme day on the ambiguous and tragic history of the Forest Brothers", and in November, in the same county, their restored bunker and a memorial plaque were unveiled with great pomp. The work was done by the Väike-Maarja Museum Friends Association at the suggestion of the Union of Former Forest Brothers of Estonia.

On August 22, 2021, members of the Union of Former Forest Brothers unveiled a monument to the "Forest Brothers" in the village of Hüti (Myniste parish, Võru County) at the Estonian House Memorial Complex. Estonian Minister of Foreign Affairs Urmas Reinsalu, Valga Parish Elder M.Rogenbaum, Rõuge Parish Elder R.Loik, Estonian Memory Institute Board Member M.Andreller and Valga War Museum Director M.Kivi participated in the ceremony.¹⁸⁷⁴

In the same month, the bunker of the "Forest Brothers" Ennuksmäe was rebuilt in Viljandi County.

On August 7, 2022, on Saaremaa Island, the Estonian "Society of Freedom Fighters" organized a reconstruction of the "last battle" of the "Forest Brothers" gang led by Ilp with NKVD officers of the USSR. It was announced at the event that a three-meter oak cross would be erected in memory of this criminal.¹⁸⁷⁵

On August 10, 2022, a military-sports game of reconnaissance patrols named after Admiral Johan Pitka took place. Twenty-seven teams from 12 countries participated, including one joint team that included representatives

¹⁸⁷³ <https://regnum.ru/news/polit/3666989.html>

¹⁸⁷⁴ <https://eadaily.com/ru/news/2021/08/23/v-estonii-v-prisutstvii-eks-glavy-mida-reynsalu-otkryli-pamyatnik-lesnym-bratyam>

¹⁸⁷⁵ <https://regnum.ru/news/polit/3666989.html>

from the U.S., Estonia, and Bosnia and Herzegovina from an allied combat team deployed in Estonia.

It is also known about plans to recreate a memorial to a soldier in an SS uniform with a German automatic rifle in his hands in Lihula in western Estonia to commemorate "the Estonians who fought against Bolshevism and for the restoration of Estonian independence in 1940-1945." The memorial to the soldiers of the 20th Estonian SS Division was established in 2002 when the memorial plaque with a bas-relief of a Wehrmacht soldier with an iron cross on his chest and a "Schmeisser" pointed eastwards was placed in one of the parks of Pärnu resort town. Then in 2004 it was moved to Lihula Parish, but after a few days it was torn down.¹⁸⁷⁶ The original of the last dismantled stone with inscriptions is in a museum near Tallinn.¹⁸⁷⁷

The Estonian media often publish materials aimed at falsifying the history of the Great Patriotic War and equating the exploits of the Soviet people with the misanthropic intentions of Nazi Germany. Such publications are often released in connection with the memorable dates of that war, especially before the Victory Day or on the anniversary of Nazi Germany's attack on the USSR. On the eve of May 9, 2021 several Estonian mass media took similar actions. Thus, on May 7 local online edition "Delfi" published article based on Russophobia about 76th anniversary of victory of the Soviet Union and countries of anti-Hitler coalition over Nazi Germany and its satellites. By placing this "opus" on the main page of the portal, the publication thus solidified the position of the author.¹⁸⁷⁸

On June 22, 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

¹⁸⁷⁶ <https://topwar.ru/146030-v-es-fashizma-net-no-v-jestonii-vosstanavlivajut-pamjatniki-nacistam.html>

¹⁸⁷⁷ <https://jewishnews.com.ua/society/v-estonii-vosstanavlivayut-pamtnik-esesovezam>

¹⁸⁷⁸ https://sputnik-meedia.ee/Estonian_news/20210508/421738/diplomaty-rf-vozmutilis-rusofobs kij-paskvil-estonskoje-izdaniye-kanun-9-may.html

'Summer War': Why 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 "in July 1941, the Soviet leadership was preparing to attack Germany."

On July 19, 2022, the newspaper Postimees published a praiseworthy review of an article by Henrik Prunswelt in which the activities of Karl Litzmann, head of the General Commissariat "Estonia" of the Reichskommissariat "Ostland", were assessed positively. At the same time, the note concealed important moments in the biography of this "figure". In particular, it says that Litzmann was one of the organizers of massacres of the peaceful population of the Estonian SSR during the Great Patriotic War as a result of which 61 thousand peaceful residents and 64 thousand Soviet prisoners of war were killed.¹⁸⁷⁹

Along with the formation of the cult of the Forest Brothers in Estonia, the thesis of "suffering from the Communist regime" is actively promoted. Maintaining the negative perception of the Soviet period of history is the main task of the private "Museum of Occupations" located in Tallinn, which mainly highlights episodes related to Stalinist repressions and deportations. For this purpose, appropriate "cultural objects" are created. For example, since August 2018, there has been a "Memorial to the Victims of Communism" in Tallinn, the concept of which is built on commemorating the victims of the "crimes of the Soviet Communists" in 1940-1991. In 2019, in the Estonian capital, the exhibition "Communism is a Prison" opened in the building of the former Battery Prison, which is planned to be transformed into an international museum to commemorate the victims of Communism by 2026.

At the same time, as a consequence of the Russophobia being stirred up, cases of desecration of monuments to Soviet soldiers who died fighting the Nazis on Estonian territory are regularly recorded. In June 2019, vandals

¹⁸⁷⁹ <https://regnum.ru/news/polit/3666989.html>

destroyed several tombstones in the Tallinn Jewish cemetery (for the first time in 110 years, including the period of the Nazi occupation), including the grave of the former head of the Tallinn Veterans Association, Metelitsa. In the same year new cases of desecration of the graves of the Red Army soldiers of the World War II period were recorded, including in Kuressaare and in the village of Tehumardi. The local police conducted administrative proceedings, but the perpetrators were not found.

On March 2, 2021, unknown persons desecrated the T-34 tank monument in Narva, established in memory of the crossing of the Narva River by Soviet troops on July 25-26, 1944, during the offensive operation of the Leningrad Front. The monument was graffitied with "fallen heroes of the amphetamine war ... 2018."¹⁸⁸⁰

In early April 2021, a monument to the victims of fascism was desecrated in Rahumäe Cemetery in Tallinn. According to the local police, on April 3 unknown persons put chicken eggs on the monument. The birds broke the eggs and stained the tombstone. Traces of vandalism were not found by the police. A criminal case was opened over the desecration of the monument.¹⁸⁸¹

On April 7, 2021, vandals toppled the memorial stone in Raeküla, which had been established at the site of the execution of Red Army soldiers in July 1941. After an appeal from the Russian Embassy to the chairman of the Pärnu City Assembly, the monument was restored to its original location.

Vandals have attacked not only monuments to Red Army soldiers who died during Estonia's liberation from Nazism. All monuments erected in honor of soldiers who fought and died in Soviet uniforms were threatened. On the eve of municipal elections on October 17, 2021 the monument erected in Tondiloo park on Kivila Street in Lasnamäe city district in honor of the Soviet soldiers

¹⁸⁸⁰ <https://www.rubaltic.ru/news/02032021-posolstvo-rf-v-estonii-potrebovalo-nayti-vandalov-oskvernivshikh-tankpamyatnik-pod-narvoy/>

¹⁸⁸¹ <https://www.rubaltic.ru/news/10042021-pamyatnik-zhertvam-fashistov-v-talline-izmazali-kurinymi-yaytsami/>

who died in Afghanistan in 1980s was desecrated. The memorial, erected in 2006 to commemorate not only Russians but also Estonian "Afghans," was sprayed with paint by unknown assailants.¹⁸⁸²

The Estonian authorities joined the "struggle" of vandals against monuments to Soviet soldiers long before the massive campaign of 2022 to destroy memorials: the process of demolition of monuments and desecration of burial places of participants of the Great Patriotic War had continued in all Baltic countries by that time for many years. One of the first and most symbolic steps in this direction was the removal of the monument to the fallen in the Great Patriotic War, set up in Tallinn on Tõnismägi hill on September 22, 1947, which got the unofficial name of the Bronze Soldier. In April 2007 the Estonian Cabinet of Ministers decided to move the memorial and the remains of soldiers to a military cemetery on the outskirts of Tallinn. This decision provoked riots involving thousands of people. The most tragic episode of those events was the murder of Russian citizen Dmitry Ganin.

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 to commemorate the fallen heroes. Moreover, representatives of the Estonian Defense Forces also laid a commemorative wreath at the monument with the permission of their commanders. However, the memorial also continued to be attacked by vandals.

Russian compatriots were widely angered by the desecration of this monument on June 22, 2019, when unidentified persons pinned a leaflet depicting a skull on the monument. The Estonian police did not bring the perpetrators to justice, letting the investigation of the incident go unnoticed and referring to the "poor quality of surveillance camera footage."

¹⁸⁸² <https://www.ritmeurasia.org/news--2021-10-22--sovetskie-pamjatniki-v-estonii-nenavistny-vandalam-gosudarstvennym-i-chastnym-56993>

In July 2019, the memorial and burial place of the Red Army in Taebla, Lääne-Nigula Rural Municipality, were dismantled. The "relocation" of the burial ground was initiated by the management of a school being reconstructed nearby, which was allegedly disturbed by the Soviet obelisk. According to the museum of armed forces which was responsible for realization of such works, remains of 11 people were 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 in the territory of the local gymnasium, but no photos were provided.

In 2022, the Estonian authorities used Russia's forced launching of a special military operation to denazify and demilitarize Ukraine and protect civilians in Donbass to finally cleanse the historical space and destroy Soviet memorial heritage.

On April 21, 2022, the Estonian Parliament passed a law prohibiting the public display of symbols "used in the commission of an act of aggression, genocide, crime against humanity, or war crime to support or justify these 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 association 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."

The Estonian authorities created obstacles to the celebration of Victory Day by the Russian-speaking population in Estonia. Head of Central Criminal Police of the Police and Border Guard Board Aivar Alavere stated on March 24, 2022 that the attitude of law enforcement officers towards 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, voiced the same position on TV broadcasts of Estonian State TV and Radio ERR, 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 to untie police hands against those who come with these symbols.

The Estonian police officially banned from April 26 to May 10 public gatherings associated with Bronze Night and Victory Day that expressed support for the "aggressor country" and used military symbols, including Soviet and Russian flags, St. George Ribbons, and Soviet military uniforms. At first the ban was imposed in Tallinn, Harjumaa and Ida-Virumaa, and later it was extended to the whole country. On the eve of May 9 police control was strengthened, including social networks. On that day, "provocative" symbols were detected in different regions of Estonia, about 30 citizens were detained and 12 "persistent violators" were fined.

In July 2022, following the example of Latvia and Lithuania, the Estonian government ordered the removal of all monuments to Soviet soldiers killed in World War II and the reburial of the remains of soldiers under military monuments by the end of the year. According to Prime Minister Kallas, specific decisions were made concerning the war monuments, which stipulated that the remains of soldiers underneath the monuments should be reburied gradually, step by step, and the monuments themselves should be relocated.¹⁸⁸³ All in all, this demolition campaign focused on about 400 Soviet monuments.

To this end, a special commission on the dismantling of Soviet monuments was formed, whose task was to prepare a list of memorials for demolition and destruction. However, the entire composition of the commission

¹⁸⁸³ <https://ren.tv/news/v-mire/1003115-v-estonii-do-kontsa-goda-snesut-vse-pamiatniki-sovetskim-voinam>

was classified. Only the name of its head, Asko Kivinuk, who used to work in the Estonian state center of defense investments, is known.

On November 10, 2022, the Estonian authorities passed a series of amendments to laws, including the building code, the building code enforcement act, the planning act, and the state property act. The goal is to create a legal framework for the dismantling of Soviet military monuments described as "unsuitable 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."¹⁸⁸⁴

At the same time, even before the adoption of any legislation, there were acts of vandalism against monuments to Soviet soldiers on Estonian territory.

In April 2022 an act of vandalism was committed in the cemetery of the village of Luguze – the star at the obelisk at the mass grave of soldiers fallen during the Great Patriotic War was dismantled.

Acts of vandalism were also committed on Saaremaa: in the village of Ansekula tombstone at the individual soldier's grave of I.V.Nosik was overturned, in the village of Tehumardi the memorial plates, which are part of the memorial ensemble set on the mass grave of 234 soldiers, were covered in paint.

On April 12, 2022, in the evening, a medal was cut down on the chest of the "Bronze Soldier" at the Tallinn military cemetery.

In the middle of May 2022 an act of vandalism was committed against the memorial stone erected on the place of crossing of the Emajõgi River in September 1944.

On May 16-17, 2022 the monument to Soviet soldiers and the stone slab in front of it disappeared from Mihkli cemetery in Koonga parish, Pärnu county (only the foundation of the monument is left).

¹⁸⁸⁴ <https://ria.ru/20221110/pamyatniki-1830494289.html?in=t>

On June 17, 2022 it became known about dismantling and transportation to an unknown destination of the monument to the soldiers of the Soviet Army, fallen in World War II, installed on the common grave in Otepää (the burial place of 34 soldiers).

At the end of June 2022, the Russian Embassy in Tallinn received information that a monument to the Soviet commander Major General P.A.Potapov, who fell in the battle for the liberation of Estonia in September 1944, was dismantled from the place of his death on Kindralimägi Hill (on the way to Etsaste village in Tartu County).

On July 13, 2022, excavations began at the site of a mass grave of Red Army soldiers who died during World War II in Rakvere in order to rebury the remains of the fallen in the local city cemetery. The Rakvere town council had earlier approached the Ministry of Defense's commission for war graves with a proposal to rebury the remains and relocate the monument. Of course, consent was obtained.

On July 19, 2022, the authorities of Lääneranna Parish, Pärnu County, announced their intention to demolish six monuments at Red Army burial sites. The announcement stated that these sites were excluded from the register of cultural objects, but since they were military graves, it was planned to relocate them after a georadar survey of the surrounding area.

The deadline for demolishing Soviet memorials by the end of the year did not suit the Estonian authorities and probably their Western supervisors. Therefore, on August 4, 2022, the Estonian government announced its decision to get rid of Soviet monuments in the country at an accelerated pace. Kallas stated that Soviet monuments should be removed from the public space as soon as possible.¹⁸⁸⁵

¹⁸⁸⁵ <https://www.rubaltic.ru/news/04082022-premer-estonii-prizvala-kak-mozhno-skoree-izbavitsya-ot-sovetskikh-pamyatnikov/>

The decision announced by the Estonian authorities to demolish the memorials provoked new acts of vandalism against Soviet monuments. On August 9, 2022, it became known that unknown persons desecrated a common grave of the Red Army soldiers in the Pauluse cemetery in Tartu.¹⁸⁸⁶

The confrontation that broke out between the Estonian authorities and the residents of Narva over the T-34 tank monument was actually 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 outraged the citizens of Narva, who advocated keeping the monument in the city. The Estonian government expectedly spoke out against it, stressing that monuments like the T-34 tank in Narva were dividing Estonian society in the context of the Russian special military operation. Meanwhile on August 8, 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 tank in Narva and move it to a closed and secure location within the city.¹⁸⁸⁷

The Narva authorities conducted a poll to find out the opinions of the townspeople concerning the fate of the tank standing on the monument to Soviet warriors. According to Mayor Katri Raik, two-thirds of the three thousand respondents want the tank to remain in the city and be stored somewhere in a closed area. "The tank should stay in Narva, this is now and opinion of the majority in the City Assembly," Raik explained, noting that this point of view was formed during consultations between the factions.¹⁸⁸⁸

On August 16, 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

¹⁸⁸⁶ <https://lenta.ru/news/2022/08/09/oskvernili/>

¹⁸⁸⁷ <https://www.rubaltic.ru/news/080822-pravyashchaya-koalitsiya-v-narve-prinyala-reshenie-o-perenose-sovetskogo-pamyatnikatanka/>

¹⁸⁸⁸ <https://www.rubaltic.ru/news/11082022-izvestny-rezultaty-oprosa-zhiteley-narvy-o-dalneyshey-sudbe-sovetskogo-pamyatnikatanka/>

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 to Hero of the Soviet Union Igor Grafov, who died in the liberation of Narva in 1944. The monument "Three bayonets" and the 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.

In September 2022, a monument to Soviet soldiers in Tartu, erected on the grave of 250 Red Army soldiers, was demolished. Keeping in mind the example of Narva, where the citizens actively opposed the destruction of the monument, the Estonian police banned local residents from even approaching the memorial during the demolition.¹⁸⁸⁹

Estonia, like the other Baltic States, remains a very comfortable base for right-wing radical groups. Their ideological followers, in addition to combating historical memory and memorials to their Nazi idols, which remain a serious irritant, are also active in inciting hatred in society. The local cell of the Finnish nationalist racist organization Odin Warriors, formed in 2016, is very active in Estonia. Its activists keep in touch through closed groups on social networks, and attend mass events dedicated to the glorification of Nazi accomplices. New supporters of the group are actively and openly recruited through the structure's website.

In January 2020, security police in Estonia identified a 13-year-old boy who was, oddly enough, one of the leaders of the large international online neo-Nazi group Feuerkrieg Division, whose members, according to media reports, live in several other countries in Europe and North America. He actively used

¹⁸⁸⁹ <https://www.rubaltic.ru/article/politika-i-obshchestvo/20221125-potomki-kollaborantov-prodolzhayut-perepisyvat-istoriyu-pribaltiki/>

the Internet to recruit new supporters and spread anti-Semitic and neo-Nazi ideology. 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 taken. Some experts are already expressing fears that there will be more and more such juvenile radicals in Estonia in the future.

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 notorious "hand of the Kremlin" remains the main threat, of course).

A number of Estonian media outlets, including the EKRE party publication *Uued Uudised* (New News), regularly publish articles promoting hatred toward people of African and Asian descent and other "foreigners" and inflaming the threat of "displacement" of the 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.

Xenophobic sentiments are on the rise, primarily among ethnic Estonians. A noticeable contribution to hate speech against migrants is made by EKRE activists, who do not hide their racist views. In February 2021 the head of Conservative faction in Tallinn City Council Kallas on his Facebook page called the opponents of the removal of the memorial to the Warrior-Liberator from the center of Tallinn in 2007 and their compatriots sympathizing with them "human trash with Soviet mentality."

Human rights activists defending the rights of the country's Russian-speaking population regularly point out that Estonia is among the European countries where the legalization of Nazis relies on poorly concealed state support and a broad consensus of the titular ethnic group. The serious

strengthening of political weight of right-wing nationalist forces, increasing manifestations of xenophobia, anti-Semitism, neo-Nazism, desecration of monuments to Red Army soldiers and activation of right-wing radical groups are directly connected with this. Russian-speaking human rights activists have been harassed for their stance and for exposing the true face of official Tallinn.

In addition, many experts point out that the work of Estonian human rights bodies in combating racial discrimination, in particular the Chancellor of Justice and the Equality Ombudsman, is ineffective. The decisions of the Equality Ombudsman are of an advisory nature. In 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.

On October 30, 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 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.¹⁸⁹⁰

¹⁸⁹⁰ <https://news.err.ee/1153405/european-commission-launches-infringement-proceedings-against-estonia>

The EU Agency for Fundamental Rights (FRA) drew attention to the same aspects, with reference to the European Commission, in its next report on human rights in the European Union for 2021.¹⁸⁹¹

Concerns about Estonian legislation were raised by the Committee on the Elimination of Racial Discrimination (CERD) in April 2022. In particular, the Committee noted that the Criminal Code does not fully prohibit racist organizations, the dissemination of ideas based on racial superiority or racial hatred, nor does it punish hate speech on racial grounds or incitement to hatred. The Committee reiterated its concern at the lenient penalties for the cases provided for in the law.¹⁸⁹²

The situation of Estonia's Finno-Ugric peoples remains difficult. While Tallinn regularly accuses Russian authorities of infringing on the rights of Finno-Ugric peoples living in Russia, in Estonia itself there is discrimination against the small Finno-Ugric people of Seto. Estonian authorities refuse to recognize Seto as an indigenous people or a separate ethnos (considered as a sub-ethnos of the Estonian nation), as well as the existence of their own language (classified as a southern dialect of the Estonian language, although UNESCO has included Seto language in the list of endangered languages), writing and literature. It is indicative that in the 1999 Estonian census, the ethnic Seto people were not allowed to identify themselves as a separate nationality. The language and culture of the Seto people have been consistently ousted from the educational environment. Its representatives face difficulties in promoting the education system in their language, in getting help in developing writing and literature. It should also be noted that the Seto themselves do not

¹⁸⁹¹ EU Agency for Fundamental Rights Report 2021 https://fra.europa.eu/sites/default/files/fra_uploads/fra-2021-fundamental-rights-report-2021_en.pdf

¹⁸⁹² Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 12th and 13th periodic reports of Estonia. April 2022. <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsq90DTob4ikPW5%2fsyICWY%2bsTv4D7bkEbOggPC2IgX%2bZhrsC0LVGMdazwZw%2bHIR%2fVTCJQSvj7Oir%2bNS5ain%2fwOj11b8cVSIHQNH4Mj4oNamJOXsczsRWStBIDLusa5FiBnA%3d%3d>

rely on the Estonian state to solve their problems, but on the development of relations with their relatives in Russia.

There are also difficulties in the protection of the rights of persons with disabilities. In April 2021, the Committee on the Rights of Persons with Disabilities, in its concluding observations on Estonia, expressed concern about the low level of socialization of persons with disabilities and the persistent obstacles to ensuring their normal lives. There are no mechanisms to convey socially and politically important information to persons with disabilities (especially the deaf and blind). Their access to the labor market, sports and recreational infrastructure is significantly limited. The level of social protection of elderly people with disabilities is insufficient. In addition, CRPD experts called the current practice of isolation of persons with disabilities in Estonia unacceptable, and expressed concern about such phenomena as forced treatment and isolation, "physical and medical restraint."¹⁸⁹³

To summarize, Estonia, along with the other Baltic states, has intensified its Russophobic policy, using the events of the Ukrainian crisis as a pretext to maximize the deterioration of the situation of its Russian-speaking population and "war" on the Soviet memorial legacy.

The Estonian authorities are unsuccessfully trying to hide the fact that their Russophobic policy has caused a serious economic crisis, which has had a negative impact on the socio-economic situation by a factor of 1.5 or 2. According to Marje Josing, head of the Estonian Institute of Economic Research, "There has never been a price increase like this, with prices for all foodstuffs going up without exception." A serious decline is observed in the commodity segments that fall out of the list of top priorities. According to

¹⁸⁹³ Concluding observations of the Committee on the Rights of Persons with Disabilities on the initial report of Estonia. March 2021.
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD/C/EST/CO/1&Lang=Ru

Postimees portal, in the near future the most "popular" medicines may become more expensive in the EU, as well as in other European countries.¹⁸⁹⁴

According to the data released by the Statistics Department, as of September the inflation rate in the country reached 24.1% year-on-year. In addition, as of August 2022, the country led the ranking of Eurozone countries with the highest inflation.

According to experts, the negative situation in the Estonian economy will not improve in the near future. The National Bank of Estonia in its forecast for 2023 assumes that the economic conditions will remain difficult. The bank forecasts an increase in unemployment and prices. Income growth in the population at the beginning of this year is not expected, according to the opinion of the National Bank. Purchasing power will also decrease due to the fact that the population has very few savings. According to the bank experts, in 2023, there will be no savings in the same amount, which means that due to the difference between prices and wages, people's purchasing power, and therefore their social security, will decrease.

¹⁸⁹⁴ <https://www.rubaltic.ru/article/ekonomika-i-biznes/20221214-takogo-ne-bylo-nikogda-pribaltika-platit-zarusofobiyu-nebyvalym-rostom-tsen/>

Japan

According to international nongovernmental organizations and relevant UN bodies, including the UN Human Rights Council (HRC), Japan has traditionally demonstrated a high level of respect for human rights and freedoms.

At the same time, double standards are practiced on the outer contour: Priority is hypocritically given to multilateral efforts in the field of human rights protection in countries that are not U.S. satellites. As a member of the HRC, Tokyo is actively involved in drafting resolutions on the situations in Belarus, Iran, North Korea, Myanmar, Nicaragua, Syria, Eritrea, Ethiopia and South Sudan.

In addition, the Japanese regularly show "Western solidarity" when voting at the UNGA on Ukrainian initiatives: On May 12, 2022, the resolution on "Deteriorating Human Rights Situation in Ukraine stemming from the Russian Aggression" was supported.

The Russophobic propaganda carried out by the Fumio Kishida administration affects Russians living here. There are reports of domestic violence in mixed families, and ethnic-based harassment at work in Japanese companies (insults, humiliation, denial of employment).

An example of a violation of the legal rights and interests of compatriots is the situation related to the detention by Japanese social services in Tokyo of the 17-year-old daughter of a Russian citizen, V.A.Kazantseva. Since May 2022 employees of the juvenile center have prevented face-to-face contact between the mother and the teenager as well as their communication in Russian over the phone.

The story of the Red Square store of Russian goods in Tokyo, where an intruder (a U.S. citizen of Ukrainian descent) smashed the sign at the entrance, is also illustrative.

As for Russian foreign missions, attempts to exert pressure are present: unfriendly and insulting actions, pickets and demonstrations near the buildings of the diplomatic mission are held on a daily basis, and threatening phone calls and mail letters are received. There are certain difficulties associated with the fact that a number of management companies refuse to fulfill their contractual obligations, referring to "international turmoil."

In 2022, there were instances of protocol discrimination from the Japanese side, including against the Russian ambassador in Tokyo. For example, in August 2022, Hiroshima authorities threw away a wreath placed by the head of the Russian diplomatic mission at the memorial to the victims of the atomic bombing of that city by the U.S. Air Force.

In the field of human rights and freedoms in Japan, there are a number of areas in which the situation remains not entirely satisfactory: ensuring equality regardless of gender and 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 has no specialized national human rights institution. The last time a draft law to regulate the creation of the Human Rights Commission was considered in 2012, when the process of its adoption was interrupted. Since then, no progress has been made in establishing such an institution.¹⁸⁹⁵

In recent years, the Japanese government has made certain efforts to protect the identity of indigenous peoples, particularly the Ainu. For example, in April 2019, the Ainu Cultural Promotion Act was replaced by a new act – the Promotion of Policies to Foster Public Respect for the Heritage of the Ainu People. This document recognizes the people as indigenous and provides for

¹⁸⁹⁵ Concluding Observations of the Committee on the Elimination of Racial Discrimination on the combined 10th to 11th periodic reports of Japan. September 26, 2018.
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fJPN%2fCO%2f10-11&Lang=ru

financial support measures to preserve their culture and traditions. In 2020, the Upopoy Center for Ethnic Harmony opened on Hokkaido Island, dedicated to the Ainu people, their history, cultural characteristics and traditions.

At the same time, Japanese politicians, including those in top government positions, often make blatant statements on Ainu issues. In December 2022, M.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.

The position of the Ryukyu Islands' indigenous peoples remains difficult. Tokyo denies them benefits and support for their traditions, language and culture. Experts from nongovernmental organizations draw attention to the fact that educational programs contain almost no information about the ethnic and linguistic identity of Ryukyus. The municipal authorities of the prefecture of Okinawa call on the government to persuade the UN structures to withdraw the resolutions recognizing the Ryukyus as an indigenous people. In this regard, on July 4-8, 2022, on the margins of the 15th session of the Expert Mechanism of the UN High Commissioner for Human Rights (OHCHR), the Ryukyu indigenous people appealed to the international community for protection of their ancestral rights.

In addition to these problems, residents of the northernmost and southernmost Japanese islands continue to face discrimination.

At the UNHRC, Tokyo has consistently demonstrated the persistent gap in living standards between the Ainu and Ryukyus, on the one hand, and the state-forming nation, on the other.

There are cases of prejudice against indigenous people, both in the labor market and in terms of access to education and a number of social programs.

At the same time, discrimination against Burakumin continues in the areas of employment, housing, and marriage.¹⁸⁹⁶

Japan has no legislation prohibiting racial, ethnic, or religious discrimination. Japan's lack of comprehensive legislation in this area was highlighted in 2018 by the Committee on the Elimination of Racial Discrimination in its concluding observations following the review of Japan's combined 10th to 11th periodic reports.

Cases of incitement to ethnic hatred and hate crimes against racial and ethnic minorities have been observed, especially visibly against ethnic Koreans. Neither state officials nor private individuals have yet been prosecuted for racially motivated hate speech and hate crimes.

Tokyo's attitude toward refugees remains a pressing issue. Despite the fact that Japan contributes significantly to the work of international bodies providing humanitarian assistance, the country is very passive with regard to the reception of foreign nationals. In 2020, it received 3,936 requests for appropriate status, but only 47 applications were approved, the lowest rate among developed countries.¹⁸⁹⁷

In this regard, the tragic case of a Sri Lankan woman in immigration detention who died in March 2021 due to lack of access to proper medical care at the age of 33 is telling. It is noteworthy that in Japan, 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 citizens of that country. As of December 2022, 2,033

¹⁸⁹⁶ Concluding Observations of the Committee on the Elimination of Racial Discrimination on the Combined 10th to 11th Periodic Reports of Japan. September 26, 2018. https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fJPN%2fCO%2f10-11&Lang=ru

¹⁸⁹⁷ Human Rights Watch Japan Events of 2021 URL: <https://www.hrw.org/world-report/2022/country-chapters/japan>

Ukrainians had arrived in Japan. They receive the right to residence, state health insurance, and employment assistance.

The adoption in June 2016 of the Law on Promoting Efforts to Eliminate Unfair Discriminatory Speech and Conduct against Nationals of Other Countries was a positive step toward eliminating hate speech. However, it is also important to keep in mind that the scope of the law is limited to statements about those who are lawfully resident in the State.

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). OHCHR has repeatedly criticized Japan for this. 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% of the Japanese are in favor of retaining capital punishment.¹⁸⁹⁸ 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 by international experts. 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 communication of the person deprived of liberty to any person of his/her choice and, in the case of foreigners, to consular authorities; restricting

¹⁸⁹⁸ The Public Opinion Myth: Why Japan Retains the Death Penalty URL: <https://portfolio.cpl.co.uk/DPP/Vox-Populi-Report-Japanese/1/P>.

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.¹⁸⁹⁹

A set of issues related to equality between men and women remains acute. According to the World Economic Forum Global Gender Gap Report, in 2021 Japan ranked 120th out of 156 countries on the integral indicator of gender equality with a rating of 65.6% (having lost 10 positions compared to 2018).¹⁹⁰⁰ 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 statistics, at least a quarter of women face pressure in connection with pregnancy, expressed in demotions, moral humiliation, and in some cases even dismissal.¹⁹⁰¹

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 Committee on the Elimination of Discrimination against Women (CEDAW), in its Concluding Observations following consideration of Japan's combined 7th and 8th periodic reports, criticized the lack of a comprehensive definition of discrimination against women in Japanese law, covering both direct and indirect discrimination in the public and private sectors. The Japanese

¹⁸⁹⁹ Concluding observations of the Committee on Enforced Disappearances on the initial report of Japan. December 5, 2018.

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CED%2fC%2fJPN%2fC%2f1&Lang=ru

¹⁹⁰⁰ World Economic Forum Global Gender Gap Report 2021 URL:

https://www3.weforum.org/docs/WEF_GGGR_2021.pdfp.9

¹⁹⁰¹ Japan Association for Women's education (JAWE) URL:

<https://www.jawe2021.jp/cgi/keyword/cgi?num^n000225&mode=details=catlist=1&onlis1?=1&alphalist=1&shlist=1>

Civil Code contains a number of discriminatory provisions: different minimum ages of marriage for women and men (16 and 18, respectively); the prohibition on remarriage within a certain period of time after divorce, which applies only to women;¹⁹⁰² 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.¹⁹⁰³

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. At the same time, the high level of bullying (up to 70% 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, in 2022, 2,040 students out of 8,941 surveyed admitted to being victims of sexual abuse.¹⁹⁰⁴ The most high-profile case occurred among students in educational institutions in Shizuoka Prefecture,

¹⁹⁰² By decision of the Supreme Court of Japan, this period was reduced from 6 months to 100 days.

¹⁹⁰³ Concluding Observations of the Committee on the Elimination of Discrimination against Women on the combined 7th to 8th periodic reports of Japan.

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fCO%2fJPN%2fCO%2f7-8&Lang=ru

¹⁹⁰⁴ https://www.gender.go.jp/policy/no_violence/e-vaw/chousa/pdf/r04_honkoku/01.pdf P.4

where 97 cases of harassment by teachers were identified between November 2021 and March 2022. 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.

Legislative regulation of adoption and protection of minors has been changed; 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-psycho-pedagogical centers for up to two months. At the same time, it is noted that conditions in specialized institutions require significant improvement. 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.¹⁹⁰⁵

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, violations of the rights of

¹⁹⁰⁵ Concluding observations of the Committee on the Rights of the Child on the 10th to 11th periodic reports of Japan.
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fJPN%2fCO%2f4-5&Lang=ru

members of the LGBT community, and crimes related to bullying on the Internet.

Traditionally, the level of corruption in the country is considered to be low. For example, the Transparency International Corruption Perception Index traditionally puts Japan among the 20 least corrupt countries. However, despite the high rankings, the practice of "amakudari"¹⁹⁰⁶ continues. The media regularly report on corruption in the highest echelons of government. In 2022, former Minister of Agriculture, Forestry and Fisheries T.Yoshikawa was accused of taking bribes totalling 5 million yen (about \$36,000) from an Akita Foods executive.

Interestingly, Tokyo also receives a certain amount of criticism from its closest allies. For example, the U.S. State Department's 2021 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.¹⁹⁰⁷

In 2020, a new coronavirus pandemic was a serious test for Japan's human rights promotion and protection system. It should be noted that the restrictive measures imposed by the government in connection with the spread of the disease did not cause serious criticism either from the public or from international monitoring bodies, as they were all of an advisory nature. 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).

¹⁹⁰⁶ Japanese term for the transition of retired high-ranking government officials to executive positions in MNCs.

¹⁹⁰⁷ The U.S. Department of State 2021 Trafficking in Persons Report URL: <https://www.state.gov/wp-content/uploads/2021/09/TIPR-GPA-upload-07222021.pdf> 317

Kosovo¹⁹⁰⁸

International and national Serbian human rights organizations are documenting massive human rights violations in the Autonomous Province of Kosovo and Metohija (Kim), which remains outside official Belgrade's control.

A July 3, 2019 Council of Europe Committee of Ministers resolution on implementation of the Framework Convention for the Protection of National Minorities in Kosovo, prepared with observations of the UN Mission in Kosovo, recommended that the province's leadership urgently take steps to foster inter-community dialogue and promote tolerance at central and local levels, condemn attacks on national minorities by ensuring their prompt investigation, ensure better implementation of legislation to protect vulnerable ethnic groups, establish a system for the protection of national minorities, and improve the situation of the rights of ethnic minorities.¹⁹⁰⁹

Nevertheless, with the rise to power in KiM in February 2021 of the ultra-nationalist "Self-Determination" party led by Albin Kurti, the anti-Serb course of the provisional self-government in Pristina intensified manifold. Throughout 2022 the number of ethnically motivated incidents was growing (150 in total; 128 in 2021), and the living conditions of the indigenous Serbian population were steadily worsening. Due to aggressive provocations of the Kosovo leadership, the situation in the region teetered on the brink of an open conflict, forcing Serbs to act collectively to protect their basic rights and freedoms.

Cases of discrimination in the electoral sphere have been recorded. Contrary to previous long-standing practices, and despite calls from international presences, EU leaders and Western countries, Pristina thwarted a referendum on amendments to the Serbian constitution on January 16, 2022 and

¹⁹⁰⁸ The Autonomous Province of Kosovo and Metohija after NATO's aggression against Yugoslavia in 1999 is not under Belgrade's de facto control. However, UN Security Council Resolution 1244 affirms Serbia's sovereignty and territorial integrity with regard to Kosovo.

¹⁹⁰⁹ Resolution CM/ResCMN(2019)11 on implementation of the Framework Convention for the Protection of National Minorities in Kosovo. Adopted by the Committee of Ministers of the Council of Europe on 3 July 2019. https://search.coe.int/cm/pages/result_details.aspx?objectid=090000168095da70

general elections in Serbia on April 3, 2022. Only a small fraction of voters were able to reach Central Serbia to vote.

Attempts to limit freedom of movement continued. On June 29, 2022, the KiM "government" decided to forcibly re-register local Serb-owned vehicles from status-neutral license plates, issued by the Serbian authorities since 1999, to "Republic of Kosovo" license plates. At the expiration of the allotted time frame, vehicles that failed to pass the procedure were to be alienated to the Kosovo "state." After mass demonstrations of disgruntled Serbs, Kurti postponed introduction of new rules under pressure from the West. On November 23, 2022, with EU assistance, the parties reached an agreement whereby Belgrade undertook not to issue license plates with Kosovo municipal markings and Pristina ceased all further actions to re-register cars.

On November 5, 2022, in response to the dismissal of the Kosovo "police" chief in the northern municipalities, N.Djuric (a Serb), who refused to implement the decision to re-register vehicles, the provincial Serbs announced they were leaving the "state institutions". A "minister" in the "government", "members of parliament", heads of four "municipalities", more than 450 policemen, over 100 officers of the "border guard service", 150 officers of the "court" and "prosecutor's office" resigned. Using the vacuum of power, on December 14, 2022 Kurti authorized the seizure by force of the "municipal council" of North Mitrovica, where all the seats were occupied by Kosovo Albanians and Bosniaks-Muslims without any democratic procedures. Earlier, on December 1, 2022, the Pristina-loyal leader of the Progressive Democratic Party, N.Rašić, had been appointed to the Kosovo "cabinet" without any consultation with the Serbs in the "parliament."

On December 10, 2022, in protest against the unjust detention of former Serb "police" officer D.Pantic for his alleged involvement in the attack on the "CEC" employees in Kosovska Mitrovica, Serbs began to build barricades of

trucks on the main roads in the north of the province in an attempt to defend their rights (completely dismantled on January 5, 2023).

On December 8, 2022, in Velika Hoca, Orahovac municipality, Kosovo "police", with NATO support confiscated 42,000 liters of wine from a private winery owned by the Serbian Petrovic family. On December 25, 2022, on spurious pretexts, Pristina denied entry into Kosovo to Serbian Patriarch Porfirije, on his way to his residence in Peja.

Against the background of the atmosphere of hatred towards non-Albanian population created by the "authorities" of KiM, the attempts of physical reprisals against the Serbs resumed. On Christmas Eve, January 6, 2023, in Strpce municipality, two Serbs – cousins Stefan (11 years old) and Milos (21 years old) Stojanovic – were injured by a shooting, opened by a local Albanian from the security forces, A.Kurtaj (quickly detained by the "police"). On the night of January 7, a group of Albanians in the municipality of Klokot attacked a Serb, S.Tomic (18 years old), who was returning from a Christmas service.

Pristina continues to sabotage its key commitment under the 2013 Brussels agreement with Belgrade to create the Community of Serb Municipalities in Kosovo (KSMK), a structure with executive powers in education, health, economy and spatial planning necessary to ensure the survival of the Serbian population. The Kosovars refuse to discuss the issue in an EU-mediated dialogue, stating that the KSMK can only be formed as a Pristina-controlled NGO.

One of the instruments of pressure on the Serbian community remains demonstrative "anti-crime raids," which are in fact acts of intimidation. In 2022, heavily armed special forces of the Kosovo "police" (ROSU) carried out a series of "anti-drug" operations in Zvecan, Izvor, Leposavic and Zubin Potok. A number of "municipalities" conducted searches and seizures in stores and pharmacies under the pretext of "combating smuggling." In October 2021, a

similar raid in Zvecan and Kosovska Mitrovica resulted in riots and the use of firearms against protesters. Similar "operations" took place in May 2022 in Gracanica, Raniluga and Štrpce. In December 2021, January and March 2022, former and current employees of the "municipality" of Štrpce were detained on charges of abuse in the issuance of building permits in the environmental protection zone "Šara."

Systematic gross violations of the right to freedom of conscience and religion continue, and in most cases are committed against members of the Serbian Orthodox Church. The publications and appeals of the Serbian Orthodox Church note acts of vandalism against religious sites (churches, monasteries, and cemeteries), which include damage to buildings and threats to worshippers. In January 2022, posters were displayed on the church building in Vitomirytza with demands to stop restoration works, in December 2021 a church in Priluzhje was robbed and another in April 2022 in Wielka Ropotowo. There were frequent desecrations of Serbian Orthodox cemeteries and monuments: in November 2021 in Kosovo Polje (cemetery) and Velika Hoca (memorials to Serbian journalists who died during the 1998-1999 conflict), in December 2021 in Kishnica (cemetery). In June 2022, the Kosovo police prevented an Ascension Day service in the Church of Christ the Savior in Pristina under false pretexts. These facts are also confirmed by international presences: in July 2022, the head of the OSCE mission in Pristina, Michael Davenport (UK), presented a report "Protection of Cultural Heritage in Kosovo", which recorded 247 incidents with cultural and religious heritage sites between 2014 and 2020.¹⁹¹⁰

The "authorities" of the province continue to evade enforcement of the 2016 decision of the "constitutional court" of KiM to recognize the right of ownership of the Serbian Orthodox Church monastery of Vysokie Dechany over

¹⁹¹⁰ Protection of Cultural Heritage in Kosovo. OSCE Mission in Kosovo. July 2022. <https://www.osce.org/files/f/documents/e/b/522892.pdf>

the adjacent 24 hectares of land. Repeated appeals to this effect by the Serbian Orthodox Church and international organizations have had no effect. According to Kurti, this verdict cannot be executed in a "democratic state," because it gives legal force to the decision of former Yugoslav leader Slobodan Milosevic (in 1997 he granted the monastery the mentioned land), which is unacceptable for Pristina.

In 2021-2022, the European organization for the safeguarding of Europe's cultural heritage, Europa Nostra, pointed out after its visit to Kosovo, the continuing threats to the Vysokie Dechany¹⁹¹¹ and other monuments of the Serbian Orthodox Church, which provoked a negative reaction from the Kosovars and accusations that the NGO was biased and "worked for Belgrade's interests".

The restoration of the UNESCO World Heritage Site of the Church of Saint Nicholas in Prizren and the Bogorodica Ljeviska Church has not moved from a dead point. Despite the ruling of the Kosovo "court" in favor of the Serbian Orthodox Church, the construction of the Church of Christ the Savior in Pristina is still incomplete. In January 2020, the University of Pristina filed a lawsuit demanding the annulment of the 1991 decision of the Serbian Government to give the Serbian Orthodox Church land to build the mentioned church. The realization of this plan threatens to demolish the church on the pretext that it is allegedly preventing the expansion of the university campus.

It is noteworthy that immediately afterwards, on February 26, 2020, the "Court of Appeal" of Kosovo ruled in favor of the Catholic Church, recognizing its right to a 7,500-square-meter plot adjacent to the Cathedral of Mother Theresa near the Church of Christ the Savior. In the same vein is the years-long confrontation between Pristina's "city hall" and the Jewish community of KiM over the location of a future synagogue, for the construction of which it had

¹⁹¹¹ See for example: Europa Nostra and EIB Institute announce Europe's 7 Most Endangered heritage sites 2021. Europa Nostra. April 8, 2021. <https://www.europanostra.org/europa-nostra-and-eib-institute-announce-europes-7-most-endangered-heritage-sites-2021/>

received a general permission back in 2016. The local "authorities" deny the right to build the facility in the city center, demanding that it be moved to the periphery, which causes reasonable indignation among the Jews.

In violation of UN Security Council resolution 1244 and the interests of the Serbian community, the Pristina "authorities" continue to create on the basis of the "Kosovo Security Force" (a local "quasi-army") a full-fledged "armed force," increasing the military component of the KSF without formally changing its name. An appropriate regulatory framework is provided in circumvention of the Serbian representation in the "parliament," contrary to the principle of double majority enshrined in the "legislation," which does not allow major decisions to be made without the consent of "deputies" from the national minorities.

The penitentiary system of Kosovo is in a deplorable state. In a number of penitentiary facilities there was an insufficient provision of personal hygiene products and bedding, as well as a shortage of accommodations. Additional restrictions on the rights of prisoners were recorded during the COVID-19 pandemic (prohibition of visits, family visits, sports and educational activities).

According to the Kosovo "Center for the Rehabilitation of Torture Victims," inappropriate treatment of detainees remains a typical problem. The internal "MIA" body for handling complaints against law enforcement officers is the "Police Inspectorate". In 2021 it processed 617 appeals of citizens in connection with bodily injuries, threats of force. Investigations were conducted in respect of 158 officers, as a result, 78 of them were suspended and 31 were arrested. A total of 91 criminal cases against "policemen" were initiated.

According to the Kosovo "ombudsman," in 2022 he received more than 1,500 complaints related primarily to violations of fair trial rights, cases of family violence (in 2022 there were three high-profile murders on this basis), and discrimination on the grounds of nationality. The recommendations of the

"ombudsman" were followed by the Kosovo "judiciary" and "administration" in only 29 per cent of cases.

One of the key problems in the functioning of the "judicial system" remains the long periods of pre-trial detention before the beginning of the trial on the merits – an average of six months. According to subject matter experts of the European Commission, NGO, and the office of the "ombudsman," formal procedures in this area are implemented slowly, the "judicial" bodies are often subjected to pressure from the political leadership, and questionable appointments take place. The most vivid example of non-execution of court decisions by administrative bodies is the above-mentioned case of the Vysokie Dechany Monastery. During the year of 2021, the "Council of Judges" adopted four opinions against representatives of the profession (disciplinary penalties were imposed). On March 25, 2022, the "Council" decided to suspend and reduce the salary of Serbian "judge" L.Stevanovic for her participation in the extended session of the Serbian National Security Council in Belgrade on March 22, 2022.

Kosovo Albanians play a major role in politics and administration. The four Serb-majority municipalities in the north of the province (Zvecan, Zubin Potok, Leposavic, and North Mitrovica) are an exception. Claims of the organizations that monitored the electoral processes (for the extraordinary "parliamentary" elections in February 2021 and the local elections in October-November 2021) were unjustifiably directed primarily at the Kosovo Serb political community. The essence of the accusations was that Belgrade-funded "illegal" structures in Serbian-populated municipalities allegedly used blackmail and voter intimidation to ensure the victory of the Central Serbia-oriented Serbian List party.

The issue of ethnic tensions in Kosovo has come to the attention of international intergovernmental human rights organizations. The fourth opinion on Kosovo of the Council of Europe's Advisory Committee on the Framework

Convention for the Protection of National Minorities, published on January 2, 2018, taking into account the observations of the UN Interim Administration Mission in Kosovo (UNMIK), refers to the insufficient efforts of the Pristina "authorities" in the implementation of the rights of national minorities, along with some progress in improving the legal framework for equality and strengthening the independence of the institution of "ombudsman" in Kosovo. The latter, unfortunately, in many respects exists only "on paper."¹⁹¹²

The rate of return of refugees and internally displaced persons (IDPs) who left their homes in Kosovo as a result of the 1998-1999 armed conflict remains unsatisfactory. According to the report of the UN Secretary General from March to September 2022, 120 non-Albanian refugees returned, including 102 Serbs (a total of 29,185 national minorities have returned since 2000, including 12,678 Serbs). The total number of IDPs in the province as of October 2022 was estimated at 15,683. Of the approximately 200,000 Kosovo refugees who have settled in the Western Balkan countries, 6,927 are still having difficulties in adapting.

The outflow of the Serbian population continues to increase, far outstripping the number of returnees, which threatens the continued existence of the Serbian community in the province. The problem of the return of immovable property belonging to refugees and IDPs has not been resolved.

There is still an acute shortage of qualified specialists, able to translate various documents of Kosovo institutions from Albanian into Serbian (both, according to the provincial "constitution", are official languages). Under this pretext, the "authorities" continue to oust Serbian, as well as other languages of national minorities, from all spheres of public life.

Serbian is excluded from the teaching system in the vast majority of Kosovo Albanian schools and other educational institutions and is relegated to

¹⁹¹² Fourth Opinion of the Advisory Committee of the Framework Convention for the Protection of National Minorities on Kosovo, adopted March 8, 2017.
<https://rm.coe.int/fourth-opinion-on-kosovo-adopted-on-8-march-2017/1680779af8>

the status of a language of other national minorities, being used, as a rule, exclusively in Serb-populated areas. At the same time, in Kosovo Albanian "municipalities" Serbian-language inscriptions (for example, duplicate names of settlements) are blatantly erased.

In courts, Serb defendants are often denied access to materials in their native language. The quality of the translation is so poor that distortions are made that could have an impact on the case.

Kosovo "legislation" declares equality in rights of men and women, provides for equal shares in property inheritance for both genders. In practice, these issues are still governed by rigid patriarchal traditions that force women, as a rule, to voluntarily renounce claims to land, real estate, etc. in favor of male heirs.

Domestic violence remains another serious problem facing women in Kosovo. Despite a five-year strategic plan adopted by the "government" in 2016 aimed at solving the problem, according to specialized NGOs, two-thirds of Kosovar women have experienced various types of violence in their families. However, it is only possible to launch a judicial investigation in such situations in Kosovo if physical beatings are proven.