



# Civil Rights and Political Liberties Report

Civil Rights, Political Liberties, Non-discrimination

## Sustainable Governance Indicators 2016

Indicator

## Civil Rights

Question

To what extent does the state respect and protect civil rights and how effectively are citizens protected by courts against infringements of their rights?

41 OECD and EU countries are sorted according to their performance on a scale from 10 (best) to 1 (lowest). This scale is tied to four qualitative evaluation levels.

- 10-9 = All state institutions respect and effectively protect civil rights. Citizens are effectively protected by courts against infringements of their rights. Infringements present an extreme exception.
- 8-6 = The state respects and protects rights, with few infringements. Courts provide protection.
- 5-3 = Despite formal protection, frequent infringements of civil rights occur and court protection often proves ineffective.
- 2-1 = State institutions respect civil rights only formally, and civil rights are frequently violated. Court protection is not effective.

### Finland

Score 10

Civil rights are widely respected and protected in Finland. The country has received the highest possible rankings for civil rights in Freedom House's annual rankings since the early 1980s. The law provides for freedom of speech, which is also respected in practice. Furthermore, Finns enjoy full property rights and freedom of religion, with the government officially recognizing a large number of religious groups. Freedoms of association and assembly are respected in law and practice, while workers have the right to organize, bargain collectively and strike. Debates on adoption-rights legislation for same-sex couples are ongoing, while the parliament voted to provide marriage rights for same-sex couples in November 2014 after long and contentious discussions.

### Norway

Score 10

State institutions respect and protect civil rights. Personal liberties are well-protected against abuse by state and non-state actors. People cannot be detained without charge for more than 24 hours. A court decides whether a suspect should be held in prison during an investigation, a question given more serious consideration here than in some other countries. The issue of civil rights receives considerable attention in the media and from intellectuals as well as from the government bodies responsible for the protection of civil rights. The court system is, however, not always effective. It may take considerable time for a case to be handled in the courts.

Access to the courts is free and easy, and the judiciary system is viewed as fair and efficient. The most difficult recent court case was that of Anders Breivik, who on 22 July 2011 orchestrated domestic acts of terrorism, killing 77 people and causing massive material damage. This incident was regarded as a national trauma, but from a judicial perspective was handled scrupulously and according to due process. There is full freedom of movement and of religion. Respect for civil rights extends to the rights of asylum-seekers.

Privacy is less protected than in some other countries. All residents are recorded in a compulsory population register with a unique number that is also used in all official and much private business, including banking.

## Canada

### Score 9

The state and the courts in general show a high degree of respect for civil rights and political liberties in Canada. Of course, there is a trade-off between protecting the rights of individuals from government intrusion and ensuring public safety and security from terrorist threats. Two recent security breaches, the shooting of a soldier on ceremonial sentry duty at the Canadian National War Memorial in Ottawa and an attack on military personnel in Saint-Jean-sur-Richelieu, have given new impetus to the government's plans to introduce new anti-terrorism legislation. In 2015, the government introduced a new Anti-Terrorism Act (Bill C-51), representing sweeping changes to the Canadian security apparatus. The Act was passed in June of the same year with the support of both the governing Conservatives and the Liberal Party. It includes expanded surveillance and intelligence sharing, a remodeling of the Canadian no-fly regime in the style of the United States', and expanded powers and courtroom anonymity for the Canadian Security Intelligence Service (CSIS). The bill was the subject of intense public debate. Many civil libertarians and privacy advocates as well as the New Democrats, who constituted the official opposition in the House of Commons at the time, opposed the bill.

In a 2015 report, the U.N. Human Rights Committee expressed concerns about the bill, citing the potential for "mass surveillance and targeting activities" under the broad new mandate and powers of the CSIS, the "increased sharing of information among federal government agencies on the basis of a very broad definition of activities that undermine the security of Canada," and the codification of the new "no-fly list programme without a clear procedure to inform the person concerned on its status." The Committee was also "concerned about the lack of adequate and effective oversight mechanisms to review activities of security and intelligence agencies and the lack of resources and power of existing mechanisms to monitor such activities." Two civil liberty organizations, the Canadian Civil Liberties Association and Canadian Journalists for Free Expression, have since launched a legal challenge to C-51 under the Canadian Charter of Rights and Freedom.

## Citation:

Bill C-51, An Act to enact the Security of Canada Information Sharing Act and the Secure Air Travel Act, to amend the Criminal Code, the Canadian Security Intelligence Service Act and the Immigration and Refugee Protection Act and to make related and consequential amendments to other Acts (2015). Retrieved from the Parliament of Canada website <http://www.parl.gc.ca/HousePublications/Publication.aspx?Language=E&Mode=1&DocId=8056977>.

United Nations Human Rights Committee, Concluding Observations on Canada's sixth report in relation to Canada's compliance with the International Covenant on Civil and Political Rights, August 2015.

<http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhskswUHe1nBHTSwwEsgdxQHJBoKwgsS0jmHCTV%2fFsa7OKzz9yna94OOqLeAavwpMzCD5oTanJ2C2rbU%2f0kxdos%2bXCyn4OFm3xDYg3CouE4uXS>

## Denmark

### Score 9

Civil rights are protected by the Danish constitution, including personal liberty (Article 72), inviolability of property (Article 73), inviolability of dwellings (Article 72), freedom of speech (Article 77), freedom of association and freedom of assembly (Article 79). The authorities and courts normally protect these freedoms.

Denmark ratified the European Convention on Human Rights in 1953. Since 1976, Denmark has had a number of cases at the European Court of Human Rights. Denmark lost some cases, especially concerning freedom of association (Article 11 in the European Convention) and concerning unnecessarily lengthy case proceedings (Article 6 in the European Convention), including the 2009 Christensen v. Denmark Judgment. These cases indicate Denmark could do better when it comes to protection of civil rights.

The Danish Institute for Human Rights issues an annual report with detailed accounts of the human rights situation in Denmark and recommendations for the government. Some recommendations concern the rights of immigrants and asylum-seekers.

## Citation:

Henrik Zahle, Dansk forfatningsret 3: Menneskerettigheder. Copenhagen: Cristian Ejlers' Forlag, 2007.

Institut for menneskerettigheder, "Danske sager," <http://menneskeret.dk/menneskerettigheder/europa,+oplysning+og+rettigheder/euopar%C3%A5det/den+europ%C3%A6iske+menneskerettighedsdomstol/danske+sager> (accessed 15 April 2013).

European Court of Human Rights, "Case of Christensen v. Denmark," <http://menneskeret.dk/files/DoekerPDF/Case%20of%20Christensen%20v.%20Denmark.pdf> (accessed 15 April 2013).

Danish Institute for Human Rights, Human Rights in Denmark: Status 2014-15. A Summary. [http://www.humanrights.dk/files/media/dokumenter/udgivelser/status/status\\_uk\\_2015.pdf](http://www.humanrights.dk/files/media/dokumenter/udgivelser/status/status_uk_2015.pdf) (accessed 7 October 2015)

## Estonia

### Score 9

Civil rights are widely respected and government does not interfere in the activities of courts. Equal access to the law and equal treatment by the law are legally guaranteed. The length of court proceedings has declined compared to 2012 and 2013, and the Estonian court system can be regarded as efficient in cross-European

comparison on the basis of several indicators. However, according to the country's Chief Justice, legal advice in Estonia is too expensive, and many citizens are unable to afford it.

The chancellor of justice plays an important role in ensuring civil rights. He makes sure that authorities and officials performing public duties do not violate people's constitutional rights and freedoms, and that persons held in detention are not treated in a degrading, cruel or inhumane way. Individuals can bring concerns directly to the chancellor's office or send a letter detailing the issue of concern. In 2015, 995 citizen applications were received, 148 of them dealing with alleged violations of civil rights or liberties.

Citation:  
COM (2015). The 2015 EU Justice Scoreboard. [http://ec.europa.eu/justice/effective-justice/files/justice\\_scoreboard\\_2015\\_en.pdf](http://ec.europa.eu/justice/effective-justice/files/justice_scoreboard_2015_en.pdf) (accessed at 17. September 2015)

## Germany

### Score 9

In general, all state institutions respect individual freedoms and protect civil rights. Civil rights are granted by the Basic Law and their modification is possible only by a two-thirds legislative majority. Some provisions concerning basic human rights are not alterable at all. The court system works independently and effectively protects individuals against encroachments by the executive and legislature. In the Economist Intelligence Unit's 2014 Democracy Index, Germany received a steady score of 9.12 out of 10 on the issue of civil liberties. However, 25 countries were awarded (slightly) higher scores.

In view of recent scandals which brought to light that the intelligence services neglected laws and disregarded national boundaries, it is at least questionable whether state security agencies respect citizens' civil rights as an inalienable prerequisite of a constitutional state. It is, however, difficult to assess the amount of malpractice going on. Even the parliamentary investigation committee – tasked with scrutinizing the conduct of intelligence forces – complained about the government's reluctance to provide all necessary information (FAZ 26.09.2014).

Despite these imperfections, the overall level of protection accorded to civil rights in Germany is high. The significance of civil rights is rooted in the country's particular political history and the rule of law is given high priority.

Citation:  
<http://www.faz.net/aktuell/politik/wer-wurde-abgehoeert-nsa-untersuchungsausschuss-beklagt-schwierige-aufklaerung-13175931.html>

## Ireland

Score 9

The Irish constitution enshrines the full range of fundamental civil rights associated with a liberal-democratic state. Article 38 establishes the right to a fair trial; Article 40 the rights to life, liberty, property, freedom of expression and equality before the law; Article 41 contains provisions for the protection of the family. In November 2012, the constitution was amended by referendum to strengthen the provisions regarding the rights of the child.

Operating under the common-law system inherited from the era of British rule, the Irish courts have been active in discovering “unenumerated” rights implied by these articles. These include the right to bodily integrity, to freedom from torture, inhuman or degrading treatment or punishment, the right to work and earn a livelihood and the right to privacy.

Following the passage of the European Convention on Human Rights Act (2003) by the Irish parliament, the rights interpreted and developed by the European Court of Human Rights are directly enforceable before the Irish courts. The Criminal Justice (Legal Aid) Act 1962 established an extensive system of free legal aid to promote equal access to the law and the courts. Access to free legal aid in certain civil cases was established by the Civil Legal Aid Act (1995).

However, a plaintiff who takes a civil case through the courts and loses is likely to have to meet not only his/her own legal costs but also those of the defendant. The best legal advice is very expensive. These considerations limit the effectiveness of equality of access to justice especially in matters relating to defamation, property disputes and other areas not covered by legal aid.

The Protected Disclosures Act 2014 came into force in July 2014. This will offer legal protections for workers who report concerns about wrongdoing in the public, private and non-profit sectors. The law will cover all employees, contractors, agency workers, members of the police force (An Garda Síochána), and members of the Defence Forces.

## Sweden

Score 9

Civil rights and legality are core values in Swedish governance. The constitution has a chapter devoted to human rights. Legal security is an essential guideline for the public administration. In all these respects, Sweden earns a top score in this category.

However, the emphasis on efficiency in administrative reform is undermining legal security. This applies, for instance, to the immigration service and the performance management system used by police, which incentivizes staff to prioritize efficiency

and closure over full legal consideration. Moreover, the immigration administrative system has come under considerable stress from the rapid increase in asylum seekers caused by the Syrian war. The Migration Agency has done its utmost to step up to this challenge by increasing staff and introducing work shifts to deal with the soaring number of immigrants.

Also, there were instances in the recent past (e.g., the extradition, in concert with the CIA, of two Egyptian citizens who were forced to return to Egypt where they were immediately arrested and tortured), which raise issues about the extent to which state institutions or actors uphold the basic civil rights codified in the constitution.

Lastly, it is worth noting that organized crime has taken a hold in some metropolitan regions of Sweden. Without a doubt, infringement of individual freedom caused by private actors such as organized crime is a real and growing problem. In response, the national police have made curbing organized crime a priority.

## Switzerland

### Score 9

Civil rights are guaranteed by the constitution. However, the country does not have a classic constitutional court able to monitor the conformity of federal laws with the constitution outside the context of a particular case. Federal laws are binding for the federal courts. In contrast, the Federal Supreme Court in Lausanne monitors the conformity of federal regulations and cantonal laws with the constitution. With respect to basic civil rights, the European Court of Human Rights complements the Swiss Federal Supreme Court.

In December 2012, a parliamentary attempt to give the Federal Supreme Court the right to abstain from applying federal law if the federal law was incompatible with the constitution failed. The main argument was that in a semi-direct democracy, the constitutional court should not be authorized to declare federal laws void as a whole. Thus, Switzerland, for different reasons but in a manner similar to the Scandinavian countries, the Netherlands and Great Britain, does not possess a comprehensive judicial power of constitutional review.

In international comparison, the country's record of guaranteeing human rights is outstanding. However, conflicts between human rights and direct democracy have emerged, particularly in recent years. One such concern was represented by the successful 2004 popular initiative for the life imprisonment of particularly dangerous criminal offenders without any opportunity for reexamination. This conflicts with the European Convention for the Protection of Human Rights and Fundamental Freedoms. This convention guarantees periodic reviews in which the necessity for continued imprisonment can be evaluated.

Likewise, there have been conflicts between popular votes on naturalization and the call by foreign-born individuals for fair and transparent treatment, and the

opportunity to appeal naturalization decisions. Some observers have argued that the current naturalization procedure fails to conform to the standard of human rights set out in the constitution. The Federal Supreme Court decided in 2003 that naturalization procedures previously established by popular vote were unconstitutional, since they violated constitutional norms of non-discrimination and the right to a lawful legal procedure.

The ban on the construction of minarets, approved in a popular vote in 2009, represents a particularly problematic decision. The basic claim of proponents was that minarets signify the potential aggression and power claims of Islam, which need to be suppressed as a strategy for keeping the peace. However, it is evident that the popular initiative was clearly aimed against Islam and the Islamization of Europe. Legal scholars tend to argue that the decision violates the freedom of worship and the non-discrimination rule.

The major underlying problem is the claim by many political actors that the people have an unrestricted right to decide any matter through popular vote. This conflicts with the basic rule of any liberal democracy that there are limitations to the will of the majority, such as human rights standards and protections for minorities. Switzerland's public debate on the limits to majority rule (through popular vote) shows little cognizance of these traditional limitations to majoritarian rule. This has become very obvious in recent debates over the conflicts between international law and Swiss citizens' decision-making rights in popular votes. Although anxiety over the ebbing of popular sovereignty extends beyond conservatives, this latter group in particular feels uneasy with the internationalization of law and some recent interpretations of human rights that have been made by a professional elite with little democratic legitimation and imposed in a top-down manner. In the conservative view, the internationalization of law and international court decisions against the results of Swiss referenda contradict Switzerland's legislative culture, which is characterized by the principle of subsidiarity and guided by the idea that popular decisions have the highest degree of legitimacy. Consequently, in 2015, the country's strongest political party, the Swiss People's Party, began collecting signatures for an initiative to give Swiss law precedence over international law and treaties.

## France

### Score 8

In France, even though there is an established tradition of the rule of law and the recognition and protection of civil and fundamental rights, there is too a long history of infringements of those rights. The two main reasons for this are related to the distrust, and often contempt, of government toward the judiciary. This behavior dates back to the French Revolution, and has been further exacerbated by the country's fraught political history; violations have continued to occur up until the 1980s.



The situation has improved in recent history for several reasons. First, governments have had to concede some improvements or make concessions to the judiciary, for example by limiting government intervention in the appointment of magistrates, by limiting government interference in the judicial process, and by strengthening formal guarantees. Second, the public at large, in particular activists and NGOs, has been instrumental in limiting the undue reach of governmental power, and the media have supported such social movements. Third, France's judicial system now acts in the shadow of international courts which sanction national violations of the rule of law. The European Court of Human Rights and the Court of Justice of the European Union play an incremental but decisive role in this progress.

A more general problem is related to the partial or poor implementation of the rule of law, either because public officials adopt an attitude of benign neglect or because of the difficulty for the poor or immigrants to access the courts. Civil rights areas such as the effective protection of the handicapped, women or foreigners have still to improve.

With the proclamation of a state of emergency by the government after the terrorist attacks of 13 November 2015 and its prolongation for three months by the parliament, the question of possible infringements of civil rights has become an important topic. The Council of Europe has been informed about this measure, which implies a possible breach of human rights, according to article 15 of the European Human Rights Convention. It remains to be seen to what extent its application may eventually damage (or not) fundamental civil rights.

## Iceland

### Score 8

The Icelandic state fully respects and protects civil rights, and courts effectively protect citizens. Where there is evidence of disregard for civil rights, courts generally rule against the government.

However, there are specific exceptions to this rule. Most importantly, the United Nations Committee on Human Rights (UNCHR) issued a binding statement in 2007 to the effect that, because of its inequity, the management system of Iceland's fisheries constituted a violation of human rights. It furthermore instructed the government to change the system and to pay damages to those whose rights had been violated. The government responded by promising to pass a new constitution with a provision declaring the country's natural resources to be the property of the nation. The UNCHR dropped the case, saying that Iceland's promise of a new constitution was sufficient. However, the parliament has failed to act on the new constitutional bill. In 1998, the Supreme Court ruled that the management system of Iceland's fisheries was discriminatory and hence unconstitutional. However, the Supreme Court reversed its decision in 2000 under overt political pressure from ministers.

The European Court of Justice (ECJ) has heard several petitions by Icelandic citizens recently that their civil rights have been violated. In almost all of these cases, the ECJ has ruled in favor of the petitioner, casting doubt on the ability of Icelandic courts to protect civil rights effectively. Most recently, for example, journalists who had been found guilty of libel in Iceland were declared innocent by the ECJ. Following a number of similar ECJ rulings in recent years, Icelandic courts have demonstrated an increase tendency to acquit defendants in politically motivated libel cases. Nevertheless, defendants in several recent libel cases have had to bear the cost of their legal defense, despite being acquitted.

Citation:

Gylfason, Thorvaldur (forthcoming), *Constitution on Ice*, forthcoming in *The Politics of the Icelandic Crisis*, eds. Irma Erlingsdóttir, Valur Ingimundarson, and Philippe Urlfalino. — Also available as CESifo Working Paper 5056, November 2014.

## Latvia

Score 8

Civil rights are generally respected and protected. In cases of infringement, courts provide protection. Individuals have equal access to and are accorded equal treatment by the courts. A significant court overload, however, creates difficulties in obtaining timely access to justice.

Despite improvements, there are ongoing concerns over poor conditions in the country's prisons and detention facilities, and about lengthy pre-trial detention periods.

Following ratification of the U.N. Convention on the Rights of Persons with Disabilities in 2010, the parliament introduced legislation in November 2012 that replaced plenary guardianship with alternative models of guardianship. This strengthened protections for the civil rights of the mentally disabled.

A number of cases have cast a spotlight on the state's inability to prevent unjustifiable interventions into individuals' personal lives. The unsanctioned publication of private e-mails, personal data, Internet browsing histories and telephone transcripts have led some to question the efficacy of privacy protections, and even the state's own ability to safeguard information. In 2015, an individual who downloaded data from the State Revenue Service and published a portion of that data in the public interest was prosecuted, found guilty and sentenced to community service. The published data, detailing the salaries of public servants, has since been categorized as openly accessible information. Nevertheless, the state pursued the individual for an unjustifiable violation of an individuals' right to privacy, because his download of information pertained to private individuals, not public officials. The civil servants responsible for leaving vast amounts of personal data on an unprotected website have not been held accountable.

## Citation:

1. Ombudsman of Latvia (2011), Annual Report, Available at: [http://www.tiesibsargs.lv/files/gada\\_zi%C5%86ojumi/ties%C4%ABsarga\\_gada\\_zi%C5%86ojums\\_2011.pdf](http://www.tiesibsargs.lv/files/gada_zi%C5%86ojumi/ties%C4%ABsarga_gada_zi%C5%86ojums_2011.pdf), Last assessed: 21.05.2013.
2. U.S. Department of State (2012), Human Rights Report - Country Report: Latvia, Available at: <http://www.state.gov/documents/organization/204515.pdf>, Last assessed: 21.05.2013
3. Latvian Centre for Human Rights (2011), Anti-discrimination in Latvia: From Legislation to Judicial Practice, Available at: [http://cilvektiesibas.org.lv/site/attachments/29/01/2012/Diskriminacijas\\_noversana\\_Latvija\\_II\\_Screen.pdf](http://cilvektiesibas.org.lv/site/attachments/29/01/2012/Diskriminacijas_noversana_Latvija_II_Screen.pdf), Last assessed: 21.05.2013.
4. Resource Centre for People with Mental Disability "Zelda," Information available at: [www.zelda.org.lv](http://www.zelda.org.lv), Last assessed: 21.05.2013.

## Lithuania

### Score 8

It is relatively easy for all residents to gain Lithuanian citizenship, and civil rights are officially protected by the constitution and other legislative provisions. However, there are some problems regarding effective protection of citizens' rights. According to the U.S. Department of State, Lithuania's most significant human rights problems include poor prison conditions, intolerance of sexual and ethnic minorities, and the lengthy detention of persons awaiting trial. Additional problems include interference with personal privacy, domestic violence, child abuse, and libel and anti-discrimination laws that limit the freedom of expression. Lithuanian authorities do seek to prosecute or otherwise punish officials who committed abuses, and Lithuanian courts provide legal protection against illegitimate or unjustifiable interventions into personal life. However, the country's score on the Civic Empowerment Index, produced by the Civil Society Institute since 2007, remains low, at 34 out of a possible 100 in 2014 compared to 36 in 2013. Lithuanian society shows only an average interest in public affairs, while the social environment remains unfavorable for civic engagement. A total of 18% of the Lithuanian population indicated in 2014 that they had experienced violations of their rights, and again only 18% said they had taken action to protect themselves, indicating an insufficient degree of awareness of human rights.

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Country Report on Human Rights Practices for 2011 on Lithuania is available at <http://www.state.gov/j/drl/rls/hrrp/t/humanrightsreport/index.htm#wrapper>

The Index of Civil Power measured by the Civil Society Institute is available at <http://www.civitas.lt/lt/?pid=74&id=78>

Survey on the situation of human rights in Lithuania, <http://www.hrmi.lt/musu-darbai/tyrimai/178/visuomenes-nuomones-apklausa/>

## Luxembourg

### Score 8

Civil rights are effectively protected in Luxembourg and all state institutions respect these rights with some exceptions. Four institutions are in charge of civil rights' protections: the Constitutional Court, an advisory board on human rights, the

National Commission on Data Protection and a parliamentary ombudsman. However, the judiciary system's overload and subsequently slow case processing has triggered concerns over due process and equitable treatment. The European Court of Human Rights in Strasbourg has reprimanded the country on several occasions as a result of delays in the court system. The mediation law provides for processing within a maximum of four months, with the aim of speeding up administration procedures. The influence and the number of complaints to the Ombudsman Office continues to grow, with 689 complaints in 2014 (2013: 507). The rate of favorable rulings or settlements remains high (85.52%, compared to 80.39% in 2013). These high figures show both the efficiency and the necessity of this institution. Three EU directives concerning the right to have an interpreter and legal representation for detainees and prisoners, as well as the right to inspect relevant files, are expected to be implemented, but only after some delay.

Citation:

<http://www.legilux.public.lu/leg/a/archives/2003/0128/a128.pdf#page=2>

[http://www.ombudsman.lu/doc/doc\\_downloads\\_210.pdf](http://www.ombudsman.lu/doc/doc_downloads_210.pdf)

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[http://www.legilux.public.lu/leg/textescoordonnes/compilation/code\\_administratif/VOL\\_5/PROCEDURE\\_ADMIN.pdf](http://www.legilux.public.lu/leg/textescoordonnes/compilation/code_administratif/VOL_5/PROCEDURE_ADMIN.pdf)

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<http://www.csl.lu/component/rubberdoc/doc/1671/raw>

For further information: see section D 3.3

## New Zealand

Score 8

Civil and human rights protection is based on the Bill of Rights Act 1990 and the Human Rights Act 1993, which defines the tasks of the Human Rights Commission. The commission actively promotes compliance with civil and human rights by public bodies and in society. Recent activities concern rights within the Treaty of Waitangi and a Human Rights Action Plan 2005 with regard to violence against women and children and maltreatment in prisons and mental institutions. These have led to various activities, such as the establishment of a high-level taskforce for action on sexual violence, chaired by the secretary for justice, to advise the government. Amnesty International reported in its Annual Report 2012 that it had met with parliamentary members to discuss progress made with regard to social, economic and cultural rights (e.g., the Marine and Coastal Area (Takutai Moana) Act 2011). New Zealand signed the Optional Protocol to the U.N. Convention on the Rights of the Child on the sale of children, child prostitution and child pornography in September 2011. Against this background, it is worrisome that more than 20% of children in New Zealand live below the poverty line, with children of Maori and Pacific Islander descent being particularly affected.

The powers of the Communications Security Bureau to conduct surveillance on New Zealanders has recently been the subject of scrutiny by civil rights, Internet and legal groups, including the New Zealand Law Society. The Government Communications

Security Bureau (GCSB) and the Related Legislation Amendment Bill, which was debated in Parliament in 2013, extended the provisions under which the GCSB could investigate and gather information on residents and citizens. This bill amended the GCSB Act 2003, which stipulated that the GCSB's role was to conduct foreign, not domestic, surveillance. Prior to and during the 2014 election campaign, the activities of the GCSB came under close scrutiny, especially after it was found to have acted illegally by monitoring the activities of a New Zealand resident, the German-born Internet entrepreneur, Kim Dotcom. A review later revealed that a further 80 New Zealanders had been spied on by the agency, a finding that forced the prime minister to assure New Zealanders that there was no mass surveillance of their activities. Controversially, New Zealand continues to be an active member of the so-called Five Eyes network, a government-level alliance that shares intelligence information on a global scale.

Citation:

Amnesty International Aotearoa New Zealand Annual Report 2015: [https://www.amnesty.org.nz/sites/default/files/AINZ\\_Annual\\_Report\\_2015.pdf](https://www.amnesty.org.nz/sites/default/files/AINZ_Annual_Report_2015.pdf) (accessed November 30, 2015).  
Human Rights Act 1993 (Wellington: The Government of New Zealand 2011).  
New Zealand Bill of Rights Act 1990 (Wellington: The Government of New Zealand 1994).

## Poland

Score 8

State institutions largely respect and protect civil rights. However, inefficiencies in the Polish court system, including lengthy court proceedings, have stymied efforts to adequately uphold civil rights. The European Court of Human Rights has criticized the Polish government several times for unduly lengthy court proceedings and excessive periods of pre-trial custody. In February 2015, the Court eventually rejected the Polish government's appeals against its 2014 decision that Poland had violated international law by hosting secret CIA prisons without any legal basis or review. The government's plans to reduce the debt burden of Polish foreign-currency debtors to the detriment of foreign banks as well as a conflict between the state-owned energy provider Tauron Polska Energia and various foreign wind power generators raised some concerns about the government's respect for private property rights.

## Portugal

Score 8

The Portuguese Constitution of 1976 defines broad categories of rights and guarantees for the population in Articles 12-23 and 24-27. This is generally also the case in practice. However, poorer elements of society, as in any country, tend to lack the educational, legal and other means to take full advantage of these guarantees.

Within this context, elements of concern noted in previous reports with regard to civil rights in Portugal remain:

1). There continue to be reports of police violence and brutality. The U.S. Department of State Report on Human Rights Practices in Portugal for 2014 considers there to be “credible reports of excessive use of force by police.” In a well-publicized case, tensions emerged in Lisbon’s Cova da Moura neighborhood in February 2015 after claims of excessive police force that led to disciplinary proceedings against police officers.

2). The treatment of prisoners remains another point of concern, with the U.S. Department of State Report on Human Rights Practices in Portugal for 2014 once again identifying as “credible” reports of “mistreatment and other forms of abuse of prisoners by prison guards.” Moreover, this report also notes the persistence of inadequate facilities and overcrowding in Portuguese prisons. A Council of Europe study, reported in February 2015, indicated that the prison system had 14,284 inmates, overshooting its capacity of 12,167 by 17%.

3). The legal system continues to allow lengthy pretrial “preventive” detentions, without charges being filed. According to the U.S. Department of State Report on Human Rights Practices in Portugal for 2014, 16.5% of the prison population was in preventive detention of this kind in July 2014 – a decrease as compared to the previous period in 2013 (19%) – and such detainees spend an average of six months to a year incarcerated.

It seems relevant here to note that ex-Prime Minister José Sócrates is under house arrest for alleged corruption, money laundering and tax fraud. Moreover, at least one other minister and several important bankers are also under investigation for corruption. Thus, while there are undoubtedly variations in the application of the law, even those at the very top of society, in both the public and private sectors, can be held to account.

Citation:

US State Department, “Country Reports on Human Rights Practices for 2014 - Portugal,” available online at: <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236566>

Diário de Notícias, “Processo disciplinar para nove polícias por incidentes na Cova da Moura,” 7/7/2015, available online at: <http://www.dn.pt/portugal/interior/processo-disciplinar-para-nove-policias-por-incidentes-na-cova-da-moura-4666582.html>

Sábado, “Sobrelotação nas cadeias ultrapassa os dois mil presos,” 11/2/2015, available online at: [http://www.sabado.pt/portugal/detalhe/estabelecimentos\\_prisionais.html](http://www.sabado.pt/portugal/detalhe/estabelecimentos_prisionais.html)

## Australia

Score 7

Australia is the only major established democracy which does not have a bill of rights, but civil rights are protected through a significant body of legislation and by the constitution, which contains certain implied rights which are subject to interpretation by the High Court.

While Australia's record of protecting human rights is internationally regarded as strong, criticism continues to be voiced regarding treatment of the indigenous population and the respect accorded to asylum seekers' civil rights.

Since 1992, Australia has operated a system of mandatory detention for asylum seekers while their cases are processed. Offshore processing ceased in 2008 under the Labor government, but was reinstated in August 2012. In September 2013, the coalition government instituted a "turn back the boats" policy, whereby vessels containing asylum seekers are intercepted by the Australian navy and prevented from entering Australia.

Concerns have also been raised about counter-terrorism legislation. The Anti-Terrorism Act 2005 includes a variety of individual powers, including detention for up to 14 days, and restrictions on the movement, activities and contacts of persons subject to "control orders," whether or not those persons have been accused or convicted of any offense. The coalition government has implemented four further tranches of legislation since October 2014. These include the Telecommunications (Interception and Access) Amendment (Data Retention) Act 2015, which requires telecommunications service providers to retain and secure telecommunications metadata for two years. Twenty-two agencies, including the Australian Security Intelligence Organization (ASIO), state police forces, the Australian Crime Commission and the Australian Taxation Office are able to view the data without a warrant. The Act is opposed by a wide range of groups, including human-rights organizations and civil-liberties groups, on the basis that it represents an excessive encroachment on Australians' privacy.

Citation:

<http://www.amnesty.org.au/news/comments/36221/>

Leonard, P (February–March 2015). "The metadata retention debate rages on" Internet Law Bulletin: <http://www.gtlaw.com.au/wp-content/uploads/The-Metadata-Retention-Debate-rages-on.pdf>

## Austria

### Score 7

The rule of law as well as basic civil rights are guaranteed in Austria, at least for Austrian citizens. This is less so the case for non-citizens (and especially non-EU-citizens). Austrian laws concerning naturalization are extremely strict, which leaves hundreds of thousands of persons living legally in Austria excluded from political rights. Recent cases documented by NGOs have shown members of the Austrian police to have used cruelty and violence in interactions with non-citizens (especially migrants without a residence permit).

Right-wing populist parties, especially the Freedom Party of Austria (FPÖ), instrumentalize social and economic anxieties among the broader population to blame migrants and refugees for any kind of negative development, ranging from

crime to unemployment. Mainstream political parties have sometimes been reluctant to insist that the guarantees provided by human-rights declarations signed by Austria (such as the Council of Europe's Declaration of Human Rights) cover refugees and migrants, and must be implemented without reservation.

The European Court of Human Rights has been especially critical of the way Austrian courts implement the freedom of speech. There is a tendency within Austria's administration and judiciary to define this freedom in a more restrictive way than the court believes is correct.

With respect to religious freedom, all major denominations enjoy the status of officially recognized religious communities. This status enables access to the public-education system in form of religious instruction in schools, paid for by the government; a privileged way of "taxing" members of religious communities (through the church tax, or Kirchensteuer); and other entitlements. As a consequence of these various financial links and other relationships, there is no clear separation between religious denominations and the state. However, the religious denominations (especially the still-dominant Roman Catholic Church) have resisted identification with any specific political party.

Two groups of Austrians are disadvantaged by this system of officially recognized denominations: members of the small denominations that lack official recognition, and atheists (or agnostics) who may feel that religion as such is privileged in Austria compared with non-religion.

Access to the courts in Austria has become increasingly difficult as a result of legal fees that have reached exorbitantly high levels, particularly in the civil branch of the judiciary system.

While the state does in some cases provide financial assistance, in many cases, the fees required for access to the Austrian judicial system constrain or altogether block access for people with limited means. In practice, this has fed the growth of a legal-insurance sector. People who cannot afford to pay for legal-insurance policies find the high court fees a significant obstacle to defending their rights in the Austrian court system.

## Belgium

### Score 7

The courts operate independently of political interests, and regularly challenge political decisions. Equally, tension between judges and politicians can be said to have increased in recent years. In most cases, civil rights are well-protected.

Yet issues remain. The judicial system is chronically underfunded, which means that many cases face a delay of years before a decision is made. This has damaged Belgium's position in the World Bank's "ease of doing business" rankings, where it



is ranked 53rd in terms of contract enforcement (as compared to an overall rank of 43rd in June 2015). Abnormal delays also sometimes force judges to abandon prosecution. In February 2013, a court fined the Belgian state €10,000 per judge lacking over judicial delays due to the government's decision to appoint too few judges, which resulted in unacceptable delays in judgments. In April 2013, Yves Liégeois, the chair of the prosecutor's office, publicly complained of his increasing inability to pursue investigations.

Another difficulty involves linguistic issues (e.g., in municipalities around Brussels), as some jurisdictions are split into Dutch-speaking and French-speaking chambers. This is mainly a problem in Brussels, which is bilingual.

## Chile

### Score 7

The state and the courts efficiently protect civil rights, but certain specific conflicts (e.g., those related to indigenous groups) have led to human-rights violations. In conflicts involving ethnic minorities, anti-terror legislation – which violates international conventions signed by Chile and goes back to 1984 – is applied. Furthermore, some occasional conflicts between civilians and the military or the police are overseen by military courts, whose impartiality is questionable. In general, the enormous income gap between population groups tends to marginalize the poorest people, who receive less state protection regarding the infringements of their rights.

## Cyprus

### Score 7

Cyprus' constitution and laws guarantee and protect the civil rights of all resident individuals, whether citizens of the republic or of other EU or non-EU countries. However more cohesive and efficient measures for asylum seekers and economic migrants are needed in order to ensure compliance with European and international rules and standards.

The incidence of human trafficking in the country has led to Cyprus being assigned to a U.S. Department of State's trafficking-in-persons list, meaning the country has taken insufficient action in the fight against trafficking. In addition, a 2015 report by the CoE's Group of Experts on Action Against Trafficking in Human Beings (GRETA) committee noted a rise in labor exploitation. Despite improvements, a new policy framework and an EU harmonization law (2014), efforts by the authorities have been deemed to be non-satisfactory; serious problems include the detention of migrants and asylum seekers and the exploitation of migrant workers through low wages and a lack of social insurance. Measures to combat trafficking and eliminate labor exploitation have included an increase in the severity of penalties for offenders, but have so far been relatively ineffective. NGOs have sought to compensate for

existing gaps or omissions in official action by assisting various groups in overcoming barriers that constrain access to legal protections. Societal complacency, which critics also blamed for problems in this area, shows signs of positive change. However, the GRETA committee also recommended a campaign of awareness-raising among police and justice-system officials.

Since 2013, vulnerable groups have been additionally affected by measures such as the replacement of financial assistance with coupons, discriminatory rhetoric by officials, and employment preferences for native Cypriots. The crisis has dissuaded some individuals from seeking legal protection, and has led to the repatriation of thousands of foreign workers.

Citation:

1. Report of the European Parliament on the Impact of the crisis on fundamental rights, March 2015, [http://www.europarl.europa.eu/RegData/etudes/STUD/2015/510017/IPOL\\_STU%282015%29510017\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2015/510017/IPOL_STU%282015%29510017_EN.pdf)
2. CoE GRETA report on Human Trafficking, 201, available at [http://www.coe.int/t/dghl/monitoring/trafficking/Docs/Reports/2nd\\_eval\\_round/GRETA\\_2015\\_20\\_FGR\\_CYP\\_w\\_cmnts\\_en.pdf](http://www.coe.int/t/dghl/monitoring/trafficking/Docs/Reports/2nd_eval_round/GRETA_2015_20_FGR_CYP_w_cmnts_en.pdf)
3. USA State Department 2015 Report on Trafficking, Cyprus pp.138-9, <http://www.state.gov/documents/organization/243558.pdf>.

## Malta

Score 7

The state in general respects human rights, and human rights issues have judicial protections. The integration of the European Convention on Human Rights into Maltese law has strengthened protection of human rights, and decisions by the European Court of Human Rights are normally implemented; however, experts have criticized general practices saying that court procedures for the protection of rights are often arcane and convoluted, presenting a situation where such protections appear more a bother than a right. Some lingering ambiguities concerning civil rights, such as the right to legal assistance during a police interrogation, have been clarified. However, the overall supervision of police activity remains problematic. In the past, human rights reports have been critical of the treatment of asylum-seekers in Malta. However, Malta's minister of home affairs stated in 2014 that the government would be taking all necessary steps to comply with recent European Court of Human Rights (ECHR) judgment, and that amendments to Malta's immigration and refugee legislation would enable any detainee to challenge their detention from the initial stages onward. Other amendments are expected to address issues such as the review of detention orders. Furthermore, the prime minister has declared that the government will tackle the exploitation of refugees by employers. Allegations of human trafficking, concerning the employment of Chinese and Vietnamese nationals, made against Leisure Clothing Ltd. were investigated.

The Civil Unions Bill, introduced in 2014, grants gay and lesbian couples the legal protections under the title of a civil union. It also provided for cautious optimism concerning the establishment of a human rights and equality commission, commitments on ending child detention, and proposed legislation to improve the

asylum system and provide greater protection for victims of crime, such as human trafficking. Improvements were also made to the legal framework around children's rights, including the raising of the age of criminal responsibility and criminalization of female genital mutilation. However, racism and intolerance persist, and many instances of racism or discrimination go unreported.

Citation:

The Malta human rights report 2015 The people for change foundation

## Netherlands

Score 7

The Netherlands guarantees and protects individual liberties, and all state institutions respect and – most of the time – effectively protect civil rights. The Netherlands publicly exposes abuses and reports them to the U.N. Human Rights Council or the EU. It cooperates with the monitoring organizations of all international laws and treaties concerning civil liberties signed by the Dutch government. However, on a number of counts, there are developments worthy of concern. The right to privacy of every citizen tops the list of preoccupations. Dutch citizens are more at risk than ever of having their personal data abused or improperly used. In addition, current policies regarding rightful government infringement of civil rights are shifting from legally well-delineated areas like anti-crime and terrorism measures toward less clearly defined areas involving the prevention of risky behavior (in personal health, education, child care, etc.) and travel behavior. There is an urgent need to rethink privacy rights and the broad use of policy instruments within the context of the information revolution. Human Rights Watch has criticized recent Dutch legislation restricting the rights of asylum seekers, and efforts by the incumbent government to deny shelter, clothes and food to irregular migrants. Recently, the Council of State was criticized for failing to uphold the rights of asylum seekers in appeals to government decisions. On the other hand, the Dutch government withdrew a bill that would have criminalized illegal residence, allowing authorities to put those lacking residence permits in jail.

Citation:

Human Rights Watch in Nederland (hrw.org., consulted 26 October 2015)

NRC Handelsblad, Rechter bij Raad van State kiezen 'zelden de kant van de vluchteling', dd. 21 October 2014 (nrc.nl., consulted 23 October 2014)

## Slovakia

Score 7

In Slovakia, civil rights are largely respected. However, the integrity of the judiciary and the long duration of court proceedings remain a problem, as do the police discrimination and mistreatment of the Roma population. In the period under review, the clashes over these issues between the government and Public Defender of Rights (Ombudswoman) Jana Dubovcová continued.

## Slovenia

**Score 7** In Slovenia, civil rights are largely respected. Citizens are effectively protected by courts and by independent institutions like the ombudsman against infringements of their rights. However, some problems exist with regard to the integrity of the judiciary. By contrast, the duration of court proceedings has been reduced. In the first six months of 2015, the number of lawsuits from Slovenian citizens at the European Court of Human Rights (ECHR) continued to fall, and the bulk of these lawsuits has been rejected by the ECHR.

## Spain

**Score 7** A very controversial new law on public safety (Ley Orgánica 4/2015 “de protección de la seguridad ciudadana”) was passed in March 2015. This so-called gag law (ley mordaza) has been widely regarded as an anti-protest instrument, with the aim of reducing the tide of demonstrations against the government’s austerity policies, and has thus been resisted strongly by the opposition and activists. It includes a new system of executive fines imposed for insulting (or sometimes simply criticizing) police officers, as well as for taking part in public unauthorized demonstrations (see also “Political Liberties”). Conversely, the new law also introduces civil-rights guarantees, and makes some timid progress on racial profiling by police in the course of carrying out street searches. Under the new regulation, police searches must be carried out by a member of the same sex as the person being searched, and can only be conducted for the purpose of preventing or investigating a crime. People who fail to supply ID can be taken to a police station only in order to prevent a crime, or if they have already committed a misdemeanor.

Apart from these specific cases, state institutions generally respect and protect civil rights, and the rights guaranteed by the constitution and in ordinary legislation are enforced, even if some infringements may occur in practice (for example, concerning illegal immigrants). Separately, the systematic delays and lack of adequate resources (both human and technological) in the Spanish courts are factors that serve to undermine the effective protection of fundamental rights to some degree.

Citation:

Ley Orgánica 4/2015, de 30 de marzo, de protección de la seguridad ciudadana  
[www.boe.es/diario\\_boe/txt.php?id=BOE-A-2015-3442](http://www.boe.es/diario_boe/txt.php?id=BOE-A-2015-3442)

Five things Spain’s ‘gag law’ will stop you doing from today  
[http://elpais.com/elpais/2015/06/30/inenglish/1435681072\\_581012.html](http://elpais.com/elpais/2015/06/30/inenglish/1435681072_581012.html)

First victim of Spain’s ‘gag law’ fined for criticising ‘lazy’ police  
[www.telegraph.co.uk/news/worldnews/europe/spain/11771851/First-victim-of-Spains-gag-law-fined-for-criticising-lazy-police.html](http://www.telegraph.co.uk/news/worldnews/europe/spain/11771851/First-victim-of-Spains-gag-law-fined-for-criticising-lazy-police.html)

## Czech Republic

**Score 6** The government and administration of the Czech Republic respect and protect its citizens' basic civil rights. As complaints lodged with the European Court of Human Rights and the Office of the Public Defender of Rights (ombudsman) have indicated, the main problem is the length of legal proceedings. The relatively high number of complaints compared to other East-Central European countries shows that Czech citizens are increasingly aware of their civil rights and have the resources (financial, cultural and social) to pursue these rights. Most (and a growing number of) complaints address issues of public administration. In October 2015, the UN High Commissioner for Human Rights strongly criticized the detention of migrants and refugees by the Czech Republic, drawing special attention to the violation of the Convention on the Rights of the Child. It described violations as systematic and designed to deter migrants and refugees from entering or staying in the Czech Republic. The Minister of Interior rejected the critique, which had also been voiced by Public Defender Šabatová, as unfounded, but his view has been challenged in many media outlets. The Minister of Justice has strongly criticized the conditions of the detention facility and handling of migrants.

Citation:  
Office of the UN High Commissioner for Human Rights  
<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=16632&LangID=E> (last visited 7.11.2015)

## Greece

**Score 6** Civil rights are protected by and included in the constitution (passed in 1975 and amended in 1986, 2001 and 2008) and the criminal code. Judges are tenured and cannot be removed nor transferred by incoming governments. Courts guarantee the protection of life, freedom and property and protect all individuals against illegitimate arrest, exile, terror, torture or unjustifiable intervention into personal life. Greek citizens enjoy equal access to the law and are treated equally by the law. Notably, despite intense political conflict since the start of the economic crisis (2010), Greek democracy has continued to function and the courts have administered justice, albeit with very significant delays, because judges are unable to handle the constant overflow of cases. Lack of digital infrastructure and modern management methods aggravate the situation.

There are rare cases of officials failing to uphold the law as far as human rights protection are concerned. Such cases, which have occurred in detention centers for migrants and in prisons, have acquired wide publicity, and have taken a long time to be processed by the courts system. Independent control mechanisms, such as free media, NGOs and social movements, are very sensitive to such violations.

Prosecuting authorities have also become more sensitive to these issues, as attested by the wide-ranging investigations against party cadres of the neo-Nazi party Golden Dawn which started in September 2013 and are still going on. Greece has been subject to international criticism for its long-term failures (prior to the recent migration crisis) in processing and distinguishing asylum-seekers from illegal entrants.

In summary, the state protects civil rights, but in practice organizational and infrastructural obstacles stand in the way of comprehensive protection of these rights, which disproportionately harms religious and ethnic minorities and asylum seekers.

## Italy

### Score 6

The legal system includes detailed constitutional provisions and a series of ordinary laws that provide an articulated protection of a broad set of rights. Strongly independent courts serve in principle to guarantee their implementation. In practice, however, inefficiencies in the judicial administration, the heavy backlog of many courts and the consequent length of judicial procedures can make the protection of civil rights (both personal and property) less effective. The Renzi government is in the process of reforming the judicial system to increase efficiency.

The legal protection of the rights of immigrants, especially if they are illegal, is far from satisfactory. Some cases of police violence are reported. Actions by the security agents of the various authorities (including the state police) sometimes seem to contradict the principles of the rule of law. Immigrants and homosexuals sometimes experience discrimination.

A further problem is that some political parties – for example the Northern League (Lega Nord) and also other parties of the right – have an ambiguous stance over civil rights, rule of law and independent courts.

## Japan

### Score 6

Civil and human rights are guaranteed under the Japanese constitution. However, courts are often considered to be overly tolerant of alleged maltreatment by police, prosecutors or prison officials. LDP governments have made little effort to implement institutional reform on this issue. Critics have demanded – so far unsuccessfully – that independent agencies able to investigate claims of human rights abuse should be created. There is no national or Diet-level ombudsperson or committee tasked with reviewing complaints. Citizens have no legal ability to take their complaints to a supranational level, while many other countries have already signed the so-called Optional Protocols to the International Covenant on Civil and Political Rights (UN no year).

Japan has been widely criticized for its harsh prison conditions, and for being one of the few advanced countries still to apply the death penalty. After a de-facto moratorium in 2011, later governments, including the current LDP-Komeito coalition, resumed the practice.

Amnesty International recently reiterated its position that Japan's justice system is not in line with international standards.

Citation:

United Nations Human Rights, Japan Webpage, <http://www.ohchr.org/EN/countries/AsiaRegion/Pages/JPIndex.aspx>

Amnesty International, Japan: Justice denied, 6 October 2015, [https://www.amnesty.or.jp/en/news/2015/1006\\_5613.html](https://www.amnesty.or.jp/en/news/2015/1006_5613.html)

## United Kingdom

Score 6

In the United Kingdom, civil liberties have long been protected despite the absence of a written constitution and an accompanying bill of rights. The country thus shows that effective protection is possible if support for civil rights is firmly rooted in society and therefore is expected of the government of the day. However, UK citizens have been afforded additional rights of protection from the European Court of Human Rights (ECHR). Events of the last decade such as terrorist attacks have also demonstrated that the balance between state interests and individual rights can be more easily tilted if there are no institutional protections at hand. Various anti-terrorism acts (2000; 2001; 2005; 2006; 2008) have given the UK government more and harsher instruments to fight terrorism. For most citizens, these anti-terrorist measures are not an issue, but for the very small minority that they affect, they can be a source of dismay. Governments have also objected to rulings from the ECHR, to the extent that some government ministers have advocated a UK withdrawal from the court.

While courts and public pressure have from time to time succeeded in stopping practices like the indefinite detention of non-nationals, the state has usually succeeded in reintroducing them after some time under a different name, for example when replacing “control orders” with “terrorism prevention and investigation measures.” However, it does so under quite intense media scrutiny. The files leaked by former U.S. National Security Agency (NSA) subcontractor and system administrator Edward Snowden disclosed a degree of digital surveillance in the United Kingdom that far exceeded expectations. The Government Communications Headquarters (GCHQ), with its Tempora and MUSCULAR programs, as well as the NSA/GCHQ PRISM joint venture, tracks and evaluates a very large share of national and international electronic communications. But despite the initial media outcry, public opposition to these programs has been relatively mild. Furthermore, wider society is well aware of the proactive tradition of its national intelligence services, and criticism tends to be limited outside the context of libertarian pressure groups.

The most sustained opposition today comes from communication firms whose servers were hacked by government agents to access private data. Despite public indifference, however, the GCHQ's operations in the United Kingdom, like those of security agencies in other countries affected by these secret programs, are infringements of civil rights.

## United States

Score 6

The emphasis on protections from intrusion by the state has been compromised significantly as a result of the anti-terrorism measures following the attacks of 9/11. The Patriot Act, widely reviled by civil-liberties advocates, has taken a more balanced approach than is generally recognized, although some surveillance and investigative procedures have opened the way for abuse. The more significant compromises of privacy protections resulted from actions of the Bush administration, notably the ordering of widespread wiretapping and Internet surveillance by the National Security Agency, which was entirely without statutory authority. The Obama administration has not produced a sweeping change to these actions, however. Congress also authorized parts of the National Security Agency's (NSA) wiretapping program, at least as it pertains to foreign suspects.

The Obama administration has actually pushed anti-terrorism policies into new territory. For example, it has argued that the president has the right, in limited circumstances, to use drones to attack and kill U.S. citizens without trial. It has also invoked rules of war to hold detainees at Guantanamo indefinitely. Although the U.S. government's strong protections of civil liberties remain in place for most investigative and criminal purposes, the relaxation of established constraints in the case of anti-terrorism investigations may ultimately affect thousands of U.S. citizens who become targets of investigation for one reason or another. Furthermore, it has produced precedents that could lead to the further erosion of established protections. In 2015, police review boards were strengthened in some cities, and a bipartisan group in Congress made progress in promoting a sentencing-reform bill that would reduce excessive sentences for nonviolent offenses.

## Bulgaria

Score 5

The Bulgarian constitution and legislation provide a comprehensive, gradually improving framework guaranteeing civil rights and their protection. In practice, rights are generally respected by state agencies and citizens have legal recourse when infringements of these rights do occur. Bulgarian citizens actively use the administrative-justice process to challenge the actions of state agencies, and the courts regularly side with citizen plaintiffs.

The most frequent and serious rights violations are the overuse of force by law-



enforcing government bodies, especially against Roma. There are also sporadic reports of arbitrary court decisions in bankruptcy cases, which undermine the perception that property rights are secure. The length of legal proceedings represents a significant problem.

## Croatia

**Score 5** Civil rights are formally protected by the constitution and other laws. The Ombudsman and specialized ombudspersons play an important role in the protection of human rights. However, the Ombudsman's recommendations are not always followed up carefully. The Kosor government's judicial-reform strategy (2011 – 2015) sought to increase the effectiveness of the judicial system. Nevertheless, the need to reduce the backlog of civil, commercial and enforcement cases is still pressing. Domestic war-crimes prosecutions remain a weak point within the judicial system, as it moves slowly and displays an institutional bias in favor of ethnic-Croat suspects. The rights of tenants of Serbian ethnicity who were expelled from the country in 1995 remain an open issue, as the implementation of housing programs for returning refugees continues at a slow pace.

## Hungary

**Score 5** The Orbán governments have formally respected civil rights. However, the rule of law has suffered from the government's politicization of the courts, its failure to protect Roma and other minorities from harassment and hate speech and its attempts to criminalize the (former) left-wing elite. In the context of the EU refugee crisis, the Orbán government adopted emergency legislation that has raised fears of an emerging "police state" (Scheppele) both inside and outside Hungary. The new acts (Acts CXL and CXLII of 2015) and a series of complementary government decisions (e.g., 256/2015 and 273/2015) have given police and the military the right to "use force" and "restrict personal liberty" if necessary to manage the inflow of refugees. The first drafts allowed the police to enter any house in Hungary without a warrant to search for refugees, a clause later removed due to harsh criticism. The refugee crisis has also drawn international attention to the existence of a special police force called TEK (Center Against Terrorism) which has been commanded by the former chief bodyguard of Orbán and is not subject to parliamentary authority.

Citation:

Amnesty International, Fenced Out (October 2015), <https://www.amnesty.org/en/documents/eur27/2614/2015/en/>

Scheppele, Kim Lane (2015a) Orbán's police state, POLITICO, <http://www.politico.eu/article/orbans-police-state-hungary-serbia-border-migration-refugees/>

Scheppele, Kim Lane (2015b) Toward a police state? Hungarian Spectrum, <http://hungarianspectrum.org/2015/09/05/toward-a-police-state/>

## Israel

Score 5

By law, the effort to safeguard civil rights is constituted in the basic law “Human Dignity and Liberty,” which protects the right of each citizen to privacy, property, dignity and life. This basic law is meant to establish legally binding norms and is procedurally protected from nullification. However, its provisions can be overruled in cases of specific urgency as stated by the government and the courts. Much of the work of protecting civil rights in Israel is done through acts of judicial review, which operate independently from the legislator and the executive branches. Civil-rights claims are expressed through media pressure, NGO activities, appeals to the Supreme Court, legislative amendments and appeals to government bodies that investigate public complaints.

Nevertheless, there is a gap between the formal guarantees of equal civil rights and the reality of unequal opportunities experienced mainly by the Arab minority, primarily due to the conflict between civil rights and other core social values such as religious identity, security and communal rights. A report issued by the Association for Civil Rights in Israel (ACRI) in December 2014, found that Operation Protective Edge in Gaza led to a sharp increase in human rights violations in Israel. According to the report, the operation in Gaza led to freedom of speech violations, a surge in racist remarks and violations against Arab citizens. The report mentioned that anti-war protests were dispersed illegally and around 1,500 protesters, particularly Arabs, were arrested within one month.

After Israel annexed East Jerusalem in 1967, Arab residents were issued Israeli identity cards and given the option of obtaining Israeli citizenship, most declined for political reasons. Israeli law strips noncitizens of their Jerusalem residency if they are away for more than three months.

Citation:

Ben Solomon, Ariel, “FM Liberman calls for boycott of Israeli Arab businesses who strike for Gaza,” Jerusalem Post, 21.07.2014:

<http://www.jpost.com/Operation-Protective-Edge/FM-Liberman-calls-for-boycott-of-Israeli-Arab-businesses-who-strike-for-Gaza-368360> (English).

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<http://www.acri.org.il/en/wp-content/uploads/2014/12/Situation-Report-2014.pdf> (English).

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Hasson, Nir and Kubovich, Yaniv, “Israel Police’s war against Arab protesters,” Haaretz, 16.08.2014:

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Hovel, Revital, "Gaza War Led to Surge in Human Rights Violations in Israel, Rights Group Finds", Haaretz, 10.12.2014:

<http://www.haaretz.com/israel-news/1.630977> (English)

Freedom in the World. Country Report. Israel 2015.

<https://freedomhouse.org/report/freedom-world/2015/israel>

## Romania

Score 5

Civil rights are guaranteed by the constitution and are generally respected in practice. Romania responded to decisions by the European Court of Human Rights by adopting a new civil procedure code, which came into effect in February 2013, and by passing new legislation on the restitution of property seized in communist times in March 2013. However, court protections have continued to suffer as a result of long and unpredictable proceedings. Poor detention conditions in Romania's penitentiaries also remain a problem.

## South Korea

Score 5

Basic civil rights are protected by the constitution. Despite the establishment of the Human Rights Commission in 2001 and the effective performance of courts in protecting civil rights, human rights groups have criticized and even boycotted these processes for failing to consult civil society. Observers tend to agree that human- and civil-rights conditions have worsened since 2008. Amnesty International stated that there had been a "dramatic increase in the abuse of national-security laws in a politically motivated attempt to silence debate."

Other serious issues include the inadequate rights enjoyed by migrant workers, the widespread physical abuse of sex workers, the imprisonment of conscientious objectors, and the continuing use of the National Security Law to detain and imprison individuals believed to be sympathetic to North Korea or who oppose South Korea's government. On a positive note, the number of people charged under the NSL decreased from 129 in 2013 to 32 in 2014, according to Amnesty International 2015.

An attempt to abolish the death penalty failed in parliament in February 2010, and in the same month the Constitutional Court ruled that the death penalty was constitutional. On a more positive note, a late-1997 moratorium on executions has remained in place, and 60 people are still on death row.

A total of 635 conscientious objectors were imprisoned at the end of 2014. Violent cases of abuse in the military are increasingly a topic of public discussion. For example, Private First Class Yoon was beaten to death on 6 April 2015 by his senior servicemen. The National Human Rights Commission of Korea recommended that

the military set up an ombudsman institution, but the proposal has met with opposition within the military, which has argued that any such procedure might interfere with the proper wielding of military authority. Recently, several people indicted in 2013 on suspicion of being North Korean spies have since been found innocent, and the charges are today regarded as fabrications by the National Intelligence Service and the Prosecutor's Office.

Citation:

AI - Amnesty International: Amnesty International Report 2014/15 - The State of the World's Human Rights - South Korea, 25 February 2015 (available at [ecoi.net](http://www.ecoi.net))

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## Mexico

Score 4

In principle, Mexico guarantees most civil rights via its legal and constitutional systems. The Supreme Court is effective, reliable and increasingly assertive. It is becoming increasingly legitimate over time. The administration of the courts is quite centralized. The Supreme Court regulates the lower courts, which has raised standards across the system. An awareness of rights issues is slowly penetrating the rest of society but progress is slower at municipal level. However there are some states and municipalities that are still effectively governed by a single party, and things in some municipalities have not changed much since authoritarian days. Furthermore, in practice the Mexican military and other security forces are notorious for breaching human rights and the courts do not provide adequate protection. Police corruption is also a very serious problem, and it is not rare for police officers to extort money from members of the public. In this regard, the partial infiltration of the police forces by organized crime has increased the problem. It has been quite difficult to effectively hold the military to account for abuses, though the Mexican Commission on Human Rights has intensified efforts to do so.

## Turkey

Score 3

While Article 10 of the constitution guarantees equality before the law, and Article 12 enshrines fundamental rights and freedoms, concerns over shortcomings in judicial proceedings remain, including limited access by defense attorneys to prosecution files, lengthy pretrial detentions, and excessively long and catch-all indictments. This relates especially to numerous cases involving Kurdish activists, journalists, union members, students, military officers, and policy and security personal being tried for alleged violations of the Anti-Terror Law. Many such cases

are considered by domestic and foreign observers to be partly or even fully politically motivated.

In 2014, the parliament passed a bill requiring that investigation, detention and custody decisions be based on “concrete evidence,” and reducing the maximum period of pretrial detention from 10 to five years. Some detainees and prisoners were released after the passage of this measure.

Constitutional amendments passed in 2010 granted individuals the right to petition the Constitutional Court if they believe their right to fair trial has been violated. The court has accepted such petitions since September 2012, and 393 violations of the right to fair trial have been noted by the court since that time. Article 148 of the constitution states that anyone who believes his or her human or citizens’ rights as set forth in the European Convention on Human Rights (ECHR) have been infringed by a public authority also has a right to apply to the Constitutional Court, after exhausting other administrative and judicial remedies. Constitutional Court applications cost approximately €3.80. Individual applications must be filed within 30 days after the notification of the final proceeding that exhausts other legal remedies. In the first quarter of 2015, a total of 6,250 such applications were submitted.

After the individual right to petition the Constitutional Court was granted in 2012, the number of new applications from Turkish citizens to the European Court of Human Rights (ECtHR) for ECHR violations dropped drastically. However, as of July 2015, Turkey ranked second after Russia in the list of countries with the largest number of human-rights violation cases open at the ECtHR, with a total of 9,292 applications in front of the European court. In March 2014, the country agreed to an Action Plan on Prevention of ECHR Violations. A series of activities were carried out under this plan in 2015, including translations of a Council of Europe publication on judges’ independence, efficiency and responsibilities and the ECtHR’s Guide to the Right to a Fair Trial, as well as several training programs and a business visit to Strasbourg.

Following a petition by the Association of Equal Rights Monitoring, the National Human Rights Institution of Turkey advised the Supreme Election Board to prepare public advertisements in languages other than Turkish in June 2015.

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Anayasa Mahkemesi 23 Eylül 2012-10 Nisan 2015 Bireysel Başvuru İstatistikleri, [http://www.anayasa.gov.tr/files/bireyselbasvuru/23\\_eylul\\_2012\\_10\\_nisan\\_2015.pdf](http://www.anayasa.gov.tr/files/bireyselbasvuru/23_eylul_2012_10_nisan_2015.pdf) (accessed 27 October 2015)

ECtHR, Press Country Profile Turkey, [http://www.echr.coe.int/Documents/CP\\_Turkey\\_ENG.pdf](http://www.echr.coe.int/Documents/CP_Turkey_ENG.pdf) (accessed 27 October 2015)

T.C. Ministry of Justice (2014), Action Plan on Prevention of ECHR violations, <http://www.inhak.adalet.gov.tr/eng/announced/actionplan.pdf> (accessed 10 December 2014)

The Ombudsman Institution (2014) ‘The Chief Ombudsman Annual Press Conference’, [http://www.ombudsman.gov.tr/en/content\\_detail-322-779-the-chief-ombudsman-annual-press-conference.html](http://www.ombudsman.gov.tr/en/content_detail-322-779-the-chief-ombudsman-annual-press-conference.html) (accessed 10 December 2014)

İnsan Hakları Kurulu Kararı, (Eşit Haklar İçin İzleme Derneği – Yüksek Seçim Kurulu), 25.06.2015, <http://www.tihk.gov.tr/www/files/13-Temmuz-YSK-karari.pdf> (accessed 27 October 2015)

Indicator

## Political Liberties

Question

To what extent does the state concede and protect political liberties?

41 OECD and EU countries are sorted according to their performance on a scale from 10 (best) to 1 (lowest). This scale is tied to four qualitative evaluation levels.

- 10-9 = All state institutions concede and effectively protect political liberties.
- 8-6 = All state institutions for the most part concede and protect political liberties. There are only few infringements.
- 5-3 = State institutions concede political liberties but infringements occur regularly in practice.
- 2-1 = Political liberties are unsatisfactory codified and frequently violated.

### Estonia

Score 10

Political liberties are an important part of Estonia's constitution and they are widely respected in society. Thirteen political parties collectively covering the entire spectrum of mainstream political ideologies are registered and active. As of 2014, the minimum number of members required to start a new political party was decreased from 1,000 to 500. Partly as a result of this legal amendment, two new parties participated in the spring 2015 Riigikogu elections. The Estonian Trade Union Confederation (EAKL), which is comprised of 20 branch unions, represents employees' interests in collective-bargaining agreements and protects employees' rights in employment relations. It also consults employers on developing a sustainable labor market and participates in policymaking. Civil-society groups organize open forums to discuss important social and political issues. One such forum, the Arvamusfestival (Festival of Opinion Culture), has been held annually since August 2013 and expands each year. In 2015, over 6,000 people attended the three-day festival.

There is no state church in Estonia, but religious freedom is guaranteed through the presence of 10 religious associations in the country.

### Finland

Score 10

Political liberties are effectively protected in Finland. The country has for decades received the highest scores concerning political liberties in Freedom House surveys. Finnish law provides for freedom of speech, and this freedom is upheld in practice. Finns also enjoy freedom of religion, freedom of association and assembly, and the right to organize, bargain collectively and strike. A large majority of workers belong to trade unions, although the share of membership in trade unions has been decreasing. Women enjoy rights and liberties in Finland equal to those of men. The

criminal code covers ethnic agitation and human trafficking. The constitution guarantees members of the indigenous Saami population, who comprise less than 1% of the population, cultural autonomy and the right to pursue their traditional livelihoods.

Citation:  
<http://findikaattori.fi/en/36>

## Netherlands

Score 10

All the usual political liberties (of assembly, association, movement, religion, speech, press, thought, unreasonable searches/seizures and suffrage) are guaranteed by the constitution. The Netherlands is a signatory to all pertinent major international treaties (Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, European Convention on Human Rights). All relevant ranking institutions, such as The Economist's Intelligence Unit Democracy Index and the Freedom House ranking of political liberties, consistently list the Netherlands as one of the leading countries in the world in this area. However, the protection of privacy rights is in practice increasingly subject to political attention and public debate. The Expert Body on the Protection of Privacy Data (College Bescherming Persoonsgegevens) has identified a growing number of deliberate or unintended infringements of the constitutional right to privacy.

Citation:  
Freedom House, Netherlands, 2015

## New Zealand

Score 10

The Bill of Rights Act 1990 guarantees unlimited political rights to think, speak, assemble, organize and petition without interference. Those who believe that their rights have been infringed upon can file a suit before the High Court. In addition, the New Zealand Council of Civil Liberties is an active, non-governmental organization that promotes these liberties. Freedom House assesses the situation of political rights in New Zealand as excellent. Despite being widely accepted as an important feature of New Zealand's constitutional arrangements, the provisions of the Bill of Rights are not supreme law; that is, they have never been entrenched. During 2012 and 2013, a constitutional advisory panel appointed by the government sought the public's view on whether the Bill of Rights should be expanded to include additional rights and be entrenched. It ultimately recommended that consultation on these issues should be carried on.

Citation:  
Freedom House: Freedom in the World 2015: <https://freedomhouse.org/report/freedom-world/freedom-world-2015#.VI28kuIXtc4> (accessed October 20, 2015).  
New Zealand Council for Civil Liberties, <http://nzcccl.org.nz/> (accessed October 9, 2014).  
Constitutional Advisory Panel, 2013. New Zealand's Constitution. A Report on a Conversation, [http://www.ourconstitution.org.nz/store/doc/FR\\_Full\\_Report.pdf](http://www.ourconstitution.org.nz/store/doc/FR_Full_Report.pdf) (accessed November 11, 2014).

## Sweden

Score 10 Political liberties and human rights are written into the constitution. Sweden is a highly institutionalized advanced democracy. As such, it upholds all political liberties.

## Austria

Score 9 As human rights, civil and political liberties are guaranteed effectively by the Austrian constitution. The Austrian standard of recognition accorded to such liberties and rights is very high. For religious liberties, Austria has developed a special system of official recognition. Officially recognized religious denominations, which include all major Christian denominations, Islam, Judaism and Buddhism, enjoy specific privileges such as the right to provide religious instruction in public schools.

The freedom of speech is sometimes seen as constrained by Austrian courts' interpretation of libel. The European Court of Human Rights (ECHR) has overturned decisions by Austrian courts in numerous cases, as the Strasbourg court considers the Austrian interpretation as too narrow. The judicial system has in consequence adapted to the rulings of the ECHR.

The only legalized limitation to political freedom concerns any activity linked to National Socialism. As a consequence of Austria's past, the Austrian system does not allow political activities based on the doctrine of National Socialism, including Holocaust denial. While the principle itself is widely supported, its interpretation in practice sometimes leads to controversy.

The existence of an apparently very small in number but internationally well-connected network of radical Islamists represents a new challenge to political liberties in Austria. Some Austrian citizens have been recruited to fight for the "Islamic State" militia, for example. This has resulted in a debate about the limits of political liberties, but has not yet led to any significant legal action being taken.

## Czech Republic

Score 9 Political and civil liberties are respected and their observance is supervised by the Constitutional Court, the Supreme Administrative Court and the Public Defender of Rights (ombudswoman). In association with its accession to the European Union, the Czech Republic strengthened the protection of all legal entities against (illegal) interference by public administrative bodies, including the passing of new



administrative rules to improve citizens' rights vis-à-vis the state. Delays in judicial proceedings constitute one persistent obstacle for Czech citizens.

## Denmark

### Score 9

The Danish constitution protects the political rights and liberties, including freedom of speech, freedom of association and freedom of assembly. Elections are free. The government is accountable to the elected parliament.

Freedom House usually gives Denmark top scores for civil liberties and political rights. Problems in Denmark mostly concern ethnic tensions, especially involving the country's Muslim population, and alleged abuse by the police.

Recent human rights reports from Amnesty International include critiques concerning the treatment of refugees and asylum-seekers. Some asylum-seekers in Denmark were returned to their home countries, contrary to the recommendations of the United Nations High Commissioner for Refugees (UNHCR). This practice stopped after a decision against Denmark by the European Court of Human Rights in 2011, and the current left-of-center government has had a more liberal immigration policy since October 2011. The 2013 report criticized some individual cases of denied asylum. In a report reviewing human rights between 2011 to 2015, Amnesty International expressed concern about the “management of asylum cases which fails to insure the best interests of the child, and the detention of asylum-seekers and vulnerable persons while awaiting deportation.”

#### Citation:

Freedom House, “Freedom in the World 2015 - Denmark,” <https://www.freedomhouse.org/report/freedom-world/2015/denmark> (Accessed 10 October 2015).

Amnesty International, “The state of the world's human rights - Denmark,” <http://www.amnesty.org/en/region/denmark/report-2012> (accessed 14 April 2013).

Amnesty International Annual Report: Denmark 2013, <http://www.amnestyusa.org/research/reports/annual-report-denmark-2013?page=2> (accessed 21 October 2014).

Amnesty International, Denmark: Human Rights in Review: 2011-2015. <https://www.amnesty.org/en/documents/eur18/2332/2015/en/> (accessed 8 October 2015).

## France

### Score 9

Political liberties are well-protected in France. This situation can be explained by several factors. The fact that these liberties are considered as the heritage of the French Revolution sets them in a quasi-sacred position; protections were granted and solidified by the highest administrative court during the Third and Fourth Republics; recently, the increasing and active role of the Constitutional Council in striking down laws which could jeopardize said liberties has been crucial. The expansion of the

court's powers stemmed from its 1971 decision to protect the right of association from governmental intervention.

A controversial and still not fully resolved issue is related to the interpretation of the separation of religious and public life (*laïcité*). The ban of religious signs and symbols from public places is, in theory, applicable to all religious affiliations but concerns mainly the Islamic community. Currently, an ongoing debate has focused on the possibility of expressing religious beliefs or to practice religion in the workplace. President Hollande has indicated that legislation on these issues might be considered soon, following contradictory decisions by the highest private courts which authorized (for some) and banned (for others) a kindergarten assistant to wear the Islamic headscarf in school. While political institutions and the judiciary still stick to the ideals of political liberties and civil rights, one observes a growing illiberal attitude in public opinion and a rejection of differences based, in particular, on religious beliefs (Halāl food, public religious demonstrations, etc.).

## Germany

### Score 9

Due to Germany's historical experience with National Socialism, political liberties are highly protected by the country's constitution (i.e., Basic Law). Political pluralism is generally guaranteed, with the exception of laws restricting political forces clearly denying the democratic order. However, these exceptions are applied in a very restrictive way so that even extreme parties like the far-right Nationaldemokratische Partei (NDP) have currently full freedom to operate. Although the Bundesrat submitted a request to the Federal Constitutional Court to prohibit the NDP and a hearing is scheduled for spring 2016. Freedom of expression is protected by the constitution (Art. 5), although there are exceptions for hate speech and Nazi propaganda, such as Holocaust denial. Except in cases where individuals are deemed to be actively seeking to overturn the democratic order, the right to assemble peacefully is guaranteed (Basic Law, Art. 8) and is not infringed upon. The freedoms to associate and organize (Basic Law, Art. 9), as well as academic freedom, are generally respected. Non-governmental organizations operate freely. Every person has the right to address requests and complaints to the competent authorities and to the legislature (Basic Law, Art. 17). Freedom of belief is protected by the constitution (Basic Law, Art. 4).

## Greece

### Score 9

Political liberties are well protected by the constitution, including the right to vote, to think and speak freely, to assemble and demonstrate, to organize in collectives such as unions and associations and to submit petitions requiring a timely response by the competent authorities. In the period under review, protests against the austerity

measures almost ceased as two anti-austerity parties, the radical left Syriza party and the right-wing nationalist ANEL party, formed a coalition government; as a result, their supporters stopped taking to the streets. Compared to the years between 2010 and 2014, after January 2015, demonstrations became rare and the police intervened only when protesters threatened to storm the Greek parliament or the prime minister's office. Demonstrations in favor of parties in the two parliamentary elections of January and September 2015 were peaceful. In other areas – the right to worship, for example – liberties are affected by the constitutionally imposed impediments on proselytism and the establishment of places of worship. For example, the Muslim community of Athens still does not have an officially recognized place of worship (i.e., a state recognized mosque).

## Iceland

**Score 9** The 1944 constitution contains provisions protecting the freedom of the press as well as freedoms of organization and assembly. The 2011/2012 constitutional bill, which is yet to be ratified by parliament, aims to significantly broaden individual rights and liberties further in line with international developments in the area of human rights.

## Ireland

**Score 9** Freedom of speech, freedom of assembly, and the right to form unions and associations without religious, political or class discrimination are enshrined in the Irish constitution. These rights have been protected and upheld by the Irish courts over the years, subject only to restrictions regarding sedition, blasphemy and breaches of the peace. In October 2014, the government accepted the constitutional convention's recommendation that a referendum be held on removing the offense of blasphemy from the constitution. However, it has made clear that this referendum will not be held in the life of the present government.

Sinn Féin, the political wing of the formerly illegal Irish Republican Army, has become increasingly involved in mainstream Irish politics. Its share of the vote at general elections grew from 1.6% in 1992 to 9.9% in 2011, while the number of seats it occupies in parliament grew from none to 14. No political group is presently excluded from access to the airwaves or the print media.

Over the review period, public protests against Irish Water reached a new intensity. As a result of one violent confrontation with the police, some protesters, including elected members of parliament, now face charges of "falsely imprisoning" the Tánaiste (deputy prime minister). The protesters claim that these charges effectively limit the right to freedom of political expression. The matter is now before the courts.

## Italy

**Score 9** The protection of the complete array of political liberties is enshrined in the constitution and guaranteed by an independent judiciary. During the period of observation, no significant cases of infringement were attested. The right to worship is fully guaranteed to all religious groups and an increasing number of minority groups have been able to use the opportunities offered by agreements with the state to facilitate its implementation. However, some practical problems connected with the freedom of worship, like enjoying the special fiscal treatments guaranteed to religious groups or building places of worship, have not fully disappeared. These problems have been more relevant for Islamic groups, to some extent because of political fears and hostility, but also because of their more uncertain legal status.

## Japan

**Score 9** Freedoms of speech and of the press, as well as the freedoms of assembly and association, are guaranteed under Article 21 of the constitution. Reported abuses have been quite rare, though it has often been claimed that the police and prosecutors are more lenient toward vocal right-wing groups than toward left-wing activists.

There is a growing concern that right-wing activism is increasing and that this might actually be supported by ruling politicians. Several senior LDP politicians have been linked to ultra-right-wing groups, for instance, through photos showing them with the leaders of such groups. Some observers have charged that a right-wing campaign involving so-called hate crimes is ongoing.

At the same time, public opposition to the LDP-led government's assertive foreign-security policy has led to the foundation of outspoken protest groups, particularly the Student Emergency Action for Liberal Democracy (SEALDs). This group organized several high-profile mass rallies in 2015, and has announced that it will keep up its activities at least until the 2016 upper-house elections. While the success of such movements is as yet limited, they offer testimony to the high de facto level of political liberties.

### Citation:

Justin McCurry, Japan's ruling party under fire over links to far-right extremists, *The Guardian*, 13 October 2014, <http://www.theguardian.com/world/2014/oct/13/japan-ruling-party-far-right-extremists-liberal-democratic>

Linda Sieg and Teppei Kasai, SEALDs student group reinvigorates Japan's anti-war protest movement, *The Japan Times*, 29 August 2015, <http://www.japantimes.co.jp/news/2015/08/29/national/politics-diplomacy/sealds-student-group-reinvigorates-japans-anti-war-protest-movement/>

## Latvia

**Score 9** Political liberties are effectively protected and upheld. The right to speak, think, assemble, organize, worship, and petition without government interference or restraint is recognized and protected. However, new challenges to the freedoms of speech, assembly and organization are emerging.

The freedom of assembly is regularly tested by organizations applying to the Riga City Council for permits. In most instances, permits are granted without fail. Sensitive political issues, however, have led the city council to deny permits. There is a right of appeal to the court as well as a rapid consideration schedule to ensure timeliness of decisions. In all cases between 2011 and 2013, Riga City Council decisions limiting the freedom of assembly have been overturned by the court.

## Lithuania

**Score 9** Lithuanian institutions generally respect the freedoms of assembly and association. In 2015, Lithuania obtained the score of one (with one being the best) from Freedom House on the issue of political rights and civil freedoms. Lithuanian political parties operate freely, with the Communist Party being the only banned grouping. Non-governmental organizations may register without serious obstacles, and human-rights groups operate without restrictions. In 2010, an appeals court ruled that Lithuania's first gay-pride parade could go ahead on the basis of the right to peaceful assembly. This parade (a controversial issue in this majority Roman-Catholic country) was initially banned by a lower court due to concerns over potential violence. Another gay-pride parade was allowed to be held in the center of Vilnius in 2013. The freedom of religion is also largely upheld in practice, but certain government benefits are granted only to traditional religious communities. Workers may form and join trade unions, strike, and engage in collective bargaining, but slightly less than 10% of the country's workforce is unionized. The Lithuanian Supreme Court has ruled that the right to strike can be used only after other measures provided for in the Labor Code have been exhausted.

Citation:

The 2015 freedom rating of Lithuania by the Freedom House is available at <https://freedomhouse.org/report/freedom-world/2015/lithuani>

## Luxembourg

**Score 9** No infringements of a citizen's right to speak, assemble, organize, worship or petition occurred during the period. Some court cases have dealt with xenophobic and racist speech, especially online.

Anticlerical forces in the country have demanded the separation of church and state, and criticize state subsidies for churches, particularly the Catholic Church, which is the dominant faith in Luxembourg. As a reaction to this, the 2009 government program promised the creation of so-called houses of secularism, following the Belgian model. After a period of receiving very small subsidies, the Islamic Religious Community today receives €450,000 per year, with this extension of public funding commencing in 2016. Protestant and Jewish organizations already benefit from public funding. Initially, the coalition intended to include a question in the June 2015 referendum relating to the funding of the churches, introducing a church-tax system in Luxembourg. In January 2015, however, the government concluded an agreement with the various religious communities in Luxembourg that enabled this issue to be removed from the referendum.

Citation:

<http://www.lesessentiel.lu/de/news/Luxembourg/story/19528954>

<http://www.lesessentiel.lu/de/news/Luxembourg/story/15641224>

<http://www.wort.lu/en/politics/church-and-state-religion-is-private-says-luxembourg-pm-54128b3eb9b3988708063816>

## Norway

Score 9

Political liberties are protected in the constitution and in law, although the constitution does not strongly articulate explicit protections for minority rights. The right to free expression was strengthened through a constitutional amendment in 2004. Norway has ratified all international conventions on human and civil rights. The European Convention on Human Rights is incorporated into national law. The right to free worship is ensured. The Lutheran church stills enjoys a privileged status, but its actual political influence is limited. Its status as a state church was reformed in 2012, increasing its autonomy of decision-making and introducing various forms of “democratization” in church affairs. Political liberties are respected by state institutions.

## Poland

Score 9

In Poland, political liberties are largely protected. A controversial amendments to the Law on Public Assembly in 2012 had made it more difficult for citizens to organize demonstrations, and rendered it almost impossible to organize two demonstrations in the same place at the same time. Moreover, the amendments complicated spontaneous gatherings by extending the minimum time that must elapse between registration and the event itself. In a number of cases, municipalities have banned controversial demonstrations by invoking concerns over “public safety.” Other than these, no new infringements of political liberties were reported in 2015.

## Portugal

Score 9 Under the regime that ruled Portugal until 1974, there were virtually no political liberties. The basic goal of the political transition was to achieve and to guarantee political liberties. Portugal has been relatively successful in this regard, and there are widely agreed upon political liberties. The basic legislation in the constitution, and subsequent regular legislation, guarantees these political liberties. They function reasonably well.

## Slovenia

Score 9 In Slovenia, political liberties are constitutionally protected and guaranteed and are respected by government institutions. The rights to assembly and association, for instance, is guaranteed in Article 42 of the Slovenian Constitution and can only be restricted in special cases. The fact that Slovenia has more civil-society organizations per capita than most other countries testifies to the protection of the freedom of association. Infringements on political liberties are rare.

## Switzerland

Score 9 Switzerland is in many ways a role model for the exercise and protection of political liberties. However, the adoption of the ban on construction of new minarets represents a severe violation of the right to worship, even if this in practice means little for the free practice of any religion. Before the November 2009 decision, there were only four minarets in Switzerland. Infringements of this kind are limited in number.

## United States

Score 9 The United States generally has a strong record of protecting political liberties. The protections cover all of the recognized political freedoms of speech, association, voting, and pursuit of public office, and extend even to extreme groups such as neo-Nazis. Religious freedoms are protected even for religious fringe groups. In contrast with most developed democracies, the right to freedom of speech has even invalidated laws proscribing hate speech.

In one significant limitation to political rights, convicted felons are barred from voting in nearly all states, although usually not permanently. Additionally, while the government allows protest demonstrations for all kinds of causes, even when they may become disruptive or disorderly, local police have sometimes confined

demonstrators to locations far removed from the target events (e.g., during G-8, G-20, and WTO meetings).

In 2015, there was increasing media and political attention to the practice on many university campuses of imposing restrictions on speech deemed to offend one or more groups – primarily blacks, gays or women. According to the nonpartisan Foundation for Individual Rights in Education, a large majority of campuses have speech codes with provisions that have been ruled unconstitutional by federal courts. The U.S. Department of Education’s (DOE) has interpreted anti-discrimination laws as requiring prevention of “offensive” speech. The House Judiciary Committee, controlled by Republicans, has challenged the DOE interpretations and warned campuses to ensure that their speech codes do not violate constitutional rights. Some major universities, including Princeton University and the University of Chicago, have adopted new policy statements strongly reaffirming their commitment to free speech on campus.

## Australia

Score 8

Political liberty is strongly protected by the courts. However, political liberties are not unfettered. As in other Western countries, anti-terrorist legislation has raised a major challenge to political liberties. The Anti-Terrorism Act 2005 makes any act of sedition illegal, such as urging the overthrow of the government by violence or force, and outlaws any organization that advocates the use of violence or force for that end. One of the main criticisms of the legislation is that it lacks sufficient judicial oversight. Some also regard the design and administration of defamation laws as hampering political liberties, as they in practice act to protect governments, companies and powerful people from scrutiny.

Like many other OECD-countries, Australia has seen the rise of an anti-Islamic party, the Australian Liberty Alliance, which gained approval from the Australian Electoral Commission in 2015. However, previous efforts to establish far-right extremist parties, for instance Pauline Hanson’s One Nation party, have failed.

Citation:

<http://www.smh.com.au/national/new-aussie-antiislamic-party-guns-for-20-per-cent-of-the-vote-20150731-giol8k.html>

## Belgium

Score 8

Belgium is a mature democracy in which political rights are generally well-protected. Weaknesses in the system began to appear as a result of tensions between the Dutch-speaking (Flanders and a minority in Brussels) and French-speaking (Wallonia, a majority in Brussels and in some municipalities around Brussels)



communities. To reinforce the usage of Dutch in Flanders, the Flemish regional government passed a law that in effect largely bans the usage of French for political communication in Flemish territory, even in municipalities where a large majority of the population is French-speaking. This created tension when some mayoral candidates chose to use French anyway. Some Flemish local politicians in the greater metropolitan area surrounding Brussels have also pushed for limitations in the use of French even in the business and private/cultural spheres, which in principle contravenes constitutional liberties.

## Bulgaria

**Score 8** Political liberties are guaranteed in Bulgaria by the constitution and relevant laws. Bulgarians enjoy the freedom to express themselves, to assemble and organize themselves (including explicitly politically), to hold religious beliefs and to petition the government. A wave of politically effective public protests in 2013-2014 clearly reaffirmed the rights of Bulgarians to assemble and speak freely, even though there were some police infringements of rights and intimidation attempts. The freedom of expression has suffered from the declining independence of the traditional media, but has been strengthened by the opportunities provided by Internet.

## Canada

**Score 8** There were very few major concerns expressed about infringements of Canadians' political liberties over the 2011 to 2015 period, with two exceptions. Bill C-309, passed in 2013 makes it a crime punishable by a 10-year prison term to incite a riot while wearing a mask or any face covering, including face paint. Someone who merely participates in a riot or in an "unlawful" assembly with their face covered can be deemed under the new law to have committed an indictable criminal offense and be jailed for up to five years. Another potential challenge to Canadian political liberties was posed by the anti-terrorism legislation Bill C-51, passed in 2015, which contains provisions restricting protest rights and freedom of speech, this has attracted criticism from a number of human rights and civil liberty organizations.

In a recent report, the U.N. Human Rights Committee voiced concerns about the excessive use of force by law enforcement officers during mass arrests in the context of protests on both the national and provincial levels.

Other developments have been more positive. Seeking to improve the stability and efficacy of First Nations governments, the federal government passed the First Nations Elections Act in 2014. This act provides a new opt-in election system for individual First Nations, which differs from the regime created under the Indian Act by providing for longer terms of office for chiefs and councilors, among other provisions, while creating the opportunity to withdraw from the Indian Act regime.

Citation:

Parliament of Canada, Bill C-9 “First Nations Elections Act”, posted at <http://www.parl.gc.ca/HousePublications/Publication.aspx?Language=E&Mode=1&DocId=6540209>  
 United Nations Human Rights Committee, Concluding Observations on Canada’s sixth report in relation to Canada’s compliance with the International Covenant on Civil and Political Rights, August 2015.

## Slovakia

Score 8

In Slovakia, political rights are largely respected. Citizens can freely join independent political and civic groups. The Ministry of Interior has registered over 35,000 such associations and over 60 political parties, though only 23 of which registered for the 2016 parliamentary elections. Slovak citizens have traditionally made comparatively less use of the freedom of assembly. However, in 2015, particularly conservative organizations become more active and organized the second National March for Life that drew some 45,000-50,000 people in Bratislava. Freedom of speech is somewhat restricted by the fact that Slovak media face the strong threat of being sued for libel by politicians or other public figures unhappy with their reporting. This is also proved by the government’s decision to stop all communication with the daily Denník N in May 2015.

## Spain

Score 8

The period under consideration was characterized by the controversial approval of a new law on public safety (Ley Orgánica 4/2015 “de protección de la seguridad ciudadana”), which was passed in March 2015. Even though the final version represented an improvement relative to the first 2013 draft, the new piece of legislation introduced several measures potentially affecting political liberties, including penalties for insulting police officers, as well as fines for interrupting public events or protesting in unauthorized demonstrations outside the parliament (see also “Civil Rights”). In an editorial published by the editorial board of the New York Times, this so-called gag law was deemed a threat to the exercise of the freedoms of public assembly and expression. In addition, the “unauthorized use” of images of law-enforcement authorities or police – presumably aimed at photojournalists or ordinary citizens with cameras taking pictures of police officers or soldiers – is now punishable by a €30,000 fine, making it far more difficult to document abuses. For its part, the government insisted the law is not meant to gag citizens, but to protect their liberties and security.

Despite these concerns, Spanish institutions generally protect political liberties effectively, and infringements are only occasionally evident. The 1978 Spanish Constitution outlines the political liberties that must be respected by state institutions. Fundamental rights and public freedoms (included in Section 1, Chapter 2, Part I of the constitution) receive special protection against infringements. The political liberties receiving such special protection against government (or even

private) interference or violation include: the freedoms of ideology, religion and worship; the right to freely express and spread thoughts, ideas and opinions without any form of prior censorship; the right to peaceful unarmed assembly, with no need to notify local authorities in advance unless demonstrations are being held in public places; the right of association; the right to freely join a trade union; and the right to individual and collective petition. These liberties are for the most part respected by the administration, monitored by the media and public organs such as the ombudsperson, and guaranteed by the ordinary courts and ultimately the Constitutional Court.

Citation:

Spain's Ominous Gag Law (New York Times)

[www.nytimes.com/2015/04/23/opinion/spains-ominous-gag-law.html?\\_r=0](http://www.nytimes.com/2015/04/23/opinion/spains-ominous-gag-law.html?_r=0)

## United Kingdom

Score 8

Without a written constitution and the protection it affords, citizens of the United Kingdom have no fundamental rights in the sense of enjoying special protection against the powers of the executive and parliament. Citizens' rights in the United Kingdom can thus be said to be residual and negative in nature. Citizens can do anything not expressly prohibited by law, but there are no positive rights to assert against the government unless the government concedes them. In practice, UK citizens enjoy considerable freedoms, although the police have recently acquired powers to constrain protests. Even so, demonstrations do take place.

Since disputes about political liberties always arise over contested issues, UK citizens have little recourse within the political system, especially when compared to continental European political systems. The Human Rights Act of 1998 (HRA) represented an attempt to create a "higher law" to which all other laws must conform. It offers individual and minority rights, and empowers judges to hold the executive to account and review acts of parliament. But its effectiveness is constrained by the fact that the government can temporarily annul the HRA, if it considers this necessary for the benefit of the country, and it remains contested, especially in the context of the United Kingdom's continued commitment to European integration. Though political messages considering or calling for the United Kingdom's withdrawal from the European Court of Human Rights (sometimes wrongly conflated with antagonism to "Europe") do not really reflect illiberal sentiments, they could nevertheless be interpreted as such.

## Chile

Score 7

In general, political rights are protected by the constitution and legislation, and are enforced by government policy and practice. Nevertheless, police interventions have sometimes crossed the line from guaranteeing law and order into repression –

especially during the more intense period of the student movement and protests by Chile's indigenous people. Furthermore, the biased media landscape limits equal access to information and the opportunity to communicate different political opinions and versions of conflict situations.

## Croatia

**Score 7** In Croatia, political liberties are largely respected. There are laws that guarantee the freedom of assembly and the freedom of association. However, the Law on Public Assembly is more restrictive than in France or the United States, containing an obligation to outline the purpose of an assembly, and limiting spaces available for public assemblies. While the constitution guarantees freedom of expression, the criminalization of defamation, insult and shaming remains at odds with international standards.

Citation:

Gardašević, Đorđe, 2011: Pravo na javno okupljanje u hrvatskom i komparativnom pravu, Zbornik radova Pravnog fakulteta u Splitu, 48 (3): 487-519.

## Cyprus

**Score 7** Political liberties and the protection of fundamental human rights are enshrined in the constitution and protected by law. Political forces, trade unions, NGOs and other groups flourish in Cyprus. In addition, new media development have expanded traditional channels for petitions, demonstrations and rallies. Rare cases of official interference with the exercise of these rights and liberties have been properly addressed by courts. Non-Greek-Orthodox and non-Christian sects are allowed to maintain their own places of worship, and are not subject to interference by the authorities.

Strong professional associations and trade unions have better access to authorities and government officials than do groups such as immigrants, who typically need assistance from NGOs to place their requests into the political sphere.

Revelations in mid-2015 regarding the purchase and use of surveillance software (Hacking Team) by the intelligence services have not led to further debate or investigation. This, along with law enforcement practices of seizing personal computers during investigations – including computers at the central bank – is a serious issue of concern as a potential interference with fundamental rights.

Handling of personal data by officials and others has often not been carried out using properly secure methods.

Libel was decriminalized in 2003, and courts apply European Court of Human Rights (ECHR) free-expression and shield standards. However a high incidence of

libel/defamation cases persists, mainly filed by politicians against media and critical individuals. This threatens the ability to scrutinize public figures and authorities.

Political parties' interference with nominations and appointments to various bodies and public-service posts represents an indirect serious threat to political liberties and rights. According to Transparency Cyprus, the prevalence of favoritism and political connections threatens the country's democratic functioning.

In sum, persistent flaws exert "ambient" pressures on citizens' liberties in a clientelist system, with some officials' practices undermining individual fundamental rights.

Citation:

1. Press view, Raid on Central Bank offices a sham investigation, Cyprus Mail, <http://cyprus-mail.com/2015/05/28/our-view-raid-on-central-bank-offices-a-sham-investigation/>
2. Press report, Favoritism and political connections undermine democracy, Cyprus Mail, [https://www.transparency.org/news/pressrelease/favouritism\\_and\\_political\\_connections\\_undermine\\_democracy\\_in\\_cyprus](https://www.transparency.org/news/pressrelease/favouritism_and_political_connections_undermine_democracy_in_cyprus)
3. Report by Transparency Cyprus on Lobbying, [http://www.transparencycyprus.org/lobbying/wp-content/uploads/2015/01/Lifting-the-Lid-on-Lobbying\\_Cypriot-Report\\_FINAL\\_WEB\\_VERSION\\_EN.pdf](http://www.transparencycyprus.org/lobbying/wp-content/uploads/2015/01/Lifting-the-Lid-on-Lobbying_Cypriot-Report_FINAL_WEB_VERSION_EN.pdf)

## Malta

Score 7

The constitution of Malta and its chapter on fundamental human rights provide for a broad range of political and civil liberties. The incorporation of the European Convention on Human Rights into the Maltese constitution as well as membership in the European Union has also enhanced political liberties in Malta. Maltese citizens have the right to take a case before the European Court of Human Rights (ECHR), and several individuals have done so with success. However, a traditionally clientelistic approach to politics sometimes hinders the political liberties of individuals, forcing them to refrain from associating with political parties, non-government organizations and/or trade unions for fear of being discriminated against by the government in office. Excessive delays in the deciding of court cases and the costs of such delays often deter people from seeking legal solutions. However, a commission charged with reforming the judicial system was established in 2013. This commission has already presented its second report, but a clear timeline and prioritization of measures still need to be announced. The judiciary has also criticized the commission's proposals to reform the commission for the administration of justice, alleging that the reforms would weaken the commission by reducing its functions and powers.

Citation:

- Migrant Integration Policy Index. <http://www.mipex.eu/malta>  
 Freedom in the World 2013 Malta  
 COM (2014) 419 Final COUNCIL RECOMMENDATION on Malta's 2014 National Reform Programme  
 Judiciary criticizes proposals for reform of commission for the administration of justice Times of Malta 1/10/13  
 Justice Reform Commission makes 450 proposals Times of Malta 2/12/13

## Romania

Score 7

The Romanian state largely concedes and protects the right to speak, think and assemble without any government interference or restraint. Infringements of this right occur, but have been rare. In the period under review, however, two legal initiatives have raised fears about a violation of freedom of speech. Critics have argued that the sharpening of the 2002 law against the incitement of the people in July 2015 went to far and has raised the risk of censorship. Likewise, a draft law that was brought in by the Social Democratic Party and aimed at preventing “social defamation” was broadly criticized for turning criticism of political parties into a crime.

## Hungary

Score 6

The Orbán government has shown little respect for political liberties. The Orbán government’s police raid on the NGO Ökotárs in September 2014 remained an open wound in the period under review. On 20 October 2015, NAV, the national tax authority, closed the investigation in this case with the statement that there had been no violation of rules. However, there have been no official excuses for the year-long undue process against Ökotárs so far. The government has verbally attacked demonstrators and failed to protect them against right-wing attacks. In his “Signs of the Times” speech on 30 October 2015, Orbán explicitly defamed the political opposition as traitors to the Hungarian nation and Christian-European values, referring to them as agents of the “conspiracy” led by George Soros and supported by the United States. Similar to the previous version which had been annulled by the European Court of Human Rights in April 2014, new draft legislation on the registration of and public support for religious communities violated religious freedoms has been criticized for infringing upon the freedom of religion. Against this background, it is not surprising that, according to the World Justice Project’s Open Government Index, only 31% of all Hungarians think that civil society organizations can freely express opinions against government policies and actions. For political parties, the percentage reaches a similarly low value of 48%.

Citation:

<http://data.worldjusticeproject.org/opengov/#/groups/HUN>

## Israel

Score 6

Israel’s lack of a constitution means that the guarantee of political rights is confided to the basic laws. Thus, they are not constitutional as such. For these and other reasons, the responsibility to protect political liberties still lies with the Israeli parliament. However, parliamentary activity has not been conducive to this task.

Several pieces of proposed legislation appear to undermine aspects of democracy and due process. A law passed in March 2011 requires the state to fine or withdraw funds from local authorities and other state-funded groups that hold events marking Al-Nakba (the 1948 displacement of the Palestinian population) on Israeli Independence Day, that support armed resistance or “racism” against Israel, or that desecrate the state flag or national symbols.

Another controversial measure is the so-called “Boycott Law,” passed in July 2011, which exposes Israeli individuals and groups to civil lawsuits if they advocate an economic, cultural or academic boycott on Israel or the West Bank settlements. However, many problematic proposals did not win parliamentary passage or were eventually softened in part due to public opposition. For example, PM Netanyahu refrained from presenting a new bill before the March 2015 elections meant to elevate the Jewish identity of the state over its democratic identity. Similar proposals have in the past been ruled unconstitutional by the judiciary.

Though such measures have been rejected to date, they have intensified Arab Israelis’ political marginalization. Another example of this political marginalization can be taken from the 2015 election day. PM Netanyahu warned of “Arab voters [...] coming out in droves to the polls. Left-wing organizations are busing them out.” In this elections Arab Israelis held 14 out of 120 seats in the Knesset, the highest number ever reached, even though Arab Israelis constitute some 20% of the population. In recent elections, many have opted to boycott the polls in protest, but this time an alliance of Arab parties opted to run on a joint ticket and became the third largest faction in the Knesset.

Arab-Palestinian citizens of Israel enjoy equal political rights under the law but, as Freedom House finds, face some discrimination in practice. No Arab party has ever been formally included in a governing coalition and Arabs generally do not serve in senior positions in government.

Citation:

Newman, Marissa, “Peres reviles ‘Jewish state’ bill as political ploy,” Times of Israel, 27.11.2014: <http://www.timesofisrael.com/peres-reviles-jewish-state-bill-as-political-ploy/#ixzz3KMzB3rFZ> (English).

Newman, Marissa, “Rivlin comes out against Netanyahu’s ‘Jewish state’ bill”, 25.11.2014, Times of Israel: <http://www.timesofisrael.com/president-comes-out-against-netanyahus-jewish-state-bill/> (English).

Yishai, Yael, “Civil Society in Israel”, Carmel, Jerusalem, 2003 (English).

Tharoor, Ishaan, “On Israeli election day, Netanyahu warns of Arabs voting ‘in droves’”, The Washington Post 17.3.2015: <https://www.washingtonpost.com/news/worldviews/wp/2015/03/17/on-israeli-election-day-netanyahu-warns-of-arabs-voting-in-droves/> (English).

Freedom House, “Freedom in the world 2013,” Freedom House website, 2014: <http://www.freedomhouse.org/sites/default/files/FIW%202013%20Booklet.pdf> (English).

Freedom House “Israel 2014”, Freedom House website, 2015: <http://www.freedomhouse.org/report/freedom-world/2014/israel-0#.VEOZwCueWro> (English).

Association for Civil Rights, “Project Democracy: The Arab minority,” The Association for Civil Rights in Israel,

October 2010:

<http://democracy-project.org.il/he/wp-content/uploads/2010/08/democracy-minorities.pdf> (Hebrew).

Freedom in the World. Country Report. Israel 2015.

<https://freedomhouse.org/report/freedom-world/2015/israel>

## Mexico

### Score 5

Civil liberties are largely respected by central government at the national level. Ordinary people can in practice say largely what they want and dissident opinions can be expressed without fear. There is more of a problem among political actors whose bending of rules can make them vulnerable to arrest on politically motivated corruption or other misconduct charges. For example, it is ironic that the head of the teachers' union was more vulnerable to arrest than ordinary teachers. However, in the regions most affected by drug crime, it is far from clear that ordinary people can say largely what they want. The potential physical threat may lead to considerable self-censoring. In several regionals, extremely high levels of violence seriously constrain political liberties.

Furthermore, the state security services, including the military and police, enjoy almost total impunity. A culture of omerta and widespread corruption prevents organizations and individuals from being prosecuted. The vast majority of disappearances and unexplained deaths remain uninvestigated, let alone prosecuted.

## South Korea

### Score 4

Political liberties are protected by the constitution, but infringements do take place. The freedoms of opinion and of the press are constitutionally guaranteed, and freedom of association and assembly are respected in principle. Yet recent illiberal trends have raised major concerns. In November 2013 the government filed a claim with the Constitutional Court to dissolve the United Progressive Party (UPP). In December 2014, the Constitutional Court acceded to the government's request, and for the first time since 1958 a political party was forcefully dissolved. The court argued that "...the defendant's true purpose and actions are first to realize progressive democracy through violence, and ultimately to realize North Korean-style socialism." In a particularly problematic aspect of the decision, even those members of parliament who were directly elected were forced to give up their parliamentary seats. To a large degree the Constitutional Court relied on the prosecution's August 2013 investigation into UPP lawmaker Lee Seok-ki, who was charged with leading a "revolutionary organization," conspiracy and treason. In February 2014, Lee Seok-ki was found guilty of plotting an armed uprising in support of North Korea in the event of a war on the Korean Peninsula, and was sentenced to 12 years in prison. In January 2015, the Korean Supreme Court reduced the sentence to nine years for "instigating plots to topple the government in the case of war with North Korea," but cleared him of charges of conspiracy, citing



insufficient evidence indicating that Lee and others in fact planned an insurrection.

The freedom of association and collective action still faces major restrictions. Labor unions are allowed to operate in the private sector, but remain restricted in the public sector. Labor-union members are frequently imprisoned and fined for organizing “illegal strikes” or for “obstruction of business.” In December 2013, in search of railway unionists, the police raided the headquarters of the Korean Confederation of Trade Unions (KCTU) without a search warrant. It was the first time authorities had been sent into the KCTU since it was legalized in 1999. In October 2013 the government announced that the Korean Teachers and Education Workers Union’s (KTU) legal status was being revoked accusing it of violating the clause of the teachers’ union law, which bans dismissed and retired teachers from their union membership. In May 2015, the Constitutional Court confirmed the ban in an 8-1 decision, arguing that the decision to outlaw the teachers’ union was constitutional.

Businesses can sue labor unions for compensation for “lost profits” during strikes, and civil servants are also limited in their political freedom. Another issue is an opaque and vague election law that limits political activities 180 days before elections. Some cartoonists and social activists who made pamphlets criticizing President Park Geun-hye and government policy were arrested and indicted during the period under review.

Citation:

Amnesty International, Report on South Korea 2012, <http://www.amnesty.org/en/region/south-korea/report-2012#page>

Freedom House, Freedom of the World, South Korea Report 2012, <http://www.freedomhouse.org/report/freedom-world/2012/south-korea>

“Railway strike threatens to become labor-government war,” The Korea Herald, Dec 24, 2014

Jamie Doucette and Se-Woong Koo, Distorting Democracy: Politics by Public Security in Contemporary South Korea, *The Asia-Pacific Journal*, Vol. 11, Issue 48, No. 4, December 2, 2013, Updated February 20, 2014.

“Lee Seok-ki gets 9 years in prison,” Korea Times, January 22, 2015)

“Teachers’ union in quandary,” Korea Times, May 29, 2015

## Turkey

### Score 4

Whereas the freedoms of thought, conscience and religion are generally respected, official violations of the freedoms of expression and assembly occur, particularly when criticism of the ruling government and its policies is involved. Regressing somewhat in this regard, Turkey has in recent years frequently been deemed only “partly free” due to the degree of political interference in media, judicial and anti-corruption mechanisms. In Freedom House’s 2015 Freedom in the World report, the country received middling ratings for political rights and civil liberties (respectively three and four points out of a possible seven). In the Web Index Report 2014 – 2015, Turkey was ranked 28th out of 85 countries overall, and 52nd in the freedom and openness sub-index.

The European Commission stated during the review period that the freedoms of expression and assembly have become major shortcomings in Turkey. Intimidation

of journalists, up to and including physical attacks, has taken place. The Commission advised Turkey to improve monitoring of the implementation of the Action Plan on Prevention of ECHR Violations (adopted in March 2014). The Commission's 2015 Progress Report identified several major weaknesses, including the intimidation of and denial of accreditation to journalists; the government's blocking of websites with or without a court decision; the lack of editorial independence within the public broadcast system, especially during the elections; and media-ownership transparency more generally. The number of journalists in prison decreased during the review period. The Internet law was amended in March 2015, enabling the Presidency of Telecommunication and Communication to block websites under certain circumstances without a court decision. Insulting high-level politicians, including the country's president, can result in prison sentences of one to four years. Government-ordered media blackouts have been imposed on events such as the bombings in Ankara and Suruç in July and October 2015, as well as court trials or the IS siege of Kobani in early 2015.

A highly controversial Internal Security Law adopted in March 2015 granted the police the power to detain a person caught in the act of committing a crime. A person can be kept in custody for 24 hours without seeing a judge, and this period can be extended to 48 hours if the police deem that a "collective crime" has been committed. The police forces have been allowed to use firearms against demonstrators, deepening fears of crackdowns on dissent ahead of parliamentary elections. This law was considered a threat to the Turkish state's conflict-resolution negotiations with the PKK, and a means of attracting nationalist votes for the AKP.

In the Penal Courts of Peace established in July 2014, single judges have the authority to issue search warrants and approve detentions and the seizure of property. Judges have been criticized for undermining the public's trust in the judiciary due to the arbitrary nature of their detainments, arrests and judgments.

Although bans on social media imposed by the government in early 2014 were subsequently lifted by the Constitutional Court, legal provisions limiting the free use of the Internet, presented as necessary for "national security and protection of the public order," have raised additional concerns.

Civil-society organizations have reported restrictions on their freedom of assembly, and have been fined for violating these restrictions. Concepts such as the "general morality," the "Turkish family structure," "national security," and the "public order" have been widely used to justify restrictive practices, allowing broad discretion to authorities and hindering the freedom of association in practice. LGBTI associations have been closed on grounds of "general morality." Court cases regarding the closure of five associations dealing with human rights in general and Kurdish issues in particular remain pending. Moreover, legislative and bureaucratic obstacles have hindered civil-society organizations' financial sustainability. Associations applying for public-benefit status and for permission to raise funds have complained of discrimination.

The Turkish-Kurdish “solution process” – which was pushed forward in June 2014 when the Turkish parliament adopted a law to “bring a stronger legal foundation to the settlement process” – represents a positive and promising step toward the concession and protection of political rights. Political campaigning in languages other than Turkish by political parties and candidates during local and parliamentary elections was legalized in 2013 and implemented in the March 2014 local elections. The European Commission’s 2015 Progress Report underlined the halt of the peace process in 2015 due to the elections, as well as the violence that occurred in their aftermath, and advised Turkish government to give a high priority to making further progress toward democratization and reconciliation.

Citation:

European Commission, Turkey 2015 Report, 10.11.2015, [ec.europa.eu/enlargement/pdf/key.../2015/20151110\\_report\\_turkey.pdf](http://ec.europa.eu/enlargement/pdf/key.../2015/20151110_report_turkey.pdf) (accessed 10 November 2015)

Freedom House, Freedom in the World 2015, <https://freedomhouse.org/report/freedom-world/freedom-world-2015> (accessed 27 October 2015)

Web Index Report 2014-2015, <http://webfoundation.org/about/research/the-2014-15-web-index/> (accessed 27 October 2015)

Turkish government unveils blueprint to boost rights, freedoms, *Hürriyet Daily News*, 4 March 2014, <http://www.hurriyetdailynews.com/turkish-government-unveils-blueprint-to-boost-rights-freedoms.aspx?pageID=238&nid=63164> (accessed 27 October 2015)

Turkey’s police granted more power as controversial law enters into force, *Hürriyet Daily News*, 4 April 2015, <http://www.hurriyetdailynews.com/turkeys-police-granted-more-power-as-controversial-law-enters-into-force.aspx?pageID=238&nID=80573&NewsCatID=509> (accessed 27 October 2015)

Indicator

## Non-discrimination

Question

### How effectively does the state protect against different forms of discrimination?

41 OECD and EU countries are sorted according to their performance on a scale from 10 (best) to 1 (lowest). This scale is tied to four qualitative evaluation levels.

- 10-9 = State institutions effectively protect against and actively prevent discrimination. Cases of discrimination are extremely rare.
- 8-6 = State anti-discrimination protections are moderately successful. Few cases of discrimination are observed.
- 5-3 = State anti-discrimination efforts show limited success. Many cases of discrimination can be observed.
- 2-1 = The state does not offer effective protection against discrimination. Discrimination is widespread in the public sector and in society.

### Ireland

Score 9

There are strong anti-discrimination laws on the Irish statute books. The Employment Equality Act, 1998 and the Equal Status Act, 2000 outlaw discrimination on grounds of gender, marital status, family status, age, intellectual or physical disability, race, sexual orientation, religious belief or membership in the Traveller Community in employment, vocational training, advertising, collective agreements, the provision of goods and services, and other opportunities to which the public generally has access. The Equality Authority is an independent body set up under the Employment Equality Act, 1998 to monitor discrimination. An independent equality tribunal was established under the same act to offer an accessible and impartial forum to remedy unlawful discrimination. These agencies have been active in recent years and successful in prosecuting cases on behalf of parties who felt they had been discriminated against.

In 2012, a referendum was passed to amend the constitution to explicitly recognize the rights of children and generally provide enhanced protection to children.

In May 2015, a referendum legalizing same-sex marriage was passed by a vote of 62% in favor, 38% against. The Thirty-Fourth Amendment of the Constitution (Marriage Equality) Act was signed into law on 29 August 2015.

### Netherlands

Score 9

The Netherlands is party to all the important international anti-discrimination agreements. A non-discrimination clause addressing religion, life philosophy, political convictions, race, sex and “any other grounds for discrimination” is

contained in Article 1 of the Dutch constitution. An individual can invoke Article 1 in relation to acts carried out by the government, private institutions or another individual. The constitutional framework has been specified by several acts that also refer to the EC Directives on equal treatment. In total there is a high degree of protection even though the definition of indirect discrimination provided by the European Commission has not been adopted by the Dutch legislature, and many regulations avoid the term “discrimination” in favor of “distinction” (with less negative connotations in a religiously and culturally diverse society like the Netherlands). A recent expert report criticized Dutch anti-discrimination sanctions as “ineffective,” and as neither “dissuasive” nor “proportionate.” In 2013, the U.N. Human Rights Commission got involved in contentious political debates about the discriminatory character of “Black Pete” that appears in traditional St. Nicholas day celebrations.

In other respects, Dutch legislation has gone beyond what is required by EU directives. In terms of policy, the Dutch government does not pursue affirmative action to tackle inequality and facilitate non-discrimination. Generally, the government relies on “soft law” measures as a preferred policy instrument.

Citation:

European Commission. European equality law review. European network of legal experts in gender equality and non-discrimination, 2015/1, Netherlands (equality law.eu, consulted 2 November 2015)

Zwarte Piet heeft zijn glans verloren (trouw.nl, consulted 5 November 2014)

## New Zealand

Score 9

Anti-discrimination legislation is outlined in a number of acts, including the New Zealand Bill of Rights Act 1990, the Privacy Act 1993, and the Human Rights Amendment Act 2011 (establishing the position of a full-time disability rights commissioner within the Human Rights Commission). Even more important, the Human Rights Commission actively promotes anti-discrimination measures focusing on populations such as Maori and women. Cases of discrimination are rare, but they do occur. Maori are disproportionately represented in the prison population, which may point to problems of discrimination, as has been highlighted by the United Nations Human Rights Committee. A lasting problem is the extent to which the Treaty of Waitangi as the basis of the relationship between Maori and the state is embedded in the general legal order. The complexities of this problem have been highlighted in the controversy over the ownership of the country’s foreshore and seabed, with many Maori groups claiming that Maori have a rightful claim to the title, based on the Treaty of Waitangi.

Citation:

Foreshore and Seabed Act 2004 (Wellington: The Government of New Zealand 2011).

Human Rights Amendment Bill 2011 (Wellington: The Government of New Zealand 2011).

Human Rights and the Treaty of Waitangi: Draft for Discussion (Auckland: Human Rights Commission 2010).

New Zealand Bill of Rights Act 1990 (Wellington: The Government of New Zealand 1994).

Privacy Act 1993 (Wellington: The Government of New Zealand 2013).

## Norway

Score 9

Equality of opportunity and equality before the law are firmly established in Norway. There is an ombudsperson for civil rights. The Sami minority living in the north of the country has some limited self-rule. Some contention exists over the use of natural resources in the Sami areas in the north, and legal issues over entitlements to land and water resources in these areas remain unresolved.

Men and women have essentially identical educational levels. Women's labor-force participation rate is comparatively high. There is some evidence of gender discrimination in wages, as women earn on average just 84.7% of what men earn. However, once specifics such as the number of hours worked, occupation, education and experience are taken into consideration, it is difficult to observe significant differences between the earnings of men and women. This finding does not per se imply that there is no gender discrimination whatsoever in the labor market (e.g., men may be more readily hired in high-paying occupations). On the other hand, affirmative action in favor of women has been used extensively in the labor market, particularly within the public sector. Even so, the labor market remains by international comparison strongly segregated by gender and occupation.

Day-care services are widespread and heavily subsidized. To a large extent, the supply of child-care services is today adequate to meet parents' demand. In 2006, a law went into effect introducing affirmative action in the selection of board members for publicly listed companies. Under this regulation, at least 40% of board members must be women. This goal was achieved in two years with surprisingly little difficulty.

Some discrimination against non-Western immigrants seems to persist. In some areas of the economy, immigrants find it comparatively harder to find work, while earning lower wages and showing substantially higher unemployment rates than native Norwegians. Although discrimination against immigrants (including in the labor market) is illegal, it occurs in some areas of Norwegian society, though very few discrimination cases are prosecuted.

## Sweden

Score 9

Sweden still ranks as one of the most egalitarian societies in the world. Discrimination based on any feature, be it gender, race, sexual preferences or ethnicity, is not tolerated.

That said, it is clear that there are still differences between salaries for men and women performing the same work as well as between immigrants and Swedes in the

labor market. These are spheres of society where public regulation is only effective when complaints are filed with public authorities. There are two ombudsmen dealing exclusively with discrimination issues; one for gender issues and one for other forms of discrimination.

In terms of ethnicity, Sweden is an increasingly heterogeneous society. Integration policies are highly contested in the public debate. A Discrimination Ombudsman and a minister of integration and gender equality devote their political activities to anti-discrimination. However, during the period of review, ethnic segmentation in several suburbs of metropolitan areas in Sweden has increased. This societal fracturing remains an unsolved political challenge in contemporary Sweden. With the increased immigration in 2015 and 2016 there is an imminent risk that these challenges will be exacerbated.

## United States

### Score 9

The U.S. federal and state governments have enacted many laws prohibiting discrimination. At the federal level, enforcement is centered in a Civil Rights Division within the Justice Department and an independent Equal Employment Opportunity Commission. While the origins of these policies are to be found in the civil-rights movement of the 1960s, the framework of protection has been extended from racial minorities to women, the aged and disabled, and in some state and local contexts, homosexuals. The Obama administration has made progress with regard to gender equality. As of 2015, 17 states and more than 200 cities prohibit discrimination on the basis of gender or sexual orientation with respect to housing, employment and public accommodations.

The federal government has not actively pushed affirmative-action policies such as preferential treatment for disadvantaged groups since the Clinton administration. The U.S. Supreme Court has imposed restrictions on state-university practices that favored black or Hispanic students in admissions, while upholding state policies that barred race or ethnicity as considerations in admission. In general, liberals and conservatives disagree as to whether the persistence of unfavorable outcomes for blacks in educational achievement, employment status, income, incarceration and other areas is a consequence of ongoing discrimination despite existing legal protections.

The period of the Obama administration has been one of extraordinarily rapid progress in the rights accorded to homosexuals. Laws prohibiting homosexual activity have been ruled unconstitutional. Most jurisdictions now prohibit employment discrimination against homosexuals. Same-sex marriage has advanced through a cascade of court decisions, legislative enactments and referenda, and in 2015 the majority-conservative Supreme Court, in a sweeping constitutional ruling, legalized same-sex marriage in all 50 states.

Of course, these extensive policy measures do not prevent discriminatory conduct altogether. In November 2015, students at the University of Missouri protested the university's lack of response to allegedly frequent episodes of racial harassment and discrimination.

## Canada

Score 8

Canada's Charter of Rights and Freedoms was enacted in 1982, with the aim of preventing all types of overt discrimination based on gender, physical ability, ethnic origin, social status, political view or religion. Groups believing they suffer from the effects of discrimination continue to emerge. Basing their claims on the Charter of Rights and Freedoms, some have taken their cases to the courts, often winning. The Canadian government has established policies such as employment equity and pay equity to protect and promote the rights of disadvantaged groups (often called equity groups) such as women, visible minorities, aboriginals, and persons with disabilities. These positive discrimination measures are controversial and their effectiveness is a subject of debate. A case in point is the gender-based pay gap. The lack of affordable childcare in Canada forces many women to drop out of the labor force or reduce their working hours during child-rearing years. This has a serious effect on women's earnings levels. Full-time employed women in Canada earn on average 19% less than men; for women between 25 and 44 with at least one child, the pay gap is 29%, significantly higher than the OECD average (2010 data).

As so often, the experiences of Canada's aboriginal population pose the greatest concern. A 2014 report by the U.N. Special Rapporteur on the Rights of Indigenous Peoples concluded that Canada faces a continuing crisis when it comes to the situation of indigenous peoples: "The well-being gap between aboriginal and non-aboriginal people in Canada has not narrowed over the last several years, treaty and aboriginal claims remain persistently unresolved, indigenous women and girls remain vulnerable to abuse, and overall there appear to be high levels of distrust among indigenous peoples towards government at both the federal and provincial levels." In 2014, Canada was the only U.N. member country to object to the adoption of a document reestablishing protections for the rights of indigenous people, including the U.N. Declaration on the Rights of Indigenous Peoples. A subsequent 2015 report from the U.N. Human Rights Committee listed similar issues, including the "potential extinguishment of indigenous land rights and titles," lengthy unresolved land disputes placing financial burdens on indigenous peoples, and the "disproportionately high rate of incarceration of indigenous people, including women, in federal and provincial prisons across Canada."

Citation:

UN Human Rights Council, Report of the Special Rapporteur on the rights of indigenous peoples, James Anaya (2014), posted at [http://www.ohchr.org/Documents/Issues/IPeoples/SR/A.HRC.27.52.Add.2-MissionCanada\\_AUV.pdf](http://www.ohchr.org/Documents/Issues/IPeoples/SR/A.HRC.27.52.Add.2-MissionCanada_AUV.pdf)



OECD (2012), Closing the Gap - Canada, posted at <http://www.oecd.org/canada/Closing%20The%20Gender%20Gap%20-%20Canada%20FINAL.pdf>

United Nations Human Rights Committee, Concluding Observations on Canada's sixth report in relation to Canada's compliance with the International Covenant on Civil and Political Rights, August 2015.

## Cyprus

Score 8

An extensive body of laws and measures protecting the rights of various groups seeks to prevent discrimination. The constitution protects human rights, with Article 18 guaranteeing equality and non-discrimination for all. It explicitly prohibits discrimination based on factors such as gender, race or religion, while specific laws proactively protect the rights of minority groups in various ways. However, implementation gaps and omissions exist in practice.

Gender equality is promoted through specific anti-discrimination laws, which were updated following EU accession; these provide for proactive measures and sanctions aimed at enforcing equality of treatment in employment and occupations, combating racism and other forms of discrimination, and protecting persons with disabilities. Disabled persons are given guarantees against unlawful dismissal and benefit from quotas for access to employment, higher education and other areas of public life.

The Ombudsman is the authority tasked with investigating discrimination complaints, while recourse to the courts – a costly and often lengthy procedure – is also an option. In its 2013 report, the Ombudsman noted that the economic crisis had exacerbated xenophobia and discrimination, and that supervision mechanisms had been weakened.

In 2015, a CoE committee noted a resurgence of discriminatory incidents in Cyprus, and asked the authorities to take action to protect minorities' rights and raise awareness of the issues of human rights and anti-discrimination among the police and the judiciary.

Citation:

1. Report of the Ombudsman as Authority against Racism and Discrimination for 2013, [http://www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/996EE18EA5A8F853C2257EB9003BD6A0/\\$file/Αρχή\\_κατά\\_του\\_Ρατσισμού\\_και\\_των\\_Διακρίσεων\\_-\\_ΕΤΗΣΙΑ\\_ΕΚΘΕΣΗ\\_2013.pdf](http://www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/996EE18EA5A8F853C2257EB9003BD6A0/$file/Αρχή_κατά_του_Ρατσισμού_και_των_Διακρίσεων_-_ΕΤΗΣΙΑ_ΕΚΘΕΣΗ_2013.pdf)
2. CoE committee on minorities, Cyprus 2015, [rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680483b48](http://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680483b48)

## Denmark

Score 8

Denmark is traditionally an open and liberal society, and has been at the forefront in ensuring the rights of sexual minorities, for example. Basic rights are ensured in the constitution and supplemented with additional laws focused on specific areas,

including ethnicity and the labor market. Citizens can file complaints concerning issues of discrimination to the Board of Equal Treatment or opt to bring discrimination cases before the courts.

Discrimination can take various forms and can be perceived differently depending on position, history and social context. A key issue is the extent of discrimination in the labor market.

Gender-based discrimination in the labor market relates primarily to wages, but also, more generally, to hiring and career options. Childcare is a particular point in this context. Rules dealing with child leave have been expanded to extend the right (and duty) of fathers to take paternity leave. Since 2006, all employers have been required to contribute to a paternity fund which finances paternity leave, which prevents such costs disproportionately falling on employers with a high number of female employees. A commission (Lønkommissionen) concluded in 2010 that about two-thirds of the observed average gender wage difference could be explained by individual differences and sectoral employment, but the analysis did not conclude there was “equal wage for equal work”.

Frequently cases of discrimination in the labor market are reported in the press, with examples of persons having difficulties in finding a job due to ethnic identifiers, such as the person’s name. Different treatments and options in the labor market can have several causes, and there is no thorough academic analysis that has attempted to separate these causes and evaluate the extent of discrimination in the labor market.

Indirect discrimination can take various forms. A notable area is in terms of rules and regulations, which, on the one hand, are general and apply to all citizens, but on the other hand, effectively target particular groups. One example is “start-aid” (roughly half of ordinary social assistance) offered to immigrants which have been residing in the country seven out of the last eight years. While formally treating all immigrants equally (as required by EU regulations) the scheme in particular targets immigrants from low-income countries with a low employment rate. The scheme was introduced by the liberal-conservative government in 2002, abolished by the Social Democratic-Center government in 2012 and reintroduced by the liberal government in 2015.

Immigration laws were tightened after the liberal-conservative government came to power in 2001. One particularly controversial law was the tightening of rules for family reunification. Bringing a spouse to Denmark required that both persons in the couple are at least 24 years old, in addition to a number of other requirements; the law also included an economic test. However, immigration laws concerning family reunification and permanent residency were made less restrictive in May and June 2012. Human rights groups welcomed the changes, but some advocates had hoped for more far-reaching change. At the moment, the asylum policy is under pressure due to the large influx of asylum-seekers from the Middle East. The new Liberal Party government, which came to power in June 2015, with the support of the anti-immigration Danish People’s Party, is intent on again tightening immigration rules.

## Citation:

Freedom House, Freedom in the World 2014 - Denmark, <http://www.freedomhouse.org/report/freedom-world/2014/denmark-0#.VEa2JOSEi70> (accessed 21 October 2014).

United States Department of State, Country Reports on Human Rights Practices for 2013 - Denmark, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper> (accessed 21 October 2014).

## Finland

### Score 8

Rights of ethnic and religious minorities are as a rule well protected in Finland, and the criminal code provides penalties for anyone who incites violence on racial, national, ethnic or religious grounds. The rights of the Swedish-speaking minority in Finland are widely respected, with Swedish recognized as an official national language. However, reforms to public administration at the local level, which are still pending, may violate some of the rights of the Swedish-speaking population. In addition, some segments of the population, primarily represented by the so-called Finns Party, have turned hostile toward Finland's Swedish-speaking population. The Åland Islands, whose inhabitants speak Swedish, have historically maintained an extensive autonomy and a home-rule parliament as well as one permanent seat in the national legislature. Finland has often been seen as a forerunner concerning its efforts to maintain an effective minority-protection policy. Still, although cases of discrimination are rather few, ethnic minorities and asylum seekers report occasional police discrimination. According to the Youth Barometer 2014 survey, 55% of young people have experienced discrimination at some point in their life, and an immigrant background additionally increases the risk of encountering discrimination. Roma individuals, who make up a small proportion of the population, are marginalized, and the Finns Party, now a government party, encourages discrimination against ethnic minorities and asylum seekers.

## Citation:

[https://tietoanuorista.fi/wp-content/uploads/2015/03/Nuorisobarometri\\_2014\\_web.pdf](https://tietoanuorista.fi/wp-content/uploads/2015/03/Nuorisobarometri_2014_web.pdf)

## Germany

### Score 8

Germany's Basic Law (Art. 3 sec.3) states that every person, irrespective of parentage, sex, race, language, ethnic origin, disability, faith, religious belief or political conviction is equally important and has the same rights. The General Equal Treatment Act of 2006 added age and sexual orientation to that enumeration of protected categories. The Federal Anti-Discrimination Agency (FADA) monitors compliance with legal anti-discrimination norms and principles, supports persons who have experienced discrimination, mediates settlements, informs the public about infringements, and commissions research on the subject of discrimination.

Nevertheless, discrimination remains a problem in various spheres of society. For example, there is widespread agreement that women should be better represented in

the business sector's upper management. In 2015, the government adopted legislation to increase the number of women on corporate supervisory boards. The law stipulates a 30% share of women on the boards of large companies.

The Federal Constitutional Court decided in June 2013 that treating same-sex and opposite-sex marriages differently from a taxation perspective was unconstitutional. Regulatory changes reflecting this ruling were adopted within weeks by the parliament. In an October 2012 ruling, the Higher Administrative Court of Rhineland-Palatinate delivered an important signal against police discrimination by prohibiting the federal police from engaging in racial profiling. These examples indicate that legislators and administrations sometimes need a push from the courts to fight existing discrimination in a more uncompromising way.

## Luxembourg

### Score 8

Fundamental human and civil rights are anchored in Luxembourg's constitution. Anti-discrimination efforts are overseen both by public authorities and non-governmental organizations.

The recent 2014 Migrant Integration Policy Index (MIPEX) gives Luxembourg an unfavorable score of 49 points with regard to its anti-discrimination policies (2013: 48). The two EU anti-discrimination directives (2000/43 and 2000/78) were transposed after years of debate in the form of an act passed on 28 November 2006, establishing a Center of Equal Treatment (Centre pour l'égalité de traitement, CET) which opened in October 2008. The act includes EU definitions of discrimination. Other bodies such as the Ombuds Council for the Right of the Child (Ombudscomité fir d'Rechter vum Kand, law of 22 July 2002) have existed since January 2003; the Ombudsman Office was established by law on 22 August 2003 and began operations in May 2004.

The subject of migration is often debated. Considering that most migration is essentially European (90%) and of the Christian faith, migration issues have caused fewer conflicts on ethnic concerns than in neighboring countries. After the country adopted the U.N. Convention on the Rights of Persons with Disabilities, in addition to an action plan in 2011, the incidence of discrimination complaints related to physical or mental disabilities have increased. This has highlighted the need for Luxembourg to put more weight behind inclusion policies.

Citation:

<http://www.legilux.public.lu/leg/a/archives/2006/0207/a207.pdf>

<http://www.legilux.public.lu/leg/a/archives/2008/0070/a070.pdf#page=2>

<http://www.mipex.eu/luxembourg>

<http://www.non-discrimination.net/law/national-legislation/country-reports-measures-combat-discrimination>

<http://cet.lu/wp-content/uploads/2015/03/CET-rapport-annuel-2014.pdf>

For further informations:

<http://www.ombudsman.lu>

<http://cet.lu/en/>

<http://www.cnfl.lu/site/>  
<http://www.legilux.public.lu/leg/a/archives/2008/0209/a209.pdf#page=2>  
<http://www.olai.public.lu/fr/legislation/discrimination/C-1965-12-21/C-1965-12-21.pdf>  
<http://www.legilux.public.lu/leg/a/archives/2006/0207/a207.pdf#page=2#page=2>  
<http://www.olai.public.lu/fr/legislation/discrimination/R-168-2007-fr/R-168-2007-fr.pdf>

## Poland

Score 8

A comprehensive Anti-Discrimination Act in line with EU directives has been in effect only since the beginning of 2011. The implementation of the Act on Equal Treatment largely rests with the Commissioner for Citizens' Rights (Rzecznik Praw Obywatelskich), which was originally established in 1987. This body's effectiveness has suffered as it has assumed more responsibilities, as the expansion has not included a corresponding increase in resources. In December 2013, the Council of Ministers adopted the first government program to tackle the problem of discrimination in general, focusing on six areas including anti-discrimination, equal treatment on the labor market, the prevention of violence (including domestic violence) and an increase in support for victims, equal treatment in education, equal treatment in the health system, and equality of access to goods and services. An amendment that took force 1 September 2014 enabled the organization of ethics classes for pupils declining to attend religion-instruction classes, as had been demanded by the European Court of Human Rights since 2010. In spring 2015, Poland eventually signed the Council of Europe's Convention on Preventing and Combating Violence Against Women, a move that had been fiercely opposed by conservative PO members of parliament for some time. According to Women Against Violence Europe, however, Poland does not meet the Council's recommendations on helpline and shelter provision.

## Switzerland

Score 8

In Switzerland, constitutional law and a consociational political system ensure the autonomy, freedom from discrimination, and rights to political participation of Swiss linguistic, ethnic and religious minorities. Article 8 of the country's constitution states: "Nobody shall suffer discrimination, particularly on grounds of origin, race, sex, age, language, social position, lifestyle, philosophical or political convictions, or because of a corporal or mental disability. Men and women have equal rights."

Nonetheless, a number of problems with regard to discrimination exist. The sheer size of the foreign population and its contribution to the wealth of the nation brings up the question of whether withholding political rights such as voting from this population might be regarded as an indefensible variety of discrimination. However, Switzerland's conception of non-citizen voting rights is similar to that of other Western democracies, and undoubtedly protects the civil and human rights of foreigners without any discrimination. The Swiss People's Party, currently the

strongest party in the country, has repeatedly resorted to openly xenophobic discourse. Although gender-based discrimination is illegal, women continue to face considerable economic and social discrimination with regard to wage equality and equal career opportunities.

Social discrimination in higher education persists, as it does not attract political attention. Children with weak socioeconomic backgrounds have considerably lower chances of gaining access to higher education, and little progress has been made in the last decades.

## United Kingdom

### Score 8

Over the last 15 years, measures to combat discrimination have entered the political agenda, the statute books and, perhaps most tellingly, have become cultural norms. Starting with the Race Relations Act 2000, all public authorities have been obliged to promote race equality and tackle discrimination. In 2006, this was extended to cover gender and disability discrimination. The Equality Act 2010 has added further areas, such as age, gender identity, pregnancy and maternity, and religion or belief. Political pressure is being exerted to add “caste” in order to fight discrimination still common in the Asian community. The legal framework is therefore very robust in countering discrimination and has had a significant impact on social attitudes, with the result that incidents of discrimination are rapidly and loudly condemned.

But while the state has made a serious attempt to end discrimination and abolish inequalities by reacting to a number of scandals in, for example, the police force with its alleged “institutionalized racism,” negative attitudes toward minorities still surface occasionally. Relatively minor incidents on the football field become headline news and the mainstream view is very strongly anti-discriminatory, to the extent that even populist political parties appealing to indigenous groups have to be very careful to avoid any hint of overt racism or other forms of discrimination. Economic difficulties and rising unemployment have contributed to concerns about the impact of immigration, on which right-wing political forces and the right-wing press are capitalizing. There is still a massive imbalance in the national DNA database (40% of the black male population is registered, but only 13% of Asian males and 9% of Caucasian males), and anti-terrorism laws sometimes entail racial profiling, but these phenomena are motivated primarily by security concerns, not explicit discrimination.

## Australia

### Score 7

Australia has developed a substantial body of anti-discrimination legislation, covering sex, race, ethnicity, marital status, pregnancy and disability. The body charged with overseeing this legislation, the Australian Human Rights Commission,

is a statutory authority. After completion of a National Human Rights Consultation, Gillard's Labor government moved toward replacing existing anti-discrimination legislation with a single integrated act that additionally incorporated prohibitions on discrimination on the basis of sexual orientation. However, no changes to legislation were ultimately made during the Gillard government's term in office, and the new coalition government has shown no interest in implementing the changes. Indeed, in November 2013, the attorney general announced a plan to amend part of Australia's racial-discrimination laws by repealing section 18C of the Racial Discrimination Act 1975, which makes it unlawful for someone to perform an act that is reasonably likely to "offend, insult, humiliate or intimidate" someone because of their race or ethnicity. However, in response to widespread opposition to the proposal, it was abandoned in August 2014.

## Belgium

### Score 7

As in most countries, discrimination exists in practice. Belgian citizens of foreign origin, for example, perform significantly worse in employment levels and educational achievements. A significant percentage of the Belgian population openly expresses racist speech or feelings, though rarely through mainstream media outlets.

While it is difficult to provide equal opportunities to the disabled (in this respect Belgium performs less well than most northern European countries), Belgium also falls below the European average with regard to acts of violence against ethnic minorities. Yet state institutions have taken a proactive stance in such matters. Gay marriage has been legal for more than 10 years without significant social upheaval, mass demonstrations or violence. In 1993, the Belgian parliament founded a government agency called the Center for Equal Opportunities and Opposition to Racism. The center is easily accessible to the public, and its many activities, including legal support for persons subject to discrimination, are publicly visible.

## Estonia

### Score 7

Discrimination is prohibited by law, and several governmental institutions have been established to ensure non-discrimination. Alongside the Chancellor of Justice, the Gender Equality and Equal Treatment Commissioner (GEETC) acts as an independent and impartial expert tasked with monitoring the issue of discrimination. Legal standards are set by the Gender Equality Act (2004) and Equal Treatment Act (2009). On 2 December 2014, Estonia signed the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention).

Gender equality and the role played by women in the political and labor-market spheres remain a concern. This is reflected in the cases filed with the GEETC, where

about 50% all cases concerning discrimination were made on the basis of gender. This figure has not changed substantially in recent years. The gender-based pay gap in Estonia remains the European Union's largest, and women's representation in national parliament has not risen from its previous low level (22%). Moreover, after a short period in which the government's gender balance improved, the current government had only two female ministers at the time of writing (compared to six in 2014).

The second-largest number of cases filed with the GEETC concerns discrimination on the basis of disability (59 cases out of 192), followed by age (14 cases) and race/ethnicity (6). About half of the discrimination cases occurred in workplaces.

Preparation for the implementation of the Registered Partnership Act (approved October 2014, in force January 2016), which allows same-sex couples to register their cohabitation, was underway during the review period. However, implementation of the second major act facilitating disabled people's access to the labor market has slowed, with some regulations entering into force in July 2016 or January 2017 (instead of 1 January 2016, as originally intended). The reasons for the postponement include interest groups' opposition to the proposed reform, along with a scarcity of funds.

Backward steps have also been evident regarding the office of the GEETC. First, as the new commissioner appointed in 2015 was a former high-ranking member of the conservative Pro Patria & Res Publica Union party, there was intense public discussion as to whether her appointment was fair. Secondly, the office of the GEETC has been financed largely by a Norwegian aid program that is now concluding. Thus, the funds allocated to the GEETC office in the 2015 state budget were only about half of the previous level.

Citation:

Soolise võrdõiguslikkuse ja võrdse kohtlemise voliniku 2014. aasta tegevuse aruanne. Tallinn 2015. (Annual report of GEETC, in Estonian). <http://www.vordoigusvolinik.ee/wp-content/uploads/2015/06/SVV-Aastaaruanne-2014.pdf> (accessed 21.Sept. 2015)

## Italy

Score 7

At the legal level, anti-discrimination norms exist and are sufficiently developed. Their implementation is sometimes not equally satisfactory. This happens in particular in the field of physical and mental abilities, of gender or for some cases of ethnic minorities (the Roma, for instance). Italy has a very inclusive model for integrating physically and mentally disabled persons. However, in some regions, the system lacks financial resources.

In the public administration there is an increasing effort by the Department for Equal Opportunities to monitor the impact of gender discrimination on a regular basis. The



department's 2012 report used data from 2011 to indicate – with some exceptions – significant gains made in gender representation in the higher levels of state administration. The percentage of women among the top ranks of the central administration reached 46%. Levels are lower in universities and independent authorities. The situation of gender representation in the business sector is generally less satisfactory. A 2014 report examining the representation of women on the boards of publicly owned companies found that on average less than 20% of their board members were women. Much greater progress has, however, been achieved in political institutions, such as parliament, assemblies and cabinet.

With regard to immigrants and especially illegal immigrants, discrimination is widespread. Whereas immigrants generally enjoy access to the health care system, their rights in other areas – labor relations in particular – are not well protected.

Italy's constitution and the political reality grants considerable political autonomy and cultural rights to regions with non-Italian or non-mainland minorities and majorities such as Val d'Aosta, Trentino and South Tyrol, Sardinia, Sicily but also to ancient ethnic groups such as the Alberesh, which originated in Albania. Some municipalities created democratically elected assemblies to represent migrants in the local decision-making.

Citation:

[http://www.pariopportunita.gov.it/images/MAGGIO2014\\_Donne\\_CDA\\_e\\_CS\\_perregione.pdf](http://www.pariopportunita.gov.it/images/MAGGIO2014_Donne_CDA_e_CS_perregione.pdf)

## Latvia

### Score 7

In 2011, Latvia concluded its transposition of EU anti-discrimination directives. Anti-discrimination legal provisions are scattered among more than 30 pieces of legislation, with policy responsibilities dispersed among a significant number of state institutions. No single entity takes the lead in designing and implementing anti-discrimination policy. Individuals complaining of discrimination typically approach the Ombudsman. In 2014, the Ombudsman received 87 complaints of discrimination. The Ombudsman has focused on labor-market discrimination on the basis of age, sex and sexual preference, cases of hate speech, and on issues of equal access to education and health services.

Due to Latvia's ethnic makeup, discrimination based on ethnic origin is often cited in the media. The legal framework has been deemed non-discriminatory and official complaints are rare. However, public rhetoric on issues of citizenship, loyalty, language of instruction in education and use of language in public life can be inflammatory and be perceived as discriminatory.

Discrimination on the basis of sexual orientation is poorly regulated. It is only mentioned in the context of Labor Law. The Ombudsman's efforts to draw public attention to the issue of same-sex partnerships have been fraught with controversy due to intense polarization of views within Latvian society.

Citation:

1. European Network of Legal Experts in the Non-discrimination Field (2011), Report on Measures to Combat Discrimination, Available at: [http://www.non-discrimination.net/content/media/2011-LV-Country%20Report%20LN\\_final.pdf](http://www.non-discrimination.net/content/media/2011-LV-Country%20Report%20LN_final.pdf), Last assessed: 18.05.2013
2. The European Network of Legal Experts, Country report - Main Legislation, Available at: <http://www.non-discrimination.net/content/main-legislation-10>, Last assessed: 18.05.2013
3. Latvian Centre for Human Rights (2011), Anti-discrimination in Latvia: From Legislation to Judicial Practice, Available at (in Latvian): [http://cilvektiesibas.org.lv/site/attachments/29/01/2012/Diskriminacijas\\_noversana\\_Latvija\\_II\\_Screen.pdf](http://cilvektiesibas.org.lv/site/attachments/29/01/2012/Diskriminacijas_noversana_Latvija_II_Screen.pdf), Last assessed: 21.05.2013.
4. Ombudsman of Latvia (2014), Annual Report, Available at (in Latvian): [http://www.tiesibsargs.lv/files/content/zinojumi/Tiesibsarga\\_gada\\_zinojums\\_%202014.pdf](http://www.tiesibsargs.lv/files/content/zinojumi/Tiesibsarga_gada_zinojums_%202014.pdf), Last assessed: 16.11.2015.
5. Ombudsman of Latvia (2012), Report on the Conference Regarding Progress Evaluation of 2012, Available at (in Latvian): [http://www.tiesibsargs.lv/files/2012.\\_gada\\_konferences\\_materi%C4%81li/runa\\_j\\_jansons\\_2012\\_tiesibsarga\\_konferences\\_preses\\_konference\\_12122012.pdf](http://www.tiesibsargs.lv/files/2012._gada_konferences_materi%C4%81li/runa_j_jansons_2012_tiesibsarga_konferences_preses_konference_12122012.pdf), Last assessed: 21.05.2013
6. University of Latvia, Social and Political Research Institute (2014). How Democratic is Latvia: Democracy Audit 2005 - 2014. Available at (in Latvian): [http://www.szf.lu.lv/fileadmin/user\\_upload/szf\\_faili/Petnieciba/Demokratijas\\_audits\\_2014\\_kopaa.pdf](http://www.szf.lu.lv/fileadmin/user_upload/szf_faili/Petnieciba/Demokratijas_audits_2014_kopaa.pdf), Last assessed: 03.11.2014

## Lithuania

Score 7

Lithuania legislation is largely consonant with European non-discrimination standards. The country's Criminal Code regulates racially motivated and xenophobic incidents and discriminatory acts. In 2013, Lithuania made it possible to conduct investigations into and prosecute domestic-violence offenses without the victim's consent, and simplified the procedure for legal gender recognition based on the submission of medical proof of gender-reassignment surgery.

The number of criminal acts deemed to be inciting hatred increased in 2011 compared to 2010. A number of state institutions are tasked with preventing various forms of discrimination, but their activities lack coordination. Furthermore, NGOs implement activities aimed at strengthening the participation and representation of specific vulnerable groups (i.e., the small Roma population or members of the LGBT (lesbian, gay, bisexual, and transgender) community). Some awareness-raising campaigns have sought to prevent racial discrimination and promote tolerance, but these have been fragmented.

The impact that criminal cases, special-representation measures and awareness-raising campaigns have had on the elimination of discrimination is unclear due to the limited evidence available. Lithuania's human-rights organizations, particularly the Lithuanian Center for Human Rights, claim that a lack of attention from state institutions, disproportionate budget cuts during the financial and economic crisis, and policy-implementation failures have undermined anti-discrimination and anti-racism efforts.

Some cases of discrimination or racist activities have been observed in recent years, including a resurgence of neo-Nazi activities (e.g., a public march held in 2012) that was emphasized by the United Nations Committee on the Elimination of Racial Discrimination. Despite the adoption of anti-domestic-violence legislation, spousal and child abuse remain problems, as illustrated by a woman's death in 2013 (due to a lack of response from the police emergency-response center). According to Eurobarometer surveys, combating discrimination effectively in Lithuania remains difficult due to a lack of public support.

Citation:

Report on racism and related discriminatory practices in Lithuania can be found at [http://cms.horus.be/files/99935/MediaArchive/publications/shadow%20report%202010-11/ENAR%20Shadow%20Report\\_Lithuania\\_2011\\_FINAL\\_CONFIRMED.pdf](http://cms.horus.be/files/99935/MediaArchive/publications/shadow%20report%202010-11/ENAR%20Shadow%20Report_Lithuania_2011_FINAL_CONFIRMED.pdf)  
 Information on Lithuania by the Committee on the Elimination of Racial Discrimination is available at <http://www2.ohchr.org/english/bodies/cerd/followup-procedure.htm>  
 The 2015 freedom rating of Lithuania by the Freedom House is available at <https://freedomhouse.org/report/freedom-world/2015/lithuania>

## Portugal

Score 7

State policies seek to redress discrimination, and cases of overt discrimination are rare. Nevertheless, three areas of concern remain:

1). Discrimination against women with regard to wages continues, although it is below the EU average. While the gender pay gap fell in 2013 (the latest year for which Eurostat data is available), it must be noted that Portugal's recent pattern is of a rising pay gap, with the unadjusted gender gap increasing from 8.4% in 2006 to 14.8% in 2012, before dropping to 13% in 2013. This trend contrasts with the relative stability in the EU as a whole..

2). With regard to racial discrimination, the 2014 U.S. Department of State Report on Human Rights Practices again noted patterns of institutional and societal discrimination against the Roma.

3). While access to public buildings for disabled people is mandated by law and enforced, according to the 2014 U.S. Department of State Report on Human Rights Practices, the same is not true of private facilities and businesses, for which there is no legislation mandating disabled access.

Citation:

Eurostat, Gender pay gap in unadjusted form, available online at: <http://ec.europa.eu/eurostat/tgm/table.do?tab=table&init=1&language=en&pcode=tsdsc340&plugin=1>

US Department of State, Bureau of Democracy, Human Rights and Labor. "Country Reports on Human Rights Practices for 2014 - Portugal," available online at: <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236566>

## Slovenia

**Score 7** Slovenian law guarantees equal rights to all citizens and protects against discrimination based on prescribed criteria. There are also various forms of positive discrimination, including a gender quota in electoral law and special voting rights for the officially recognized national minorities as well as for the Roma population. Despite the legal framework, foreign workers and women are still at times paid somewhat less for the same work than Slovenian and male workers, and there have been cases of discrimination against same-sex couples. Amnesty International and others have criticized the government for not doing enough to counter discrimination toward the Roma.

## Spain

**Score 7** Any discrimination based on birth, race, sex, religion, opinion or any other personal or social condition or circumstance is forbidden in Spain (according to the constitution and all important international and European treaties signed by Spain that are relevant to counteracting marginalization). In addition, any individual, whether a national citizen or not, can invoke a special expedited procedure in the courts asking the state to protect him or her against any form of discrimination. As a result, cases of explicit discrimination are extremely rare. The Ministry of Health, Social Services and Equality; the ombudsperson; and other regional agencies are active in monitoring discrimination.

Of course, this does not mean that occasional public discrimination and, above all, indirect social discrimination are never observed, particularly in the cases of women, the elderly, persons with disabilities, and ethnic and linguistic minorities. For example, there are still relevant wage differences between men and women, and few women sit on the boards of companies. Coexistence between communities speaking different languages is as a rule peaceful, and does not lead to overt discrimination or conflicts of rights despite complaints made by a few Spanish-speaking families regarding the predominant use of the Catalan language in that region's education system. For their part, some Catalan- or Basque-speaking citizens criticize the primacy of Castilian Spanish in the central administration.

Prejudices against the Roma and some non-Western immigrants may occur. Nonetheless, a survey conducted by the Pew Research Center in 2014 showed that Spaniards express fewer fears than other Europeans regarding Roma, and also tend to express less negative views about immigration. It is true that anti-Muslim views are comparatively common (46% of Spaniards have an unfavorable opinion of Muslims, although the community represents only 3.5% of the total population), and some tensions emerge from time to time, but it is also true that the state tends to offer protection to minority communities. Spain is also considered to be a pioneer in

fighting discrimination against homosexuals and women, although the Rajoy government was less active in this realm than its predecessor.

During the period under consideration, the main development was the transformation of the Women's Institute into the Institute for Women and Equal Opportunities. The new entity's policy scope was expanded to include the fight against discrimination on grounds of birth, sex, racial or ethnic origin, religion or ideology, sexual identity, sexual orientation, age, disability, or any other personal or social condition or circumstance. Previously, it solely addressed issues of gender discrimination. Nevertheless, Spain has not yet adopted a comprehensive anti-discrimination law. Although the government claims to have transposed all the requirements laid down in EU Directive 2000/43/EC (Racial Equality Directive) and EU Directive 2000/78/EC (Employment Equality Directive), the European Parliament declared in a recent report that "there are some concerns about whether the law in Spain is in complete compliance with the EU directives."

Citation:

European Parliamentary Research Service: Implementation of the Employment Equality Directive: The principle of non-discrimination on the basis of religion or belief

[http://www.europarl.europa.eu/RegData/etudes/STUD/2016/536345/EPRS\\_STU\(2016\)536345\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2016/536345/EPRS_STU(2016)536345_EN.pdf)

[www.pewresearch.org/fact-tank/2014/05/14/in-europe-sentiment-against-immigrants-minorities-runs-high/](http://www.pewresearch.org/fact-tank/2014/05/14/in-europe-sentiment-against-immigrants-minorities-runs-high/)

European Equality Law Network (Spain - Country Report on measures to combat discrimination). <http://www.equalitylaw.eu/country/spain>

## Austria

Score 6

Austrian law bars discrimination based on gender, religion, race, age or sexual orientation. In practice, despite the institutionalization of an anti-discrimination policy, discrimination is evident within Austrian society. This includes indirect discrimination directed against women, who are still underrepresented especially at the level of management in the business sector; discrimination against dark-skinned persons, in some cases by the police; and gays and lesbians, whose position has improved, but still features structural disadvantages. Particularly with reference to sexual orientation, Austrian policies retain a rather conservative orientation, limiting the legal institution of marriage to heterosexual partnerships. Although legal substitutes exist for gays and lesbians, the bureaucratic reality makes life for heterosexual partners considerably easier.

## Bulgaria

Score 6

The Bulgarian constitution, the 2004 Anti-Discrimination Act and various EU directives guarantee protection against discrimination. There is a Commission for Protection against Discrimination, and citizens have access to the courts in cases of suspected discrimination. In practice, however, episodes of discrimination can be

frequently observed. Discrimination against the highly marginalized Roma minority remains a major issue. On a smaller scale, discrimination against other groups can also be observed. For example, many groups – including people with mental and physical disabilities, women, and members of sexual minorities – face discrimination within the labor market. Elderly people and those with comparatively low socioeconomic status often face discrimination with regard to the provision of health services. As the inflow of refugees and migrants from the Middle East has increased since 2013, discrimination against foreigners and Muslims has become an important public issue.

## Czech Republic

### Score 6

The Czech legal system guarantees equality of access to work, education and social services before the law. The implementation of EU directives has underpinned such guarantees. However, the World Economic Forum's 2014 Global Gender Gap Report put the Czech Republic 96th on the list, at the very bottom of developed countries. Gender discrimination is especially strong in the labor market. Another major issue is discrimination against Roma. The ratio of Roma pupils in so-called special schools that service individuals with learning disabilities is about 30%, that is, significantly higher than the actual proportion of Roma living in the Czech Republic. Such tracking means that many Roma children have a poor chance of moving on to higher education and better work opportunities. As low-income Roma families have moved out of cities into rural areas in response to rising housing prices, territorial segregation has increased. Driven by populist political voices and unbalanced media reporting, Czech public opinion is strongly opposed to the integration of refugees. This is paradoxical, as the country previously integrated two waves of migrants without major problems (in particular 8,500 from Bosnia in 1992 and 12,000 from Ukraine and Moldova in 2001).

## France

### Score 6

In principle, any discrimination such as those based on gender, race, ethnic origin or religion is banned by the constitution and by fundamental law. Beyond the recognition of the right of non-discrimination, however, institutional monitoring, judicial support and policy measures to ensure such rights are less than adequate.

France's legal basis for non-discrimination is solid. The controversial recognition of "marriage for all," or recognizing the right of gays and lesbians to legally marry, is a point in case. Courts tend not only to apply but also to extend these rights. Many policy measures, particularly financial incentives or subsidies, attempt to compensate for different instances of discrimination, in particular gender, age or migration background. However, the situation is often contradictory in many cases. For

instance, while immigrants face challenges in getting residence permits, illegal immigrants have free access to health care and their children can be legally registered at school. A key contention concerns the integration of so-called second-generation immigrants. Despite many policy measures, a large number of these young French (they are all citizens) feel like foreigners in their country. The failure to provide quality schooling and, later, a proper job is one of the most dramatic dimensions of what is called invisible discrimination. One serious handicap in dealing with this situation is enshrined in the French republican tradition, which emphasizes strict equality and excludes in principle any sort of discrimination, even positive discrimination.

Institutionally, a recent development is the creation of a new body named the Defender of Rights, which replaces several specialized agencies. In addition to national organizations, many regional or sectoral ad hoc institutions that address discrimination cases have been established.

## Greece

### Score 6

Protection against discrimination on the basis of race has been regulated since 1979, while protection against gender discrimination is regulated by the New Family Law passed in 1983. The European Union's legislative acts also provide protection from gender discrimination. However, legislation against discrimination has rarely been implemented.

In February 2013, Nils Muižnieks, the Council of Europe Commissioner for Human Rights, stated that “between October 2011 and December 2012 more than 200 racist attacks were recorded in Greece by the racist violence recording network headed by UNHCR and the National Commission for Human Rights.” After the murder of a left-wing rap singer by neo-Nazi militants in September 2013, the Golden Dawn party became more restraint, as prosecuting authorities launched criminal investigations against the party's leadership and scores of its militants. In the period under review, the outcry against racism and the rise to power of a strong left-wing party, Syriza, probably contributed to the decline of discrimination. In fact, the opposite of racist discrimination, namely tolerance, solidarity and support of foreigners, was observed in the summer and the fall of 2015, when Greece received a vast inflow of refugees from Syria, Iraq and Afghanistan (210,000 refugees arrived in and passed through Greece in the month of October alone).

#### Citation:

Family relations are regulated through law 1329/1982, while anti-discrimination legislation is found in law 927/1079 (amended in 2001 to facilitate the intervention of prosecuting authorities against trespassers). European Union law, naturally also applicable in Greece, regulates gender discrimination. See, for instance, the Gender Directive, officially known as Council Directive 2004/113/EC of 13 December 2004.

For a summary of Muižnieks' conclusions, as presented to the Council of Europe, see the document “Racist violence a real threat to democracy in Greece” available at [http://www.coe.int/t/commissioner/News/2013/130201Greece\\_en.asp](http://www.coe.int/t/commissioner/News/2013/130201Greece_en.asp) [accessed on 07.05.2013].

## Iceland

Score 6

Iceland's constitution states that every person should enjoy equal human rights regardless of gender, religion, opinion, national origin, race, color, property, birth, or other status. More specific provisions are to be found in the Penal Code, the Administrative Procedure Act and the Equality Act. The Supreme Court can rule and has ruled based on those acts and the constitution. The Equality Act states that genders should be accorded equal rights in all areas of society and that discrimination in terms of pay, hiring, and employment is against the law. The Center for Gender Equality monitors adherence to this law and is obliged to refer all major cases to the courts.

Although equal rights are guaranteed by law, the reality is that discrimination occasionally occurs in Iceland, especially against women, disabled persons, and migrants. In the 2012 presidential elections, blind and physically disabled voters were denied the right to have an assistant of their own choice to help them vote at polling stations. Instead, they had to vote with help from public officials working at the polling stations. Following complaints from the Organization of Disabled in Iceland (Öryrkjabandalagið), the electoral laws were adjusted to allow blind or otherwise physically disabled individuals to independently nominate their own assistant who would be sworn to secrecy. This change applied to the 2013 parliamentary elections.

The government's non-compliance with the binding opinion of the United Nations Human Rights Committee, which ruled in 2007 that the management system of Iceland's fisheries was discriminatory, signals a less-than-full commitment to non-discrimination.

Citation:

The Penal Code (Almenn hegningarlög no. 19/1940).

The Administrative Procedure Act (Stjórnsýslulög no. 40/1993).

The Gender Equality Act (Lög um jafna stöðu og jafnan rétt kvenna og karla no. 10/2008).

Act on changes on the Act on Parliamentary Elections (Lög um breytingu á lögum um kosningar til Alþingis nr. 24/2000 og lögum um kosningar til sveitarstjórna nr. 5/1998 (aðstoð við kosningu). Lög nr. 111 16. október 2012.

## Chile

Score 5

In general terms, political rights are protected by legislature and government bodies. Major failings can be seen in the case of the Mapuche indigenous conflict in the southern regions of Chile, which has intensified significantly during the last four years. The Mapuche are not constitutionally recognized as a distinctive identity or ethnic minority with collective rights. Despite official denials, some Mapuche captives claim to be political prisoners. There have been some important attempts to



diminish discrimination, such as the Civil Union Agreement (Acuerdo de Unión Civil) that allows for the official acceptance of same-sex unions. The law on this issue was enacted in October 2015. However, there are still inequalities in various domains such as labor rights, access to health care and family law.

With regard to gender, Chile is ranked 66th out of 166 countries in the current Global Gender Gap Index. Especially when it comes to economic equality between men and women, Chile is characterized by a serious income gap (ranked 128th out of 166 countries). Only about 16% of Chile's serving deputies and senators are women. These averages are much lower than comparable shares elsewhere in Latin America or in the OECD as a whole. In order to improve the ratio of women representatives, a new electoral law obligates political parties' electoral slates to be composed of at least 40% female candidates beginning in the 2017 elections.

Gender-discrimination issues are relevant in other spheres as well. For example, health care insurance is twice as expensive for women as for men due to maternity costs. Many other social, political, economic and legal policies and practices lead (directly or indirectly) to gender and ethnic discrimination.

:  
 Interparliamentary Union, Situation as of 1. September 2015  
<http://www.ipu.org/wmn-e/classif.htm>  
 Global Gender Gap Index  
<http://reports.weforum.org/global-gender-gap-report-2014/economies/#economy=CHL>

## Croatia

### Score 5

Although discrimination has been prohibited by several different legislative acts for some time, the new Anti-discrimination Act (ADA), which entered into force in 2009, was an important step. The new act prohibits discrimination in 10 specific areas of social life and distinguishes 17 different forms of discrimination. It has enabled new forms of judicial redress for cases of discrimination. The Ombudsman institutions have a large role in combating discrimination, and the Office of the Public Ombudsman serves as a central anti-discrimination body under the ADA. However, although discrimination is prohibited by the law, the legislation has not been fully implemented, and certain vulnerable groups still experience widespread discrimination. In particular, the Roma encounter discrimination in almost all areas of life, especially in education and employment. In addition, although Croatia has a good legal framework governing minority rights, Croatian citizens of Serbian ethnicity continue to experience discrimination.

## Israel

### Score 5

Israel's main venue for dealing with cases of discrimination is the court system, particularly the Supreme Court, which address cases of discrimination against women and minorities in professional, public and state spheres. The country has longstanding institutional mechanisms intended to promote equality, such as the

Authority for the Advancement of the Status of Women in the Prime Minister's Office and the Equal Employment Opportunities Commission in the Ministry of the Economy. However, these tend to offer ad hoc solutions instead of comprehensive and long term plans. Attempts to pass a basic law protecting equality to join existing legislation protecting human dignity and liberty did not yield results. Instead, the struggle against discrimination is usually fought through Israel's media and by vigorous NGO activity.

Progress was achieved in recent years regarding women and gay rights. The government addressed the expanding industry trafficking women and prostitution by opening designated shelters for victims and legislating (2006) prison terms of up to 20 years for perpetrators. The gay community also marked prominent victories: non-biological same-sex parents have been made eligible for guardianship rights and same-sex marriages conducted in foreign countries are recognized by the state; the first divorce of a same-sex couple was granted in 2012.

Discrimination is prevalent and systematic regarding Palestinians' rights. Following Israel's annexation of East Jerusalem in 1967, Arab residents were issued Israeli identity cards and given the option of obtaining Israeli citizenship, though most choose not to seek citizenship for political reasons. These non-citizens have many of the same rights as Israeli citizens, except the right to vote in national elections. They can vote in municipal as well as Palestinian Authority elections, and remain eligible to apply for Israeli citizenship. However, Israeli law strips non-citizens of their local residency if they stay outside the city for more than three months.

A 2003 law denies citizenship and residency status to Palestinian residents of the West Bank or Gaza that marry Israeli citizens. This measure affects about 15,000 couples and has been criticized as blatantly discriminatory. In 2011, the Knesset passed a law allowing the courts to revoke the citizenship of any Israeli convicted of spying, treason or aiding the enemy. A number of civil rights groups and the Shin Bet security service criticized the legislation as unnecessary and overly burdensome.

Citation:

"Back to basics: Israel's Arab minority and the Israeli-Palestinian conflict," Middle East Report N°119, 14 March 2012,

<http://www.crisisgroup.org/en/regions/middle-east-north-africa/israel-palestine/119-back-to-basics-israels-arab-minority-and-the-israeli-palestinian-conflict.aspx> (English).

Woman's Lobby, "Equal employment for women," Women's lobby in Israel website 5.3.2013 (Hebrew).

Freedom House, "Israel: 2013," Freedom House website, 2013:

<http://www.freedomhouse.org/report/freedom-world/2013/israel> (English).

Freedom House, "Israel: 2014", Freedom House website, 2015:

<http://www.freedomhouse.org/report/freedom-world/2014/israel-0#.VEOZwCueWro> (English).

Tmura, "Selected verdicts of Tmura center," Tmura website (Hebrew).

## Japan

### Score 5

Women still face some discrimination, particularly in the labor market. Women on average earn 27 percent less than their male colleagues - in no other OECD country except Korea is the wage differential higher. The country's share of female parliamentarians - 9.5% in 2015 - is still low by the standards of other advanced countries (only Turkey scores lower among OECD countries). Prime Minister Abe has called women "Japan's most underused resource," and the government has designated "womenomics" as a key pillar of its "third arrow" reform program. This emphasis was reiterated in the "new three arrows" announced in mid-2015, and the government wants the topic to be a major agenda point of the G-7 meeting that Japan will host in 2016. A 2015 law asks large companies to set numerical targets for the employment and promotion of women. However, the measure's sanctioning mechanisms are weak, and no minimum targets are prescribed. Given the persistent undercurrent of sexism in Japanese society, it is an open question as to whether de facto workplace-culture discrimination can be overcome.

The three million descendants of the so-called burakumin, an outcast group during the feudal period, still face social discrimination, though it is difficult for the government to counter this. Korean and Chinese minorities with permanent resident status also face some social discrimination. Naturalization rules have been eased somewhat in recent years. Menial workers with foreign passports from the Philippines, the Middle East and elsewhere frequently complain of mistreatment and abuses.

Japan continues to have a rather serious human-trafficking problem with respect to menial labor and the sex trade, in some cases affecting underage individuals.

The treatment of refugees and asylum seekers is frequently the subject of criticism. Rejections of applications have become more frequent recently, despite rising global problems.

Citation:

UN data, Seats held by women in national parliament, percentage, <http://data.un.org/Data.aspx?q=japan&d=MDG&f=seriesRowID%3A557%3BcountryID%3A392>

Emma Chanlett-Avery and Rebecca M. Nelson, "Womenomics" in Japan: In Brief, Congressional Research Service, Washington D. C., 01.08.2014

Masami Ito, Can women really "shine" under Abe?, Japan Times, 23.11.2014, pp. 13-15

Mizuho Aoki, Diet passes bill aimed at boosting women in the workplace, The Japan Times, 28 August 2015, <http://www.japantimes.co.jp/news/2015/08/28/national/politics-diplomacy/diet-passes-bill-aimed-boosting-women-workplace/>

## Malta

### Score 5

The Maltese constitution's chapter on fundamental human rights forbids discrimination on the basis of race, color, gender or politics. Other laws forbid discrimination on the basis of physical disability or handicap. In Malta, the civil courts and the Constitutional Court are staunch defenders of anti-discrimination legislation. Since 2013, the government has strengthened the rights of gay, lesbian and transgender people through the establishment of civil unions and a gender identity act. Malta also has a number of independent commissions to protect the rights of vulnerable groups, such as children and disabled people. In the last budget, the government increased the fine for employers who discriminate against disabled people.

Women are generally underrepresented in the social, economic and political life of Malta. There is little political consensus concerning the introduction of positive discrimination measures to address this problem, though much has been done over the last two years to promote gender equality in the work place. Discrimination on grounds of political affiliation remains a problem, a direct result of the electoral system used in Malta. Aggrieved ordinary citizens may take their case to the Constitutional Court, the Employment Commission or the Ombudsman Office, while public servants may also bring a case before the Public Service Commission. Nevertheless, allegations of discrimination on political grounds remain common. In addition, it has been alleged that many cases of discrimination remain unreported

EU nationals living in Malta have complained of discrimination in the form of fees for water and electricity higher than those paid by natives. Similar discrimination with regard to public transport use has been eliminated.

#### Citation:

Carabott, S. Expats Petition against Malta Discrimination. Times of Malta 12/04/13

Ellul, T. REPORT ON MEASURES TO COMBAT DISCRIMINATION Directives 2000/43/EC and 2000/78/EC COUNTRY REPORT 2011 MALTA

Unreported discrimination cases causes concerns Di Ve 24/05/13

## Mexico

### Score 5

There is little overt racial discrimination in Mexico but definite overlap between race and class. White-skinned Mexicans are over-represented among the wealthy and powerful. Social discrimination varies by region. In the capital district there is growing awareness of issues of sex and gender, but that is not the case in the poorest regions in the country where there remains a degree of social authoritarianism. The higher courts are aware of these gender issues and are becoming increasingly assertive in these regards. However, while there is more awareness of discrimination issues that there once was, there is less attention paid to issues of indigenous rights and other forms of social disadvantage. Business groups have been particularly slow

to promote Mexicans of visibly mixed race. Considered as a challenge to social hierarchism, the Zapatista movement, which advocated for indigenous rights, was essentially a failure.

## Romania

**Score 5** The Romanian state has been ineffective in countering discrimination against a number of vulnerable groups, including members of the LBGT community, adults and children infected with HIV, people with disabilities, and the country's large Roma minority. The civil code still prohibits same-sex partnership and marriage, and fails to recognize any such marriages registered abroad. In the period under review, a variety of institutions and countries have called on the Romanian government to take action against the prevalent discrimination occurring country wide. In September 2015, Officials from the European Commission Against Racism and Intolerance recommended that Romanian authorities enforce legislation to penalize discrimination, initiate a public awareness campaign, and provide training to societal actors such as teachers, police officers, and judges. In June 2015, a United States Embassy in Bucharest report raised concerns about violence and discrimination against women, systematic discrimination against Roma, and societal discrimination targeting the LGBTQ population as well as those affected by HIV/AIDS.

## Slovakia

**Score 5** While Slovakia has fairly sophisticated anti-discrimination legislation in place, the discrimination of Roma, women and LGBTI persons continues to be a major problem. The Roma population has suffered from the continued segregation practices, the lack of access to adequate housing, the pervasive segregation of Roma children in the education system and their very high dropout levels, the excessive use of force by police officers during raids carried out in Roma settlements and various manifestations of hate speech. Negative propaganda and hate speech directed at LGBTI persons has grown in the context of the February 2015 referendum on the constitutional definition of marriage, adoption law and sex education in schools.

Citation:

Council of Europe Commissioner for Human Rights, Report by Nils Muižnieks, CommDH(2015)21, 13.10.2015; <https://wcd.coe.int/ViewDoc.jsp?Ref=CommDH%282015%2921&Language=lanEnglish>

## South Korea

**Score 5** Discrimination in particular remains a major problem in Korea, with the state failing to be sufficiently active in preventing it. Women remain underrepresented in almost all important fields in South Korea. The wage gap between men and women

averages 37%, the biggest such gap among OECD countries. Discrimination against gays and lesbians remains pervasive. While the situation of the disabled has improved, barrier-free entrances to buildings and public transportation services remain limited. Discrimination against irregular workers and migrant workers is also pervasive, as many migrant workers still have to submit to an HIV test in order to get a work visa.

The establishment of the National Human Rights Commission was an important step with regard to preventing discrimination, but this organization is not part of the executive branch and has no direct enforcement authority. Moreover, the Lee and Park governments have appointed largely unqualified figures to head this body. The organization has failed to protect human rights or prevent discrimination.

The enactment of the Disability Discrimination Act in April 2008 constituted another important step toward better protection against discrimination. According to official data from the NHRC, a total of 1,802 complaints regarding discrimination were filed in 2011, with 874 concerning disability-related discrimination. In July 2015, a gender-equality act came into force. This is particularly intended to help working mothers. For example, the act for the first time allows husbands to take parental leave.

The Park administration has been strongly criticized for filling the most important government positions with people from the traditionally conservative southeastern provinces, expressing the strong regionalism that characterizes Korean politics.

Citation:

UNDP, Human Development Report 2013, <http://www.undp.org/content/dam/undp/library/corporate/HDR/2013GlobalHDR/English/HDR2013%20Report%20English.pdf>

OECD, Gender Brief, March 2010, <http://www.oecd.org/dataoecd/23/31/44720649.pdf>

The National Human Rights Commission of Korea, Annual Report 2011, [http://www.humanrights.go.kr/english/publications/publications01\\_view.jsp](http://www.humanrights.go.kr/english/publications/publications01_view.jsp)

“New paradigm of gender equality starts now,” The Korea Herald, July 5, 2015

## Turkey

Score 5

While Article 10 of the constitution guarantees equality before the law, irrespective of language, race, sex, political opinion or religion, the political reality in Turkey differs significantly from this constitutional ideal.

The European Commission’s 2015 report stated that the principle of non-discrimination is not sufficiently respected either in law or practice, with gender-related violence, hate speech, and discrimination against LGBT communities being serious problems. On a positive note, property was returned to 1,014 non-Muslim communities’ foundations at the beginning of 2015. However, physical attacks on non-Muslim residents were reported during the period under review, and anti-Semitism in physical or oral form is increasingly expressed in public. According to

the Anti-Defamation League's 2015 Global Anti-Semitism Index, 71% of Turkey's adult population is estimated to harbor anti-Semitic attitudes – a slightly higher figure than for the Middle East and North Africa (MENA) region overall.

A “democracy package” adopted by the parliament in March 2014 included measures ostensibly securing the freedoms of thought, conscience and religion. The Turkish government allowed a Greek community on the island of Imvros (Gökçeada) to re-open a Greek primary, middle and high school in September 2015. However, the Halki Greek Orthodox Seminary has not been able to reopen, despite international support. The establishment of an inclusive Anti-Discrimination and Equality Board is still pending.

A number of high court rulings remain unimplemented, including the European Court of Human Rights' December 2014 decision on cemevi (gathering places for Alevi Muslims) as a place of worship and February 2015 rejection of Turkey's appeal on the issue of compulsory religious-education classes, as well as the Turkish Court of Cassation's August 2015 judgement on cemevi as religious locations within the scope of the ECHR ruling. Some leading politicians' “uneven” treatment of the Alevis negatively affects the public atmosphere.

Some accommodation has been evident between the government and Abdullah Öcalan, the former leader of the Kurdistan Workers' Party (PKK). This has helped to promote peace talks, and led to the introduction of legislation improving the social and living conditions of the Kurdish population. However, investigations and detentions of Kurdish activists have undermined efforts to find a workable solution to the Kurdish issue.

Three years ago, the Ministry for Family and Social Policies adopted a national action plan to combat violence against women. However, despite rising public awareness, the incidence of violence against women in Turkey has undergone a dramatic and rapid increase in the last decade. Even though a large number of cases go officially unreported, women's-rights groups reported that 251 women had been killed in 2015 as of mid-November. In some cases, courts have ruled that “extenuating circumstances” existed for perpetrators of so-called honor crimes. A 2014 Penal Code amendment expanding penalties for violence against women was considered unsatisfactory by women's rights associations.

Citation:

European Commission, Turkey 2015 Report, 10.11.2015, [ec.europa.eu/enlargement/pdf/key.../2015/20151110\\_report\\_turkey.pdf](http://ec.europa.eu/enlargement/pdf/key.../2015/20151110_report_turkey.pdf) (accessed 10 November 2015)

Anti-Defamation League, Global 100, 2015 Update, <http://global100.adl.org/#map/2015update> (accessed 27 October 2015)

Cumhuriyetçi Eğitim Ve Kültür Merkezi Vakfı v. Turkey (application no. 32093/10) ECHR 355 (2014), 02.12.2014, <http://hudoc.echr.coe.int/app/conversion/pdf/?library=ECHR&id=003-4952135-6065927&filename=003-4952135-6065927.pdf>. (accessed 27 October 2015)

2015 Human Dimension Implementation Meeting Warsaw, 21 September - 2 October 2015, <http://www.osce.org/odihr/186991?download=true> (accessed 27 October 2015)

Yargıtay'dan cemevi kararı, Hürriyet daily newspaper, 17 August 2015, <http://www.hurriyet.com.tr/yargitaydan-cemevi-karari-29834823>. (accessed 27 October 2015)

ECHR rejects Turkish appeal to ruling on compulsory religion classes, 18 February 2015, <http://www.hurriyetdailynews.com/echr-rejects-turkish-appeal-to-ruling-on-compulsory-religion-classes.aspx?pageID=238&nID=78508&NewsCatID=339> (accessed 27 October 2015)  
ŞİDDETEN ÖLEN KADINLAR İÇİN DİJİTAL ANIT, <http://www.anitsayac.com/> (accessed November 15 2015)  
Özgül Kaptan, A Decade of Violence against Women in Turkey, 15 September 2015, <http://researchturkey.org/a-decade-of-violence-against-women-in-turkey/> (accessed 27 October 2015)

## Hungary

### Score 4

Hungary has a comprehensive anti-discrimination legal framework. In practice, however, anti-discrimination efforts have shown only limited success. Discrimination against women in the areas of employment, career and pay is exemplified by the small number of women in Hungarian politics (e.g., in parliament or in high-ranking government positions). The wage gap between men and women is 18.4% in Hungary versus the EU average of 16.3%. The failure is even greater regarding the Roma, since about half of all Roma children in Hungary still live in segregated communities and receive substandard education. In many cases, court rulings against segregation are not enforced. Other groups such as Jews or LGBTI people have suffered from discrimination as well. In the context of the refugee crisis, the government launched an all-out anti-Islam propaganda strategy that has been extended to all minority groups and political/civil organizations that have criticized government policy.



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