



Civil Rights and Political Liberties Report

Civil Rights, Political Liberties, Non-discrimination

Sustainable Governance Indicators 2019

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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. In November 2014, after long and contentious discussions, parliament voted to provide marriage rights for same-sex couples, and adoption-rights legislation for same-sex couples became effective in March 2017.

Citation:

"Freedom House" (<https://freedomhouse.org/>).

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

In general, the state and the courts 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 security breaches in 2014, the shooting of a soldier on ceremonial duty at the Canadian National War Memorial in Ottawa and an attack on military personnel in Saint-Jean-sur-Richelieu, gave new impetus to the government's plans to introduce new anti-terrorism legislation. In 2015, the government passed the Anti-Terrorism Act (Bill C-51), which introduced sweeping changes to the Canadian security apparatus. 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 as many civil libertarians and privacy advocates opposed the bill.

In a 2015 report, the U.N. Human Rights Committee expressed concerns about the bill. 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. Without repealing C-51, the government has introduced Bill C-59, an omnibus bill that would make significant changes to national security policy. However, the Canadian Civil Liberties Association maintains that the bill stops short of repealing measures in C-51 which threaten civil liberties.

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>.

Canadian Civil Liberties Association, “CCLA with Civil Society Groups Issue Joint Letter on Bill C-59 and National Security Law in Canada,” September 19, 2017, posted at <https://ccla.org/ccla-civil-society-groups-issue-joint-letter-bill-c-59-national-security-law-canada/>

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, inviolability of property, inviolability of dwellings, freedom of speech, freedom of association and freedom of assembly. 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 and concerning unnecessarily lengthy case proceedings. 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.

It is being contested whether recent changes in relation to asylum-seekers, including rules for family reunification, violate the Geneva Convention.

In its 2016 – 2017 report, Amnesty International referenced “serious restrictions to asylum and migration laws,” and “the government’s suspension of an agreement with the U.N. Human Rights Committee to receive 500 refugees annually for resettlement from refugee camps.” There is now a political debate in Denmark about whether the country should start taking these so-called quota refugees again.

Recently, the Parliamentary Ombudsman concluded that the separation of couples seeking asylum (where one partner is under the age of 18) is a violation of the Danish Act on Public Administration and possibly a violation of the right to family life.

A recent ban on wearing face veils was a relatively controversial measure, which was passed by the parliament.

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 (accessed 7 October 2015).

Amnesty International, Denmark 2017/2018. <https://www.amnesty.org/en/countries/europe-and-central-asia/denmark/report-denmark/> (Accessed 3 October 2018).

Estonia

Score 9

Civil rights are widely respected and government does not interfere in the activities of the courts. Equal access to the law and equal treatment by the law are legally guaranteed. The courts are widely seen to be independent. Time needed to resolve civil, commercial, and administrative cases has steadily declined and Estonia shows the second lowest figure in the European Union. The same is true for the number of pending cases. Overall, the Estonian court system can be regarded as efficient in cross-European comparison on the basis of several indicators. Primary legal advice is free for citizens with an income considerably below the national average. At the same time, Estonia is one of the few EU member states that require a recipient of legal aid to pay a court fee.

Besides the courts of law, the chancellor of justice plays an important role in ensuring civil rights. She ensures 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.

Citation:
Com (2018) The 2018 EU Justice Scoreboard. https://ec.europa.eu/info/sites/info/files/justice_scoreboard_2018_en.pdf (accessed 12.10.2018)

Germany

Score 9

In general, all state institutions respect individual freedoms and protect civil rights. Civil rights are guaranteed 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 Democracy Index, Germany has consistently ranked 13th in recent years.

In her recent activity report, the federal privacy officer, Andrea Voßhoff, noted that access to information and basic civil rights are in good shape, and respected by government and the respective courts. However, the president of the Federal Office for the Protection of the Constitution, Hans-Georg Maaßen, was involved in various scandals and – after heated debates within the government, and between the government and opposition – was forced into premature retirement.

Citation:

<https://freedomhouse.org/report/freedom-world/2018/germany>

https://www.bfdi.bund.de/SharedDocs/Publikationen/Taetigkeitsberichte/TB_IFG/6TB06_18.html?nn=5217154

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.

On 25 May 2018, a referendum on “The Thirty-sixth Amendment of the Constitution of Ireland,” which proposed permitting the Irish Parliament (the Oireachtas) to legislate for abortion, was passed by 66.4% of voters. It was signed into law by the president on 18 September 2018.

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 wrong-doing 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 Defense 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 for this indicator.

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 the 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 which raise issues about the extent to which state institutions or actors uphold the basic civil rights codified in the constitution. There is a current debate about whether it is humane to return young Afghan men or boys who have been denied asylum to their country of origin. While such extradition is consistent with the law – migrants that have been denied asylum are to be extradited – these cases still raise questions about what constitutes humane treatment. The number of cases where extradition has raised objections in the media increased significantly in 2015 and 2016 along with the increase in asylum applications.

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. National police have made curbing organized crime a priority, but thus far the problem has grown.

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 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 United Kingdom, 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 re-examination. 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 professional lawyers. In the right-populist and 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 the summer of 2016, the country's strongest political party, the Swiss People's Party, had collected sufficient signatures for an initiative aiming to give federal law precedence over international law. This initiative was rejected on 25 November 2018.

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 also 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 considerably in recent history for several reasons. 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.

With the proclamation of a state of emergency by the government following the terrorist attacks of 13 November 2015 and its extension until 1 November 2017 by the parliament, the question of possible infringements of civil rights has become an important issue. 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. Up to now, infringements have been rather limited, and the administrative courts have exerted control of the individual or collective measures adopted by the government in spite of pressures from right-wing political parties and the police to further restrict the rights of persons suspected of supporting terrorist activities.

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, in 2007, the United Nations Committee on Human Rights (UNCHR) issued a *de facto* (if not *de jure*) binding opinion stating to the effect that, because of its discriminatory nature, the management system of Iceland's fisheries constituted a violation of human rights. Furthermore, the UNCHR 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 later dropped the case, saying that Iceland's promise of a new constitution was partly sufficient. However, the parliament has not ratified the new constitution, which was approved by 67% of the voters in the 2012 national referendum. Showing disregard for the outcome of the 2012 referendum, the current prime minister, Katrín Jakobsdóttir (who took office in November 2017), has stated that steps should be taken during the current mandate period to revise the constitution, which would require the parliament to overrule the national referendum. What happens next remains to be seen. Two of the political parties most opposed the constitution bill are part of the current cabinet.

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 increased 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 (2016), "Constitution on Ice," in *Iceland's Financial Crisis: The Politics of Blame, Protest, and Reconstruction*, eds. Valur Ingimundarson, Philippe Urlfalino, and Irma Erlingsdóttir, Routledge, London. Also available as CESifo Working Paper 5056, November 2014.

Gylfason, Thorvaldur (2018), "Chain of legitimacy: Constitution making in Iceland," in Elster, J., R. Gargarella, V. Naresh, and B. E. Rasch (eds.), *Constituent Assemblies*. Cambridge University Press, New York, 2018. Also available as CESifo Working Paper No. 6018, July 2016.

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 concerns over poor conditions in the country's prisons and detention facilities, lengthy pre-trial detention periods, and the general accessibility of the court system. The 2017 Ombudsman report rated the overall

prison infrastructure as being out of date.

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, although he was pardoned by the president in December 2017. 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 (2017), Annual Report, Available at: http://www.tiesibsargs.lv/uploads/content/legacy/2017_annual_report_summary_1523624612.pdf, Last assessed: 04.01.2019
2. Ombudsman of Latvia (2016), Annual Report, Available at: http://www.tiesibsargs.lv/uploads/content/lapas/tiesibsarga_2016_gada_zinojums_1_489647331.pdf, Last assessed: 05.01.2019

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 people 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, on the Civic Empowerment Index, produced by the Civil Society Institute since 2007, Lithuania scored 37 out of 100 in 2016 compared to 33.4 in 2015. According to a 2018 Freedom House report, Lithuania scored 1 out of 7 on civil liberties – the best possible score.

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.

Citation:

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/tyrimai178/visuomenes-nuomones-apklauso/>

Freedom House Report on Lithuania 2018, available at <https://freedomhouse.org/report/freedom-world/2018/lithuania>

Luxembourg

Score 8

Civil rights are officially protected in Luxembourg and all state institutions respect these rights, with a few exceptions. Four institutions are in charge of protecting civil rights: the Constitutional Court, an advisory board on human rights, the National Commission on Data Protection and a parliamentary ombudsman. However, the judiciary system's slow processing of cases has led to concerns over due process and equitable treatment. The European Court of Human Rights in Strasbourg has reprimanded the country on several occasions because of delays in court proceedings. The mediation law grants a maximum of four months for processing, with the aim of speeding up administration procedures. The influence and the number of complaints to the ombudsman's office continues to grow. A total of 1,149 complaints were made in 2017, an increase from 2016. Most of these dossiers have already been fully (938) or partially (11) completed. The institution of the "Ombudsman" was launched in 2003. The Ombudsman has the mandate to mediate in disputes between citizens and public authorities. Thus, in some cases, a problem can be resolved before goes to trial.

Citation:

Rapport annuel Ombudsman 2017. <http://www.ombudsman.lu/uploads/RA/RA2017.pdf>. Accessed 22 Oct. 2018.

Meyers, Paul-Henri/Lorig, Wolfgang H. (2019): Luxemburg, in: Arthur Benz/Stephan Bröchler/Hans-Joachim Lauth (eds.), *Handbuch der europäischen Verfassungsgeschichte im 20. Jahrhundert. Institutionen und Rechtspraxis im gesellschaftlichen Wandel*, Band 5: seit 1989, Verlag J.H.W. Dietz Nachf. (forthcoming).

New Zealand

Score 8

New Zealand has a well-institutionalized liberal democracy with fully implemented and protected civil rights. Based on the Bill of Rights Act 1990 and the Human Rights Act 1993, the Human Rights Commission actively promotes compliance with civil and human rights by public bodies and in society. The government enforces strong legislation protecting the rights of LGBT (lesbian, gay, bisexual, and transgender) individuals. 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. 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. According to the Child Poverty Monitor 2018 Technical Report, almost one out of three children in New Zealand were living in poverty in 2017, with children of Māori and Pacific Islander descent being particularly vulnerable. The Labour-led government has made fighting child poverty a priority, a condition that is widely considered to be a threat to the human rights of large numbers of New Zealand children.

The powers of the Government Communications Security Bureau (GCSB) 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. 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. The New Zealand Intelligence and Security Bill 2016 modifies existing legislation and enhances transparency of New Zealand's intelligence and security agencies. The introduction of the bill resulted in a significant increase in the scope and powers of the GCSB. According to the Human Rights Commission, although the bill represents a significant improvement to legislation, "there are aspects of the bill which are still of concern," notably the definition of national security. The 2017 Intelligence and Security Act brings the GCSB and the NZ Security Intelligence Service (SIS) under the same law. In a fundamental shift in policy, it permits the GCSB to monitor New Zealanders if national security issues are at stake.

Citation:

New Zealand Child and Youth Epidemiology Service 2018. Child Poverty Monitor. 2018. Technical Report. https://ourarchive.otago.ac.nz/bitstream/handle/10523/8697/CPM_2018_FINAL.pdf?sequence=6&isAllowed=y

NZ Intelligence and Security Bill 2016. New Zealand parliament <https://www.parliament.nz/en/pb/bills-and-laws/bills-digests/document/51PLLaw23781/new-zealand-intelligence-and-security-bill-2016-bills> (accessed 13 September, 2016).

Spying reforms allowing GCSB to spy on Kiwis pass into law with little opposition. New Zealand Herald. 21 March 2017 (http://www.nzherald.co.nz/politics/news/article.cfm?c_id=280&objectid=11822634) (accessed January 16, 2018).

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. Moreover, the justice system continues to be very slow, which also reduces its ability to effectively protect citizens.

In the period under review, the government of Portugal passed a law – the National Strategy for Equality – to increase the social and political rights of its citizens.

Citation:

<https://dre.pt/home/-/dre/115360036/details/maximized>

Australia

Score 7

Australia is the only major established democracy which does not have a bill of rights. 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. Even the Labor party supports the policy of offshore processing of asylum-seekers, which is of course denying them rights enjoyed by Australian citizens.

Concerns have 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. 22 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. Most recently, the Australian Citizenship Amendment (Allegiance to Australia) Bill 2015 grants the government explicit powers to revoke Australian citizenship from dual citizens convicted of engaging in terrorist-related activities. The bill has also been criticized for being unconstitutional and for allowing possible retrospective application.

In late 2017, the government announced new laws making it a criminal offense to be in possession of instructional terrorist material or to engage in terrorism hoaxes, and reached agreement with the states and territories to develop national facial biometric matching capability. As of the end of the review period, the government is seeking to pass legislation which imposes new requirements on organizations to assist law enforcement and security agencies to access information, introduces new computer access warrants that enable law enforcement to covertly obtain evidence directly from a device, and increase the power of law enforcement to access data through search and seizure warrants. Opponents argue that these measures represent unjustified infringements on civil liberties.

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>

<https://theconversation.com/improved-citizenship-bill-still-invites-criticism-and-high-court-challenges-47153>

<http://www.smh.com.au/federal-politics/political-news/a-new-low-labor-slams-t Turnbull-government-plans-to-put-asylum-seekers-on-the-street-20170827-gy4z9b.html>

<https://theconversation.com/the-devil-is-in-the-detail-of-government-bill-to-enable-access-to-communications-data-96909>

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.

As a consequence of the significant number of people coming from Muslim-majority countries over recent years (especially during the “refugee crisis” of 2015), the

acceptance of Islam has become politically less secure than in the past. Islam is officially recognized and, like all other religious denominations, Islam has been entitled to organize religious instruction in public schools and pre-school institutions (“Kindergarten”). The fear that Islam (or at least significant Muslim elements) are using their position in the educational system to preach a fundamentalist form of Islam, including the promotion of violence and resistance to gender equality, is feeding a debate concerning the status of Islam. Political debates over radical preaching and terrorism are often intermingled with discussions about the status of Islam.

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.

There is a discourse concerning basic rights of immigrants, especially Muslim immigrants. Key points of contention focus on whether the governing majority is entitled to restrict freedom of religious expression (e.g., restrictions on the right of women to wear headscarves) and guarantees on the rights of asylum-seekers, concerning the possibility of asylum-seekers being sent back to their country of origin. However, at the end of 2018, basic civil rights are still guaranteed by the constitution and the Constitutional Court.

Citation:

There is a discourse concerning basic rights of immigrants, especially of Muslim immigrants: Is the governing majority entitled to reduce the freedom of deciding how to cover the head? Is the government entitled to outlaw the use of foreign languages in public schools? At this moment, there is a debate within the government – some of its prominent members are backing these tendencies, others disagree openly. But at the end of 2018, the basic civil rights in Austria are still guaranteed by the constitution and the Constitutional Court.

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 the recent past. In conflicts involving ethnic minorities, such as the ongoing conflict

regarding the Mapuche minority in the southern region of Chile, anti-terror legislation – which dates back to 1984 and violates international conventions signed by Chile – have been applied in recent years. Additionally, within the context of the Mapuche conflict, it is quite noticeable that there have been multiple cases of detainees being held significantly longer than average, independent from the respective results of an investigation.

Furthermore, some occasional conflicts between civilians and the military or the police have been 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 against infringements of their rights and for whom access to justice is more difficult.

In November 2016, Law No. 20,968 was enacted which modified the competences of the military justice defined by Law No. 20,477. Henceforth, no civilian – perpetrator or victim – will be prosecuted by military courts. The new law also introduced the crime of torture into the criminal code.

Citation:

<http://www.latercera.com/noticia/bachelet-pide-perdon-al-pueblo-mapuche-presenta-medidas-la-araucania/>

<https://prensa.presidencia.cl/comunicado.aspx?id=56160>

<https://www.bcn.cl/leyfacil/recurso/delito-de-tortura>

<http://radio.uchile.cl/2016/12/02/nueva-modificacion-a-la-justicia-militar-un-avance-hacia-el-pleno-estado-de-derecho-en-chile/>

Cyprus

Score 7

Cyprus's constitution and laws guarantee and protect the civil rights of all residents, both citizens of the republic or others. However, many problem areas exist. They relate to the treatment of asylum-seekers and economic and irregular migrants, forced labor, overcrowding in prisons – where some improvement was noted – and other issues. Compliance with European and international rules and standards remains deficient. On human trafficking, the U.S. Department of State placed Cyprus again onto Tier One, as authorities improved services providing for the protection of victims and conviction of traffickers.

The latest available report by the Council of Europe's Group of Experts on Action Against Trafficking in Human Beings (GRETA) committee noted a rise in labor exploitation. Despite a new policy framework and an EU harmonization law (2014), problems persisted. Detention conditions, services and support provided to detainees are problematic in many respects according to a study and an Ombudsman's report (2018). Among others, asylum-seekers face constraints in seeking employment as well as exploitation; the latter also faces migrant workers. Despite various measures by authorities that aim to eliminate labor exploitation, including severe penalties for

offenders, the results remain unsatisfactory. Actions by NGOs appear to slightly mitigate deficient action and sub-optimal services by authorities, but despite the resilience of NGOs it remains an uphill struggle. Society's perceived complacency further shows signs of positive change on some issues.

Though some progress may be noted, this is slow and points to the need for more proactive and sustained measures to support vulnerable groups. However, beyond the urgency of adopting new policies and forms of assistance, testimonies highlight the need for changing the culture of both the society and authorities toward migrants, irregular migrants, and asylum-seekers. The fact that almost one in two non-EU citizens is at risk of poverty or social exclusion as well as the decline of foreign labor in recent years point to the vulnerability of these groups.

Citation:

1. USA State Department Report on Human Rights, Cyprus -Released 2018, <https://www.state.gov/documents/organization/277397.pdf>
2. CoE GRETA report on Human Trafficking, 2015, <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680631b96>
3. UNHCR Cyprus & University of Nicosia, The Living Conditions of Asylum-Seekers in Cyprus, 2018 <http://www.unhcr.org/cy/wp-content/uploads/sites/41/2018/05/LivingConditionsofAsylumSeekersReport.pdf>

Czechia

Score 7

The government and administration of Czechia 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 financial, cultural and social resources to pursue these rights.

Malta

Score 7

The state generally respects human rights, and human rights are subject to judicial protection. Malta affords the highest possible level of protection to civil and political human rights, as enshrined in chapter four of the 1964 constitution. These rights are legally enforceable before the courts. However, analysts note that economic, social and cultural rights, which are found in chapter two of the constitution, are identified as "principles," and thus need to be upgraded. 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 take far too long. This appears to be the case with human trafficking, where Malta is still said to not meet minimum standards. However, recent reforms in

the courts have improved matters. A recent landmark Constitutional Court ruling declared that two statements made by the accused when his lawyer was not present were inadmissible, and were thus expunged from the record; this reinforced the principle that a lawyer must be present at all times when an accused person is being questioned. A new section in the superior court of appeal has been created with the aim of increasing the system's efficiency and effectiveness. The extension of rights to members of the LGBT community has improved civil-rights protections. For the third year running, the country has retained its place at the top of the European index that assesses rights granted to LGBTIQ persons in 49 countries. An increased focus on gender equality has improved matters considerably as has the transposition into domestic law of the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention). There has been a similar development regarding disabled persons in Malta, and a national disabilities strategy is being finalized. A 2018 report by the Aditus Foundation, a human-rights organization, noted further reforms concerning the civil rights of immigrants and asylum-seekers, including the removal of automatic detention, a shift to open centers and a more efficient processing system, improved rights by applicants to access their own files, and better family reunification measures. Moreover, a relatively high number of asylum-seekers have been accorded humanitarian protection status. However, the rate of recognition for actual refugee status remains low. Better access to housing and support for migrants to integrate with the community needs to be made available. The prime minister has declared that the government will tackle the exploitation of refugees by employers, while a Human Rights and Equality Commissioner has been appointed and a new integration policy is being launched. Malta has not, however, ratified the relevant conventions on statelessness. The dereliction of the rights of prisoners confined in overcrowded and substandard conditions has also been noted. On a recent visit to Malta, the Council of Europe's commissioner for human rights noted the introduction of the morning after pill, but stressed the lack of debate on access to safe abortions. The issue of abortion remains a very sensitive and divisive issue.

Citation:

The Malta human rights report 2015 The people for change foundation.

<http://www.timesofmalta.com/articles/view/20160713/editorial/Spotlight-on-human-trafficking.618620>

<http://www.timesofmalta.com/articles/view/20160819/local/maltas-laws-on-detention-are-still-unclear-says-unhcr.622400>

<http://www.timesofmalta.com/articles/view/20160914/life-features/malta-and-lgbtiq-equality-one-year-on.624868>

<http://www.timesofmalta.com/articles/view/20160818/local/transgender-policy-for-prisons-launched.622376>

<http://www.timesofmalta.com/articles/view/20160803/local/fewer-complaints-filed-with-commission-for-people-with-a-disability.620908>

<http://inewsmalta.com/article.php?ID1=39241>

The Guardian 07/12/16 Malta becomes first European Country to ban gay cure therapy

Amnesty International Annual Report Malta 2015/16

Times of Malta 03/01/16 New Migrant strategy is a step in right direction

Times of Malta 19/11/16 No More temporary humanitarian protection N for failed asylum-seekers

Times of Malta 14/10/17 No flushing toilets for 120 prisoners

Times of Malta 11/11/17 Commissioner Taken aback by non-debate on abortion

Freedom of the World 2017

Council of Europe, Commissioner for human rights, country Visit Malta 2017: Malta should step up efforts to enhance protection of women's and migrant's rights

Malta Today 25/09/18 New section within appeals court established

Malta Today 05/10/18 Suspects must be assisted by lawyer at all times during police questioning, court says in landmark ruling

AIDA Asylum information base: Country report Malta 2017 Aditus

Times of Malta 12/12/2018 In Malta some rights are more valued than others

Times of Malta 05/12/2018 Human Rights Day

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 European Union. It cooperates with the monitoring organizations of all international laws and treaties concerning civil liberties signed by the Dutch government.

However, 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 (e.g., in personal health, education and child care) 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.

Increased monitoring and digital surveillance technologies disproportionately target those most dependent on state support, creating inequalities in policing and fraud control. Many of the monitoring and surveillance technologies – which often link various databases – are also poorly monitored legally.

Human Rights Watch has criticized recent Dutch legislation restricting the rights of asylum-seekers (especially long waits for asylum decisions and family reunion procedures), and efforts to only offer shelter, clothes and food to irregular migrants in the five largest cities (and nowhere else). Recently, the government has expanded its list of safe third countries for asylum-seekers (including, surprisingly, Afghanistan) and 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. There were concerns about racial profiling by police officers and white Dutch citizens interfering in protests against the traditional “Black Pete” (“Zwarte Piet”) figure in traditional St. Nicholas festivities. However, Frisian pro-Black Pete activists – who stopped anti-racist protesters by blocking a highway – were condemned for disturbing the public order. Furthermore, the Dutch authorities’ responsibilities for protecting the human rights of Venezuelan refugees and asylum-seekers in Curaçao (a self-governing Caribbean territory of the Netherlands, bound by international treaties signed by the Dutch state) is becoming a political issue.

Citation:

Human Rights Watch. World Report 2018. Events of 2017 (hrw.org., consulted 25 October 2018)

Human Rights Watch, Latest News, Nederland moet Venezolaanse vluchtelingen bescherming bieden, 15 October 2018 (huw.org., accessed 25 October 2018)

RTL Nieuws, Taakstraffen geeïst tegen snelwegblokkeerders: 'Het draait niet om Zwarte Piet' (rolnieuws.nl, accessed 25 October 2018)

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

"Bestaande technologieën met totalitaire trekken," NRC-Handelsblad, 11 March 2017

<https://www.binnenlandsbestuur.nl/bestuur-en-organisatie/nieuws/algorithmes-kunnen-grondrechten-flink-aantasten.9595151.lynkx>

South Korea

Score 7

Despite the courts' relatively effective performance in protecting civil rights, and the election of a former human-rights lawyer as president, many problems remain. Serious issues include limits on the freedoms of association and assembly (see also "Rule of Law"), limits on free speech related particularly to the National Security Law, and inadequate rights accorded to migrant workers. South Korea also maintains the death penalty, though there has been a moratorium on executions since 1997. On a positive note, the Korean Supreme Court in November 2018 for the first time accepted "conscience or religious beliefs" as a justifiable reason for conscientious objection to the mandatory military service. In doing so, it overturned a lower-court ruling in which a Jehovah's Witness was sentenced to 18 months in prison. It remains to be seen how the government will react to this ruling, and whether it will offer an alternative civil service for conscientious objectors. Refugees' difficulties in gaining asylum in South Korea has recently become an issue drawing public attention (see "Integration").

Citation:

Amnesty International Report 2017/18, <https://www.amnesty.org/en/documents/po110/6700/2018/en/>

Freedom on the Net 2018, <https://freedomhouse.org/report/freedom-net/2018/south-korea>

"In Landmark Ruling, South Korea's Top Court Acquits Conscientious Objector", New York Times, Nov. 1, 2018

Spain

Score 7

Spanish state institutions generally respect and protect civil rights. The rights guaranteed by the constitution and ordinary legislation are enforced, and only few infringements occur in practice (e.g., concerning illegal immigrants). Courts provide effective protection even if systematic delays and a lack of adequate resources (both human and technological) are factors that undermine this effectiveness to some degree. The political conflict associated with Catalonia's bid for independence has

included the very debatable claim by Catalan nationalist forces that the central government and the courts may have supported an abusive interpretation of the rule of law.

During the period under review, parliament initiated a debate on the reform of the controversial 2015 law on public safety. That legislation has been widely regarded as an anti-protest instrument (including a system of executive fines imposed for insulting police officers, as well as for taking part in public unauthorized demonstrations). A specific reform proposal regarding the most controversial articles of the law was presented in December 2018; however, its prospect of success was dim, due to the government's lack of a parliamentary majority. The socialist government has also taken some measures to include Council of Europe opinions when addressing provisions for express deportations and the filming of police officers.

Citation:

June 2018, El País: "El Gobierno prevé derogar el núcleo de la 'ley mordaza'"

https://elpais.com/politica/2018/06/22/actualidad/1529685745_811366.html html

Belgium

Score 6

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

Nevertheless, issues remain. The judicial system is chronically underfunded, which means that many cases face a delay of years before a decision is made. Abnormally long delays occasionally force judges to dismiss cases. This has damaged Belgium's position in both the World Economic Forum (WEF) and World Bank rankings. The WEF's Global Competitiveness Report indicates that there have been de facto reductions in judicial independence. The World Bank's Ease of Doing Business analysis gives Belgium a grade of eight out of a possible 18 points in its Quality of Judicial Processes index. This has overall brought Belgium down to 52nd place in terms of contract enforcement (compared to 43rd place in the June 2015 report).

The government passed several new laws in the wake of the terrorist attacks on France, Belgium and Germany. Human Rights Watch has determined that "at least six of the government's newly adopted laws and regulations threaten fundamental rights."

Citation:

<http://www.doingbusiness.org/data/exploreeconomies/belgium#enforcing-contracts>

<http://reports.weforum.org/global-competitiveness-index-2017-2018/countryeconomy-profiles/#economy=BEL>

Human Rights Watch: https://www.hrw.org/sites/default/files/report_pdf/belgium1116_web.pdf

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. Judges are unable to handle the constant overflow of cases, while 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, but 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. In March 2017, Greek authorities were rebuked by the European Court of Human Rights for failing to protect the rights of migrant workers, who had been forced to work under abominable conditions in the Peloponnese.

Little progress has been made in a major trial against militants of the neo-Nazi Golden Dawn party. Several members of Golden Dawn were accused of assassinating a left-wing rap singer in September 2013 but did not stand trial until November 2015. At the time of writing, the trial is still under way.

In the meantime, the living conditions of approximately 60,000 migrants and asylum-seekers, stranded in detention centers on Greek islands, have not improved. Many reception centers are overstretched as more than 200 people continue to arrive every day, 40% of them are children. Camps suffer from inadequate facilities, violence and harassment of women. In the period under review, there was international outcry against the Greek government's tolerance of inhuman conditions in the Moria refugee camp on the island of Lesbos.

In summary, the state protects civil rights, but in practice organizational and bureaucratic obstacles stand in the way of comprehensive protection of these rights particularly with regard to migrants and asylum-seekers.

Citation:

Information on the case of forced migrant labor in Greece is available from Amnesty International, at <https://www.amnesty.org/en/latest/news/2017/03/greece-victory-for-strawberry-pickers-trafficked-into-forced-labour-and-shot/>

Information on the dismal conditions of the refugee of Moria (on Lesbos island) is drawn on the New York Times, <https://www.nytimes.com/2018/10/02/world/europe/greece-lesbos-moria-refugees.html>

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 Gentiloni government has further promoted reforms to judicial procedures and the organization of courts. These actions are slowly reducing the backlog of judicial proceedings, particularly civil proceedings.

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. After years of discussion and on request of supranational institutions, Italy has finally introduced a law against torture. Though the law has been criticized by U.N. authorities for being too restrictive.

The new Conte government, under the influence of Northern League leader Salvini, appears likely to adopt more restrictive law and order policies, which may constrain civil rights and political liberties.

Citation:

http://www.camera.it/leg17/522?tema=reato_di_tortura

Japan

Score 6 Civil and human rights are guaranteed under the Japanese constitution. However, courts are often considered overly tolerant of alleged maltreatment by police, prosecutors or prison officials. Moreover, existing laws give prosecutors and the police substantial leeway in this area. Arrested suspects can be kept in prison for 23 days without a formal charge being lodged, with a further 10 days of detention possible upon request. LDP-led governments have made little effort to address such issues. Critics have demanded – to date unsuccessfully – the creation of independent agencies empowered to investigate claims of human rights abuses. 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 supra- or international level. Unlike 35 other UN member states, Japan has not signed the so-called Optional Protocols to the International Covenant on Civil and Political Rights.

As the ILO noted when introducing international harassment guidelines in 2018, Japan has no adequate rules in place relating to issues of sexual or job-related harassment.

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. Prisoners are given only a few hours' notice before executions, and families are usually informed afterward. In 2018, 13 members of the Aum Shinrikyo movement, which was responsible for the 1995 Sarin attack in Tokyo's subway, were executed by hanging. For 10 of them, appeals for retrial were still pending.

The controversial anti-conspiracy/anti-terror legislation of 2017, passed in preparation for the Tokyo Olympics in 2020, threatens to undermine civil liberties. Police powers have been expanded under the law, and courts are traditionally reluctant to interfere.

Citation:

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

Justin McCurry, Japan passes 'brutal' counter-terror law despite fears over civil liberties, *The Guardian*, 15 June 2017, <https://www.theguardian.com/world/2017/jun/15/japan-passes-brutal-new-terror-law-which-opponents-fear-will-quash-freedoms>

N.N., Aum cultists swiftly executed to avoid marring Tokyo Olympics, *The Asahi Shimbun*, 27 July 2018, <http://www.asahi.com/ajw/articles/AJ201807270051.html>

Jake Adelstein, 23 days later: Getting arrested in Japan, *The Japan Times*, 28 November 2018, <https://www.japantimes.co.jp/news/2018/12/01/national/media-national/23-days-later-getting-arrested-japan/>

N.N., Japan lagging behind in attitude toward punishment for power, sexual harrasment, *The Mainichi*, 23 September 2018, <https://mainichi.jp/english/articles/20180923/p2a/00m/0na/005000c>

Slovakia

Score 6

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 murder of Ján Kuciak and his fiancée Martina Kušnírová in February 2018 has raised concerns about the state's ability to protect its citizens. In his state of the nation address in June 2018, President Kiska identified a crisis of trust in justice and the rule of law and interpreted the murder as "materialization of the consequences of the tolerance of criminal behavior." A controversial issue for some time has been the ratification of the Istanbul Convention. Within the governing coalition, Smer-SD and SNS have opposed ratification, and after the resignation of Prime Minister Fico, SNS leader Andrej Danko was quick to put the issue on the government agenda. These events led the members of the government's Council for Human Rights, National Minority and Gender Equality to issue a joint statement expressing their concern that an issue of fundamental rights has become a topic of negative political and ideological campaigning.

Citation:

Terenzani, M., R. Minarechová (2018): Istanbul ratification still nowhere in sight, in: *Slovak Spectator*, April 19 (<https://spectator.sme.sk/c/20807159/istanbul-ratification-still-nowhere-in-sight.html>).

Slovenia

Score 6 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. Some problems exist with regard to the integrity of the judiciary. By contrast, the duration of court proceedings, which was very long in the past, has been reduced.

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. In the past, governments had objected to rulings from the ECHR, to the extent that some government ministers advocated a UK withdrawal from the court. The absolute national sovereignty of British courts was a crucial argument to the campaign to leave the European Union.

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.

In October 2016, the investigatory power tribunal, which is the only court that hears complaints against the intelligence agencies (i.e., MI5, MI6 and GCHQ), ruled that the mass collection of private data as committed by the security services between 1998 and 2015 failed to comply with Article 8 of the European Convention of Human Rights and was therefore illegal. Although the government has announced plans to replace the Human Rights Act with a new Bill of Rights, it is unclear what will change and how court decisions based on EU law will be made when the United Kingdom leaves the European Union. Nevertheless, 17 years of unlawful spying makes a clear case for an infringement of civil rights.

After being declared unlawful by the Court of Appeal, significant parts of the Investigatory Powers Act 2016, better known as the “Snoopers’ Charter,” need to be overhauled by the legislators. Various codes of conduct were published by the government following a public consultation concluded in 2017. However, since the judges based their verdict largely on citizens’ rights protected by EU law, it is currently one of many topics that will remain in limbo until a dependable idea of a post-EU United Kingdom emerges. The outcome remains uncertain as explained in the cited article.

Citation:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/668943/Response_to_the_IPA_codes_consultation.pdf

<https://www.computerworlduk.com/security/draft-investigatory-powers-bill-what-you-need-know-3629116/>

United States

Score 6

The traditional legal protection 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, even though 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, entirely without statutory authority.

From 2014 to the present, African-American activists (the Black Lives Matter movement) have charged urban police departments with the reckless, sometimes fatal use of force against black citizens. Despite scandalous episodes captured in video recordings, empirical evidence has not shown any overall pattern of racial bias in police use of lethal violence. Disproportionate black fatalities reflect racial differences in the frequency of police encounters and of criminal offenses. Critics have argued that police training overemphasizes the avoidance of risk to the officer, which promotes violent responses, regardless of racial considerations. In 2015, police review boards (for investigating citizen complaints of police abuse) were

strengthened in some cities. President Trump has rejected complaints of excessive use of force by the police. He has called for a major reduction of staff in the Civil Rights Division of the Justice Department, and rolled back oversight of police departments, even seeking to rescind a court-monitoring agreement.

In December 2018 (after the review period), Congress passed a bipartisan bill under discussion for several years that reduced excessive sentences for many nonviolent offenses, such as minor drug offenses. The burden of such sentences had fallen heavily on blacks and Latinos.

Citation:

<http://www.nber.org/papers/w22399>

<https://scholar.harvard.edu/jfeldman/blog/roland-fryer-wrong-there-racial-bias-shootings-police>

Bulgaria

Score 5

The Bulgarian constitution and legislation provide a comprehensive 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. Bulgarian cases are also regularly heard at the European Court of Human Rights.

The most frequent and serious rights violations are the overuse of force by law-enforcing government bodies, especially against Roma. Citizens regularly report failures to investigate and protect rights related to some types of crimes, especially crimes against property. The length of legal proceedings represents a significant problem. Sociological surveys continuously register very low levels of citizen satisfaction with the operation of the justice system, with the most serious negative perception being that the law does not apply equally to all citizens and that privileged people can bend the rules with impunity.

Croatia

Score 5

Civil rights are formally protected by the constitution and other laws, but always respected in practice. The ombudsman and specialized ombudspersons play an important role in the protection of human rights. However, the ombudsman's recommendations are not always carefully followed up on. The need to reduce the backlog of civil, commercial and enforcement cases is still pressing, and the demonization of human rights' advocates has continued. 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.

Citation:

Horvat, K., D. Kalamujić, A. Katavić, S. Sharifi, I. Vejić (2018): Human Rights in Croatia: Overview of 2017. Zagreb: House of Human Rights Zagreb.

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, life and so forth. This basic law is meant to carry the spirit of the law and is procedurally protected from nullification. That being said, provisions from the law can be overruled under specific urgencies 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 operates independently from the legislator and the executive branches. Civil rights claims are voiced 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 (e.g., religious identity, security and communal rights). According to the Association for Civil Rights in Israel (ACRI), some legislative activity in 2018 threatened civil rights, including Basic Law: Israel as the Nation-State of the Jewish People, restrictions on entry into Israel for those calling for a boycott on Israel, bills proposing stricter penalties for contempt of the flag and a bill to limit the funding of cultural bodies based on their political agenda. The passage of Basic Law: Israel as the Nation-State of the Jewish People has led to protests among Jew, Druze and Arab communities, since it did not include any statement declaring equality for all Israeli citizens. The main arguments were that the law discriminates against minorities and especially the Arab minority, since it downgraded the Arab language from its former position as an official state language.

ACRI's annual report of 2017 illustrated a complex picture of safeguarding and violating human rights. Specifically, the report argued that the government has neglected asylum-seekers by failing to formulate a policy to address multiple immigration challenges. On the other hand, the "fair procedure" reform, intended to improve the rights of suspects in criminal law, led by Justice Minister Ayelet Shaked, was announced in May 2018.

Citation:

"Basic Law: Human Dignity and Liberty": http://www.knesset.gov.il/laws/special/eng/basic3_eng.htm

Dahan, Tal, "Situation report: The state of human rights in Israel and the OPT 2017," The Association for Civil Rights in Israel (ACRI), <https://campaigns.acri.org.il/report2017en/>

Hermann, Tamar et.al., The Israel Democracy Index 2018, The Israel Democracy Institute, Jerusalem 2018, <https://en.idi.org.il/media/12170/the-israeli-democracy-index-2018.pdf>

Hermann, Tamar et.al., The Israeli Democracy Index 2016, The Israel Democracy Institute, Jerusalem 2016, <https://en.idi.org.il/media/7811/democracy-index-2016-eng.pdf>

Morag, G. and Friedson Y. "Shaked unveils criminal justice system reform bill," Ynet, 28/05/2018: <https://www.ynetnews.com/articles/0,7340,L-5273104,00.html>

Poland

Score 5

The PiS government's attempts to take control of the judiciary have raised doubts about the government's respect for civil rights, as has the anti-terrorism legislation introduced after the terrorist attacks in Brussels in March 2016. It has extended options for telephone and internet surveillance without a court's order, has increased the period that suspects can be held without charges and has widened the Internal Security Agency's (ABW) access to data. In August 2018, the case of Lyudmyla Kozlovskaya, a Ukrainian national and the president of the Open Dialogue Foundation (ODF) in Poland, attracted attention. Kozlovskaya was denied entrance to Belgium after a visit to Ukraine on the basis of a Polish entry ban reported through the Schengen Information System.

The new legislation on NGO financing will make it more difficult for NGOs campaigning against discrimination to access public money. In a number of cases, NGOs that focus on women's rights, domestic violence or asylum-seeker and refugee issues have already been denied funds.

Citation:

Brouwer, E. (2018): Schengen Entry Bans for Political Reasons? The Case of Lyudmyla Kozlovskaya, in: *Verfassungsblog*, August 30 (<https://verfassungsblog.de/schengen-entry-bans-for-political-reasons-the-case-of-lyudmyla-kozlovskaya/>)

Human Rights Watch (2017): *Eroding Checks and Balances: Rule of Law and Human Rights Under Attack in Poland*. New York (https://www.hrw.org/sites/default/files/report_pdf/poland1017_web.pdf).

Romania

Score 5

Civil rights are guaranteed by the constitution and are generally respected in practice. Romania responded to the decision by the European Court of Human Rights by adopting a new civil procedure order, which came into effect in February 2013. However, court protection has continued to suffer as a result of long and unpredictable proceedings. There is no equal access to the law since well-positioned individuals, including politicians, are given preference by the courts. More specific concerns have been raised by the disproportionate use of preventive detention, often in conflagration of European legal standards, the bad conditions in Romanian prisons, and the large-scale surveillance activities of the Romanian Intelligence Service (SRI). During the period of review, the involvement of the SRI in the penal

investigations conducted by the National Anti-Corruption Directorate (DNA) continued to violate the right to a fair investigation and the presumption of innocence. NGO legislation introduced by the governing coalition in 2017 has weakened watchdog organizations in the field of civil rights.

Hungary

Score 4

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. The Prosecutor General has acted as a shield protecting Fidesz affiliates and initiating fake legal processes against opposition actors, damaging their economic situation and private life. In the context of the EU refugee crisis, the Orbán government adopted emergency legislation that has raised fears of an emerging police state both inside and outside Hungary. The forced detention for all asylum-seekers introduced in March 2017 prompted harsh criticism by the international community. So had the government's new legislation on NGOs adopted in June 2017 which obliges all NGOs receiving more than 7.2 million HUF (around Euro 24,000) annually from abroad to register with the courts and to present themselves to the public as "foreign-funded NGOs." Like the Russian "foreign agent" legislation, it has especially aimed at stigmatizing those organization and activists which get resources from the international networks to protect civil rights, including Amnesty International or the Red Cross.

Mexico

Score 2

In principle, Mexico guarantees most civil rights via its legal and constitutional systems. Nevertheless, access to the court system and protection against violations are both highly unequal. Overall, the rule of law is weak, and there is widespread impunity the rule, which undermines the effectiveness of formally guaranteed rights.

The tension between formal rights and effective guarantees plays out especially forcefully in the field of security. Since 2006, the military has taken on a more prominent role in combating organized crime and drug-trafficking organizations. During the current administration the number of states in which the military operates has increased from six to 27 (out of Mexico's 32 states).

However, the Mexican military and other security forces are notorious for violating human rights, and the courts do not provide adequate protection to citizens victimized by the military or police. Since the beginning of the drug war in 2006, Mexico's Human Rights Commission has received more than 10,000 complaints of abuse by the military, more than 2,000 of which occurred under the Peña Nieto administration. Federal prosecutors have opened more than 9,000 investigations,

without a single conviction. An anti-torture law, passed in April 2017, is yet to be implemented. In December 2017, a new law on internal security was passed, legalizing military involvement in domestic law enforcement. The law lacks any effective provision for transparency, accountability or civilian oversight. In 2017, in response to public pressure, Mexico adopted a new law against forced disappearances. This law, which promises more resources for the issue and a national registry of missing people, has also not been implemented so far. By mid-2018, more than 37,000 people are reported to have disappeared, more than 2,000 people disappeared in the first half of 2018 alone.

The security situation has deteriorated markedly in 2017 and 2018 as the number of homicides, which had declined during the first years of the current administration, has increased to the highest level ever recorded since the state began keeping systematic records on crime and violence. More than 25,000 homicides were reported in 2017, while more than 16,000 were reported in the first six months of 2018. A total of more than 240,000 killings have been reported since the beginning of the so-called war on drugs. Against the background of escalating violence, it has generally been impossible to effectively hold the security forces to account for abuses. The disappearance of 43 Ayotzinapa teaching college students is indicative and remains unresolved. Although international commissions accused the local and regional security apparatus, the Peña Nieto administration denied any accusations and refused to cooperate. The incoming president, Andrés Manuel López Obrador, has promised a truth commission. Human Rights Watch has spoken of the “human rights catastrophe” that the new president will inherit.

Citation:

<https://www.hrw.org/americas/mexico>

<https://www.hrw.org/news/2018/10/29/mexico-torture-and-historical-truth>

Turkey

Score 2

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.

In the aftermath of the 2016 averted coup attempt, the government declared a state of emergency, which lasted two years and concluded on 18 July 2018. During the state of emergency, serious civil rights violations occurred. Although the government claims it conducted the state of emergency rules with utmost care, these practices are based on executive decrees, which have the force of law and are not subject to judicial review. Even more seriously, some decrees affected policy areas outside the

scope of the state of emergency. Impunity during the state of emergency period limited law enforcement's criminal liability. Another controversial decree, issued in December 2017, removed criminal liability for civilians who actively resisted the attempted coup and any acts in the aftermath of the coup.

In July 2017, the State of Emergency Procedures Investigation Commission was established to receive the complaints from people who have been affected by the ongoing state of emergency. As of November 2018, a total of 125,000 applications were received, 42,000 of which were concluded by the commission. The commission found only 3,000 complaints appropriate. The applicants of the rejected complaints have the right to appeal to the administrative court against the institution where s/he was employed.

Political influence and pressure on the judiciary as well as allegations of conspiring with Gülenist organizations has weakened the independence of the judiciary as the sole guarantor for civil and political rights and liberties. The Justice Minister's right of veto, as ex officio President of the Council of Judges and Prosecutors (HSK), continued to be a source of major concern. Despite the reorganization of the judiciary, the court system does not work effectively.

The National Human Rights and Equality Institution (NHREI) and the Ombudsman institution were established to deal with citizens' complaints including human rights violations. However, they are in the process of being improved in accordance with international standards. Turkey is a signatory to most international human rights conventions, but has not signed some significant optional protocols in this area (e.g., a third optional protocol to the Convention on the Rights of the Child).

Article 148 of the constitution states that anyone who believes his or her human or civil rights as set forth in the European Convention on Human Rights (ECHR) have been infringed upon by a public authority has a right to apply to the Constitutional Court, after exhausting other administrative and judicial remedies. Individual applications must be filed within 30 days after the notification of the final proceeding that exhausts other legal remedies. Since September 2012, the Constitutional Court has accepted individual petitions, if the right to a fair trial has been violated. Between September 2012 and late September 2018, a total of 200,835 individual applications were received by the court. The number of applications was 40,530 in 2017 and has reached 27,356 in the first nine months of 2018. In total, only 2,879 violations of fair trial have ever been accepted by the court. The cost of making an individual application was about €50 in 2018. The European Court of Human Rights dealt with 31,053 (30,063 inadmissible) concerning Turkey in 2017 and 4,129 (4,040 inadmissible) during the first six months of 2018. As of July 2018, there were 8,109 pending applications.

Citation:

European Commission, Turkey 2018 Report, Brussels, 17.4.2018, <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20180417-turkey-report.pdf> (accessed 1 November 2018)

World Justice Project, Rule of Law Index 2017-2018,

https://worldjusticeproject.org/sites/default/files/documents/WJP-ROLI-2018-June-Online-Edition_0.pdf (accessed 1 November 2018)

Anayasa Mahkemesi Bireysel Başvuru Kararları, <http://www.anayasa.gov.tr/icsayfalar/kararlar/kbb.html> (accessed 1 November 2018)

ECtHR, Press Country Profile Turkey, https://www.echr.coe.int/Documents/CP_Turkey_ENG.pdf (accessed 1 November 2018)

T.C. Ministry of Justice (2014), Action Plan on Prevention of ECHR violations, <http://www.judiciaryofurkey.gov.tr/pdfler/action.pdf> (accessed 1 November 2018)

Olağanüstü Hal İşlemleri İnceleme Komisyonu Kararları Hakkında Duyuru (09.11.2018), <https://ohalkomisyonu.tcgb.gov.tr/> (accessed 15 November 2018)

“Anayasa Mahkemesi’ne bireysel başvuru 200 bini geçti,” <https://www.trthaber.com/haber/gundem/anayasa-mahkemesine-bireysel-basvuru-200-bini-gecti-385942.html> (accessed 1 November 2018)

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. Eleven political parties collectively covering the entire spectrum of mainstream political ideologies are registered and active. 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 (Opinion Festival) is held annually since August 2013 and expands each year. In 2018, over the course of two days, 10,000 people took part in 160 discussions across four areas. There is no state church in Estonia and religious freedom is guaranteed through the presence of 10 religious associations.

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. Since the criminal code covers ethnic agitation, courts are regularly faced with the delicate task of weighing the principle of freedom of speech against the principle of

forbidding hate speech. In September 2018, the Court of Appeal in Turku upheld a ban on the Nordic Resistance Movement, a National Socialist organization, which is also active in Denmark, Norway and Sweden. 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.

New Zealand

Score 10 Political liberties are effectively protected under the Bill of Rights Act 1990. Those who believe that their rights have been infringed upon can file a suit before the High Court. Although the bill has the status of ordinary law and can be amended or repealed by a simple majority of parliament, every effort has been made to protect and enhance the integrity of the bill as a fundamental feature of New Zealand's constitutional arrangements. 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.

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 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.

Czechia

Score 9 Political liberties are respected by state institutions, and their observance is supervised by the courts. The presidential elections and the investiture of the Babiš government triggered large-scale protests, not seen in the country since the financial crisis. Protests are mostly concentrated in Prague and other larger cities and mostly attract young and educated citizens. Social media (Facebook) play an important role in mobilizing and enabling the organization of protests. Along with civil society, the mobilizing capacity of extreme right groups has also increased but protests remain small and localized, expressing opposition to an alleged threat of Islamization, against the presence of ethnic minorities, immigration, gender equality and LGBT and reproductive rights. Police have intervened when journalists and members of ethnic minorities have suffered physical attack. Civil society protests, happenings and demonstrations significantly outnumber the events by of uncivil society.

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. 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.”

The 2015 – 2016 report from Amnesty International mentioned a recent judgment by the Eastern High Court that the police had unlawfully removed and detained

protesters during an official state visit by Chinese officials in 2012. A new investigation of this case has been started, as new information has become available.

Citation:

Amnesty International Annual Report: Denmark 2016/2017, <https://www.amnesty.org/en/countries/europe-and-central-asia/denmark/report-denmark/>

Amnesty International, Denmark 2017/2018, <https://www.amnesty.org/en/countries/europe-and-central-asia/denmark/report-denmark/> (Accessed 3 October 2018)

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 on religious signs and symbols in all places of public administration and institutions is, in theory, applicable to all religious affiliations but concerns mainly the Islamic community. There is a growing uneasiness among the population about the manifestation of “differences,” issues which right-wing and extreme-right parties are particularly vocal about. One observes a growing illiberal attitude in public opinion and a rejection of differences based, in particular, on religious beliefs (e.g., Halāl food, public religious demonstrations and wearing burkinis on public beaches).

Germany

Score 9

Due to Germany's historical experience with National Socialism, political liberties are highly protected by the country's constitution and the Constitutional Court. Freedom of expression is protected by the constitution (Art. 5), although there are exceptions for hate speech and Nazi propaganda, such as Holocaust denial. With the exception of 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. All exceptions are applied very restrictively. For example, even extreme parties such as the far-right Nationaldemokratische Partei (NDP) currently have full freedom to operate. The Bundesrat appealed to the Federal

Constitutional Court seeking to prohibit the NDP but the court did not ban the NDP in his judgement from 17 January 2017.

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. However, in the period under review, the realization that the Syriza-ANEL government followed in the steps of previous governments on economic and social policy led to protests, such as protests by old-age pensioners, which at various times were suppressed by police forces.

In the period under review, small anarchist groups in large cities subverted the law, sporadically attacking foreign embassies as well as the homes of judges and journalists with whom they politically disagreed. The left/nationalist-right coalition government tolerated these attacks on the rule of law, essentially restricting the rights of the targeted citizens. The mayor of Thessaloniki (Greece's second largest city) was physically attacked by a far-right group and similar groups verbally attacked pro-government parliamentarians and government ministers. It is not the state, but rather uncontrolled groups of extremists which have begun restricting political rights, such as freedom of opinion.

Greece's largest recognized minority population, the Muslim minority of Western Thrace, has full political rights; four members of the community won seats in the last parliamentary elections. However, the authorities have rejected some ethnic minorities' attempts to register associations with names referring to their ethnic identity. Since 2010, documented immigrants have been allowed to vote in municipal elections.

The right to worship is limited by constitutionally imposed impediments on proselytizing religious dogmas other than Greek Orthodox Christianity. For years, successive governments were reluctant to allow 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). In autumn 2015, the government proclaimed three makeshift Islamic places of worship legal, although hundreds of other places continued to function without a legal permit. In autumn 2016, the Greek government made available a public space in Athens for the

construction of a mosque and in July 2017 the parliament, with 206 votes in favor and 24 against, approved a bill that set aside €46,000 of public funds for the construction.

In the period under review, after many delays, the construction of the mosque was close to completion (and in fact was finally inaugurated in early June 2019)

Citation:

Freedom House Greece Profile 2018 <https://freedomhouse.org/report/freedom-world/2018/greece>

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 remains to be ratified by the parliament, aims to significantly broaden individual rights and liberties further in line with international developments in the area of human rights. The new constitution supported by 67% of the voters in the national referendum called by parliament in 2012, remains on the table. In the October 2017 parliamentary election campaign, five parties declared support for ratification of the new constitution, namely the Social Democrats, the Pirate Party, the Left-Green Movement, Regeneration and Bright Future. The only sworn opponent of constitutional change is the Independence Party, which, together with the Progressive Party, is part of the current cabinet coalition led by the Left-Green Movement. The future of the new constitution and political liberties in Iceland remains uncertain.

Citation:

David A. Carrillo (ed.) (2018), *The Icelandic Federalist Papers*, Ch. 20, Right to Information and Freedom of Expression, Berkeley Public Policy Press.

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. On 26 October 2018, the amendment to remove the offense of blasphemy from the Irish Constitution was passed by a margin of 64.85% to 35.15%. Notwithstanding this constitutional change, the Defamation Act 2009 has not been repealed. Section 36 of the act carries a maximum fine of €25,000 for the utterance of material that is "grossly abusive or insulting in relation to matters held sacred by any religion." However, only the Director of Public Prosecutions can instigate proceedings under this act and given its wording many constitutional lawyers believe it is unworkable.

Sinn Féin, the political wing of the formerly illegal Irish Republican Army, has become increasingly involved in mainstream Irish politics. Its share of the national vote grew from 1.6% in 1992 to 13% in 2016, while the number of seats it occupies in parliament grew from zero to 23. No political group is presently excluded from access to the airwaves or the print media.

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

The freedoms of speech, the press, assembly and association are guaranteed under Article 21 of the constitution. Reported infringements 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.

That are concerns that the new 2017 anti-conspiracy laws, passed in preparation for the 2020 Tokyo Olympics, could undermine political liberties. Under these rules, “words” rather than simply “deeds” can be grounds for prosecution.

There is also concern that right-wing activism, including so-called hate speech, is on the rise, and that this might actually be supported by ruling politicians. Some senior LDP politicians have been linked to ultra-right-wing groups.

An anti-hate-speech law has been in place since 2016, but has run into problems in terms of implementation. In particular, conflicts exist between efforts to guarantee free speech and to allow the operation of open public services such as websites that enable public comments. The Tokyo High Court ruled in 2018 that Saitama Prefecture had to financially compensate a woman whose nationalistic haiku, a type of poem, was refused by a community-center newsletter.

Citation:

Michael Hoffman, Is Japan slipping into prewar politics?, The Japan Times, 3 June 2017, <https://www.japantimes.co.jp/news/2017/06/03/national/media-national/japan-slipping-prewar-politics/>

N.N., High court's haiku ruling upholds freedom of speech (Editorial), *The Asahi Shimbun*, 21 May 2018, <http://www.asahi.com/ajw/articles/AJ201805210028.html>

Kyodo, Lacking direction from Tokyo, Japan's municipalities struggle to implement anti-hate speech law, *The Japan Times*, 24 May 2018, <https://www.japantimes.co.jp/news/2018/05/24/national/lacking-direction-tokyo-japans-municipalities-struggle-implement-anti-hate-speech-law/>

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. For example, 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 courts and a rapid consideration schedule to ensure timely decisions. Between 2011 and 2013, all Riga city council decisions limiting the freedom of assembly that were appealed were overturned by the court.

In addition, the Council of Europe Commissioner for Human Rights noted that the Riga Higher Court's 2017 order that the news portal TVNET should pay €50,000 to the Latvian National Opera and Ballet for reputational damage was disproportionate and raised concerns about the harmful effect of such a measure on the right to freedom of expression in the country. (TVNET had published an article criticizing the Latvian National Opera and Ballet for becoming a "public house of Putin's court").

Citation:

Commissioner for Human Rights (2017), Latvia: disproportionate defamation fine against Tvnet.lv can chill media freedom, Available at: <https://www.coe.int/en/web/commissioner/-/latvia-disproportionate-defamation-fine-against-tvnet-lv-can-chill-media-freedom>, Last assessed: 05.01.2019

Lithuania

Score 9

Lithuanian institutions generally respect the freedoms of assembly and association. In 2017, Lithuania obtained the best possible score from Freedom House on the issue of political rights and civil freedoms (1 out of 7). 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 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. A new labor code, which came into force in 2017, provided additional instruments for the organization of strikes.

Citation:

The 2018 freedom rating of Lithuania by the Freedom House is available at <https://freedomhouse.org/report/freedom-world/2018/lithuania>

Luxembourg

Score 9

No infringements of citizens' rights to speak, assemble, organize, worship or petition occurred during the period under review. Political freedoms are guaranteed. All groups of society are depicted in the media and can be heard. Xenophobia and anti-Semitism are consistently punished by the courts. There are restrictions on civil servants' freedom of expression, even when a civil servant represents civil society. Sanctions against civil servants were lifted by the courts during the period under review.

Citation:

Caregari, Luc: "Informationszugang in Luxemburg.

Kein 'Nice to Have'." Forum.lu, 2016, no. 364., pp. 23-25. <https://www.forum.lu/article/informationszugang-in-luxemburg/> Accessed 12 Dec. 2018.

Netherlands

Score 9

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 free countries in the world.

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. Since January 2016, its powers have been broadened and it can now impose fines. There is also an obligation for large data-processing private and public companies to immediately report any data leaks. Nevertheless, there is a widespread perception

that the big data revolution poses a considerable threat to privacy rights and the government's response has been too weak.

The adoption and enactment (as of 1 May 2018) of the Intelligence and Security Services Act provoked widespread fear of the dragnet surveillance of private citizen communications. It resulted in a successful “no” campaign in the consultative referendum on this law, which forced the government to adjust the law to accommodate public objections. Though a judge has ruled that pending the government's reconsideration and adjustment of the law, the law could remain in force.

Citation:

Freedom House, Freedom in the world 2018, Netherlands (freedom house.org, consulted 25 October 2018)

Autoriteit Persoonsgegevens, Agenda 2016 (autoriteitpersoonsgegevens.nl, consulted 9 November 2016)

De Telegraaf, Rechter: inlichtingenwet Wil blijft van kracht, 26 January, 2018 (telgraaf.nl, accessed 26 October 2018)

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 still 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.

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 guarantee political liberties. Portugal has been successful in this regard, and widely agreed-upon political liberties are now in place and respected. The basic legislation in the constitution, and subsequent regular legislation, guarantees these political liberties. They function generally 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, are 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 November 2009 adoption of a ban on constructing new minarets must be considered a serious political signal against the right to freely worship, even if, in practice, the law means little for the free exercise of religion. Before the decision, there were only four minarets in Switzerland.

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 Communists and neo-Nazis. Religious freedoms are protected even for religious fringe groups. In contrast with most developed democracies, the United States' constitutional free-speech doctrine does not permit laws banning hate speech. From 2015 to 2018, restrictions imposed by many university campuses on speech deemed to offend one or more groups – primarily leftwing social justice, anti-racist, feminist and LGBTQ activists – received growing media and political attention. Some universities have barred conservative speakers from making appearances on campus, mostly citing security concerns that arise from leftwing activists' efforts to disrupt the events. According to the non-profit Foundation for Individual Rights in Education (FIRE), a majority of colleges and universities have speech codes that violate constitutional guarantees of freedom of speech.

In one significant limitation to political rights, convicted felons are barred from voting in nearly all states, although usually not permanently. Florida passed legislature to restore voting rights for felons in 2018. 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).

Australia

Score 8 Political liberty is strongly protected by the courts, but is 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 a rise in anti-Islamic political parties, including Pauline Hanson's One Nation party, which secured four out of 76 seats in the Senate in the July 2016 federal election. At the same time, there are concerns that freedom of speech may suffer in Australian Universities. In November 2018, the federal government asked a former chief justice of the high court to review the health of freedom of speech on Australia's university campuses.

Citation:

Gareth Hutchens: Universities warn against meddling as inquiry into freedom of speech announced. The Guardian. 14 November 2018. Available at <https://www.theguardian.com/australia-news/2018/nov/14/universities-warn-against-meddling-as-inquiry-into-freedom-of-speech-announced>

Belgium

Score 8

Belgium is a mature democracy in which political rights are generally well-protected. Internal issues with respect to political liberties 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.

A more recent set of challenges has emerged in the wake of the 2016 terrorist attacks on Brussels, Paris and Nice. The government has adopted countermeasures that allow the police to crack down on terrorist networks, which have used Belgium as a staging ground for attacks across Europe and for channeling fundamentalists to Syria.

However, Human Rights Watch has determined that the recent legislative reforms may be infringing on individual liberties. Recent legal changes allow the government to “place prisoners detained for terrorism in prolonged isolation, and allow the government to suspend passports and review terrorism suspects’ phone and email logs without judicial approval. Other laws can revoke Belgian citizenship and criminalize comments that stop short of direct incitement to terrorism. [The report] also details abusive police responses during counterterrorism raids and detentions.”

Citation:

https://www.hrw.org/sites/default/files/report_pdf/belgium1116_web.pdf

<https://www.hrw.org/news/2016/11/03/belgium-response-attacks-raises-rights-concerns>

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. Bulgarians have clearly established rights to speak freely, assemble and protest. 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 The state and the courts generally show a high degree of respect for civil rights and political liberties in Canada. In designing its anti-terrorism and national security laws, the government needs to strike a balance between the need to ensure public safety, and protecting the rights and freedoms of individuals.

In 2017, the federal government introduced Bill C-59, the National Security Act, in an attempt to comprehensively overhaul Canada's national security laws, and enhance oversight and ministerial control, while addressing flaws in existing legislation, including constitutional problems, introduced by the Harper government in 2015. Human rights and civil liberty organizations have welcomed the new accountability framework proposed by the bill, but criticized its provisions to legally empower the national security agency to conduct mass surveillance and cyberattacks. The bill is currently before parliament.

In a 2015 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.

Citation:

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.

Canadian Civil Liberty Association, Civil Society Statement regarding Bill C-59, posted at <https://ccla.org/civil-society-statement-regarding-bill-c-59/>

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 35Pr,000 such associations and over 60 political parties, though only 23 of which took part in the 2016 parliamentary elections. In the period under review, the murder of Kuciak and Kušnírová evoked the biggest protests since the Velvet revolution in

1989. The movement “For a Decent Slovakia” that emerged from these protests continued to rally in autumn, criticizing the lack of progress made in investigating the murder. Prominent representatives of the governing coalition have defamed the demonstrators.

Spain

Score 8

According to the most widely quoted comparative indices measuring the state of democracy, freedoms and the rule of law, Spain is considered to be a free full democracy (in the top 20). The country’s institutions are generally effective at protecting political liberties, subject to special protection against government (or even private) interference, though there are occasionally incidents of infringement.

During the period under review, several prominent artists protested against the 2015 law on public safety and an amendment to the Criminal Code’s Article 578 that increased the maximum penalty for “glorifying” terrorism and “humiliating” its victims to three years in prison. The protests were inspired in part by a jail sentence in February 2018 against a rapper whose song had contained aggressive lines criticizing politicians and members of the royal family. According to Freedom House and Amnesty International, at least 119 people have been convicted of speech-related “terrorism” offenses since 2011. The current government has announced that it intends to revise the law. In October, the parliament agreed to discuss reforms to the Criminal Code that would diminish penalties for crimes such as insulting the king, inciting terrorism and offending religious sentiments.

Citation:

Freedom House (2018): Spain,
<https://freedomhouse.org/report/freedom-world/2017/spain>

Democracy Index 2018: Spain
<https://www.eiu.com/topic/democracy-index>

Amnesty International (2018), Spain: Counter-terror law used to crush satire,
<https://www.amnesty.org/en/latest/news/2018/03/spain-counter-terror-law-used-to-crush-satire-and-creative-expression-online/>

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.

The relative informality of civil rights in the United Kingdom is often justified by the strong tradition of a fair and open public discourse, which forms the very heart of the United Kingdom’s political identity. Some elements of the Brexit campaign, not least the murder of Jo Cox, may have cast doubt on this, although the strong public and political reaction to this tragedy highlighted a national determination to defend civil liberties. The saga of the Labour Party’s inability to counter allegations of systematic anti-Semitism continues.

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.

Cyprus

Score 7 Political liberties and the protection of fundamental human rights are enshrined in the constitution and protected by law. NGOs and other associations flourish in Cyprus. New media multiplied available channels for petitions, protests and rallies.

The interference of Christian Orthodox religion in schools is a source of pressure on minorities to attend religious ceremonies. Also, isolated complaints are reported on the state of places of worship and interferences with freedom of religion and worship rights.

Strong professional associations and trade unions continue to enjoy easier access to public authorities than weak groups such as immigrants. The latter often require assistance from NGOs to make their requests public.

Though a Supreme Court decision in 2016 considered the seizure of personal computers in a libel case as disproportionate, this practice continues as part of investigations. This raises serious concerns as no legal framework ensures that the handling of data on seized computers will follow procedures that respect the owner's fundamental rights.

Libel was decriminalized in 2003 and courts in Cyprus apply European Court of Human Rights (ECHR) case-law to free expression. However, the number of libel cases remains high as does the number of threats to sue for libel/defamation by both public figures and businesses. This threatens media's capacity to scrutinize public life and serve as society's watchdog.

Our overall evaluation takes into account the negative effect on citizens' liberties of the clientelist system, which continues to undermine individual fundamental rights.

Citation:

1. Department of State Report on Religious Freedoms, Cyprus (released 2018) <https://www.state.gov/j/drl/rls/irf/2017/eur/280894.htm>
2. Government stuns by agreeing reversal of pay cuts with unions, Cyprus Mail, 1 June 2018, <https://cyprus-mail.com/2018/06/01/government-stuns-by-agreeing-reversal-of-pay-cuts-with-unions/>

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. The Maltese judiciary serves as the ultimate guarantor of Maltese rights and liberties, and governments respect court decisions. Maltese citizens also have the right to take a case before the European Court of Human Rights (ECHR), and several individuals have done so with success. The Ombudsman also plays a part in the protection of civil liberties. A traditionally clientelistic and partisan approach to politics has in the past hindered the exercise of individual political liberties, although this seems to be less marked today, as the Maltese are strong users of social media, and frequently use these platforms to air their views on political issues. In the World Economic Forum's Global Competitiveness Index 2017-2018, Malta's ranking fell in terms of public trust in politicians and favoritism in decisions by government. However, there was an improvement in the score for transparency of government policymaking. The

2018 Freedom House index downgraded Malta's score in terms of political rights from a four to a three, citing a lack of transparency in the allocation and terms of public contracts, and the influence of powerful economic interest groups in national politics. The 2017 Eurobarometer, in contrast, reported an increased trust in government in 2016 (55%) over 2012 (34%). Excessive delays in the deciding of court cases and the costs of such delays often deter people from seeking legal solutions, although the picture has improved sharply on this issue. The right to a lawyer during police interrogation has now been fully implemented. However, Malta has one of the EU's weakest systems for allocating legal aid, and lawyers appointed under this system have at times been found to have failed to fulfill their duty. Legal aid lawyers are very poorly paid. The current threshold to be eligible for legal aid is also very low.

Citation:

Migrant Integration Policy Index. <http://www.mipex.eu/malta>

Freedom in the World 2015 Malta

COM (2014) 419 Final COUNCIL RECOMMENDATION on Malta's 2014 National Reform Program

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

<http://www.timesofmalta.com/articles/view/20160411/local/european-commission-justice-scoreboard-results-welcomed.608529>

Times of Malta 28/09/16 Lawyers to be present during interrogation

Legal and Reformers Network Malta: parties agree on legal aid for suspects facing police interrogation

Access to Legal Assistance in Malta, Aditus 2017

Times of Malta 27/10/17 Malta's Tribal Politics

Times of Malta 11/11/17 Permanent secretary to be compensated because of political discrimination

Global competitiveness report 2017-2018 World Economic Forum

Malta Independent 31/07/16 55% of Maltese trust government in 2016 compared to 34% in 2012

Times of Malta 23/02/18 Legal Aid system must work

Freedom in the world: Malta 2018

Romania

Score 7

Romanians have made significant use of their political liberties throughout 2018, with multiple anti-government and anti-corruption demonstrations taking place throughout the country. In January 2018, thousands gathered in Bucharest and other major cities to protest against amendments made to laws and criminal codes. In May 2018, an estimated 5,000 gathered in Victoria Square to continue protesting the modification of the criminal codes, the attempt to change DNA leadership and proposed modifications to the constitution. In June 2018, over 2,000 protesters who walked 12 kilometers in Sibiu demanded for the resignation of the PSD's Dragnea and Prime Minister Dăncilă, following Dragnea's Supreme Court conviction for instigating abuse. Finally, on August 10, protests in Bucharest and other major cities were attended by an estimated 150,000 people – the largest number since February of 2017. However, the protesters and some of the NGOs involved faced a smear campaign by the governing coalition. In some cases, the confrontation between the protesters and the police raised questions about crowd control and the conduct of the Romanian police. The protests on August 10 left about 450 treated for injuries behind.

Poland

Score 6 Under the PiS government, violations of political liberties have increased. First, the Law on Public Assembly has been made more restrictive by privileging state-organized and regular public events over one-off demonstrations organized by social actors. According to the new rules passed by the Sejm in December 2016, assemblies of citizens cannot be held at the same time and place as gatherings organized by the public authorities or churches. This means that counter-demonstrations to periodic assemblies, typically devoted to patriotic, religious and historic events, are forbidden, which prioritizes governmental or government-supported assemblies. A second reason for concern is that the treatment of demonstrators by the police has worsened, as evidenced by an increasing number of interrogations and arrests, and growing police violence. Finally, political liberties are likely to suffer from changes in the financing of NGOs, signed by President Duda in October 2017. These changes will make access to public funding more difficult for independent NGOs, as funding decisions will be made by the newly created National Institute of Freedom, which is controlled by the PiS.

Citation:

Amnesty International (2017): Poland: On the Streets to defend Human Rights. Harassment, Surveillance and Prosecution of Protesters. London (<https://www.amnesty.ie/wp-content/uploads/2017/10/Final-prosecution-of-protesters-10.10-1.pdf>).

Sadurski, W. (2018): How Democracy Dies (in Poland): A Case Study of Anti-Constitutional Populist Backsliding. Sydney Law School, Legal Studies Research Paper No. 18/01, Sydney (https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3103491.##).

South Korea

Score 6 Political liberties are protected by the constitution, but infringements do take place. Most importantly, the National Security Law remains the biggest obstacle not just to freedom of expression but also to political rights, because it can be abused for political purposes. The freedoms of opinion and of the press are constitutionally guaranteed, and while the situation has improved under the Moon administration, problems remain particularly when it comes to the freedoms of association and assembly. For example, the government still refuses to legalize the Korean Teachers and Education Workers Union (KTU) because it allows employees who have been fired to remain members. In general, labor unions still face considerable difficulties in organizing. For example, businesses can sue labor unions for compensation for “lost profits” during strikes, and civil servants are also limited in their political freedom. Labor unions are still legally limited in their freedom to engage in political activities. In May 2018, Han Sang-gyun, president of the Korean Confederation of Trade Unions, was finally released from prison after serving almost two and a half years; he had been made legally responsible for what Amnesty International calls “sporadic clashes between protesters and police, and for his role in organizing a

series of largely peaceful anti-government protests in 2014 and 2015.” The Supreme Court ruling dissolving the Unified Progressive Party (UPP) for allegedly plotting an armed rebellion in 2014 remains in force, and former UPP lawmaker Lee Seok-ki remains in prison.

Citation:

Amnesty International Report 2017/18, <https://www.amnesty.org/en/documents/pol10/6700/2018/en/>

Human Rights Watch, <https://www.hrw.org/world-report/2018/country-chapters/south-korea>

Israel

Score 5

Israel’s lack of a constitution means that the guarantee of political rights is confided to status of basic laws. Thus, they are not constitutional as such. For these and other reasons, the responsibility to protect political liberties still lies with 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.

In addition, the Transparency Requirements for Parties Supported by Foreign State Entities Bill, which requires NGOs that receive more than half of their income from foreign governments to report annually to the registrar of non-profit associations in the Ministry of Justice. The bill was criticized as applying almost exclusively to human rights and left-wing organizations. As the Ministry of Justice reported, there are only 27 organizations in Israel that get more than half their funding from foreign governments. Of these, 25 are human rights organizations identified with the left.

Other problematic legislation include: the Entry to Israel Bill, prohibiting persons who support a boycott against the State of Israel from entering Israel, which has been passed by the Knesset; an amendment to the law on Contempt of the Flag, proposing significantly stricter penalties on those who damage the flag of Israel, which has been passed by the Knesset; and an amendment to the State Education Bill, preventing the activities of organizations that oppose educational values and the IDF, which is currently awaiting approval by the Knesset. However, many problematic proposals did not win parliamentary passage or were eventually softened in part due to public opposition.

A recent example of the consequences of these bills is the Entry to Israel. In September 2018, authorities denied Lara Alqasem entrance into Israel, because she was accused of being a BDS supporter. Eventually, after pressure from the Hebrew University at which Alqasem had intended to study in, the high court struck down the state’s decision.

Citation:

Ben Shitrit, Lihi, “Israel’s Shrinking Democracy.” Carnegie Endowment for International Peace, 10.03.2016: <http://carnegieendowment.org/sada/63006>

Cohen, Hanan. “The Nakba Law,” IDI, 24.05.2014: <https://www.idi.org.il/articles/4640>

Dahan, Tal, "Situation report: The state of human rights in Israel and the OPT 2016," The Association for Civil Rights in Israel, <http://www.acri.org.il/campaigns/report2016en/>

"Freedom in the world 2017," Freedomhouse website: <https://freedomhouse.org/report/freedom-world/freedom-world-2017>

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Knesset Press Release "Knesset passes NGO transparency law," 12.07.2016, <http://main.knesset.gov.il/News/PressReleases/pages/press120716.aspx> (Hebrew)

Lis, Jonathan, Yair Ashkenazi, Jack Khoury and Sharon Pulwer, "Israel's Nationalistic 'Loyalty in Culture' Bill Passes Legal Test," Haaretz, 25/2/2016: <https://www.haaretz.com/israel-news/.premium-1.705312>

"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>

Steinber, Jessica, Miri Regev's cultural war heats, The Times of Israel, 29/1/2016: <https://www.timesofisrael.com/miri-regev-s-cultural-war-heats-up/>

Yishai, Yael, "Civil Society in Israel," Carmel, Jerusalem, 2003.

Mexico

Score 4

Political liberties are guaranteed by law, and public debate and electoral competition are meaningful. If political rights are violated, citizens have access to electoral courts which are generally professional and effective.

In many parts of the country, high levels of criminal violence undermine democracy. Public officials, especially at the local level, are kidnapped, harassed and even murdered with impunity. In 2018, 133 candidates and politicians have been killed. Journalists and activists are also targeted and, since 2000, 138 journalists have been killed and 24 disappeared.

While the lack of credible and capable legal investigations in such cases makes it impossible to know the true extent of the problem, there is considerable evidence that authorities are not merely inept. Rather, they are sometimes complicit in violating citizens' political liberties. The justice system has proven to be particularly ineffective in prosecuting powerful rights violators. There are 14 current or former governors suspected of corruption, money laundering and links to organized crime currently under investigation, but impunity for corruption-related crimes is 98% and high-level politicians are rarely sentenced or impeached.

Hence, Latinobarometro polls indicate that satisfaction with democracy in Mexico has fallen from 41% in 2006 to 18% in 2017, while support for democracy has fallen from 54% in 2006 to 38% in 2017.

Citation:

Schedler, A. (2014). The criminal subversion of Mexican democracy. *Journal of Democracy*, 25(1), 5-18.

Amparo Casar, Maria (2018). The Shadow Hanging Over Mexico's 2018 Elections. *Americas Quarterly*, <https://www.americasquarterly.org/content/shadow-over-mexicos-2018-elections>

Hungary

Score 3

The Orbán governments have shown little respect for political liberties. They have harassed NGOs and have used “soft violence” against demonstrators at public or political events by relying on aggressively acting “private” security services (e.g., Valtos Security). In Putin style, Orbán and other Fidesz leaders have defamed opposition activists as traitors to the Hungarian nation and as foreign agents paid by George Soros. During the period under review, a tough campaign involving threats and intimidation was waged against Hungarian members of the European Parliament and others who have expressed support of the Sargentini Report. The “Stop Soros” legislation and the 7th amendment of the constitution, both adopted in June 2018, have formalized the attack on political liberties. Both have contained a criminalization of activities connected to immigration or assisting refugees. Beyond this, the government has introduced a new privacy protection principle aimed at protecting politicians from criticism, whistleblowing and investigative journalism. Finally, assembly rights have been restricted by not allowing public protests and mass gatherings that could disturb the “privacy of people,” in other words, demonstrations that are held close to the politicians’ private homes.

Citation:

Amnesty International (2018): Hungary: New Laws That Violate Human Rights, Threaten Civil Society and Undermine the Rule of Law Should be Shelved. London (<https://www.amnesty.org/en/documents/eur27/8633/2018/en/>).

European Parliament (2018): Report on a proposal calling on the Council to determine, pursuant to Article 7(1) of the Treaty on European Union, the existence of a clear risk of a serious breach by Hungary of the values on which the Union is founded (“Sargentini-Report”). A8-0250/2018, Strasbourg (http://www.europarl.europa.eu/doceo/document/A-8-2018-0250_EN.pdf).

Hungarian Civil Liberties Union (2018): Summary of the Hungarian Civil Liberties Union’s analysis of the new bill on the Right to Assembly, July 24, Budapest (<https://hclu.hu/en/articles/summary-of-the-hungarian-civil-liberties-unions-analysis-of-the-new-bill-on-the-right-to-assembly>).

Turkey

Score 2

During the review period, Turkey’s human rights status declined from partly free to not free. The country’s score has been in free fall since 2014 due to restrictions on the press, journalists, social media users, protesters, political parties, the judiciary and the electoral system. Following the 15 July 2016 coup attempt and the 2017 constitutional amendment, control over the state and society has become increasingly centralized and personalized, while domestic and regional security has deteriorated.

The U.N. OHCHR noted that several state of emergency decrees regulated various matters unrelated to the state of emergency powers. For instance, the closure of civil society organizations and medical centers seemed to indicate that the state of emergency was used to limit various legitimate activities. Meanwhile, under state of emergency powers, civil liberties were severely undermined by government interference in the work of the judiciary, the curtailment of parliamentary oversight over the executive branch of government, the mass dismissal of civil servants and private sector employees, the closure of civil society organizations and media outlets, the prosecution of human rights activists, the use of torture during pretrial detention, further restrictions on freedom of expression and movement, and the expropriation of private property.

During the review period, the European Commission stated that, although the legal framework includes general guarantees, human and fundamental rights have been undermined by a number of emergency decrees and need to be effectively implemented. Freedom of expression, freedom of assembly, freedom of association, and procedural and property rights have been seriously undermined. Severe restrictions were imposed on the activities of journalists, human rights advocates and government critics. Measures adopted under the state of emergency also removed crucial safeguards protecting detainees from abuse, augmenting the risk of impunity for the perpetrators of abuse, in a context where allegations of ill-treatment and torture have increased. The Ombudsman, the National Human Rights and Equality Institution, prosecutors' offices, criminal courts and parliament's Human Rights Commission were authorized to investigate reports of abuses perpetrated by the security forces, including killings, torture, mistreatment and excessive use of force. Enforcement of rights is hindered by the fragmentation and limited independence of public institutions responsible for protecting human rights and freedoms, and by the lack of judicial independence.

During the two year state of emergency period, 1,767 associations, foundations, trade unions and federations; 1,107 educational and health institutions; and about 180 media outlets were closed down by decree. A total of 135,856 civil servants were dismissed, only 3,752 civil servants were later reinstated.

Gender-based violence, and discrimination, hate speech, hate crimes and human rights violations against minority groups (e.g., LGBT and intersex persons) are still a matter of serious concern. More than 3.4 million Syrian refugees were provided basic services by the central and local administrations, although a large majority of refugee children lack access to education and few adults are able to obtain formal employment. Local hostility toward Syrians increased in 2017, according to the International Crisis Group, with at least 35 people killed in intercommunal violence.

The constitutional amendment to parliamentary immunities adopted in May 2016 lifted immunity for a large number of deputies, and resulted in the detention and arrest of several HDP members of parliament, including the two party co-chairs in November 2016.

All rules and practices related to municipal bodies are regulated through Municipal Law 5393 (Articles 38, 39 and 40), which was amended by Decree 674. The number of municipalities to which a trustee has been assigned has reached 94 over the last two years. The Constitutional Court ruled that it is beyond its authority to review state of emergency decrees.

Citation:

TBMM İnsan Hakları İnceleme Komisyonu, 26. Yasama Dönemi II. Devre Faaliyet Raporu 6 Aralık 2017 – 24 Haziran 2018, https://www.tbmm.gov.tr/komisyon/insanhaklari/docs/2018/ihik_faaliyet_raporu_25072018.pdf (accessed 1 November 2018)

Office of the United Nations High Commissioner for Human Rights Report on the impact of the state of emergency on human rights in Turkey, including an update on the South-East January – December 2017 , March 2018, https://www.ohchr.org/Documents/Countries/TR/2018-03-19_Second_OHCHR_Turkey_Report.pdf İnsan Hakları (accessed 1 November 2018)

World Justice Project, Rule of Law Index 2017-2018, https://worldjusticeproject.org/sites/default/files/documents/WJP-ROLI-2018-June-Online-Edition_0.pdf (accessed 1 November 2018)

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Freedom House, Freedom in the World 2018, Turkey Profile <https://freedomhouse.org/report/freedom-world/2018/turkey> (accessed 1 November 2018)

Freedom House, Freedom on the Net 2018: The Rise of Digital Authoritarianism, <https://freedomhouse.org/report/freedom-net/freedom-net-2018/rise-digital-authoritarianism> (accessed 1 November 2018)

DİSK, OHAL'in İki Yılı'nın ve Başkanlık Rejiminin Çalışma Hayatına Etkileri, 21 July 2018, https://odatv.com/images2/2018_07/2018_07_21/OHAL-Bas%CC%A7kanl%C4%B1k-Rejimi.pdf (accessed 1 November 2018)

Human Rights Joint Platform, Updated Situation Report- State of Emergency in Turkey 21 July 2016 – 20 March, 2018, http://www.ihop.org.tr/wp-content/uploads/2018/04/SoE_17042018.pdf (accessed 1 November 2018)

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.

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). In 2017, several instances of gender-based discrimination were disclosed as a result of the #metoo campaign. 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 and diverse 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 review period, ethnic segmentation in several suburbs of metropolitan areas in Sweden has further increased. This societal fracturing remains an unsolved political challenge in contemporary Sweden. With the increased immigration since 2015, there is an imminent risk that these challenges will be exacerbated.

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, ethnic minorities, indigenous peoples and people 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 indigenous population pose the greatest concern. Reports by the U.N. Special Rapporteur on the Rights of Indigenous Peoples (2014), the U.N. Human Rights Committee (2015) and Human Rights Watch (2018) found that the rights of Indigenous peoples were consistently violated, including unresolved treaty rights, violence against Indigenous women and girls, disproportionately high rates of incarceration, and inadequate access to clean and safe drinking water.

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

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.

Human Rights Watch, World Report 2018, available at

https://www.hrw.org/sites/default/files/world_report_download/201801world_report_web.pdf

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

Cyprus

Score 8

An extensive body of laws and measures aims to protect the rights of all persons and to prevent discrimination. Article 18 of the constitution guarantees 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 and incidents of discrimination do take place.

In line with relevant EU directives, laws on gender equality and against discrimination provide for proactive measures. They enforce equal treatment in employment, occupations and training. However, inequalities are present, while combating racism and other forms of discrimination and protecting persons with disabilities remains an unattained goal. Disabled persons are, however, offered additional protection and special treatment.

Among the positive steps taken in recent years were the adoption, in late 2015, of a law on civil partnerships and the recognition of a right to parental leave in 2017.

The Ombuds office, tasked with protecting against discrimination, issued three reports on complaints in 2018. In a 2016 resolution, the minorities committee of the Council of Europe recommended, among others, that Cyprus take measures to protect minorities' rights and enable minority groups the right to self-identification and promotion of their language as well as the participation of constitutionally recognized "religious groups" in decision-making.

Citation:

1. Reports -decisions of the Ombudsman as Authority against Racism and Discrimination 2018, (in Greek) http://www.ombudsman.gov.cy/ombudsman/ombudsman.nsf/index_new/index_new?OpenForm
2. CoE committee on minorities, Resolution on Cyprus 2016, https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=090000168064ecd7

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. Gender-based discrimination in the labor market relates primarily to wages, but also, more generally, to hiring and career options. About two-thirds of the observed average gender-wage difference can be explained by individual differences and sectoral employment, but the remaining difference suggests that there is not equal pay for equal work. Rules for parental leave have been expanded to extend the right (and duty) of fathers to take paternity leave and for all employers (since 2006) to contribute to the financing of parental leave schemes.

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 (from outside the European Union) which have been residing in the country seven out of the last eight years. While formally treating all immigrants equally, the scheme in particular targets immigrants from low-income countries with a low employment rate.

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. Immigration laws concerning family reunification and permanent residency were made less restrictive in May and June 2012 under the Social Democratic-led government, but has since been tightened by the Liberal-led government. Immigration rules and their implementation have been tightened several times. Even the Social Democrats, under the party's new leadership, now favors a tight immigration policy. Although immigration and asylum pressure decreased rather substantially by 2018, it is expected to be among the most important issues on the agenda during the forthcoming electoral debate.

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).

Estonia

Score 8 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). The Registered Partnership Act (2016) allows same-sex couples to register their partnership, but several secondary legal acts are still missing because of heavy opposition from some parliamentary parties.

Gender equality has been a longstanding challenge and is reflected, for example, in the largest gender pay gap in Europe. In 2018, the government introduced several measures to strengthen transparency in public sector pay and combat the gender pay gap. The Labor Inspectorate was given the right to monitor the implementation of equal pay regulations, while state databases were enhanced to allow more rigorous analysis of the situation.

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, although some segments of the population, primarily represented by the so-called Finns Party, have turned hostile toward Finland's Swedish-speaking population. The Aland 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. The Sami population, comprising approximately 10,000 individuals, was granted self-government in the Sami Homeland with regard to language and culture in 1995. Finland has often been seen as a forerunner concerning its efforts to maintain an effective minority-protection policy. Cases of discrimination are rather few, although people with an immigrant background are more likely to encounter discrimination. Roma individuals, who make up a small proportion of the population, are marginalized. The Finns Party – which split in two in 2017, with one fraction remaining within the government coalition – has been accused of encouraging discrimination against ethnic minorities and asylum-seekers.

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 partnerships and opposite-sex marriages differently from a taxation perspective was unconstitutional. In June 2017, the Bundestag, with a large majority, went a step further and opened civil-law marriage to same-sex couples, which has overcome any remaining unequal treatment.

In January 2015, the Federal Constitutional Court ruled that a bill banning headscarves for teachers at public schools must adhere to state laws (Ländergesetze). A general prohibition on teachers expressing religious beliefs through their appearance is not compatible with the freedom of faith and the freedom to profess a belief (Art. 4 secs. 1 and 2 of the Basic Law). However, in a dissenting opinion, two of the judges opposed the majority's reasoning, signaling that non-discrimination on religious grounds is a contested issue in society and in constitutional law.

In November 2017, the Federal Constitutional Court requested that the government accept a third sex thus avoiding discrimination of intersexual persons.

Citation:

www.bundesverfassungsgericht.de/SharedDocs/Pressemitteilungen/EN/2015/bvg15-014.html

<https://www.bundesverfassungsgericht.de/SharedDocs/Pressemitteilungen/DE/2017/bvg17-095.html>

Luxembourg

Score 8

In its 2016 annual report, the Centre pour l'égalité de traitement (Centre for Equal Treatment – CET) revealed that it received 115 discrimination case files, of which over half (54%) were submitted by men and 34% by women. The remaining 12% were submitted by organizations, associations or on the basis of self-referral. Most (25%) of the people were aged between 31 and 40, 9.6% were between 18 and 30,

and 5.2% were over the age of 60. Finally, 67% of files were from citizens of the European Union, 44% of whom were Luxembourgers.

The CET was created by the above-mentioned law on 28 November 2006. The CET carries out its work completely independently. Its purpose is to promote, analyze and monitor equal treatment between all persons without discrimination based on race, ethnicity, sex, sexual orientation, religion or beliefs, disability, or age. The CET is very active.

Nevertheless, in a school textbook for 9/10-year-old students, a misogynistic caricature was published by the “Syndicat National des Enseignants” in 2018 (“Mon cahier de vocabulaire – Tome 1 – Cycle 3.2”).

The caricature is of a female teacher in a provocative pose. In addition, on the board it is written “J’adore mon institutrice.” This caricature is supposed to convey that students can like their teacher, if the teacher acts according to the caricature. Due to the controversial message of the caricature, an investigation has been initiated.

Citation:

Rapport d’activités 2016. Centre pour l’égalité de traitement, 2017. <http://cet.lu/wp-content/uploads/2018/04/Rapport-annuel-2017.pdf>. Accessed 22 Oct. 2018.

New Zealand

Score 8

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). The Human Rights Act protects all people in New Zealand from discrimination including on the basis of gender, religion, ethnicity and sexual orientation. However, Māori – who account for approximately 16% of the population – are disproportionately represented in the prison population (about 50% of the total prison population as of December 2017) and all detention centers, 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 Māori 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 Māori groups claiming that Māori had a rightful claim to the title, based on the Treaty of Waitangi. Māori and Pacific Islanders also experience occasional discrimination in the education and health system. As Amnesty International reported in its 2017-2018 report, the Waitangi Tribunal, a permanent commission of inquiry, found that the government had failed to prioritize the reduction of the high rate of recidivism among Māori and had breached its Treaty of Waitangi obligations. The commission called for urgent practical action to reduce the number.

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).

Bramwell, Chris, 2016. Māori Party puts government on notice over Kermadec row. 15 September, 2016. Radio New Zealand. <http://www.radionz.co.nz/news/political/313354/māori-party-puts-govt-on-notice-over-kermadec-row> (accessed 12 October, 2016).

Amnesty International. 2018. New Zealand 2017/2018. <https://www.amnesty.org/en/countries/asia-and-the-pacific/new-zealand/report-new-zealand/>

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." Comparatively, support for the non-discrimination of foreigners is very strong, with only the Scandinavian countries showing stronger support. The acceptance of gays and lesbians corresponds to the average across European countries.

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 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.

Citation:

Klaus Armingeon and Sarah Engler 2015: Polarisierung als Strategie. Die Polarisierung des Schweizer Parteiensystems im internationalen Vergleich, in Markus Freitag und Adrian Vatter (Hrsg.): Wahlen und Wählerschaften in der Schweiz, Zürich: Verlag Neue Zürcher Zeitung, 355-379, 467-469. ISBN: 978-3-03810-098-0

United States

Score 8

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 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, LGBTQ.

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 Latino students in admissions, while upholding state policies that barred race or ethnicity as considerations in admission. In general, liberals and conservatives disagree on how much the persistence of unfavorable outcomes for African Americans in educational achievement, employment status, income, incarceration and other areas is a consequence of ongoing discrimination despite existing legal protections.

The Trump administration has announced reversals of some Obama-era anti-discrimination policies. The Justice Department has announced that an anti-discrimination law does not protect transgender workers, opening people up to potential discrimination in the workplace based on their gender identity. In 2017, Trump ordered the reinstatement a ban on transgender individuals serving in the military.

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. Despite a reduction in sexual discrimination over recent decades, a 2016 survey of young Australians indicated that discrimination against women remains a problem.

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. In response to widespread opposition to the proposal, it was abandoned in August 2014. Several members of the coalition government nonetheless continue to advocate for its repeal.

Importantly, the Australian parliament passed a bill on 7 December 2017 that allows same-sex marriage. That bill followed a non-binding referendum, which was supported by 61.6% of Australian voters.

Citation:

<https://www.missionaustralia.com.au/what-we-do/research-evaluation/youth-survey>

<http://www.smh.com.au/business/workplace-relations/gender-discrimination-starts-young-mission-australia-2016-youth-survey-20161202-gt2snt.html>

<http://abcnews.go.com/International/australian-parliament-approves-sex-marriage-lengthy-national-debate/story?id=51637900>

<https://www.theguardian.com/australia-news/datablog/ng-interactive/2017/nov/15/same-sex-marriage-survey-how-australia-voted-electorate-by-electorate>

Greece

Score 7

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.

Since 2015, the outcry against racism and the rise to power of a left-wing party, Syriza, contributed to a decline in 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).

Moreover, Greece recorded the largest improvement in the protection of LGBTI rights between 2015 and 2016, while new legislation passed between 2015 and 2017 grants extensive rights to same-sex couples and recognizes self-proclaimed gender identity for people experiencing gender dysphoria.

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.

Information on protection of LGBTI rights is available from <https://www.ilga-europe.org/resources/news/latest-news/greece-gender-recognition-law-oct2017>

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. 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. In 2016, new legislation was passed requiring "loyalty" from teachers in the public-school system, creating concerns over how this "loyalty" measure will be implemented.

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.

In addition, a new law was introduced in 2017, which restricts a person's right to cover their face. The law was developed by the Ministry of Justice.

Furthermore, although Latvia signed the Istanbul Convention in 2016 and has implemented most of its recommendations, the parliament still has not ratified it. This further hinders the state's ability to address the issue of domestic violence in Latvia. The most recent available data (2014) indicates that 32% of women aged 15 and over in Latvia have faced physical and/or sexual violence.

According to the European network of legal experts on gender equality and non-discrimination, gender equality laws in Latvia generally do not significantly exceed the European Union's minimum requirements – no positive measures have been taken to date.

Citation:

1. European network of legal experts in gender equality and non-discrimination, Country Report: Non-discrimination 2018, Available at: <https://www.equalitylaw.eu/downloads/4754-latvia-country-report-non-discrimination-2018-pdf-2-05-mb>, Last assessed: 05.01.2019

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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 (e.g., the small Roma population and 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. In addition, political opposition occasionally forms a significant barrier to the implementation and enforcement of equality legislation.

However, according to public opinion surveys, the perception of discrimination as a widespread problem is significantly lower than EU averages. According to 2015 Eurobarometer data, 29% of respondents in Lithuania agreed that discrimination on the basis of ethnicity was widespread, compared to an EU average of 64%, while 17% of respondents thought that religious discrimination was widespread, compared to an EU average of 50%.

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

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 2018 freedom rating of Lithuania by the Freedom House is available at <https://freedomhouse.org/report/freedom-world/2018/lithuania>

European network of legal experts in gender equality and non-discrimination, Lithuania country report 2016: <http://www.equalitylaw.eu/downloads/3737-2016-lt-country-report-nd>

Netherlands

Score 7

The Netherlands is party to all the important international anti-discrimination agreements. A non-discrimination clause addressing religion, worldviews, 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 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 to curb discrimination. There are more and more doubts about state policies’ effectiveness. Depending on significant (international) events (e.g., Israeli-Palestinian conflicts, terrorist attacks and public debates about Black Pete) discriminatory actions, internet-based threats and insults targeting Jews, Muslims and Afro-Dutch citizens increase. Especially worrisome is the broad-based and well above the European average negative climate of opinion and stereotyping of Muslims. A direct political consequence was the establishment in 2015 of a political party that appeals to second- and third-generation migrants, DENK (meaning “think!” in Dutch, but “equal” in Turkish). DENK has secured three seats in the 150-seat Dutch parliament and a total of 23 seats in 13 different municipal councils. Growing awareness of employer’s discriminating against young people with migrant backgrounds in job application processes forced new national and local government initiatives. According to recent survey research, the Dutch population is seriously worried about the intolerant and discriminatory dominant approach to diversity at present.

Citation:

I. van der Valk, Veiligheid en discriminatie anno 2017 – waar staan we?, *Achtergronden*, 2 October 2017 (republic.allochthonië.nl)

SCP, *Nederlanders dubbel over discriminatie*, *Burgerperspectieven 2017*|2 (sep.nl)

NRC.nl, “Moslems in Nederland ervaren discriminatie meer dan elders in Europa,” 20 september 2017

Hoofdlijnenbrief Actieplan Arbeidsdiscriminatie 2018-2021 (rijksoverheid, accessed 26 October 2018)

Movisie, *Lokaal antidiscriminatiebeleid: Het perspectief van Nederlandse gemeenten*, December 2017

SCP, *Zorgen over immigratie nemen weer toe*, 27 September 2018 (scp.nl, accessed 26 October 2018)

DENK (political party) (en.wikipedia.org)

Portugal

Score 7

State policies seek to redress discrimination, and cases of overt discrimination are rare. Moreover, Portugal has been a signatory to the International Covenant on Civil and Political Rights since October 1976.

Nevertheless, two areas of concern remain:

First, the gap between average pay for women and men has increased steadily in recent years. The unadjusted gender wage gap increased from 8.4% in 2006 to 17.8% in 2015 and 17.5% in 2016, a level that is above the EU average.

Second, racial discrimination remains a concern. The Commission for Equality and Against Racial Discrimination (CICDR) received and analyzed 179 complaints regarding racial discrimination in 2017, an increase of some 50% compared to 2016

(119). This was the highest number since at least 2000, surpassing the previous high in 2016.

Moreover, the period was marked by cases of apparent discrimination, which gained considerable media traction. In July 2018, a Colombian woman was beaten up by the security guard of a bus company allegedly due to racial motivations, with the immediate police response seemingly inadequate.

Furthermore, a trial has started of a case in which the public prosecutor has accused 17 police officers of a racially motivated attack on a group of young black Portuguese men in 2015, which the police officers are also accused of covering up. The trial is ongoing.

Citation:

Comissão para a Igualdade e Contra a Discriminação Racial, “Relatório Anual 2017,” available online at: https://www.cicdr.pt/documents/57891/574449/CICDR_Relatório+Anual+2017_Igualdade+e+Não+Discriminação.pdf/3f40f660-642d-45b0-9e7f-574b077d257d

Eurostat, Gender pay gap in unadjusted form, available online at: <https://ec.europa.eu/eurostat/tgm/table.do?tab=table&init=1&language=en&pcode=tesem180&plugin=1>

Público (2018), “Cova da Moura: cronologia dos acontecimentos,” available online at: <https://www.publico.pt/2018/05/20/sociedade/noticia/cova-da-moura-cronologia-dos-acontecimentos-1830601>

Público (2018), “Jovem agredida por fiscal: ‘Pôs-me os joelhos em cima, como se fosse um troféu’,” available online at: <https://www.publico.pt/2018/06/27/sociedade/noticia/jovem-agredida-por-fiscal-posme-os-joelhos-em-cima-como-se-fosse-um-trofeu-1836108>

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. Media rights for minorities other than the Hungarian, Italian and Roma are underdeveloped. The annual report of the Human Rights Ombudsman for 2017 addressed several persistent discrimination issues, such as the difficult living conditions of some Roma families, the lack of infrastructure and sanitation in non-regularized Roma settlements, and the fact that the responsibility for resolving Roma settlements issues should not rest exclusively with municipalities.

Citation:

Human Rights Ombudsman (2018): Annual Report for 2017. Ljubljana (<http://www.varuh-rs.si/index.php?id=54&L=6>).

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. 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. Cases of explicit discrimination are extremely rare, but this does not mean that occasional public discrimination and, above all, indirect social discrimination are never observed. For example, there remain significant wage differences between men and women, and few women sit on the boards of companies. The recent approval of equal parental leave time and measures seeking to guarantee equal pay for women and men may prove positive developments.

In general terms Spaniards express fewer fears than other Europeans regarding minorities, and tend to express less negative views about immigration. In 2018 the Council of Europe acknowledged that there is less hate speech in Spain than in other European countries, although the incidence of hate speech on the Internet and social media has risen sharply. Spain is considered to be a pioneer in fighting discrimination against homosexuals and women. The main national agency tasked with monitoring equality and antidiscrimination efforts is the Institute for Women and Equal Opportunities. However, in 2018, the Council of Europe's European Commission against Racism and Intolerance (ECRI) called on Spain to "urgently" create an independent equality body specifically designed to tackle racism. The ECRI report also criticized the lack of measures to integrate migrants, as well as the segregation experienced by Roma children.

Citation:

ECRI (2018), Fifth report on Spain.

<https://www.coe.int/en/web/european-commission-against-racism-and-intolerance/spain>

United Kingdom

Score 7

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.

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.” 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. The perception that the indigenous population is crowded-out from public services and social housing has 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. Moreover, support for equality measures is evident in how public opinion reacts to cases of discrimination.

The Windrush scandal in 2018, in which Home Office employees destroyed legal documents of British citizens with roots in Caribbean countries (see “Integration Policy”), is an interesting test case. On the one hand, it revealed an administrative disregard for the rights of those affected. Yet, on the other hand, the rapid political reaction and public dismay testified to an underlying support for anti-discrimination policies.

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 had retained a rather conservative orientation, limiting the legal institution of marriage to heterosexual partnerships. Although legal substitutes existed for gay and lesbian couples, the bureaucratic reality made life for heterosexual partners considerably easier. A decision by the Constitutional Court in 2017 ended this kind of discrimination and same-sex marriage will become possible as of 1 January 2019.

A sphere of increasing importance is the government’s tendency to forbid certain freedoms of expression linked to Islamic traditions (e.g., women’s rights to wear headscarves). The government justifies its actions on basis of the need to fight Islamic extremism and promote social integration (i.e., preventing the existence of closed milieus or “sub-societies”). By following this path, the government provokes the question of whether such a policy violates basic freedoms.

From the viewpoint of an inclusive democracy, the most significant form of discrimination is currently the increasing number of people living legally in Austria but excluded from political participation by the obstacles faced when applying for Austrian citizenship. Dual citizenship in Austria is legally possible, but the dominant policy is to make it as difficult as possible.

Belgium

Score 6

As in most countries, discrimination exists in practice. Average employment rates and educational achievements among Belgian citizens of foreign origin, for example, are significantly lower than among their native-born counterparts. A significant percentage of the Belgian population openly expresses racist speech or feelings, though rarely through mainstream media outlets.

With regard to providing equal opportunities to the disabled, Belgium performs less well than most northern European countries. The country also falls below the European average with regard to acts of violence against ethnic minorities, although 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 Centre for Equal Opportunities and Opposition to Racism, changing its name to the Interfederal Centre for Equal Opportunities (UNIA) in 2016. UNIA is easily accessible to the public, and its many activities, including legal support for people subject to discrimination, are publicly visible.

In the years since the terrorist attacks on Paris and Brussels, a specific set of challenges has emerged in the form of reports of police violence and abuse toward Muslims. However, these incidents are not expected to become a part of systematic policy, and thus should be progressively addressed by authorities.

Citation:

https://www.hrw.org/sites/default/files/report_pdf/belgium1116_web.pdf

on UNIA: English-language welcome page: <https://www.unia.be/en>

Chile

Score 6

In general terms, political rights are protected by legislature and government bodies. Major failings can be seen, for example, in the case of the Mapuche indigenous conflict in the southern part of Chile. The Mapuche are not constitutionally recognized as an 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. In June 2017, former President Bachelet officially apologized to the Mapuches for the mistakes and horrors (errores y

horrores) committed or tolerated by the state toward these communities and presented the Plan de Reconocimiento y Desarrollo (Plan for Recognition and Development) Araucanía. This initiative seeks the recognition of collective rights and their language (mapudungún), introduces a holiday in their honor (Día Nacional de los Pueblos Originarios) and creates the Ministry of the Indigenous Peoples and the Council of Indigenous Peoples. The current president, Sebastián Piñera, has continued with its implementation, emphasizing the urgent need to create a proper ministry and secure constitutional recognition for indigenous peoples. Once operational, it remains to be seen if the ministry will improve protections against discrimination for the indigenous population.

With regard to gender, Chile is ranked 63 out of 144 countries in the latest Global Gender Gap Index (2017); its parity-imparity score (ranging from 0.00 = imparity to 1.00 = parity) is 0.704. Both figures represent an improvement compared to previous years. Only about 22.6% of Chile's serving deputies and senators are women, a slightly better average than last year. Nonetheless, 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% women beginning in the 2017 elections and provides financial incentives for the candidacy and election of women. Furthermore, a new labor reform package enacted in August 2016 implemented a 30% female quota for the representatives of labor unions.

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.

Citation:

Interparlamentary Union, Situation as of 1. September 2018

<http://archive.ipu.org/wmn-e/classif.htm>

Global Gender Gap Index (reviewed by October 18th 2018)

<https://www.weforum.org/reports/the-global-gender-gap-report-2017>

<http://www.t13.cl/noticia/nacional/bachelet-anuncia-creacion-ministerio-pueblos-indigena>

<https://www.biobiochile.cl/noticias/nacional/region-de-la-araucania/2018/09/24/plan-araucania-reconocimiento-constitucional-de-pueblos-originarios-ley-de-cuotas-y-financiamiento.shtml>

Czechia

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.

Compared to other developed countries, however, gender discrimination remains relatively high. Differences in average wages of women and men are still around 22%, which is one of the highest rates in the EU regarding this indicator. The representation of women in politics at the national level has not changed

significantly; in the Chamber of Deputies of the Parliament, only 22% are women. Women's representation in decision-making positions remains low, as well as in government, business, justice and diplomacy. With women accounting for 9% of public and private leadership positions, Czechia remains at par with both global and European averages. The World Economic Forum's 2018 Global Gender Gap Report ranked Czechia 82th out of 149 countries due primarily to challenges facing women in the areas of economic participation and political empowerment (ranking 87th in these two categories). In fall 2018, the ratification of the Istanbul Agreement was vocally opposed by conservative circles and the Catholic church. The critics presented the Istanbul agreement and anti-discrimination charter of the Council of Europe (which entered in force in 2014, but which Czechia along with several other CEE countries and the UK has not ratified yet) as a "diffusion of gender ideology and a threat to traditional gender roles."

The discrimination against Roma remains another grave issue. The ratio of Roma pupils in so-called special schools that serve individuals with learning disabilities is about 25%, significantly higher than the actual proportion of Roma living in Czechia. Such tracking means that many Roma children have a reduced 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. The governmental response included a plan to move 6,000 low-income (mainly Roma) families from temporary housing into permanent housing by 2020: implementation has yet to begin. The discrimination of the Roma in some segments of society is echoed by several prominent politicians and their parties. In 2017 this was the case of Okamura's party of Direct Democracy and his 2018 statements included the denial of holocaust against the Czech Roma minority in Lety Concentration Camp during World War II. President Miloš Zeman has a long track record of anti-Roma statements, attacking them as welfare parasites. An off-the-cuff remark in October 2018 provoked criticism by the media and the opposition. In a social media campaign that went viral, members of the Roma community posted pictures from their workplace on social media entitled "Mr. President, I work."

Citation:

World Economic Forum (2018): The Global Gender Gap Report 2018. Geneva (<https://www.weforum.org/reports/the-global-gender-gap-report-2018>).

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 citizens feel like foreigners in their country, and they are often considered as such by the population at large. The failure to provide quality schooling and, later, a proper job is one of the most dramatic dimensions of what is called invisible discrimination. Empirical evidence exists examining discriminative practices experienced by Muslim job-seekers (cf., France Stratégie). 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 (such as gathering statistics based on ethnicity to determine social service allocation). The first measure Macron introduced from September 2017 to tackle these phenomena was a reduction in the number of pupils per class for primary schools located in designated poor and problematic areas. The maximum number of students per class (previously 24) has been halved to 12.

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.

Citation:

France Stratégie: Lignes de faille, Paris, October 2016

(<http://www.strategie.gouv.fr/sites/strategie.gouv.fr/files/atoms/files/rapport-lignes-de-faille-ok.pdf>)

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 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.

The U.N. Convention on the Rights of Persons with Disabilities was signed on behalf of the Icelandic government in March 2007. It was not until September 2016 that the Icelandic parliament, Althingi, passed a resolution to enable the government to ratify the convention. At the time of writing in late 2018, this remains to be done.

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.

Dingsályktun um fullgildingu samnings Sameinuðu þjóðanna um réttindi fatlaðs fólks. <http://www.althingi.is/altext/145/s/1693.html>. Accessed 22 December 2018.

Italy

Score 6

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.

The Department for Equal Opportunities of the Government Presidency has made a greater effort to monitor the impact of gender discrimination in public administration on a regular basis. The department's report of 2018 indicates – 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 but improving. Much greater progress was 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. The new government and especially Minister of Interior Matteo Salvini (Northern League) officially encourages Italians to oppose immigrants and foreigners, promoting discrimination against immigrants and other minorities.

In 2016, the parliament approved legislation allowing same-sex civil partnerships. 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/wp-content/uploads/2018/10/tabella-andamento-temporale.pdf>

South Korea

Score 6

Discrimination remains a major problem in South Korea, particularly for women, migrants, LGBT people and North Korean defectors. In the Global Gender Gap Report 2017, South Korea was ranked 118th out of 144 countries measured. The gender-based pay gap remains the largest in the OECD. The Moon government has promised to improve gender equality. As a start, he appointed six female ministers, which at one-third of the cabinet is a considerably higher share than in any previous Korean cabinet. After several reshuffles the cabinet has now five female ministers.

Discrimination against irregular workers and migrant workers is also common, with many migrant workers still having to submit to an HIV test in order to obtain a work visa. However, mandatory HIV tests for foreign teachers and students were abolished in 2017.

There are approximately 30,000 North Korean defectors in South Korea, and discrimination against them is widespread. They are eligible for South Korean citizenship, but often face months of detention and interrogations upon arrival. According to a study by the National Human Rights Commission of Korea, half of the North Korean defectors in South Korea have suffered from discrimination, primarily directed at them by people in the street (20.6%), their supervisors (17.9%) or by co-workers (16.5%).

While courts have strengthened some rights for the LGBT community, the government has failed to take decisive actions to reduce discrimination. Article 92 of the Military Penal Code, which currently faces a legal challenge, singles out sexual relations between members of the armed forces of the same sex as “sexual harassment” punishable by a maximum of one year in prison.

Citation:

Freedom House. "Freedom in the World 2016: South Korea." <https://freedomhouse.org/report/freedom-world/2016/south-korea>

Chosun Daily. "N.Korean Defectors Complain of Discrimination in S.Korea." March 15, 2017. http://english.chosun.com/site/data/html_dir/2017/03/15/2017031501539.html

World Economic Forum. Global Gender Gap Report 2017. November 2, 2017. http://www3.weforum.org/docs/WEF_GGGR_2017.pdf

Bulgaria

Score 5

The Bulgarian constitution, the 2004 Anti-Discrimination Act and various EU directives aim to provide 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 instances of discrimination can be frequently observed. Discrimination against the highly marginalized Roma minority remains a major issue. Groups such as people with mental and physical disabilities and members of sexual minorities face discrimination within the labor market, as do women. Public discourse regarding migrants has grown increasingly xenophobic as explicitly nationalistic parties have joined the ruling coalition and many Bulgarian media outlets openly broadcast hate speech, thereby contributing to racially motivated agitation. Over the course of 2018, the government tried, but failed to push through the ratification of the Istanbul Convention. The public debate on the issue revealed deep distrust of state measures to bolster the rights of women and sexual minorities.

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 a long-standing 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's and gay rights. The government addressed the expanding industry of human trafficking 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, with

the first gay divorce granted in 2012. However, in 2018 the Surrogate Law was passed, which expands eligibility for state-supported surrogacy to include single women but excludes single men and gay couples from funded surrogacy services (see also G6.2a section).

Nonetheless, 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. Regarding the Arab society, a 2016 annual report of the Association for Civil Rights in Israel argued that there is an "institutionalized and long-standing neglect and discrimination against the Arab population in the areas of land allocation, planning, and housing."

A 2003 law denies citizenship and residency status to Palestinian residents of the West Bank or Gaza who 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.

In the labor market, there is still discrimination against women. Women continue to earn less than men (on average, women earn 85% less than men per hour). Furthermore, there are less women, Arabs and people with low incomes studying and working in the high-tech and science sectors. This is widely attributed to inequalities in the educational system in Israel.

However, there have been some advances in the field of discrimination. For example, regarding protecting the rights of disabled persons, Israel is introduced substantial measures. The Commission for Equal Rights of Persons with Disabilities has stated that the gap between the general employed population and the disabled employed population is constantly closing, and the rate of disabled employment is rising (a rise of 23% in 2017). The commission's work is based on the Equal Rights Law for Persons with Disabilities (1998) that sets a goal for Israel to "protect the dignity and liberty of persons with disabilities and anchor their right to equal and active participation in society in all fields of life, as well as properly provide for their special needs in a manner enabling them to spend their lives in maximum independence, privacy and dignity, while making the most of their capabilities." In addition, the Ministry for Social Equality, launched in 2015, is dedicated to reducing discrimination against and advancing equality for minorities, women, and older and younger citizens.

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Japan

Score 5

Women still face some discrimination, particularly in the labor market. Women’s average salaries remain 27% below those of their male colleagues (based on 2016 data). The country’s share of female parliamentarians – 9% according to World Bank data for 2017 – is low by the standards of other advanced countries. Prime Minister Abe has called women “Japan’s most underused resource,” and the government has designated “womenomics” as a key pillar of its reform program. Programs being implemented under this rubric include child care support and similar measures. Still, given the persistent undercurrent of sexism in Japanese society, de facto workplace discrimination will be hard to overcome. In 2018, a scandal emerged in which Tokyo Medical University was shown to have given female applicants artificially low scores in order to ensure the enrollment of more male students, a practice the government called “extremely disturbing.”

The 3 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. Workers from the Philippines, the Middle East and elsewhere frequently complain of mistreatment and abuses. According to a 2016 – 2017 Ministry of Justice survey, one in three foreigners have experienced discrimination in the form of derogatory remarks, housing discrimination or similar such behavior.

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. Asylum status is still rarely granted – only 20 asylum-seekers saw their applications approved in 2017, down from 28 a year before – despite the rising number of applications (19,629 in 2017).

Citation:

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Malta

Score 5

The Maltese constitution's chapter on fundamental human rights forbids discrimination on the basis of race, religion, 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; although much progress has been made in recent years, there remains a lack of consensus concerning the introduction of positive discrimination measures to address this problem. In 2018, Malta was ranked 15th in the EU-28 in an index published by the European Institute for Gender Equality. In the workplace, women remain disadvantaged when it comes to earnings and pensions. 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, although at lower levels than previously. In addition, it has been alleged that many cases of discrimination remain unreported. In 2018, the National Commission for the

Promotion of Equality highlighted the discrimination faced by sub-Saharan migrants Malta in accessing employment, in employment itself, in accessing housing, and when contacting school authorities as parents.

Citation:

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Malta is almost half way to gender equality, European Institute for Gender equality 24/06/16

Times of Malta 04/11/17 Women in Malta earn half of what men get

Malta Independent 15/01/18 Discrimination affecting large number of ethnic minorities

Mexico

Score 5

While there is a societal norm against overt racial discrimination, there is a significant correlation between race and class. Light-skinned Mexicans are over-represented among the wealthy and powerful. Data from the Latin American Public Opinion Project shows that they have significantly higher educational attainment and more material wealth. Social discrimination varies by region and setting. In urban centers, there is growing awareness around issues of gender and sexuality. The local constitution adopted by the Mexico City constituent assembly includes a number of liberal and progressive provisions. Nevertheless, more traditional gender roles and the political and social marginalization of women continue to be the norm, particularly in rural and less affluent areas.

Worth mentioning are gender quotas for parties and elections, included in the 2014 constitutional reform. Women now hold 49% of seats in the Senate and 49.2% of seats in the Chamber of Deputies. Additionally, five women ran as candidates for mayor of Mexico City and Claudia Sheinbaum (MORENA) became the first woman to govern the city.

The courts are increasingly assertive in taking up cases of gender equality, and LGBT and transgender rights. The Supreme Court ruled in October 2017 in favor of a transgender person against the state of Veracruz after the state had refused to change the person's name and gender on their birth certificate. Another court ruling found in favor of same-sex marriage. In 2015, Supreme Court recognized same-sex marriage, but only 15 states including Mexico City have so far followed this ruling. However, while there is more awareness of gender discrimination, attention to indigenous rights and other forms of social stigmatization is more limited.

Moreover, as is often the case in Mexico, there is a considerable gap between formal rights, and their effective guarantee and enforcement. However, it is expected that the new AMLO government will invest more in the issue of non-discrimination.

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Poland

Score 5

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. Anti-discrimination policy has not featured prominently on the agenda of the PiS government. Quite to the contrary, the PiS government has engaged in strong anti-Muslim and anti-migrant rhetoric, and has spoken out against the LGBT community and "gender ideology." The new legislation on the financing of NGOs will make it more difficult for NGOs that campaign against discrimination to access public money. In a number of cases, NGOs that focus on women's rights, domestic violence or asylum-seeker and refugee issues have already been denied funds.

Romania

Score 5

The Romanian state has been ineffective in countering discrimination against a number of vulnerable groups, including members of the LGBT community, those infected with HIV, people with disabilities, and members of the country's large Roma community. Massively backed by the governing coalition, the 2018 referendum calling for a constitutional amendment to specifically define a "union" as that between a man and a woman, though ultimately defeated, has fostered discrimination toward the LGBT community. Human Rights Watch criticized the referendum for being "little more than a thinly veiled attempt to scapegoat a vulnerable minority."

Citation:

Reid, G. (2018): Cynical Romanian Referendum Tries to Redefine 'Family'. Human Rights Watch, October 3 (<https://www.hrw.org/news/2018/10/03/cynical-romanian-referendum-tries-redefine-family>).

Slovakia

Score 5 While Slovakia has fairly sophisticated anti-discrimination legislation in place, the discrimination of women, Roma, LGBTI persons and migrants continues to be a major problem. The Roma population has suffered from the lack of access to adequate housing, the pervasive segregation of Roma children and their very high dropout levels in the education system, the excessive use of force by police officers during raids carried out in Roma settlements and various manifestations of hate speech. The new commissioner (government proxy) for Roma affairs appointed by the third Fico government (nominated by Most-Híd) has been only slowly gaining public support and political standing. A 2018 report of the United Nations Committee on the Elimination of Racial Discrimination (CERD) underlined the continuing discrimination of Roma and recommended measures to eliminate discrimination against members of the Roma minority. Moreover, CERD also expressed regret over the Slovak government ignoring its previous recommendations on creating an independent institution to investigate crimes committed by the police. The CERD again recommended that the government quickly create such an institution.

Citation:

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Croatia

Score 4 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. The rights of LGBT persons have been subject to pressures fueled by various types of disinformation about gender, sex and sexual orientation, often propagated by conservative NGOs and initiatives, such as the Truth about the Istanbul Convention initiative. According to the initiative's backers, the Istanbul Convention promotes "gender ideology," something they strongly oppose. All these processes have had a negative effect on the capacity of LGBT persons in Croatia to exercise their human rights.

Hungary

Score 4 Hungary has a comprehensive anti-discrimination legal framework in place, but in practice, little is done to enforce it. Fidesz's traditional family concept corresponds with strong discrimination against women in the areas of employment, career and pay. Tellingly, there is only one female minister in the fourth Orbán government. The failure is even greater regarding the Roma minority. By trying to create a separate school system, the Orbán government has aggravated the segregation in education. The government has also continued its hate campaign against Muslims and refugees. As a result, xenophobia has grown among Hungarians, with a spillover to all kinds of minorities, including Jews, since the government's aggressive campaign against George Soros invoked anti-Semitic stereotypes.

Citation:

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Turkey

Score 4 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 executive's political discourse discriminates and insults opposition groups, including the CHP (the main opposition party), the HDP (the pro-Kurdish party), journalists, academics and LGBT communities. Insulting the president is a crime in Turkey punishable by up to four years in jail. In 2017, 6,033 lawsuits involving "insulting" President Erdoğan were opened. Of these lawsuits, the courts passed judgment in 5,150 cases. Of these 5,150 cases, courts convicted 2,099 defendants, acquitted 873 individuals, deferred announcing the verdict in 1,660 cases and suspended judgment in 518 cases.

During the first four months of 2018, 2,265 newspaper columns and articles targeted national, ethnic and religious groups, with 2,370 instances of hate speech identified in these articles.

The principle of non-discrimination is not sufficiently protected by law nor enforced in practice. Turkey did not ratify Protocol 12 of the ECHR, prohibiting discrimination. The definition of hate crime is excessively narrow, while the Criminal Code does not explicitly provide that racist, homophobic or transphobic motivations constitute an aggravating circumstance. Core elements of the anti-discrimination law are not in line with recommendations from the European Commission against Racism and Intolerance (ECRI).

The educational needs of refugee children, work permits for refugees and return of displaced Kurds are major issues affecting the integration of disadvantage groups.

Although Turkey ratified the Council of Europe Istanbul Convention on preventing and combating violence against women and domestic violence, gender-related violence, hate speech and discrimination against LGBT communities which do not have any legal protections are serious problems.

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 judgment 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.

The use of Kurdish and some other languages in formal education gradually widened. However, investigations and detentions of Kurdish activists have undermined efforts to find a workable solution to the Kurdish issue. The government introduced a National Strategy (2016 – 2021) and Action Plan (2016 – 2018) for Roma people, but the committee for monitoring and evaluating the strategy only met once in February 2017. There are no strategies or action plans in place on non-discrimination in employment and social policy.

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 over the last decade. There are no strategies or action plans in place on non-discrimination in employment and social policy. The National Human Rights and Equality Institution has been established and its members elected in March 2017. Secondary legislation was passed in November 2017, setting up an individual application mechanism for discrimination complaints. However, the institution has not finalized any of the cases it has started to process.

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