



# Civil Rights and Political Liberties Report

Civil Rights, Political Liberties, Non-discrimination

## Sustainable Governance Indicators 2020

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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. Finland is one of three countries that received the maximum aggregate score (100) in the category of political rights and civil liberties in Freedom House's 2019 Freedom in the World survey. The country's legal system 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 UN 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. For its part, the Trudeau administration passed Bill C-59, which made sweeping changes to the National Security Act. The measure removed some of the powers given to CSIS and the Communications Security Establishment (CSE; the country's signals-intelligence agency) by the previous government, and introduced several oversight mechanisms designed to make these bodies more accountable. However, the bill also expanded the CSE's mandate, giving it new abilities and roles. Many experts are worried about domestic data privacy, as the bill does not prevent the CSE from collecting data on Canadians via the internet. The Canadian Civil Liberties Association maintains that the bill stops short of repealing the measures in C-51 that had threatened 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/>

Forcese, G. and K. Roach, "A Report Card on The National Security Bill," Institute for Research on Public Policy (IRPP), June 22 2017, posted at <https://policyoptions.irpp.org/magazines/june-2017/a-report-card-on-the-national-security-bill/>

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%2fPPRiCAqKb7yhskswUHe1nBHTSwwEsgdxQHJB0KwgsS0jmHCTV%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. These matters have also led to criticism from Amnesty International.

It is being contested whether recent changes in relation to asylum-seekers, including rules for family reunification, violate the Geneva Convention. There has also been debate in Denmark about whether the country should start receiving so-called quota refugees again.

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

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.

The new Social Democratic government, which came to power in June 2019, decided to start receiving quota refugees again.

The new government is also initiating an investigation into whether, under the former minister of immigration, Inger Støjberg, there was any wrongdoing in relation to the separation of young couples seeking asylum.

Citation:

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

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

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

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

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

Regering og støttepartier laver Støjberg-kommission. <https://www.dr.dk/nyheder/politik/regering-og-stoettepartier-laver-stoejberg-kommission> (Accessed 17 October 2019).

## 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, dependent on the discretionary decision of the court. Estonia is one of the few EU member states where the right to legal aid is not linked to the income of the applicant.

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 (2019) The 2019 EU Justice Scoreboard. [https://ec.europa.eu/info/publications/2019-eu-justice-scoreboard-factsheets\\_en](https://ec.europa.eu/info/publications/2019-eu-justice-scoreboard-factsheets_en) (accessed 09.10.2019)

## 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. According to the Freedom House (2019) civil liberties index, Germany is ranked as free.

Citation:

Freedom House (2019):

<https://freedomhouse.org/report/freedom-world/freedom-world-2019/democracy-in-retreat>

## 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 wrongdoing in the public, private and non-profit sectors. The law will cover all employees, contractors, agency workers, members of the police force (An Garda Síochána), and members of the 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. The national police have prioritized tackling organized crime and, in 2019, the government, under heavy criticism from the center-right opposition, rolled out a program addressing the issue of organized crime.

## 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.

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-wing populist and conservative view, the internationalization of law and international court decisions against the results of Swiss referendums 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 prosecutes 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. Numerous observers have argued that the repression of the Yellow Vest protests entailed a disproportionate use of force. However, the use of violence by protesters also reached a level rather rare even by French standards.

## 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 antiquated and advanced plans for the construction of a modern prison in the city of Liepāja, although these plans have been delayed for budgetary reasons. In 2019, the European Court of Human Rights ruled in favor of an inmate who had been prevented from attending his father's funeral due to sexual discrimination, as men that have been found guilty of a serious crime are automatically placed in the highest security category, while women found guilty of a comparable crime are placed in less restrictive, part-closed prisons.

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 were not 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](http://www.tiesibsargs.lv/uploads/content/legacy/2017_annual_report_summary_1523624612.pdf), Last assessed: 05.11.2019
2. Ombudsman of Latvia (2016), Annual Report, Available at: [http://www.tiesibsargs.lv/uploads/content/lapas/tiesibsarga\\_2016\\_gada\\_zinojums\\_1\\_489647331.pdf](http://www.tiesibsargs.lv/uploads/content/lapas/tiesibsarga_2016_gada_zinojums_1_489647331.pdf), Last assessed: 05.11.2019
3. European Court of Human Rights (2019) Prison sentence law which prevented male inmate from attending

father's funeral led to sexual discrimination, Available at: <https://hudoc.echr.coe.int/app/conversion/pdf?library=ECHR&id=003-6293507-8211154&filename=Judgment%20Ecis%20v.%20Latvia%20-%20male%20prisoner%20banned%20from%20attending%20funeral%20suffered%20discrimination.pdf>, Last assessed: 12.11.2019.

## 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. In a 2019 Freedom House report, Lithuania was given a score of 1 out of 7 on the issue of 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-apklausa/>

Freedom House Report on Lithuania 2019, available at <https://freedomhouse.org/report/freedom-world/2019/lithuania>

## Luxembourg

### Score 8

Civil rights are officially protected in Luxembourg. 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. 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 19 Oct. 2019.

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, Bonn, S. 393 - 416.

## 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 2019 Freedom in the World Report – published by the U.S.-based think tank Freedom House – awards New Zealand an almost perfect score of 58/60 on the “civil liberties” dimension.

However, this does not mean that there are no infringements of citizens' civil rights in New Zealand. For one, 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.

A further line of critique concerns the treatment of prison inmates. An independent report published by the Human Rights Commission in 2017 highlights that solitary confinement and restraint practices were not always used as emergency last resort tools, as required by international law. The use of tie-down beds and/or waist

restraints in at-risk units was found to amount to cruel, inhumane or degrading treatment or punishment. Following the report, the Corrections Department decided in April 2019 to ban their use of tie-down beds prisons.

Citation:

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](http://www.nzherald.co.nz/politics/news/article.cfm?c_id=280&objectid=11822634)) (accessed January 16, 2018).

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

Freedom House, Freedom in the World 2019: New Zealand (<https://freedomhouse.org/report/freedom-world/2019/new-zealand>)

Human Rights Commission, Independent report highlights urgent need for action on seclusion and restraint practices (<https://www.hrc.co.nz/news/independent-report-highlights-urgent-need-action-seclusion-and-restraint-practices/>)

## 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.

During the previous review period, the government of Portugal passed a law – the National Strategy for Equality – to increase the social and political rights of citizens. The law includes several strategic objectives to be achieved by 2030 and three action plans to implemented by 2021. The law focuses on promoting gender equality, preventing domestic violence, and combating discrimination on the grounds of sexual orientation and gender identity. A report was produced highlighting the measures already adopted in 2018, though the impact of these educational measures will take time to percolate through to changes in attitudes and behaviors.

Citation:

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

## 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. 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 to access 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.

In addition, the chronic lack of judicial staff, which has recently led to a public outcry from judges and judicial staff. At present, the provision of judicial services by the state is seriously undermined by the lack of adequate funding.

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. At the end of 2019, while basic civil rights in Austria remain guaranteed by the constitution and the Constitutional Court, it is evident that the European Court of Human Rights and the European Court of Justice will have to decide whether a policy to reduce the liberty of any group (e.g., the Islamic community) would represent a violation of these basic rights.

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 2019, the basic civil rights in Austria are still guaranteed by the constitution and the Constitutional Court. And it became also clear that the European Court of Human Rights as well as the European Court will have to decide whether any policy reducing the liberty of any group (e.g., the Islamic community) will violate basic rights.

## Cyprus

Score 7

Cyprus's constitution and laws guarantee and protect the civil rights of all residents, not only citizens of the Republic. However, problems do persist, including the treatment of asylum-seekers, economic and irregular migrants as well as forced labor. Compliance with EU and international rules and standards remains deficient.

The U.S. Department of State has placed Cyprus on Tier One, considering that it “fully meets the minimum standards for the elimination of trafficking.” A delegation of the anti-traffic group of experts (GRETA) of the Council of Europe visited Cyprus in mid-2019. Their compliance report is expected in 2020.

Despite a new policy framework and an EU harmonization law (2014), problems persist. Though a Council of Europe's SPACE report on prisons indicated overcrowding in prisons as no longer a problem, a 2018 Ombudsman's report

concluded that detention conditions, services and support provided to detainees were problematic. In other 2019 reports the Ombudsman's Office observes shortcomings and problems in the treatment of asylum-seekers, including the provision of assistance, living conditions, employment opportunities and exploitation. Migrant workers face similar challenges. Despite improvements in official policies that aim to eliminate labor exploitation, the results remain unsatisfactory. Actions by NGOs appear to slightly mitigate problems, while also highlighting existing deficiencies. Though improving, the society's highly negative stance toward immigrants, as shown in Eurobarometer surveys, appears antithetical to solving these problems.

Progress is noted, but remains slow. More proactive and sustained measures to support vulnerable group are required. Policies should also aim at a new culture toward migrants and other marginalized groups to increase acceptance by both society and the authorities. The fact that the at-risk-of-poverty-or-social-exclusion rate for non-EU citizens was 40% in 2018 points to the vulnerability of these groups and the need for assistance.

Citation:

1. USA State Department Report on Human Rights, Cyprus -Released 2019, <https://www.state.gov/reports/2019-trafficking-in-persons-report/cyprus/>
2. GRETA visits Cyprus as part of the third evaluation round, 18 June 2019, <https://www.coe.int/en/web/anti-human-trafficking/-/greta-visits-cyprus-as-part-of-the-third-evaluation-round>
3. Ombudsman's report on the legal framework regulating the living conditions of asylum-seekers outside the reception center (in Greek), 6 June 2019m [http://www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/DCA7E9260217FA42C2258415003552AD/\\$file/%CE%91%CE%A01799\\_2016\\_06062019.pdf?OpenElement](http://www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/DCA7E9260217FA42C2258415003552AD/$file/%CE%91%CE%A01799_2016_06062019.pdf?OpenElement)

## Czechia

Score 7

The government and administration of Czechia respect and protect its citizens' basic civil rights. As indicated by complaints lodged with the European Court of Human Rights and the Public Defender of Rights, Czechia's ombudsman, 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.

## Iceland

Score 7

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 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. 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. However, this would require the parliament to overrule the national referendum from 2012. What happens next remains to be seen. Two of the political parties most opposed to the constitution bill are part of the current cabinet.

The European Court of Human Rights (ECHR) has heard several petitions by Icelandic citizens recently that their civil rights have been violated. In almost all of these cases, the ECHR has ruled in favor of the petitioners, 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 ECHR. Following a number of similar ECHR 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. Recently, the ECHR has also ruled against Iceland in connection with controversial judicial appointments.

Citation:

Gylfason, Thorvaldur (2016), "Constitution on Ice," in *Iceland's Financial Crisis: The Politics of Blame, Protest, and Reconstruction*, eds. Valur Ingimundarson, Philippe Urfalino, and Irma Erlingsdóttir, Routledge, London.

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.

## 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 4 of the constitution. These rights are legally enforceable before the courts, and the sphere of rights enjoyed by individuals has expanded greatly since independence, thanks to decisions by the Constitutional Court and the European Court of Human Rights. Delays in the administration of justice have often been the cause of complaints, but recent court reforms 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 (though these gains were eroded somewhat with the increased number of asylum-seekers in 2019), a shift to open reception 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. A recent report highlighted the right to marry, as migrants who do not have residency permits face a number of barriers when wishing to marry. In May 2019, the U.N. Commissioner for Human Rights chastised Malta for the decision to charge three migrants, two of whom were minors, with terrorist charges stemming from an incident on a commercial ship carrying a hundred rescued people. Exploitation of refugees by commercial interests remains a challenge. A Human Rights and Equality Commissioner has been appointed, and a new integration policy launched in 2019 ratified the relevant conventions on statelessness. The violation of the rights of prisoners confined in overcrowded and substandard conditions has also been noted. With regard to gender issues, the Council of Europe's commissioner for human rights has noted the introduction of the morning-after pill, but has also called for the decriminalization of abortion in Malta. The latter issue remains very divisive. The U.N. Committee for the Rights of the Child has recommended that Malta's marriage law be amended to forbid people under 18 from getting married. Freedom in the World 2019 allocated Malta a score of one out of seven, with one being the best score in terms of civil liberties. Shortcomings cited included the degree of government influence over state media, the vulnerability of and hostility toward irregular migrants, and the continued prevalence of domestic violence.

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-lgbtqi-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  
 Global Detention project: Immigration detention in Malta betraying European Values? 11/06/2019  
 Aquilina, K., (2018) Human Rights Law Faculty of Law, University of Malta  
 Times of Malta 02/07/2019 Too young to get married  
 Freedom in the world: Malta 2019  
 Malta Today 14/12/19 UNHCR welcomes Malta accession to convention on stateless persons

## Slovenia

Score 7

In Slovenia, civil rights are largely respected. Citizens are effectively protected by courts and by independent institutions like the ombudsman against infringements of their rights. 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 drastically reduced and the number of backlog cases dropped by 56% in the last five years, reaching the lowest levels since the 1990s.

## 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 populations such as migrant workers, refugees and sexual minorities. South Korea also maintains the possibility of the death penalty, though there has been a moratorium on executions since 1997. On a positive note, in November 2018 the Korean Supreme Court for the first time accepted "conscience or religious beliefs" as a justifiable reason for conscientious objection to the country's mandatory military service. Unfortunately, the government has to date been slow to offer alternatives to military service for conscientious objectors. In April 2019, the Constitutional Court strengthened women's rights, ruling that Korea's 65-year ban on abortion was unconstitutional. Refugees' difficulties in gaining asylum in South Korea has recently become an issue drawing public attention (see "Integration"). In 2019, the government's plan to limit the

power of the public prosecutor's office turned into a major political struggle. Prosecutors in Korea are free to prosecute suspects or not as they see fit, a system that has been criticized as being prone to political meddling.

Citation:

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

Human Rights Watch. 2019. "South Korea: Events of 2018." Retrieved from <https://www.hrw.org/world-report/2019/country-chapters/south-korea>.

## 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 continued to debate 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, due to the early elections called for April 2019, the proposal could not be put to a parliamentary vote. The PSOE government has also introduced some measures to include Council of Europe opinions in provisions for express deportations and the filming of police officers.

Individuals' rights are rigorously safeguarded in Spanish criminal proceedings. This was demonstrated during the trial of 12 Catalan independence movement leaders, which started in February 2019. The trial was public, transparent, and carried out in compliance with the Charter of Fundamental Rights of the European Union and the European Convention on Human Rights.

Citation:

May 2019, Publico: "Sánchez tiene ya una mayoría en el Congreso para derogar la reforma laboral y la 'ley mordaza'"

<https://www.publico.es/politica/sanchez-mayoria-congreso-derogar-reforma-laboral-ley-mordaza.html>

## Australia

### Score 6

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 counterterrorism 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, 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. And in December 2018, the government passed legislation that imposes new requirements on organizations to assist law-enforcement and security agencies with requests to access information, introduces new computer access warrants that enable law enforcement to covertly obtain evidence directly from a device, and increases 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>

## 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 56th 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](https://www.hrw.org/sites/default/files/report_pdf/belgium1116_web.pdf)

## Chile

### Score 6

The state and the courts efficiently protect civil rights. However, the huge income gap in the population, as well as prevalence of discrimination against indigenous people, leads to inequality in the exercise of those rights. Anti-terror legislation – which dates back to 1984 and violates international conventions signed by Chile – has in recent years been applied in conflicts involving ethnic minorities, such as the Mapuche community in the southern region of Chile, generating human rights violations. There have been multiple cases in which detainees in the Mapuche conflict have been held significantly longer than average, independently of any results of an investigation. During the period under review, two severe incidents were revealed (the “Catrillanca case” and “Operation Huracán”) involving the

infringement of rights and perpetration of criminal offenses by the government and police officials within the context of the Mapuche conflict.

Enacted in November 2016, Law No. 20,968 modified the competences of the military justice system 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.

In response to the mass protest of October 2019, President Piñera declared a state of emergency that included a one-week curfew in several regions and the deployment of soldiers in the streets. Reports subsequently emerged that state forces – in particular the police (Carabineros) – had committed severe human-rights violations during protests and after arrests were made. At the time of this writing, official investigations were still under way. According to the Chilean Institute for Human Rights, at least 23 people died, more than 1,700 were injured and 5,000 detained during the protests. Former president and current High Commissioner of the United Nations' Office for Human Rights (OHCHR) Michelle Bachelet sent a team to investigate the incidents.

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/>

<https://www.indh.cl/>

## 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.

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 was still under way.

In the meantime, the living conditions of 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. The outcry was intensified in September 2019 after a woman died in a deadly fire in that camp. Similarly intolerable conditions were observed on the islands of Samos and Syros in the summer of 2019. However, starting in October 2019, the government began actively relocating refugees and migrants to better and smaller camps around mainland Greece.

In summary, the state protects civil rights, but organizational and bureaucratic obstacles in practice stand in the way of the comprehensive protection of these rights, particularly with regard to migrants and asylum-seekers. Very recent efforts by the government that took power in July 2019 have begun to alleviate this situation.

Citation:

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> and also on the Guardian, <https://www.theguardian.com/world/2019/oct/05/the-truth-about-the-fire-in-greeces-notorious-refugee-camp>

## 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. Arrested suspects can be kept in prison for 23 days without a formal charge being lodged, with a further 10 days of detention possible with a routine court request. Assistance by lawyers during interrogation can be denied. Interrogations can last for up to eight hours per day. Supporters of Japan's justice system point to its high confession rate, which has produced a record number of convictions. However, there is clearly a dark side to this. In a recent extreme case, Japanese financier Nobumasa Yokoo spent 966 days in pre-trial detention, while former Nissan chairman Carlos Ghosn spent 108 days in pre-trial detention. Neither confessed to the crimes that they were alleged to have committed.



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.

In response to the ILO international harassment guidelines of 2018, Japan revised its legislation on the issue of workplace harassment in 2019.

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.

The controversial anti-conspiracy/anti-terror legislation of 2017, passed in preparation for the 2020 Tokyo Olympics, 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>

Kana Inagaki and Robert Harding, Fate of Olympus financier shines light on Japanese legal system, Financial Times, 9 June 2019, <https://www.ft.com/content/382998a4-81f4-11e9-b592-5fe435b57a3b>

Motoko Rich and Jack Ewing, Japanese Justice Faces Scrutiny in Case of Nissan Chief and U.S. Board Member, 19 December 2018, New York Times, <https://www.nytimes.com/2018/12/19/business/carlos-ghosn-jail.html>

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>

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/>

Japan bolsters fight against workplace harassment, but laws lack punitive measures, The Japan Times, 29 May 2019, <https://www.japantimes.co.jp/news/2019/05/29/national/japan-bolsters-fight-workplace-harassment-punitive-measures-elusive/>

## Netherlands

### Score 6

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 UN 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 childcare) and travel behavior. 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. Most recently, UN Special Rapporteur for Human Rights Philip Alston criticized the Dutch government (and parliament) for its use of an algorithmic system (Systeem Risico Indicatie) to detect social-benefits fraud. The system linked data from across all government databases to generate an individual fraud-risk profile. A system of this design violated everybody’s privacy rights, but particularly those of poor people and individuals with a migrant background, Alston said.

Human Rights Watch has criticized recent Dutch legislation restricting the number of locations for hosting asylum-seekers, as well as the long wait times for asylum decisions and family-reunion procedures. 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, with this verdict upheld in a higher appeals court.

Citation:

Human Rights Watch. World Report| 2019. Events of 2018 (hrw.org., consulted 3 November 2019)

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

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

Nieuwsuur, 22 October 2019. VN-rapporteur zeer bezorgd over Nederlands opsporingssysteem voor uitkeringsfraude.

Nieuwsuur, 4 November 2019. Minister Grapperhaus wil toegang to chat – en berichtendiensten.

## 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. New problems have emerged since conservative forces (including several Christian churches) formed an alliance, which opposes LGBTI rights and “gender ideology,” and promotes “traditional family” values. SNS leader Andrej Danko has helped to propel the issue to the top of the political agenda and succeeded in forging a majority for a parliamentary resolution asking the government not to ratify the Istanbul Convention.

## 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. An upshot of this episode was the introduction of a new Investigatory Powers Act in 2016, with regulations coming into force in 2018.

There have been several legal challenges to the government approach, often initiated by NGOs such as Liberty or Privacy International. 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. After being declared unlawful by the Court of Appeal, significant parts of the Investigatory Powers Act 2016, better known as the “Snoopers’ Charter,” will need to be overhauled by the legislators. However, as Computer World reported in summer 2019, the courts have supported the government position on, for example, the right to appeal judgments of the tribunal.

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.

Citation:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/668943/Response\\_to\\_the\\_IPA\\_codes\\_consultation.pdf](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/>

<https://www.computerworld.com/article/3427019/the-snoopers-charter-everything-you-need-to-know-about-the-investigatory-powers-act.html>

## 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 have resulted from actions taken by the Bush administration, which include the National Security Agency being able to order widespread wiretapping and internet surveillance, entirely without statutory authority.

In December 2018, 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. In 2019, however, the Justice Department, under Attorney General William Barr, has openly criticized the reform law and sought to discourage its full implementation.

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 not 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.

After much of political controversy, the Croatian parliament ratified the Istanbul Convention in 2018. However, data for 2019 show an increase in the number of family-related violence cases, most of which encompass male offenders. These cases are also more shocking in terms of the brutality displayed. Prevention initiatives and the penal system have been too inert in tackling the issue. The government endorsed stiffer penalties for offenders, while attacks on social workers will now be treated as

criminal offenses. It remains to be seen whether the stiffer penalties will deter serious offenders and molesters in light of the very slow and inefficient judiciary.

In terms of the freedom of expression and access to justice, Croatia still posts unsatisfactory results. However, in other walks of life, such as protecting civil and political rights (especially of gay people and minority nationalities), Croatia has made steady improvements or maintained relatively high standards, as witnessed by the 2019 court decision that allows gay couples to become foster parents. According to the Othering and Belonging Institute at UC Berkeley's 2019 Inclusiveness Index, Croatia ranks a very credible 13 out of 132 countries worldwide.

Citation:

Human Rights House Croatia (2018): Human Rights Defenders in Croatia: Obstacles and Challenges. Zagreb (<https://humanrightshouse.org/articles/human-rights-in-croatia-overview-of-2018/>).

Othering & Belonging Institute (2019): The Inclusiveness Index Report 2019. Berkeley (<https://belonging.berkeley.edu/inclusivenessindex>).

## 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. However, 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 judicial review, which operates independently from the legislator and the executive branches. Civil rights claims are voiced through the media, NGO activities, appeals to the Supreme Court, legislative amendments and appeals to government bodies that investigate public complaints.

Yet, there is a gap between the formal guarantees of equal civil rights and the reality of unequal opportunities. Such a gap exists mainly when there is a 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), the government and members of parliament have extensively promoted initiatives that infringe on basic democratic principles, such as minority rights, freedom of speech and the activity of civil society organizations. In particular, the ACRI has expressed concern about the central role played by the Knesset in these initiatives. While not all legislative proposals were adopted, those that were have influenced public discourse on and attitudes toward democracy, human rights, minority groups and the rule of law, among other things.

The ACRI published a list of 20 proposals for the new Knesset, which address problems in securing basic civil rights. The proposals include policies that aim to narrow socioeconomic gaps, ensure equal enforcement of the law, protect disadvantaged communities and promote social justice, as well as a commitment to the rights of citizens and democratic values.

Furthermore, the enactment of The Basic Law: Israel as the Nation-State of the Jewish People in 2018 provoked protests from Jewish, Druze and Arab communities, who criticized the law for failing to ensure equality for all Israeli citizens. The law, it was argued, discriminates against minorities and especially the Arab Israeli minority, since it downgraded the Arab language from its former position as an official state language.

Citation:

“Basic Law: Human Dignity and Liberty”: [http://www.knesset.gov.il/laws/spec\\_ial/eng/basic3\\_eng.htm](http://www.knesset.gov.il/laws/spec_ial/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>

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>

The Association for Civil Rights in Israel. “2018 – A bad year for democracy Human Rights in Israel – A Second Snapshot,” October 2018 (Hebrew): [https://a59952db-05ff-468c-a8f0-411f44dfbc9c.filesusr.com/ugd/01368b\\_4dff38e27124eea80154d408b5badf3.pdf](https://a59952db-05ff-468c-a8f0-411f44dfbc9c.filesusr.com/ugd/01368b_4dff38e27124eea80154d408b5badf3.pdf)

ACRI: Israel 2020: 20 Proposals for the New Knesseth, December 2019, [https://0aadc55a-bbc6-4bf3-bd01-242c802789e7.usrfiles.com/ugd/0aadc5\\_5bab9d0d551b4dc789f913b2ecdcf7c4.pdf](https://0aadc55a-bbc6-4bf3-bd01-242c802789e7.usrfiles.com/ugd/0aadc5_5bab9d0d551b4dc789f913b2ecdcf7c4.pdf)

## Italy

### Score 5

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 further promoted reforms to judicial procedures and the organization of courts. These actions were slowly reducing the backlog of judicial proceedings, particularly civil proceedings. After years of discussion, and upon the request of supranational institutions, Italy finally introduced a law against torture. However, the law has been criticized by U.N. authorities for being too restrictive.

To some extent, the first Conte government reversed aspects of these past achievements. With the ostensible purpose of fighting crime, it introduced limitations to the preexisting statute-of-limitation rules (Legge 9 gennaio 2019); this will inevitably prolong proceedings unless countervailing measures are introduced to speed up the work of courts.

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.

The first Conte government, under the influence of Northern League leader Matteo Salvini, adopted a set of more restrictive law-and-order policies (Law Decree 4/10/2018 n. 113 and Law Decree 14/06/2019 n.53) dealing with matters of immigration and public demonstrations. Critics argued that the measures could constrain civil rights and political liberties. When signing the second decree, the president wrote that he had serious reservations about the measure. As of the close of the review period, the second Conte government had not modified these new provisions.

Citation:

[http://www.camera.it/leg17/522?tema=reato\\_di\\_tortura](http://www.camera.it/leg17/522?tema=reato_di_tortura)

<https://www.gazzettaufficiale.it/eli/id/2018/10/04/18G00140/sg>

<https://www.gazzettaufficiale.it/eli/id/2019/06/14/19G00063/sg>

## Romania

Score 5

Civil rights are guaranteed by the constitution and are generally respected in practice. Romania responded to a European Court of Human Rights decision 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). NGO legislation introduced by the governing coalition in 2017 has weakened civil rights watchdog organizations.

## 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 new issue is the housing crisis, with the number of homeless people increasing across the countrywide and especially in Budapest. The Orbán government has



neglected the issue, and even legislated against homeless people, declaring homeless a crime and initiating police action to tackle homelessness. The opposition has argued that housing is a basic social right and social housing has to be extended. When the united opposition won in the capital, the first order of the newly elected lord mayor, Gergely Karácsony, was to stop the dislodgement process.

## Poland

Score 4

There is not much trust in the government's respect for civil rights due to its grip on the judiciary and frequent attacks on the Commissioner for Human Rights, and the xenophobic, discriminatory and offensive rhetoric used by prominent members of government against minorities, women activists and other people who do not fit into their worldview. In addition, the legislation on NGO financing enacted at the end of 2017 has made it more difficult for NGOs to monitor respect for civil rights. Access to public money is controlled by a new institution, the National Freedom Institute – Center for the Development of Civil Society. In a number of cases, NGOs that focus on women's rights, domestic violence, and asylum-seekers' and refugees' issues have been denied funds. NGOs who try to defend civil rights are also increasingly confronted with hate speech, criticism of their activities and lawsuits.

Citation:

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](https://www.hrw.org/sites/default/files/report_pdf/poland1017_web.pdf)).

Ciobanu, C., W. Kość (2017): *Warsaw grabs purse strings of Polish NGOs*, in: *Politico*, August 12 (<https://www.politico.eu/article/pis-polish-ngos-fear-the-governments-embrace/>).

## Turkey

Score 3

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

Article 148 of the constitution states that anyone who believes his or her human or civil rights, as defined in the European Convention on Human Rights (ECHR), have been infringed upon by a public authority has the 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 December 2018, a total of 212,665 individual applications were received and 172,800 applications were concluded by the court. However, the court found that in only 7,140 applications had at least one right been violated. In 2018, the number of applications reached 38,186 and, in total, 35,395 applications were concluded violations, of which the court decided 1,197 cases involved a violation of the right to a fair trial. The cost of making an individual application was about €8 in 2019.

The European Court of Human Rights received a total of 290 cases against Turkey between January 2018 and September 2019. In total, 836 remained pending and 528 cases had been closed by the court as of September 2019. The court fined Turkey a total of €3 million in 2018 and 2019. Historically, Turkey is the country most condemned by the court for violating freedom of thought and expression, and ranked second after the Russian Federation overall.

According to the annual report of the OHAL Transactions Review Commission published in January 2019, 131,922 measures were adopted under the state of emergency decree laws. As a result of these measures, at least 125,678 public officials were dismissed, 270 student scholarships were canceled, 2,761 institutions and organizations were closed, and 3,213 government administrative staff were demoted. In addition, a total of 204 media organizations were shut down during the state of emergency. According to research on the social costs of the state of emergency, the actual number of those victimized by Decree Law 693 exceeded 250,000.

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).

The 2019 Judicial Reform Strategy, which was prepared by the Ministry of Justice with the participation of other parties, consists of nine objectives, 63 targets and 256 activities. The strategy was announced to the public on 30 May 2019. The Law on Criminal Procedure No. 7188 and the Law on Amendments to Certain Laws, which details some of the arrangements for realizing objectives and targets defined in the 2019 Judicial Reform Strategy, was published in the Official Gazette on 24 October 2019.

Citation:

European Commission, Turkey 2019 Report, Brussels, 29.5.2019, <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-turkey-report.pdf> (accessed 1 November 2019)

World Justice Project, Rule of Law Index 2019, <https://worldjusticeproject.org/sites/default/files/documents/ROLI-2019-Reduced.pdf> (accessed 1 November 2019)

[https://www.anayasa.gov.tr/media/5601/bb\\_istatistik\\_2018.pdf](https://www.anayasa.gov.tr/media/5601/bb_istatistik_2018.pdf) (accessed 1 November 2019)

ECHR, Country Fact Sheet Turkey, <https://rm.coe.int/1680709767> (accessed 1 November 2019)

Olağanüstü Hal İşlemleri İnceleme Komisyonu Kararları Hakkında Duyuru (25.10.2019), <https://ohalkomisyonu.tccb.gov.tr/> (accessed 1 November 2019)

“Türkiye, AİHM tarihinde düşünce ve ifade özgürlüğünden en fazla mahkum olan ülke,” 10 July 2019, <https://tr.euronews.com/2019/07/10/turkiye-aihm-de-dusunce-ve-ifade-ozgurlugunden-en-fazla-mahkum-olan-ulke-oldu> (accessed 1 November 2019)

“Verilerle 15 Temmuz sonrası ve OHAL süreci,” <https://tr.euronews.com/2019/07/12/verilerle-15-temmuz-sonras-ve-ohal-sureci> (accessed 1 November 2019)

## 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, more than 250,000 men and women have been killed in the “war on drugs,” with more than 36,000 killed in the first year of President López Obrador’s term in office – an average of 96 murders per day. The government has lost control of many parts of Mexico.

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. 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. A new internal security law, passed in December 2017, legalizing military involvement in domestic law enforcement, was declared unconstitutional by the Supreme Court in November 2018. 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-2019, around 40,000 people are reported to have disappeared.

The government has appointed a new ombudsman for human rights in the Comisión Nacional de Derechos Humanos (CNDH), Rosario Piedra Ibarra, a former member of the ruling party MORENA and a social activist. The opposition has been critical of the appointment and has accused Ibarra of not acting independently.

The security situation deteriorated markedly in 2018 and 2019, as the number of homicides has increased to the highest level since the state began keeping systematic

records on crime and violence. More than 36,000 homicides were reported in 2018, while more than 14,000 were reported in the first six months of 2019. A total of more than 250,000 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 President López Obrador has installed a special commission to investigate the case. Human Rights Watch has spoken of the “human rights catastrophe” that the new president has inherited and recent news coverage claims that Mexico is continuing to lose the battle against the cartels.

Citation:

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

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

[https://www.elconfidencial.com/mundo/2019-06-25/mexico-desaparecidos\\_2087378/](https://www.elconfidencial.com/mundo/2019-06-25/mexico-desaparecidos_2087378/)

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. There are 14 political parties, which collectively cover 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. Finland is one of three countries that received the maximum aggregate score (100) in the category of political rights and civil liberties in Freedom House's 2019 Freedom in the World survey. 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 ban has subsequently been appealed to the Supreme Court of Finland. The constitution guarantees members of the indigenous Sami population, who comprise less than 1% of the population, cultural autonomy and the right to pursue their traditional livelihoods.

## Greece

### Score 10

The constitution extends strong protections to political liberties, 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, during the period under review, the realization that the Syriza-ANEL government was following in the steps of previous governments on economic and social policy led to protests, for instance by old-age pensioners, which at various times were suppressed by police forces.

In the period under review, before and after the parliamentary elections of July 2019, 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 members of a far-right group, and similar groups verbally attacked pro-government parliamentarians and government ministers.

Small radical leftist groups periodically turn violent and attack law enforcement officers. They also sometimes close down university buildings by occupying them in protest against government measures they oppose. It is not the state, but rather uncontrolled groups of extremists that have begun to restrict political rights such as the freedom of opinion.

In this context, it is commendable that the new government regarded the issues of safety and security in large cities as taking a high priority. For example, in the fall of 2019, the police evacuated buildings that had been used as springboards by the both of the aforementioned groups to play havoc with daily life in a few neighborhoods in downtown Athens.

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. The mosque was finally inaugurated in early June 2019.

Citation:

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

## 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. In its 2019 Freedom in the World report, U.S.-based think tank Freedom House awards New Zealand a perfect score of 40/40 on the dimension of "political rights." After the right-wing terrorist attack on a mosque in Christchurch in March 2019, the New Zealand government set up a dedicated investigative unit to find and prosecute "hate speech" online. Under existing terrorism legislation, the shooter's 74-page manifesto was classified as "objectionable," making it a crime to hold, share or quote from. While critics argue that these steps threaten the freedom of expression, supporters of the government's actions point at the radicalizing effects of extremist online content.

Citation:

Freedom House, Freedom in the World 2019: New Zealand (<https://freedomhouse.org/report/freedom-world/2019/new-zealand>)

RNZ, Government announces \$17 million to target violent extremist content online (<https://www.rnz.co.nz/news/political/400957/government-announces-17-million-to-target-violent-extremist-content-online>)

## 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 have triggered protests on a scale not seen in the country since the financial crisis. Unlike in the past, when protests were mostly concentrated in Prague and other larger cities, primarily attracting young and educated citizens, the protests organized in 2019 by the Million Moments for Democracy initiative attracted more than 260,000 citizens from all around the country to Prague's Letna Park in June, and more than 300,000 citizens in November 2019, on the eve of the 30th anniversary of the Velvet Revolution.

Social media (Facebook) play an important role in 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 of power by the police.

Recent human rights reports from Amnesty International include critiques concerning the treatment of refugees and asylum-seekers, such as the return of asylum-seekers, individual cases of denied asylum, 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 presently well-protected in France. This situation can be explained by several factors. The fact that these liberties are considered to be the legacy of the French Revolution sets them in a quasi-sacred position. The protections were granted and solidified by the highest administrative court during the Third and Fourth Republics. Recently, the Constitutional Council has played an increasingly active role in striking down laws that could jeopardize these liberties. The expansion

of the court's powers stemmed from its 1971 decision to protect the right of association from governmental intervention. However, history has shown that the status of such liberties could be diminished in times of crisis or military conflict.

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 public display of “differences,” issues which right-wing and extreme-right parties are particularly vocal about. Indeed, an increasingly illiberal attitude has been evident in public opinion, manifesting in the rejection of differences based particularly 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 National Democratic Party (NPD) currently have full freedom to operate. The Bundesrat appealed to the Federal Constitutional Court seeking to prohibit the NPD but the court did not ban the NPD in his judgment from January 17, 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).

## Iceland

Score 9

The 1944 constitution contains provisions protecting the freedom of the press as well as freedoms of organization and assembly. In the October 2017 parliamentary election campaign, five parties declared support for ratifying the constitutional bill proposed by the Constitutional Council in 2011, namely the Social Democrats, the Pirate Party, the Left-Green Movement, Regeneration and Bright Future. The strongest opponent of the constitutional change has been the Independence Party,

which – together with the Progressive Party, another party that is reluctant to accept the change – is part of the current cabinet coalition led by the Left-Green Movement. The future of the constitution 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.

## 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.

In 2019, the organizers of the Aichi (Art) Triennale in Nagoya were strongly criticized by the authorities for some of the artwork presented, including the statue of a “comfort woman.” Public funds for the exhibition were recalled.

There are concerns that the anti-conspiracy laws, passed in 2017 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 be supported by politicians associated with the government. Indeed, 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.

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/>

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/>

Jeff Kingston, The Politics of Hate and Artistic Expression in Japan, The Diplomat, 14 September 2019, <https://thediplomat.com/2019/09/the-politics-of-hate-and-artistic-expression-in-japan/>

## 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.

In 2017, the Council of Europe Commissioner for Human Rights noted that the Riga Higher Court's order of the same year 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: 01.11.2019

## Lithuania

**Score 9** Lithuanian institutions generally respect the freedoms of assembly and association. In 2019, 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 2019 freedom rating of Lithuania by the Freedom House is available at <https://freedomhouse.org/report/freedom-world/2019/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 19 Oct. 2019.

## 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.

Regarding the Black Pete issue, a number of municipalities have restricted the right to free assembly and the right to hold demonstrations for those calling for an end to the tradition, citing security concerns. The government passed a law banning the burqa and niqab in public places (including schools, hospitals and government buildings, and on public transportation); however, it also publicly announced that enforcement of this law was "not a priority."

Citation:

Freedom House, Freedom in the world 2019, Netherlands (freedom house.org, consulted 3 November 2019)

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

NRC Next, 7 June 2019. Het recht op demonstratie moet altijd beschermd worden. (NRC.nl., accessed 3 November 2019)

Rijksoverheid, 1 April 2019. Gedeetelijk verbod gezichtsbedekkende kleding vanaf 1 augustus 2019 van kracht (Rijksoverheid, accessed 3 November 2019)

## 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. If there are any lapses, they are due more to bureaucratic inefficiency rather than a conspiracy by the Portuguese government.

## 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. A 2018 law on NGOs has further strengthened the legal position of NGOs.

## 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. Several states with Republican-controlled legislatures have passed laws requiring state universities to effectively protect free speech on campus, and in 2019, the Trump administration added free-speech protection to the requirements for university access to federal aid.

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.

Federal Police raids on a journalist's home and a broadcaster's office in June 2019, purportedly to protect national security (but in fact very clearly motivated by political concerns), have been interpreted by many as an increased willingness by the government to suppress whistleblowers and restrict the media's ability to hold the government to account. Some also regard the design and administration of defamation laws as hampering political liberties, as they act in practice to protect governments, companies and powerful people from scrutiny.

#### 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>  
<https://www.npc.org.au/news/statement-on-the-afp-raids/>



## 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 use of Dutch in Flanders, the Flemish regional government passed a law that in effect largely bans 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 funneling fundamentalists to Syria.

Like in most OECD countries, legislative adaptations following recent terror attacks are at risk of infringing on individual liberties. Human Rights Watch (HRW) reports that some of these 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.” It is noteworthy, however, that HRW has not raised additional concerns about Belgium since then.

Citation:

[https://www.hrw.org/sites/default/files/report\\_pdf/belgium1116\\_web.pdf](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. During 2019, these rights were confirmed by a number of protests that were allowed to take place unimpeded, and by the registration of a new party established by popular TV personality Slavi Trifonov, which opinion surveys indicate has the real potential of becoming a serious factor.

## 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.

The federal government has passed Bill C-59 in an effort to remedy flaws in the National Security Act introduced by the Harper government in 2015. The new measure comprehensively overhauls Canada's national security laws, enhancing oversight and ministerial control, and addresses constitutional problems. Human rights and civil liberty organizations have welcomed the new accountability framework created by the bill, but have criticized provisions empowering the national security agency to conduct mass surveillance and cyber-attacks.

In a 2015 report, the UN 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/>

## Italy

**Score 8** 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.

With its second decree law on security, the first Conte government imposed more restrictive rules and sharpened penalties for illegal behavior in demonstrations. Critics argue that this might lead to undue restrictions on political opposition.

## Slovakia

**Score 8** In Slovakia, political rights are largely respected. Citizens can freely join independent political and civic groups. The murder of Kuciak and Kušnírová in February 2018 evoked the biggest protests since the Velvet revolution in 1989. The movement “For a Decent Slovakia,” which emerged from these protests, continued to organize rallies in 2019. The murder has evidently bolstered sensitivity for political liberties and the need to protect civil liberties. This new sensitivity was a key factor in Zuzana Čaputová’s presidential election victory in March 2019. A civil rights lawyer, having worked for many years for the NGO-watchdog VIA IURIS, Čaputová is expected to take a clear stance on political liberties.

## 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. Although the PSOE government announced that it intends to revise the law in order to diminish penalties for crimes such as insulting the king, inciting terrorism and offending religious sentiments, the parliamentary debate did not progress during the period under review.

Citation:  
Freedom House (2019): Spain,  
<https://freedomhouse.org/report/freedom-world/2017/spain>

Democracy Index 2019: Spain  
<https://www.eiu.com/topic/democracy-index>

## 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 rights to protest were somewhat circumscribed by a law requiring protesters to give advance notice to the police of a demonstration and restrictions on protests in sensitive locations. Even so, demonstrations do take place, sometimes without respecting the legal obligations. For example, in 2019, the “flash” protests by Extinction Rebellion were initially treated lightly by the police, but were subsequently more robustly policed, partly in response to public objections to the disruption caused.

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.

## 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 have multiplied available channels for petitions, protests and rallies. However, the Church of Cyprus interferes in education and is a source of pressure on minorities. Also, isolated complaints have been 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, including citizens of Cyprus and abroad as well as citizens of third countries. The latter often require assistance from NGOs to claim their 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 by both public figures and businesses to sue for libel/defamation. This threatens citizens' rights and the media's capacity to scrutinize public life and serve as society's watchdog.

Our overall evaluation takes into account the negative effect of the clientelist system on citizens' liberties and rights, which persists with no decisive measures taken to combat it. Persons affiliated with parties are favored over free thinkers.

Citation:

1. Department of State Report Human Rights Practice 2018, Cyprus (released 2019) <https://www.state.gov/reports/2018-country-reports-on-human-rights-practices/cyprus/>
2. Department of State, Report on International Religious Freedom 2018, Cyprus (released 2019), <https://www.state.gov/reports/2018-report-on-international-religious-freedom/cyprus/>
3. Anastasiades law firm calls on money laundering authority to investigate OCCRP claims, 27 August 2019, <https://cyprus-mail.com/2019/08/27/anastasiades-law-firm-calls-on-money-laundering-authority-to-investigate-occrp-claims/>

## 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 2019, Malta's ranking fell overall, with its poorest ranking assigned for the performance of government institutions. However, there was an improvement in the country's score for transparency of government policymaking. In Freedom House's Freedom in the World 2019 index, Malta's score in terms of political rights was two out of seven, with one being the best score. The report cited a number of problematic issues, including the difficulties faced by small parties in entering parliament, the shortcomings of the 2015 Financing of Political Parties Act, the shortcomings of the FOI act, the ineffectiveness of measures

intended to investigate corruption, the lack of transparency in the allocation and terms of public contracts, and the influence still wielded by powerful economic interest groups in national politics. The 2018 Eurobarometer, in contrast, reported an increased trust in government in 2017 (63%) as compared to 2016 (55%), and 2012 (34%). While the share of people expressing trust in the government in 2018 fell to 58%, this remains much higher than the EU average. 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. Malta is one of 11 EU countries that do not provide third-country nationals with electoral rights.

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

Freedom in the world: Malta 2019

Global competitiveness report 2019 World Economic Forum

Eurobarometer 2019

## Romania

### Score 7

Romanians continue to exercise their political liberties through well-attended public demonstrations and assemblies. While in 2019 protests did not reach the levels of preceding years, smaller sized groups frequently took to the streets to express their disappointment with various political decisions or missteps. For example, in February 2019, thousands protested against the emergency governance ordinance reforming judicial laws (which was later revised in response to the outrage), and 1,600 taxi drivers gathered in Bucharest demanding an amendment of the taxi service law and thereby allow for a penalization of unlicensed taxi activities. In May, around 1,000 protesters demonstrated during a visit to Galati by the former Social Democratic Party leader Liviu Dragnea, just two weeks before the Supreme Court upheld his conviction on corruption charges sentencing him to three and a half years

in prison. In July, around 2,000 people protested the police and government's slow response to the killing of a teenager in the town of Caracal. The largest protest of the year occurred in August, when some 20,000 Romanian expats protested in Bucharest against the Social Democratic government's corruption and attacks on the judiciary. However, protesters and some of the NGOs involved faced a smear campaign by the governing coalition.

## South Korea

### Score 7

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 expression, association and assembly are constitutionally guaranteed, but problems remain despite recent improvements under the Moon administration. 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. Despite many promises, the Moon government has to date failed to ratify ILO conventions 87 and 98 on the freedom of association. 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.

As infringements of political rights by the state have declined under the Moon administration, open political debate in which diverging political opinions are respected is becoming more routine. However, political debates are often personalized, with personal attacks substituting for rational arguments about different political goals.

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>

## Chile

### Score 6

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, during protests by Chile's indigenous people and during the mass demonstrations of October 2019, all of which exposed the limitations on the right to protest. Furthermore, the biased

media landscape limits equal access to information and the opportunity to communicate different political opinions and versions of conflict situations.

## Poland

Score 6

The constitution does protect political liberties and all options for citizens to express themselves freely in the public. However, under the PiS government, violations of these rights have increased and options to use them have been impeded. 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.

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.##](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3103491.##)).

## 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 the Israeli parliament. However, parliamentary activity has not been conducive to this task. In the last few years, many pieces of legislation and proposed legislation appear to undermine aspects of democracy and due process.

For example, the Disclosure Requirements for Organizations Funded by Foreign Political Entities Law, legislated in 2016, requires NGOs that receive more than half of their income from foreign governments to submit an annual report to the registrar of non-profit associations in the Ministry of Justice. This law was criticized for 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 prohibited people who have supported a boycott of the state of Israel from entering Israel. In September 2018, authorities denied Lara Alqasem entrance to Israel, because she was accused of being a BDS supporter. Eventually, after pressure from the Hebrew University at which Alqasem had intended to study, the High Court struck down the state's decision. However, many problematic proposals did not win parliamentary passage or were eventually softened in part due to public opposition.

Citation:

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

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 2019," Freedomhouse website: <https://freedomhouse.org/report/freedom-world/freedom-world-2019>

"Israel minister pursues tougher anti-BDS law," Memo Middle East Monitor, 2/11/2017: <https://www.middleeastmonitor.com/20171102-israel-minister-pursues-tougher-anti-bds-law/>

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

"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>

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

Gild-Hayo, Debbie, "Antidemocratic Legislation: Ramifications for Human Rights and the Work of NGO," ACRI, May 26, 2019, [https://docs.wixstatic.com/ugd/0aadc5\\_0c8b24f620e24b2eaa25249135148d47.pdf](https://docs.wixstatic.com/ugd/0aadc5_0c8b24f620e24b2eaa25249135148d47.pdf)

Asseburg, Muriel, "Shrinking Spaces in Israel," SWP Comments, September 2017, [https://www.swp-berlin.org/fileadmin/contents/products/comments/2017C36\\_ass.pdf](https://www.swp-berlin.org/fileadmin/contents/products/comments/2017C36_ass.pdf)

## 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. The National Electoral Institute (INE) is an independent body responsible for the administration of elections.

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. Between 2002 and 2018, 209 mayors, candidates and former mayors were killed, with 37 killed in 2018. Five regidores and 16 journalists were also killed in 2018.

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, 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 16% in 2018, while support for democracy has fallen from 54% in 2006 to 38% in 2018.

Citation:

Schedler, A. (2014). The criminal subversion of Mexican democracy. *Journal of Democracy*, 25(1), 5-18.  
<http://www.latinobarometro.org/lat.jsp>

## 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., Valton 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. 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. During Fidesz's nasty campaign for the 2019 municipal elections, the political liberties of opposition supporters were repeatedly and seriously violated. For instance, the police raided an opposition campaign team in the eighth district of Budapest. Though, several days later, it was officially accepted that they had not committed any crime or done anything wrong.

## Turkey

### Score 2

On 24 October 2019, the parliament passed the first law proposal prepared by the Ministry of Justice with the participation of related parties, which addresses the objectives and targets defined in the 2019 Judicial Reform Strategy. The law introduces important regulations to strengthen the rule of law. A provision added to the Anti-Terror Law provides that statements of opinion, which do not exceed the limits of reporting or are made for the purpose of criticism, should not constitute a crime. The maximum periods of pretrial detention have been revised. The period of

pretrial detention is limited to six months if the offense is not within the jurisdiction of the higher criminal court, and one year if the offense falls within the court's jurisdiction. For some offenses (e.g., terrorism), this period can be six months to one year, which can be extended for an additional six months on the basis of justification for adults. Though the period of detention allowed for children is shorter.

The Action Plan for the Prevention of Violations of the European Convention on Human Rights, which was adopted in 2014, expired in 2019. The preparation of a new Human Rights Action Plan continues with the participation of related parties under the coordination of the Ministry of Justice.

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. The subsequent emergency rule saw the further arrest thousands of HDP members as well as 16 HDP lawmakers. In the case of Selahattin Demirtaş, the pro-Kurdish Peoples' Democratic Party (HDP) co-chair and 2018 presidential candidate, who had been detained since 4 November 2016, the ECHR found Turkey guilty of stifling pluralism and limiting freedom of political debate, and unanimously demanded that the Turkish government take all necessary measures to end the applicant's pretrial detention. Demirtaş was subsequently convicted of terrorism, and sentenced to four years and eight months in prison in December 2018, and to a further one year and three months in prison in October 2019. Though the latter punishment has since been abrogated. Eren Erdem, a former Republican People's Party (CHP) lawmaker, was sentenced to four years and two months in prison for supporting a terrorist organization, but was released on 30 October 2019.

The Ombudsman, the National Human Rights and Equality Institution, prosecutors' offices, criminal courts and parliament's Human Rights Commission are authorized to investigate reports of abuses perpetrated by the security forces, including killings, torture, mistreatment and excessive use of force. However, the enforcement of rights is undermined by the fragmentation and limited independence of public institutions responsible for protecting human rights and freedoms, and by the lack of judicial independence.

Citation:

European Commission, Turkey 2019 Report, Brussels, 29.5.2019, <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-turkey-report.pdf> (accessed 1 November 2019)

UN OHCHR, Turkey: 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](https://www.ohchr.org/Documents/Countries/TR/2018-03-19_Second_OHCHR_Turkey_Report.pdf) (accessed 1 November 2018)

TC Cumhurbaşkanlığı Strateji ve Bütçe Başkanlığı, 100. Yıl Türkiye Planı, 11. Kalkınma Planı (2019-2023), [http://www.sbb.gov.tr/wp-content/uploads/2019/11/ON\\_BIRINCI\\_KALKINMA-PLANI\\_2019-2023.pdf](http://www.sbb.gov.tr/wp-content/uploads/2019/11/ON_BIRINCI_KALKINMA-PLANI_2019-2023.pdf) (accessed 1 November 2019)

World Justice Project, Rule of Law Index 2019, <https://worldjusticeproject.org/sites/default/files/documents/ROLI-2019-Reduced.pdf> (accessed 1 November 2019)

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](https://www.tbmm.gov.tr/komisyon/insanhaklari/docs/2018/ihik_faaliyet_raporu_25072018.pdf) (accessed 1 November 2018)

“Verilerle 15 Temmuz sonrası ve OHAL süreci,” 15 July 2019, <https://tr.euronews.com/2019/07/12/verilerle-15-temmuz-sonras-ve-ohal-sureci> (accessed 1 November 2019)

The Human Rights Watch, Turkey Events of 2018, <https://www.hrw.org/world-report/2019/country-chapters/turkey> (accessed 1 November 2019)

Freedom House, Freedom in the World 2019, Turkey Profile <https://freedomhouse.org/report/freedom-world/2019/turkey> (accessed 1 November 2019)

Freedom House, Freedom and the Media 2019: A Downward Spiral, [https://freedomhouse.org/sites/default/files/FINAL07162019\\_Freedom\\_And\\_The\\_Media\\_2019\\_Report.pdf](https://freedomhouse.org/sites/default/files/FINAL07162019_Freedom_And_The_Media_2019_Report.pdf) (accessed 1 November 2019)

Freedom House, Freedom on the Net 2018, Turkey Profile, <https://freedomhouse.org/report/freedom-net/2018/turkey> (accessed 1 November 2019)

“Eren Erdem hakkında tahliye kararı,” Birgün dailynewspaper, 31 October 2019, <https://www.birgun.net/haber/eren-erdem-hakkinda-tahliye-karari-274657> (accessed 1 November 2019)

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 Traveler 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 to 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.

Daycare services are widespread and heavily subsidized. To a large extent, the supply of childcare 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 UN Special Rapporteur on the Rights of Indigenous Peoples (2014), the UN 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.

Heterogeneous provincial policies present another potential human-rights challenge in Canada. Conversion therapy, for instance, is banned only in Ontario and Manitoba, but continues to be legal elsewhere. Another case in point is the highly controversial Bill 21 passed in Quebec in 2019, which restricts government employees' right to wear religious symbols if they are in positions of authority (e.g., school teachers, police officers or judges). This bill been criticized by several UN rapporteurs for violating the UN Covenant on Civil and Political Rights, which the

Canadian government signed. Due in part to the bill's popularity with Quebec voters, however, the federal government has been reluctant to interfere. In any event, further action by the federal government would have to entail taking the issue to court, basing the argument either on the constitution generally or specifically on the Canadian Charter of Rights and Freedoms.

Citation:

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

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.

Equaldex. LGBTQ Rights in Canada, retrieved Nov 20 2019 from <https://www.equaldex.com/region/canada>

Human Rights Watch, World Report 2018, available at [https://www.hrw.org/sites/default/files/world\\_report\\_download/201801world\\_report\\_web.pdf](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>

## 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 the residence requirement for social assistance (which, if not fulfilled, lowers the amount of assistance) offered to immigrants from outside the European Union. While formally treating all immigrants equally, the scheme in particular targets immigrants from low-income countries with a low employment rate.

Immigration laws have been tightened several times since 2001. While previous parliaments were often split on these changes, parliamentary majorities have in recent years supported a tightening of immigration policy. Consequently, the recent shift in the position of the Social Democratic Party is significant. After coming to power in June 2019, the new Social Democratic government has liberalized a few minor aspects of Danish immigration policy. Though family reunions, except in the case of spouses from other EU member states, remain extremely difficult.

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 long-standing challenge, and is reflected in the largest gender pay gap in Europe and the highest share of citizen appeals to the GEETC. In 2018, nearly half of appeals (137 out of 304) concerned gender issues. 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.

Citation:

Gender Equality and Equal Treatment Commissioner (2019). Annual Report to the Constitutional Committee of the Riigikogu. [https://www.volinik.ee/wp-content/uploads/2019/06/2018\\_aastaaruanne\\_voliniku-kantsesei\\_.pdf](https://www.volinik.ee/wp-content/uploads/2019/06/2018_aastaaruanne_voliniku-kantsesei_.pdf)

## 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 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 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 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 levels. In 2015, the government adopted legislation to increase the number of women on corporate supervisory boards. The law stipulates a 30% share of women on the boards of large companies.

The Federal Constitutional Court decided in June 2013 that treating same-sex and opposite-sex marriages differently from a taxation perspective was unconstitutional. Regulatory changes reflecting this ruling were adopted within weeks by the parliament. In January 2015, the court ruled that a bill banning headscarves for teachers at public schools must adhere to federal-state laws (Ländergesetze). In its ruling, the court indicated that generally prohibiting teachers in state schools from expressing their religious beliefs through their outer appearance was 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 ruled that the government must recognize a third gender category in order to avoid discrimination against intersexual persons.

Citation:

<https://www.bundesverfassungsgericht.de/SharedDocs/Pressemitteilungen/EN/2015/bvg15-014.html>

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

## Luxembourg

Score 8

The Centre for Equal Treatment (Centre pour l'égalité de traitement, CET) was created 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.

As an example, in 2018 a misogynistic caricature was printed in a school textbook for nine- to 10-year-old students published by the Syndicat National des Enseignants ("Mon cahier de vocabulaire – Tome 1 – Cycle 3.2"). The caricature was of a female teacher in a provocative pose. In addition, the text "J'adore mon institutrice" was written on the chalkboard in the image. This caricature seemed to convey the sense that students could like their teacher, if the teacher acted according to the caricature. Due to its controversial message, an investigation was initiated.

## 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.

What is more, New Zealand has, for a long time, pursued positive discrimination measures to address the structural disadvantages to which the Māori are subject. The electoral system for parliamentary elections has, since the implementation of the Māori Representation Act in 1867, included Māori electorates specially set up for people of Māori ethnicity or ancestry who choose to place themselves on a separate electoral roll (currently, there are seven Māori electorates). In 1975, the Treaty of Waitangi Act established the Waitangi Tribunal to redress grievances that Māori face

as a result of colonization. In particular, the Waitangi Tribunal investigates Māori land claims and comments on government policies that have the potential to affect the Māori population. New Zealand law also imposes Māori quotas in certain areas, such as in fishing and tertiary education.

However, these measures have had little effect, as Māori continue to experience significant disadvantages in a wide range of ways. Compared to Pākehā (New Zealanders of European descent), Māori suffer worse health, have lower education attainments, employment and income, and are more likely to be victims of crime. Māori are also disproportionately represented in the penal system, accounting for just over half of the prison population as of December 2018.

In 2018, the United Nations Committee on Economic, Social and Cultural Rights expressed serious concerns about racial discrimination. The Committee called attention to the fact that Waitangi Tribunal recommendations are not binding and are frequently ignored, and recommended that the New Zealand government “take immediate steps” to work with Māori in developing the constitutional role of the Treaty of Waitangi.

In addition, New Zealand has come under international scrutiny for the human rights situation for the LGBTQI community. In January 2019, the United Nation’s Human Right’s Council highlighted that, in its current state, the Human Rights Act does not explicitly protect people from discrimination on the grounds of gender identity, it only prohibits discrimination on the grounds of sex.

Citation:

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

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

Hurihanganui, Waitangi Tribunal’s recommendations frequently ignored – UN report, RNZ (<https://www.rnz.co.nz/news/te-manu-korihi/354085/waitangi-tribunal-s-recommendations-frequently-ignored-un-report>)

Murphy, NZ told to improve human rights of LGBTQI people, RNZ (<https://www.rnz.co.nz/news/political/380687/nz-told-to-improve-human-rights-of-lgbtqi-people>)

## 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 Kingdom

Score 8

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

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. These phenomena may be primarily rooted in security concerns rather than in explicit discrimination. They can, however, nurture discriminating path dependencies in criminal investigations. While such relations have lately been the subject of heated public debates in countries like France, the Netherlands and the United States, the debate in the United Kingdom has remained comparatively quiet. Moreover, support for equality measures is evident in how public opinion reacts to cases of discrimination.

## 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, LGBT.

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 Department of Justice under Trump has argued that anti-discrimination legislation does not include transgender workers and has blocked efforts to prohibit discrimination in the workplace based on gender identity. It also supports the right of small businesses to withhold services from LGBTQ individuals if, for example, the business owners have religious objections to same-sex marriages. In an action initiated in a tweet by the president, without consultation of the Department of Defense, the Trump administration has banned transgender individuals from serving in the military. For the most part, however, the Trump administration positions have resisted expansion of anti-discrimination protections, especially for transgendered persons, rather than withdrawing established protections.

## 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 later Coalition governments have shown no interest in implementing the changes. However, the Australian parliament passed a bill on 7 December 2017 that allows same-sex marriage. That bill followed a non-binding referendum that was supported by 61.6% of Australian voters.

As of November 2019, the government was considering legislation aimed at preventing religious discrimination. The Religious Discrimination Act would ostensibly prohibit religious discrimination, although the proposed exemptions would in fact legalize discrimination on the basis of religion, for example by permitting a (religious) school to dismiss an employee because of their faith. It is also possible that the proposed legislation would permit discrimination on the basis of other, normally protected, traits such as sex, sexuality and marital status.

Citation:

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

<https://www.theguardian.com/australia-news/2019/aug/29/what-is-the-religious-discrimination-bill-and-what-will-it-do>

## Cyprus

Score 7

Article 18 of the constitution guarantees equality and non-discrimination for all. It explicitly prohibits discrimination, as do specific laws that aim to protect rights and prevent discrimination on the grounds of gender, race or religion. Legislation also aims to proactively protect the rights of minority groups in various ways. However, no comprehensive policy framework exists that could effectively address the issue of equal and non-discriminatory treatment of all.

In line with relevant EU directives, laws on gender equality and against discrimination enforce equal treatment in employment and training. In practice, inequalities continue, with little progress achieved. Combating racism and other

forms of discrimination and protecting persons with disabilities remain unattained goals. Disabled persons face problems in their movement and access to employment.

The adoption, in late 2015, of a law on civil partnerships and the recognition of a right to parental leave in 2017 are among the positive steps promoted in recent years.

In its conclusions published in June 2019, the Council of Europe's ECRI observed that its 2016 recommendations relating to the Office of the Ombudsman acting as an anti-discrimination authority were only partly met. And though it "strongly recommended that the authorities develop a new integration plan for non-nationals," including various foreign groups, its recommendation has not yet been implemented. The Gender Equality Index for Cyprus (56.3) was below the EU average (67.4) in 2019.

The 2019 murder of seven persons by a serial killer raised many questions. Critics argued that the disappearances were not properly investigated by police because the victims were foreign domestic workers.

Citation:

1. Cyprus serial killer case exposes abuse of migrant women, BBC, 2 May 2019, <https://www.bbc.com/news/world-europe-48110874>
2. CoE European Commission Against Racism and Intolerance, Conclusions on the Implementation of Recommendations, Cyprus, June 2019, <https://rm.coe.int/interim-follow-up-conclusions-on-cyprus-5th-monitoring-cycle-/168094ce05>

## 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 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 effectively. Women in particular, though theoretically enjoying equality before the law, continue to face workplace discrimination in practice. The Romany minority (numbering probably more than 200,000) is also subject to discrimination despite legal protections.

In the years 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). In January 2018, the parliament adopted legislation that limited the jurisdiction of muftis applying Shariah principles to family-law disputes among Muslims in Thrace (in December of the same year, the European Court of Human Rights ruled that the system in place prior to the legal change was discriminatory).



Greece has seen significant improvement in the protection of LGBTI rights in recent years. New legislation passed between 2015 and 2017 grants extensive rights to same-sex couples, and recognizes self-proclaimed gender identities for people experiencing gender dysphoria.

In the autumn of 2019, the sudden new influx of refugees and migrants to Greece took the government and the population by surprise. The inflow provoked negative reactions within many communities of small towns and villages, particularly when reception centers for refugees and migrants had been built in their vicinities. A general climate of unfriendliness, if not outright hostility, toward refugees and migrants had at this point become palpable in communities scattered around Greece.

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 has still not ratified it. This hinders the state's ability to address the issue of domestic violence in Latvia, as Latvia lacks an integrated approach to eradicating it. None of the NGOs that provide services to women who have suffered from violence receive financial assistance from the state. 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. OECD (2019) Social Institutions and Gender Index, Available at: <https://www.genderindex.org/wp-content/uploads/files/datasheets/2019/LV.pdf>, Last assessed: 15.11.2019
2. European network of legal experts in gender equality and non-discrimination (2018), 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: 15.11.2019
3. European network of legal experts in gender equality and non-discrimination, Country report: Gender equality 2018, Available at: <https://www.equalitylaw.eu/downloads/4765-latvia-country-report-gender-equality-2018-pfd-1-58-mb>, Last assessed: 15.11.2019
4. UN (2018) Global Database on Violence Against Women, Available at: <http://evaw-global-database.unwomen.org/fr/countries/europe/latvia#1>, Last assessed: 15.11.2019
5. Kamenska, A. (2013), Report on Measures to Combat Discrimination, Country Report: Latvia, European Network of Legal Experts in the Non-discrimination Field, Available at: <https://www.refworld.org/pdfid/54734a3a4.pdf>, Last assessed: 15.11.2019
6. Latvian Centre for Human Rights (2011), Anti-discrimination in Latvia: From Legislation to Judicial Practice, Available at [http://cilvektiesibas.org.lv/site/attachments/29/01/2012/Diskriminacijas\\_noversana\\_Latvija\\_II\\_Screen.pdf](http://cilvektiesibas.org.lv/site/attachments/29/01/2012/Diskriminacijas_noversana_Latvija_II_Screen.pdf), (in Latvian): Last assessed: 15.11.2019
7. Ombudsman of Latvia (2017), Annual Report, Available at: [http://www.tiesibsargs.lv/uploads/content/legacy/2017\\_annual\\_report\\_summary\\_1523\\_624612.pdf](http://www.tiesibsargs.lv/uploads/content/legacy/2017_annual_report_summary_1523_624612.pdf), Last assessed: 15.11.2019.
8. University of Latvia, Social and Political Research Institute (2014). How Democratic is Latvia: Democracy Audit 2005 – 2014. Available at: [https://www.szf.lu.lv/fileadmin/user\\_upload/szf\\_faili/Petnieciba/sppi/demokratija/ENG\\_Audit\\_of\\_Democracy\\_2015.pdf](https://www.szf.lu.lv/fileadmin/user_upload/szf_faili/Petnieciba/sppi/demokratija/ENG_Audit_of_Democracy_2015.pdf), Last assessed: 15.11.2019.

## 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.

Lithuania ranks 23rd in the European Union on the Gender Equality Index, with 55.5 out of 100 points. Between 2005 and 2017, there was little progress made toward greater gender equality. According to the European Institute of Gender Equality, Lithuania's scores are lower than the EU average almost in all domains, especially those of power (gender equality in decision-making positions across the political, economic and social spheres) and time (gender inequalities in the allocation of time spent doing care and domestic work and social activities).

Citation:

Report on racism and related discriminatory practices in Lithuania can be found at [http://cms.horus.be/files/99935/MediaArchive/publications/shadow%20report%202010-11/ENAR%20Shadow%20Report\\_Lithuania\\_2011\\_FINAL\\_CONFIRMED.pdf](http://cms.horus.be/files/99935/MediaArchive/publications/shadow%20report%202010-11/ENAR%20Shadow%20Report_Lithuania_2011_FINAL_CONFIRMED.pdf)

Information on Lithuania by the Committee on the Elimination of Racial Discrimination is available at <http://www2.ohchr.org/english/bodies/cerd/followup-procedure.htm>

The 2019 freedom rating of Lithuania by the Freedom House is available at <https://freedomhouse.org/report/freedom-world/2019/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>  
The 2019 Gender Equality Index available at <https://eige.europa.eu/gender-equality-index/2019/LT>

## 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 fewer negative connotations in a religiously and culturally diverse society like the Netherlands). Nevertheless, while it is difficult to document racism as manifest in decisions or actions taken (the number of complaints is not public), it cannot be denied that racism is increasingly manifest in verbal statements. A recent expert report criticized Dutch anti-discrimination sanctions as “ineffective,” and as neither “dissuasive” nor “proportionate.” Previous signals that discrimination is practiced by Dutch police have recently been confirmed; for instance, a chief of police who identified and sought to address discrimination in her own precinct was recently fired.

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)

NRC Next, 22 November, 2018. Neemt racisme toe in Nederland? (NRC.nl, accessed 3 November 2019)

NRC Next, 16 July 2019. Discriminatie en uitsluiting bij de politie, we konden het weten (nrs.nl, accessed 3 November 2019)

NRC Next, 25 September 2019. Politiechef die discriminatie aankaarte, is naar huis gestuurd. ((NRC.nl, accessed 3 November 2019)

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

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

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

B. van der Ent, 2019. Discriminatie op de arbeidsmarkt, in *Sociologie*, 4,1:25-57

## 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. As the report noted below indicates, Portugal is recognized for having a low level of discrimination.

Nevertheless, two areas of concern remain.

First, the gap between average pay for women and men, which is higher now than in the late 2000s. The most recent data indicates an unadjusted gender wage gap of 16.3% in 2017. This is better than the level in 2016 (17.5%), but it is still above the EU average and well above the levels in the 2000s, when it stood at 8.5% in 2007.

Second, racial discrimination remains a concern. The Commission for Equality and Against Racial Discrimination (CICDR) received and analyzed 346 complaints regarding racial discrimination in 2018, an increase of some 93% compared to 2017 (119). This was the highest number since at least 2000, surpassing the previous high in 2017.

As in the previous SGI review period, the current period was marked by cases of apparent discrimination, which gained considerable media traction. In particular, a video of police violence against people of Angolan origin in a deprived neighborhood in the suburbs of Lisbon (Bairro da Jamaica) in January 2019 sparked considerable public discussion and protests, though with little practical consequence. In the aftermath of this debate, the vice-president of the largest police union spoke of his academic research in which he highlighted the existence of pockets of racism and xenophobia in the police force. He was forced to resign from his post in the union as police officers protested against his comments.

The period under review also saw the conclusion of the trial involving 17 police officers accused of carrying out and then covering up racially motivated attacks on a group of young black Portuguese men in 2015. In total, eight of the police officers were found guilty of some of the charges, although all were acquitted of the charges of racism and torture. The decision was seen as historic, as it was the first of its kind to involve an actual prison sentence for a police officer: one of the officers was sentenced to a year and half in prison (for being a repeat offender), with the other seven receiving suspended sentences. However, the outcome did not satisfy the plaintiffs, who felt that the accused had got off lightly. It also did not satisfy some police sectors, with one police union starting a fund-raising campaign in support of the officers found guilty.

Citation:

Comissão para a Igualdade e Contra a Discriminação Racial, “Relatório Anual 2018,” available online at: <https://www.cicdr.pt/documents/57891/0/Relatorio+Anual+2018++VERSÃO+FINAL.pdf/61a87690-3cdd-43e4-ab7f-1f415559fb42>

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 (2019), “PSP abre inquérito à denúncia de violência policial no Bairro da Jamaica,” available online at: <https://www.publico.pt/2019/01/20/sociedade/noticia/familia-denuncia-violencia-policial-bairro-jamaica-1858659>

Público (2019), “Sindicalista histórico demite-se após alertar para racismo na PSP,” available online at: <https://www.publico.pt/2019/05/27/sociedade/noticia/maior-sindicato-pp- perde-dirigente-historico-1874346>

Público (2019), “Oito polícias de Alfragide condenados, nove absolvidos. Vítimas vão receber indemnizações,” available online at: <https://www.publico.pt/2019/05/20/sociedade/noticia/julgamento-alfragide-decisao-1873346>

TVI24 (2019), “Sindicato dos Profissionais de Polícia abre conta solidária para agentes condenados da Esquadra de Alfragide,” available online at: <https://tvi24.iol.pt/sociedade/psp/sindicato-dos-profissionais-de-policia-abre-conta-solidaria-para-agentes-condenados-da-esquadra-de-alfragide>

<https://tvi24.iol.pt/...2019/ocde-portugal-tem-niveis-de-discriminacao-muito-baixos-c..>

## 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 2018 addressed several well-known 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 (2019): Annual Report for 2018. Ljubljana ([http://www.varuh-rs.si/fileadmin/user\\_upload/pdf/lp/LP\\_2018.pdf](http://www.varuh-rs.si/fileadmin/user_upload/pdf/lp/LP_2018.pdf)).

## 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. Although in 2018, the Council of Europe acknowledged that there is less hate speech in Spain than in other European countries, the rise of populist movements, including Vox, led to stronger rhetoric on immigration and minority group issues during the elections campaigns in 2019.

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. During the period under review, no visible progress has been made on this issue.

Citation:

ECRI (2018), Fifth report on Spain.

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

## Austria

### Score 6

Austrian law bars discrimination based on gender, religion, race, age or sexual orientation. In practice, despite the institutionalization of an anti-discrimination policy, discrimination is evident within Austrian society. This includes indirect discrimination directed against women, who are still underrepresented especially at the level of management in the business sector; discrimination against dark-skinned persons, in some cases by the police; and gays and lesbians, whose position has improved, but still features structural disadvantages. Particularly with reference to sexual orientation, Austrian policies 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 form of discrimination and same-sex marriage were legally recognized as of 1 January 2019 – against the opposition of a vocal, but politically insignificant minority.

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, some are questioning 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

Belgium is a highly diverse and generally tolerant country. Residents of Brussels represent 184 nationalities. Gay marriage has been legal since 2003, although cohabitation is not always easy. Nevertheless, racist or homophobic hate speech does exist and could be more harshly penalized. Discrimination also translates into lower employment rates and educational achievements among Belgian residents of foreign origin.

A dark spot has been the refugee crisis that led from the Libyan and Syrian civil wars. Although the government denies wrongdoing, human rights activists denounced police abuse when dealing with the presence of refugees in public parks. Hate speech also seems to have increased during the electoral period and elections



witnessed a renewal for the extreme-right, with the Vlaams Belang winning 18% of votes in the Flemish regional elections in May 2019. As a consequence, the newly created Flemish government decided to withdraw from UNIA, the Interfederal Centre for Equal Opportunities and Opposition to Racism.

Though, to repeat, this dark spot is not the whole picture. The press, the judiciary and most political forces actively oppose racism and discrimination.

Less apparent, Belgium is less active in its support for disabled people and, in that regard, Belgium performs less well than most northern European countries. Another significant issue, which has thus far been systematically neglected, is the rights of and protections for elderly people living in retirement homes. Retirement home residents comprise a growing proportion of the population and it is clear – though this is not systematically monitored – that there are issues related to residents’ rights (e.g., issues of maltreatment).

Citation:

UNIA: <https://www.unia.be/en>

[https://www.rtb.be/info/belgique/detail\\_accord-flamand-une-politique-d-immigration-et-d-integration-nettement-plus-strict?id=10329078](https://www.rtb.be/info/belgique/detail_accord-flamand-une-politique-d-immigration-et-d-integration-nettement-plus-strict?id=10329078)

[https://www.rtb.be/info/societe/detail\\_violences-policiers-sur-migrants-30-des-victimes-sont-des-mineurs?id=10054512](https://www.rtb.be/info/societe/detail_violences-policiers-sur-migrants-30-des-victimes-sont-des-mineurs?id=10054512)

<https://plus.lesoir.be/243237/article/2019-08-22/les-signalements-de-haine-en-ligne-ont-double-en-periode-electorale>

<https://fondspourlejournalisme.be/telechargements/A-MImpelImagine.pdf>

## 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. 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 54th out of 149 countries in the 2018 Global Gender Gap Index; its parity-imparity score (ranging from 0.00 = imparity to 1.00 =

parity) is 0.717. Both figures represent an improvement compared to previous years. Only about 22.6% of Chile's serving deputies and 23.3% of the senators are women, a slightly better average than the former election period. 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 mandated that at least 30% of labor-union representatives be women.

As of the end of the review period, same-sex marriages had not been recognized, while both heterosexual and homosexual couples could enter into civil unions. However, two draft laws on same-sex marriage and same-sex couples' adoption of children were being debated by Congress.

Citation:

Interparliamentary 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>

<https://prensa.presidencia.cl/comunicado.aspx?id=95682>

## 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 a relatively serious problems. The gap between the average wages of women and men has decreased slightly, to 21%, but this remains one of the highest rates in the EU. The representation of women in national-level political bodies has not changed significantly; only 22% of the parliament's members are women. Women's representation in other decision-making positions has also remained comparatively weak. The World Economic Forum's 2020 Global Gender Gap Report ranked Czechia 78th out of 153 countries, primarily due to the challenges facing women in the areas of economic participation and political empowerment.

The discrimination against Roma people remains another grave issue. Approximately half of the Roma population (estimated at 240,000 individuals, or 2.2% of the population) lives in poverty and suffers from social exclusion. Most Roma live in the

Ústí and Moravian-Silesian regions, which show the highest rates of social exclusion. The majority society continues to hold a negative perception of the Roma minority; public-opinion surveys show Roma as the Czech minority perceived as being the second-most unsympathetic, after Arabs. Roma are hampered within the labor market primarily by societal prejudices and discrimination, along with low average education and skills levels within this population. Poverty, high levels of indebtedness, societal prejudices, a lack of affordable housing and low incomes additionally hinder some Roma individuals' ability to access housing.

Citation:

Guasti, P., L. Bušíková (2020): In Europe's Closet: the rights of sexual minorities in the Czech Republic and Slovakia, in: *East European Politics* 36(2): 226-246.

World Economic Forum (2020): *The Global Gender Gap Report 2020*. Geneva ([http://www3.weforum.org/docs/WEF\\_GGGR\\_2020.pdf](http://www3.weforum.org/docs/WEF_GGGR_2020.pdf)).

## France

Score 6

In principle, any discrimination based on factors such as gender, race, ethnic origin or religion is banned by the constitution and by many specific laws. 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 healthcare 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 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 studies have confirmed the discriminatory 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).

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 respect. 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 work and pay 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 2019, 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.

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

## 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, especially against the highly marginalized Roma minority. There is some labor market discrimination based on gender, sexual orientation, physical and mental ability, and ethnicity. The public discourse has become increasingly xenophobic, as explicitly nationalistic parties serve in the ruling coalition and routinely rely on agitation during election campaigns. The government failed to push through the ratification of the Istanbul Convention, and some portions of it were pronounced unconstitutional by the Constitutional Court.

## Croatia

**Score 5** Although discrimination has been prohibited by several different legislative acts for some time, the new Anti-discrimination Act (ADA), which entered into force in 2009, was an important step. The new act prohibits discrimination in 10 specific areas of social life and distinguishes 17 different forms of discrimination. It has enabled new forms of judicial redress for cases of discrimination. The Ombudsman institutions have a large role in combating discrimination, and the Office of the Public Ombudsman serves as a central anti-discrimination body under the ADA. However, although discrimination is prohibited by the law, the legislation has not been fully implemented, and certain vulnerable groups still experience discrimination. In particular, the Roma sometimes encounter discrimination in education and employment. The rights of LGBT persons have been occasionally circumscribed, but Zagreb and Split Pride, as well as the failure of conservative NGOs to collect sufficient signatures for a referendum against the Istanbul Convention suggest that the overall social climate toward LGBT community has significantly improved. Despite the fact that gay couples are denied the right to officially marry, they can enter into same-sex partnerships with almost equal rights to opposite-sex partnerships since 2014. A court decision in December 2019 finally acknowledged the right of gay couples to become foster parents.

## Israel

**Score 5** Israel's main venue for dealing with cases of discrimination is the court system, particularly the Supreme Court, which addresses cases of discrimination against women and minorities in professional, public and state spheres. Israel has 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.

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.

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.

Citation:

Association for Civil Rights in Israel, <http://www.acri.org.il/campaigns/report2016en/>

Gild-Hayo, Debbie, Overview of Anti-Democratic Legislation Advanced by the 20th Knesset, October 2018: <https://law.acri.org.il/en/wp-content/uploads/2018/10/Overview-of-Anti-Democratic-Legislation-October-2018.pdf>

Heruti-Sover, Tali. “Gender Wage Gap in Israel Among Highest in the West,” 11/10/2017: <https://www.haaretz.com/israel-news/business/gender-wage-gap-in-israel-among-highest-in-the-west-1.5457004>

Heruti-Sover, Tali. “Report Finds Wide but Varying Pay Gaps by Gender, Religion and Background,” 19/2/2019, Haaretz: <https://www.haaretz.com/israel-news/business/report-finds-wide-but-varying-pay-gaps-by-gender-religion-and-background-1.6953271>

Mako editorial “The Surrogacy Storm: General Strike and Rage March of the LGTB Community,” 18/7/18, MAKO: <https://www.mako.co.il/pride-news/local/Article-530a21c9e6da461006.htm>

Sober, Tali Heruty “A rise of 23% in the employment of disabled,” The Marker, 29/11/17: <https://www.themarker.com/career/1.4647745>

Swirsky, S., E. Konor-Atias, “Social status report 2017,” January 2018. (Hebrew) <http://adva.org/wp-content/uploads/2018/07/Social-Report-2017.pdf>

Tzameret-Kertcher, Hagar, Naomi Chazan, Hanna Herzog, Yulia Basin, Ronna Brayer-Garb and Hadass Ben Eliyahu. “The Gender Index, Gender Inequality in Israel 2018,” The Van-Leer Jerusalem Institute, <https://genderindex.vanleer.org.il/wp-content/uploads/2019/03/Gender-Index-2018.pdf>

Zohar, Gal, “Equal participation – comparative view- Israel and the World,” Report to the Ministry of Justice, 2016 <http://webcache.googleusercontent.com/search?q=cache:wFtosSXqLwAJ:www.justice.gov.il/Units/NetzivutShivyon/SiteDocs/Disabilities-Affirmative-Action-Report.docx+&cd=2&hl=iw&ct=clnk&gl=il>

Minority Rights Group International, World Directory of Minorities and Indigenous Peoples – Israel: Ethiopian Jews, August 2018, <https://www.refworld.org/docid/5ba34c097.html>

## Italy

Score 5

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). In principle, Italy has a very inclusive model for integrating physically and mentally disabled persons. However, in some regions, the system lacks financial resources.

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 and Sicily, as well as to ethnic groups with ancient roots such as the Alberesh, which originated in Albania. Some municipalities have democratically elected assemblies to represent migrants in local decision-making processes.

The Department for Equal Opportunities, which reports to the president of the Council of Ministers, has improved efforts to monitor gender discrimination in the public administration on a regular basis. The department's 2018 report indicates that – with some exceptions – significant gains have been 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 among independent authorities. Gender representation in the business sector is generally less satisfactory, but improving. Much greater progress has been achieved in political institutions such as parliament, assemblies and the cabinet. Eurostat data indicates that the gender pay gap in Italy (5%) is well below the EU average (16%).

Discrimination against immigrants is widespread, particularly with regard to illegal immigrants. Whereas immigrants generally enjoy access to the healthcare system, their rights in other areas – labor relations in particular – are not well protected. The first Conte government and especially Minister of the Interior Matteo Salvini (Northern League) officially encouraged Italians to oppose immigrants and foreigners, promoting discrimination against immigrants and other minorities.

Citation:

<http://www.pariopportunita.gov.it/wp-content/uploads/2018/10/tabella-andamento-temporale.pdf>

[https://ec.europa.eu/eurostat/statistics-explained/index.php/Gender\\_pay\\_gap\\_statistics#Gender\\_pay\\_gap\\_levels\\_vary\\_significantly\\_across\\_EU](https://ec.europa.eu/eurostat/statistics-explained/index.php/Gender_pay_gap_statistics#Gender_pay_gap_levels_vary_significantly_across_EU)

## Japan

### Score 5

Women still face considerable discrimination, particularly in the labor market. Women's average salaries remain 27% below those of their male colleagues (2016 data). Only slightly more than 10% of the lower house's lawmakers were women as of early 2019, placing Japan among the 30 worst-performing countries worldwide in this regard. Prime Minister Abe has called women "Japan's most underused resource," but there were only two women in his cabinet formed in September 2019.

The government has designated "womenomics" as a key pillar of its reform program. Programs being implemented under this rubric include childcare support and similar measures. Still, given the persistent undercurrent of sexism in Japanese society, de facto workplace discrimination will be hard to overcome.

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 abuse.



Japan ranks below the OECD average with regard to discrimination against LGBT individuals.

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

The treatment of refugees and asylum-seekers is frequently criticized. Asylum is still rarely granted – only 42 asylum-seekers saw their applications approved in 2018, out of 10,493 total applications. In 2019, a hunger strike protesting harsh conditions occurred in one of the country's immigrant detainee centers.

Citation:

Inter-Parliamentary Union, Statistical Archive: Women in National Parliaments, <http://archive.ipu.org/wmn-e/arc/classif010219.htm> (accessed 6 December 2019)

Kathy Matsui et al., *Womenomics 5.0*, Goldman Sachs, Portfolio Strategy Research, April 2019

OECD, *Society at a Glance 2019. A spotlight on LGBT people. How does Japan compare?*, March 2019

Sakari Mesimaki, *The Quiet Desperation of Refugees in Japan*, *The Diplomat*, 23 August 2019, <https://thediplomat.com/2019/08/the-quiet-desperation-of-refugees-in-japan/>

## 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. The country has also worked to increase female representation at various levels, although women are still underrepresented in parliament, on state boards and in the workforce compared to most EU states. Malta's rank remains unchanged at 15th place in the EU-28 in a 2019 index published by the European Institute for Gender Equality. In the index, the country scored well in terms of health and monetary resources, but very poorly in terms of women's access to power. A bill on the issue of equality bill is presently making its way through parliament. This act will give legal protection to victims of discrimination, and harmonize equality and non-discrimination laws. It will include gender quotas with regard to parliamentary representation and in the public administration to ensure that at least 40% of positions are held by women. 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 country's small size, but aggravated by the

type of electoral system in place. Aggrieved citizens may take cases 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:

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

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

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

<http://www.timesofmalta.com/articles/view/20160615/local/agreement-reached-on-electricity-tariffs-for-rented-properties.615486>

[http://www.maltatoday.com.mt/news/national/80052/muscat\\_to\\_participate\\_in\\_mentoring\\_programme\\_for\\_women\\_in\\_politics#.WesByVuCyM8](http://www.maltatoday.com.mt/news/national/80052/muscat_to_participate_in_mentoring_programme_for_women_in_politics#.WesByVuCyM8)

[http://www.maltatoday.com.mt/news/national/80676/strong\\_representation\\_of\\_women\\_in\\_parliament\\_next\\_step\\_for\\_maltas\\_democracy#.WesClluCyM8](http://www.maltatoday.com.mt/news/national/80676/strong_representation_of_women_in_parliament_next_step_for_maltas_democracy#.WesClluCyM8)

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

European Institute (2019) Gender equality Index

Equity Act 2019 <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lp&itemid=29681&l=1>

## 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. In this respect, Mexico is the leading country in the OECD. Additionally, five women ran as candidates for mayor of Mexico City, with Claudia Sheinbaum (MORENA) becoming the first woman to govern the city. A crucial problem in gender discrimination are femicides. Between 2015 and June 2019, more than 3,000 women were murdered in Mexico, which marks a rising tendency.

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. The government of López Obrador has taken further steps to strengthen LGBT rights. In May 2019, Foreign Affairs Secretary Marcelo Ebrard announced that Mexican consulates around the world would start conducting same-sex marriages for citizens. Marcelo Ebrard had been a strong supporter of same-sex marriage while mayor of Mexico City.

However, while there is more awareness of gender and LGBT rights, attention to indigenous rights and other forms of social stigmatization is more limited, and, as is often the case in Mexico, there is a considerable gap between formal rights, and their effective guarantee and enforcement.

Citation:

Human Rights Watch (2018). "Mexico Ruling Backs Same-Sex Couple." <https://www.hrw.org/news/2018/11/01/mexico-ruling-backs-same-sex-couple>

Human Rights Watch (2018). "Mexico Transgender Ruling a Beacon for Change." <https://www.hrw.org/news/2018/10/29/mexico-transgender-ruling-beacon-change>

Zizumbo-Colunga, D. and Iván Flores Martínez (2017). "Is Mexico a Post-Racial Country? Inequality and Skin Tone across the Americas." AmericasBarometer: Topical Brief #31, (<https://www.vanderbilt.edu/lapop/insights/ITB031en.pdf>).

<https://www.dw.com/de/gegen-den-strom-frauenmorde-in-mexiko-werden-mehr-und-brutaler/a-50084080>

## 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 without a corresponding increase in resources, rather its budget has been cut by the government. This is mostly due to the PiS's resentment of the office. Anti-discrimination policy has not featured prominently on the agenda of the PiS government. Quite to the contrary, many public positions are not filled according to any anti-discrimination regulations, but according to political loyalty. In addition, 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 legislation on the financing of NGOs already disables those NGOs that campaign against discrimination to access public money, and the Polish Society of Antidiscrimination Law (PSAL) has reported plenty of cases of individual, group-based or institutional discrimination.

Citation:

Helsinki Foundation for Human Rights (2019): Submission to the 99th Session of the Committee on the Elimination

of Racial Discrimination. Warsaw  
([https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal./Download.aspx?symbolno=INT%2fCERD%2fNGO%2fPOL%2f35499&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal./Download.aspx?symbolno=INT%2fCERD%2fNGO%2fPOL%2f35499&Lang=en))

## Romania

### Score 5

The Romanian state has been ineffective in countering discrimination against a number of vulnerable groups, including members of the LGBTQ 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 LGBTQ community. Human Rights Watch criticized the referendum for being "little more than a thinly veiled attempt to scapegoat a vulnerable minority." In November 2018, the Alliance of Liberals and Democrats voiced support for legislation which would allow for civil partnerships or unions for both heterosexual or LGBTQ couples. While a draft law was tabled in parliament to recognize civil partnerships in Romania, the draft law is yet to be considered by both chambers. As a result of the June 2018 ruling of the European Court of Justice, same-sex married partners of EU citizens must be recognized for the purpose of establishing a right of residency in Romania. On April 18, 2019, the International Roma Day, President Iohannis made a statement renewing his commitment to protecting citizens of all ethnic minorities.

#### 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. In the period under review, this did not happen nor were any major anti-discrimination measures introduced.

Citation:

United Nations Committee on the Elimination of Racial Discrimination (2018): Concluding observations on the combined eleventh and twelfth periodic reports of Slovakia. CERD/C/SVK/CO/11-12, Geneva (<http://www.ohchr.org/EN/Countries/ENACARRegion/Pages/SKIndex.aspx>).

## South Korea

### Score 5

Discrimination remains a major problem in South Korea, particularly for women, migrants, LGBT people and North Korean defectors. In the Global Gender Gap Report 2018, South Korea was ranked 115th out of 144 countries measured, up from 118th place the previous year. The gender-based pay gap, at 35%, remains the OECD's largest, with the group's average falling at 13.8%. The Moon government has promised to improve gender equality. As a start, he appointed six female ministers, which at one-third of the cabinet was a considerably higher share than in any previous Korean cabinet. After several reshuffles, the cabinet has now five female ministers. Moon also set a goal of reducing the gender gap in government by 2022 by increasing the share of women in senior government roles to at least 10% and the share of women serving as public-company executives to 20%. Discrimination against non-regular workers and migrant workers remains common, with many migrant workers still having to submit to an HIV test in order to obtain a work visa. 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. While courts have strengthened some rights for the LGBT community, the government has failed to take decisive actions to reduce discrimination. At the time of writing, the Constitutional Court was reviewing Article 92 of the Military Penal Code, which criminalizes sexual relations between members of the same sex within the armed forces. Violations are punished by up to two years in prison regardless of whether the sexual relation was consensual or not.

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](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](http://www3.weforum.org/docs/WEF_GGGR_2017.pdf)

Human Rights Watch. 2019. "South Korea: Events of 2018." Retrieved from <https://www.hrw.org/world-report/2019/country-chapters/south-korea>.

The World Economic Forum. 2018. "The Global Gender Gap Report 2018." Retrieved from [http://www3.weforum.org/docs/WEF\\_GGGR\\_2018.pdf](http://www3.weforum.org/docs/WEF_GGGR_2018.pdf).

Stangarone, Troy. 2019. "Gender Inequality Makes South Korea Poorer." The Diplomat, June 14. Retrieved from <https://thediplomat.com/2019/06/gender-inequality-makes-south-korea-poorer/>.

## 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, while there are only two female ministers in the fourth Orbán government, this low number is a sign of progress compared to the third 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. In this respect, government policies follow a distinct pattern: They are built up as political campaigns funded with state money and serve as a lightning rod every time the population shows some dissatisfaction with government policies. Thus, they do not reflect a conviction or (crude) political philosophy, but are part of the tactical weaponry of the regime.

## 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. Gender disparities still exist in areas such as decision-making, employment, education and health outcomes. Gender-based violence is widespread. The Türkiye İnsan Hakları ve Eşitlik Kurumu (NHREI), which is in charge of applying anti-discrimination legislation, finalized only 35 decisions between January 2018 and October 2019. Hate crime legislation is not in line with international standards and does not cover hate offenses based on sexual orientation. Turkey has ratified the Council of Europe Istanbul Convention on preventing and combating violence against women, domestic violence and gender-related violence. However, hate speech and discrimination against LGBT communities, who do not have any legal protections, are serious problems.

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 punishable by up to four years in prison. In 2018, 2,462 persons were convicted of "insulting" President Erdoğan. During the last four years, a total of 5,683 persons were found guilty of this "crime."

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.

The use of Kurdish and some other languages in formal education is gradually becoming more common. However, there are no anti-discrimination employment or social policy strategies or action plans in place.

The Ministry for Family and Social Policies adopted a national action plan to combat violence against women. Recently, the ministry announced the Strategic Document and Action Plan for Strengthening 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.

On the rights of persons with disabilities, Turkey continues to promote inclusive education services. The challenges of child poverty, child labor and child marriage persist. Similarly, gaps in access to quality education, and protection from violence and abuse persist, particularly for the most vulnerable groups, including Roma.

Citation:

European Commission, Turkey 2019 Report, Brussels, 29.5.2019, <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-turkey-report.pdf> (accessed 1 November 2019)

Türkiye İnsan Hakları ve Eşitlik Kurumu, 2018 ve 2019 Kararları, <https://www.tihk.gov.tr/kategori/2019-kurul-kararlari/page/3> (accessed 1 November 2019)

World Justice Project, Rule of Law Index 2019, <https://worldjusticeproject.org/sites/default/files/documents/ROLI-2019-Reduced.pdf> (accessed 1 November 2019)

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

Şiddetten Ölen Kadınlar İçin Dijital Sayaç, [anitsayac.com/](https://anitsayac.com/) (accessed 1 November 2019)

Kadının Güçlenmesi Strateji Belgesi ve Eylem Planı (2018-2023), <https://ailevecalisma.gov.tr/ksgm/ulusal-eylem-planlari/kadinin-guclenmesi-strateji-belgesi-ve-eylem-plan-2018-2023/> (accessed 1 November 2019)

Hate Speech Report: Jews, Armenians and Syrian Refugees Most Targeted Groups in 2018, 13 September 2019, <http://bianet.org/english/minorities/213010-hate-speech-report-jews-armenians-and-syrian-refugees-most-targeted-groups-in-2018> (accessed 1 November 2019)

Cumhurbaşkanına Hakaret Hükmü, <https://www.dogrulukpayi.com/bulten/2018-yilinda-cumhurbaskanina-hakareten-kac-kisi-sanik-oldu> (accessed 1 November 2019)

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