



JANUARY 2019

COUNTRY SUMMARY

European Union

Despite falling numbers of migrants arriving at the borders of the European Union, populist leaders in EU states sought to use the issue of migration to stoke fear and increase their support at the polls. Their positions on migration frequently undermined the EU's moral standing and often had little to do with effective policy. However, EU institutions acted to address the Hungarian government's attacks on the country's democratic institutions and the Polish government's attacks on the rule of law.

Migration and Asylum

Despite arrivals of migrants and asylum seekers decreasing to pre-2015 levels, the often-opportunistic hardline approach of anti-immigrant European Union governments, including those of Italy, Hungary, and Austria, dominated the migration debate throughout the year.

With disagreements blocking agreements on reforms of EU asylum laws and fair distribution of responsibility for processing migrants and asylum seekers entering and already present in EU territory, the focus remained on keeping migrants and asylum seekers away from the EU, including through problematic proposals for offshore processing and migration cooperation with non-EU countries with fewer resources, uneven human rights records, and less capacity to process asylum claims.

By mid-November, 107,900 arrivals were registered by sea (the vast majority) and over land, compared to 172,300 in 2017. A combination of factors, including the EU's problematic migration cooperation with Libya and curbs on nongovernmental rescue efforts in the central Mediterranean, led to a marked decrease in arrivals to Italy, while crossings from Turkey to Greek islands and from Morocco to Spain increased.

The EU consolidated its partnership on migration control with Libya despite overwhelming evidence of brutality against migrants and asylum seekers there. Support to the Libyan Coast Guard, combined with the International Maritime Organization's recognition, in June,

of a Libyan search-and-rescue zone, meant that increased numbers of people were intercepted at sea and subsequently detained in abusive conditions in Libya.

A United Nations High Commissioner for Refugees (UNHCR) program to evacuate vulnerable asylum seekers from Libya to Niger did not receive sufficient resettlement offers from EU countries. In September, UNHCR updated its non-return advisory for Libya, emphasizing that Libya is not a safe place to disembark rescued persons.

EU member states' efforts to obstruct rescue efforts by nongovernmental organizations (NGOs) and the increasing reliance on Libyan coast guard forces coincided with a skyrocketing death rate. By mid-November, the death toll had reached 2,043, a decrease compared to 2017. But the death rate per crossing increased from 1 in 42 in 2017 in the first eight months to 1 in 18 in the same period in 2018, according to UNHCR.

In early June, Italy began refusing or delaying disembarkation of rescued persons from NGO, commercial, and military ships. With Malta following suit, there were numerous incidents when hundreds of people had to remain aboard rescue ships until ad hoc disembarkation agreements could be reached. There were concerns that the actions could deter merchant vessels from carrying out rescues.

Instead of seeking a regional disembarkation agreement to ensure a fair and predictable system for sharing responsibility among EU countries, European leaders focused on creating so-called disembarkation platforms outside the EU where all rescued persons would be taken for processing of asylum claims. Egypt, Tunisia, and other North Africa states, and Albania were proposed as possible partners despite concerns about conditions, treatment, and meaningful access to asylum.

Proposed reforms to EU asylum laws, put forward in May 2016, remained largely blocked. Changes to the EU Dublin regulation needed to ensure a more equitable distribution of responsibility for asylum processing remained the most contested.

Belgium moved forward with plans to resume family immigration detention, completing the construction of new detention units for migrant families with children in mid-2018. It had abandoned immigration detention of children, whether unaccompanied or with families, in

early 2016. EU countries do not systematically report data on immigration detention of children, the EU Agency for Fundamental Rights observed in a 2017 study. Elsewhere in the EU, 16 of the 28 member states held children in immigration detention in 2016, the last year for which complete data are available.

Discrimination and Intolerance

Populist extremist parties and ideas again exercised an outsized influence over European politics during the year. Parties aligned with radical right populism won re-election in Hungary, joined ruling coalitions in Italy and Austria, and gained ground in elections in Sweden and Slovenia, and in state elections in Germany. Poland's populist government remained in power, but lost momentum in local elections in 2018. Elements of the populists' anti-immigration, anti-refugee and anti-Muslim policy agenda continued to be embraced by some mainstream political parties in several EU countries, including in Germany.

Danish authorities introduced a series of measures during the year to enforce "Danish values," designating certain areas as "ghettos" based on a high proportion of residents with ethnic minority or immigrant backgrounds, and low social status. Children in those areas would be subject to mandatory daycare in the name of integration. In August, a ban on wearing face veils in public came into effect.

There were instances of racist intolerance or violent hate crimes in many EU states including Bulgaria, France, Germany, Greece, Hungary, Italy, Slovakia, Spain, and the United Kingdom. Anti-Semitism remained a concern in EU member states.

An April report by the EU Fundamental Rights Agency noted that Roma across the EU commonly faced harassment and experienced discrimination in accessing education, employment, and healthcare.

The European Commission launched a consultation to develop standards on disability inclusion in EU-funded humanitarian operations.

Discrimination on the grounds of gender and sex remained widespread. At time of writing, eight member states and the EU had yet to ratify the Istanbul Convention, a Council of Europe treaty on combatting and preventing violence against women. In July, Bulgaria's constitutional court found the treaty incompatible with its constitution.

In Ireland, a referendum in May overturned a near-total abortion ban, and in December parliament finalized approval of legislation legalizing access to abortion was pending before parliament. In Poland, a bill introduced in January to "stop abortion" was still pending at time of writing. The initiative aimed to restrict legal abortions carried out in situations of severe fetal anomaly, the grounds for over 95 percent of legal abortions performed in Poland.

In June, the EU Court of Justice ruled that the same-sex spouses of EU citizens are entitled to free movement to any member state in the EU, even if the member state's marriage laws (in this case Romania) did not authorize same-sex marriages.

Rule of Law

EU institutions stepped up their responses to conduct by EU governments that threatens the rule of law and other EU founding values. Poland and Hungary were subject to the political mechanism contained in article 7 of the EU treaty for posing such threats.

In December 2017, the European Commission activated article 7 over the rule of law crisis in Poland, following the adoption of 13 laws that undermined the country's entire judiciary. At time of writing, EU European affairs ministers had convened two hearings in June and September with the government of Poland to discuss the issues. In parallel, the commission pursued enforcement action against Poland over the Law on Ordinary Courts and the Law on the Supreme Court, referring the cases to the EU Court of Justice in December 2017 and September 2018. In October, the EU Court of Justice ordered Poland to suspend application of the Law on the Supreme Court that would remove sitting judges from their posts until a final decision on the case. At time of writing, the EU Court of Justice had yet to hear the merits of either case.

In July, the EU Court of Justice ruled that national courts can block otherwise automatic extradition requests made by Poland on a case by case basis if it is determined that the defendant would not receive fair trial guarantees.

In September, the European Parliament decided by a two-thirds majority to activate article 7 over the situation in Hungary. The parliament expressed concerns on a wide range of issues, including judicial independence, freedom of expression, freedom of association, academic freedom, and the rights of migrants and asylum seekers.

In December 2017, the European Commission referred Hungary's 2017 Higher Education Law and law on foreign-funded NGOs to the EU Court of Justice. In July 2018, the commission referred Hungary's 2017 asylum law to the court. It also began enforcement action over the anti-NGO law that Hungary adopted in May.

In November, the European Parliament adopted a resolution expressing concern over legislative reforms in Romania that undermine the independence of the judiciary and threaten the ability of NGOs to operate.

In May, the European Commission proposed that the next EU budget starting in 2021 should link distribution of EU funds to member states to their respect for rule of law.

The killing of three journalists in member states raised troubling questions about protection of media freedom in the EU. Maltese investigative journalist Daphne Caruana Galizia was killed in a car bomb in October 2017; Slovak investigative journalist Ján Kuciak was shot dead in February 2017; and Bulgarian TV journalist Viktoria Marinov was raped and killed in October 2018. All three were working on exposing corruption or fraud allegations. None of the cases had been resolved at time of writing.

Terrorism and Counterterrorism

In March, the European Commission announced a series of non-binding "operational measures" for states and internet companies to remove online content deemed terrorism-related or otherwise illegal, raising concerns about privacy and freedom of expression. In September, the commission published a draft regulation that, if passed, would turn these

measures into law, including large fines for internet companies that failed promptly to remove content deemed illegal.

Two key judgments issued together in May by the European Court of Human Rights condemned Lithuania and Romania for their complicity in the CIA's torture and secret detention program in the 2000s. The court also determined that national investigations in both countries were ineffective, calling for a renewal of the investigations to identify and punish responsible officials.

In March, the European Court of Human Rights rejected a request by the Irish government to reconsider the landmark 1978 case *Ireland v UK* on prohibited interrogation techniques used by British security forces in Northern Ireland in the 1970s. Ireland had sought to reopen the case in light of evidence that the UK withheld information which could have altered the finding that the methods were ill-treatment rather than torture.

By September, at least 12 member states had reported transposing into domestic law the 2017 EU directive to combat terrorism. The directive contains provisions that undermine free expression and freedom of movement.

Croatia

According to the minister of interior, 3,200 migrants and asylum seekers crossed into Croatia between January and August, with 852 claiming asylum. Authorities granted 140 people asylum and 21 subsidiary protection during the same period.

In August, UNHCR reported allegations that since January around 2,500 asylum seekers and migrants had been pushed back by Croatian police to Bosnia and Herzegovina, hundreds of cases of denied access to asylum procedures, and over 700 allegations of police violence and theft. The same month, a group of members of the European Parliament from 11 EU states jointly requested the European Commission to urgently investigate the allegations, with the Council of Europe human rights commissioner echoing that call in October.

A decade after Croatia ratified the UN Convention on the Rights of Persons with Disabilities (CRPD), thousands of adults and children with disabilities remain trapped in segregated institutions. A draft law on foster care tabled by the government in May would prioritize placement of adults with disabilities in foster care, including without their consent, in contradiction to the CRPD. It remained pending at time of writing.

A government funded study published in July found that almost all Roma in the country live in poverty and less than a third finish primary school.

A campaign starting in May for a public referendum to reduce the number of seats for ethnic Serbs in the Croatian parliament and limit them from voting on the budget and government formation raised alarm among Serb community leaders and NGOs. Authorities were reviewing the proposal at time of writing.

Between January and September 2018, there were 14 war crimes cases before courts in Croatia. In the same period, courts convicted only four people for war-related crimes and the prosecution of other cases moved slowly.

France

In August, France adopted a flawed asylum and immigration law. The French Ombudsman, the Council of Europe Commissioner for Human Rights, the UN High Commissioner for Refugees and NGOs criticized the law for undermining access to asylum, including by weakening appeal rights and safeguards for those subject to accelerated asylum procedures. The law failed to ban detention of migrant children, despite six European Court of Human Rights rulings that such detention by France violated their rights.

In April and May, the French ombudsman warned of the dire living conditions of migrants and asylum seekers in the camp of La Villette, in Paris, and in Grande-Synthe in northern France, and called for the camps' dismantlement only if sustainable solutions respectful of fundamental rights are implemented. Authorities cleared the camps in late May and early September respectively. Living conditions for migrants and asylum seekers in the Calais area remain squalid and harassment of aid workers there by police continued.

Child protection authorities in Paris continued to use flawed age assessment procedures for unaccompanied migrant children, excluding many from care they need and are entitled to, leaving hundreds homeless.

In July, the Constitutional Council ruled that solidarity was among the highest values of the French republic and that assisting undocumented migrants should not therefore be criminalized “when these acts are carried out for humanitarian purposes.” This ruling was enshrined in the August immigration and asylum law. NGOs remain concerned that judges could narrowly interpret the humanitarian exception in a way that permits prosecutions.

Since late 2017, France’s asylum office selected 458 refugees currently in camps in Niger and Chad for resettlement. France pledged to resettle 3,000 refugees from that region before October 2019.

In May, the NGO SOS Homophobie said it received 15 percent more reports of physical attacks on LGBT people for 2017 compared to 2016. In November, Prime Minister Edouard Philippe announced a 69 percent increase in antisemitic attacks in the first nine months of 2018 compared to 2017. The National Commission on Human Rights reported in March that violent anti-Muslim acts had increased in 2017 by 8 percent compared to 2016.

The welcome decision to include access to inclusive education in the national strategy for autism launched in April stood in contrast to a housing law adopted in October that would reduce the obligation to ensure that new housing is wheelchair accessible.

In August, France adopted a new sexual violence law aimed at tackling sexual harassment and sexual violence against children. The law makes street harassment an offense, raises the statute of limitation on sex crimes against children from 20 to 30 years, and gives judges the power to rule on a case by case basis that sex by an adult with a child under 15 is rape but falls short of criminalizing all such sex with a child under 15 as rape. In September, a man was convicted of street harassment (“*outrage sexiste*”) for the first time under the new law and fined 300 euros (approximately \$340).

France's Universal Periodic Review took place in January and the report was adopted in June. France accepted recommendations to stop ethnic profiling in identity checks but failed to take legislative steps to end such practices.

On a visit to France in May, the UN special rapporteur on human rights and counterterrorism expressed concerns about the 2017 counterterrorism law, which incorporates state of emergency powers into ordinary law and includes insufficient safeguards in the use of non-criminal measures against terrorism suspects.

Germany

Chancellor Angela Merkel announced in October she would not seek a fifth term after a poor showing in several state elections by her Christian Democratic Union party and its sister party, the Christian Social Union (CSU). Efforts by the CSU in the Bavarian elections to emulate the rhetoric and agenda of the anti-immigrant Alternative for Germany backfired as the CSU lost voters to AfD and the Greens, with the latter becoming that state's second largest party.

Arrivals of asylum-seekers and migrants fell for the third year in a row, and federal authorities made significant progress clearing a backlog of asylum claims during the year. By the end of July, 96,644 new asylum-seekers had been registered, decreasing by a sixth from the previous year.

Despite disagreements within the newly formed federal coalition government over Germany's approach to EU asylum and migration policy, Germany continued to play a leadership role in refugee resettlement. In April, the government announced that Germany would accept 4,600 resettled refugees in 2018 and 5,600 in 2019 as a contribution towards an EU program. In July, the government granted admission to up to 300 refugees evacuated to Niger from Libya.

NGOs criticized aspects of Germany's deportation system after reports of a series of cases in which asylum seekers were returned to their home countries while their cases were still pending, including a Tunisian deported despite a court order blocking the transfer on the grounds of risk of torture.

Although fewer than in previous years, attacks on refugees and asylum seekers remained a matter of concern. In the first half of 2018, police recorded 627 attacks on refugees and asylum seekers outside their home, and 77 attacks on refugee shelters.

Xenophobic demonstrations in the city of Chemnitz triggered by the killing of a German man, allegedly by two foreign nationals, in August and the exploitation of the killing by the far-right, saw violent scenes, including attacks on people perceived as “non-German.”

In March, a Dresden judge found eight people from a far-right group guilty of terrorism offences and attempted murder for attacks in 2015 on refugee shelters and a local politician supporting newly arrived migrants. In July, a Munich judge found a man guilty of murder, terror offenses, and arson in a case relating to a series of murders carried out by a neo-Nazi group between 2000 and 2006. Four accomplices were found guilty of lesser charges.

The controversial Network Enforcement Act (NetzDG), came into effect on January 1. It compels social media companies to take down hate speech and other illegal content or face large fines. The act came under criticism after several high-profile social media users had their content or accounts blocked, either as a result of NetzDG or the companies’ terms of use.

A group of foreign correspondents—with support from German journalists’ unions and other press freedom groups—launched a challenge in January before the Federal Constitutional Court to the German domestic intelligence agency’s power to surveil the communications of foreign nationals, arguing it infringes their right to free expression and privacy.

German judicial authorities continued their work investigating serious international crimes committed abroad, including in Syria.

Greece

Although Greece continued to host large number of asylum seekers, it failed to protect their rights. Overall numbers of arrivals increased compared to the same period in 2017. Deficiencies in the reception and asylum system escalated with severe overcrowding, unsanitary, unhygienic conditions, and lack of sufficient specialized care, including medical care, trauma counseling, and psychosocial support. Physical and gender-based violence were common in asylum camps, and NGOs reported deteriorating mental health conditions among asylum seekers. Most unaccompanied children continued to be placed in camps with adults, in so-called protective police custody or detention or risked homelessness, with authorities failing to resolve a shortage of juvenile shelters or foster care.

Greece's EU-backed policy of confining asylum seekers who arrived by sea to the Aegean islands trapped thousands in these conditions.

While the government transferred 18,000 asylum seekers from islands to mainland Greece following a concerted NGO campaign in November, it refused to implement a binding high court ruling to end the confinement policy for new arrivals, and instead adopted a new law in May to continue it. On Lesbos, a regional authority inspection in September concluded that the Moria camp, the largest of its kind, presented a danger to public health and the environment, and called on the government to address acute shortcomings or close the camp.

Some migrants and asylum seekers trying to cross the land border from Turkey into northeastern Evros region reported being summarily returned to Turkey during the year, sometimes violently. Greece did not address reception needs of newly arriving asylum seekers in the region, despite an increase in arrivals starting in April. As a result, women and girls were housed with unrelated men in sites for reception or detention of asylum seekers and lacked access to essential services.

Less than 15 percent of asylum-seeking children had access to education on the islands, and only one in two on the mainland were enrolled in public schools.

Far-right groups continued to campaign against asylum seekers on the islands, and there were media reports of attacks across the country on persons perceived to be migrants or

Muslims. Police statistics for hate crimes for 2017 released in March showed a marked increase compared to the previous year.

The Council of Europe's Committee for the Prevention of Torture visited Greece in April, and issued a preliminary report expressing concerns about inhuman and degrading treatment in psychiatric establishments and migrant detention centers.

Hungary

Hungary's ruling party Fidesz and its Prime Minister Viktor Orban won a third consecutive term with a two-thirds majority in elections in April.

Ahead of the April elections, the government ran a smear campaign on TV, radio, and country-wide billboards targeting civil society organizations working on asylum and migration, and Hungarian-born philanthropist George Soros, a key funder.

During the election campaigning period, government officials, including Prime Minister Orban, referred to civil society organizations, political opposition, and critical journalists as "agents of Soros."

In addition to the smear campaign, which continued after the elections in pro-government media, civil society organizations, particularly those working on asylum and migration, came under increasing government pressure in 2018.

In June, parliament approved government-proposed amendments to the constitution and other legislation, criminalizing services, advice, and support to migrants and asylum seekers, punishable by up to one-year imprisonment. The measures came into force in July. At time of writing, no prosecutions had taken place. The measures were adopted despite criticism from the Council of Europe commissioner for human rights in February, the UN Human Rights Committee in April, UNHCR in May, and the Council of Europe's constitutional advisory body in June.

EU institutions took various enforcement actions against Hungary during the year (see Rule of Law section).

In August, a special 25 percent tax on funding to organizations “supporting immigration” was introduced, exempting only political parties and international organizations with immunity.

No agreement was reached between Central European University and the Hungarian government to secure the university’s operations in Hungary, prompting the university in December to announce that it is moving to Vienna, Austria.

An October law on public assembly gives police more discretion to ban or disband demonstrations.

The country saw a significant decline in asylum applications in 2018 in large part because it became almost impossible for asylum seekers to enter the country to seek protection.

By August, authorities had limited daily entry of asylum seekers to 1-2 asylum seekers per day, leaving thousands stranded in poor conditions in Serbia. In early August, Hungarian authorities denied rejected asylum seekers in the transit zones food. Following an emergency intervention by the European Court of Human Rights, authorities resumed food distribution.

In July, a constitutional amendment entered into force further restricting access to asylum by explicitly banning the “settlement of foreign populations” in Hungary and refusing protection to any asylum seekers arriving in Hungary via any transit country that Hungarian authorities deem safe for asylum seekers. By August, a total of 3,119 people filed for asylum, and authorities granted international protection to a total of 320 people, of whom 54 received refugee status and 266 received subsidiary protection.

Roma continued to face discrimination in housing, education, and public health care. The July constitutional amendment criminalized homelessness, ignoring criticism in June by the UN special rapporteur on the right to adequate housing that the plan was cruel and incompatible with human rights law. Homeless people were prosecuted after the law entered into force in October.

Italy

A coalition government between the anti-immigrant League and the populist Five Star Movement was inaugurated in June. In March, the UN high commissioner for human rights deplored the racism and xenophobia that characterized the election campaign.

By mid-November, only 22,435 migrants and asylum seekers had reached Italy by sea according to UNHCR, in large part because of measures to prevent arrivals already put in place by the outgoing government. In contrast, during the whole of 2017, 119,369 people arrived.

Almost immediately upon taking power, the new government began blocking disembarkation of rescued persons in Italian ports. In November, a Sicilian prosecutor filed to close an investigation, launched in August, into Deputy Prime Minister and Interior Minister Matteo Salvini for unlawful detention and kidnapping, among other charges, for refusing to allow 177 asylum seekers from an Italian Coast Guard ship disembark, some for as long as 5 days.

In June, Italy began systematically handing over coordination of rescues in the Mediterranean to the Libyan Coast Guard, despite concerns over their capacity and the fate of individuals returned to Libya. In August, parliament approved the supply of 12 boats and training programs for Libyan crews.

In November, parliament approved a government decree limiting humanitarian visas and restricting access to specialized reception centers. One-quarter of asylum seekers in 2017 was granted permission to stay for humanitarian reasons, and up to 28 percent of decisions taken in January-February of 2018 granted humanitarian visas. In October, prosecutors charged the mayor of Riace, in southern Italy, with irregularities in what was widely held as a model integration project for asylum seekers and refugees.

Episodes of racist violence marked the year. In February, one month before the national elections, a former League candidate in local elections shot and wounded six immigrants in Macerata, central Italy. An anti-racism group recorded a sharp increase in attacks in the two months after the new government took power compared to the same period in 2017.

In July, authorities evicted several hundred Roma people from a settlement in Rome, despite an order from the European Court of Human Rights to delay the move. Minister Salvini called in June for a census of all Roma in Italy in order to deport those without Italian citizenship. There was no visible progress in a European Commission investigation, ongoing since 2012, into discrimination against Roma in access to housing and forced evictions.

In December 2017, the UN Committee against Torture urged Italy to ensure that the definition of the crime of torture in domestic law, introduced last year, conforms with international law.

Netherlands

The government moved to limit accommodation for newly arrived asylum seekers in the country, arguing that local authorities were increasingly meeting demand, and during the year closed multiple shelters, with the aim of reducing capacity from 31,000 to 27,000. The reduction in reception capacity for the second year in a row gave rise to concerns about the adequacy of provision for arriving asylum seekers.

In July, the government announced that it planned to improve procedures to assess asylum claims based on fear of persecution on grounds of lesbian, gay, bisexual, and transgender (LGBT) identity or religious conversion, by treating cases in a more individualized manner, following criticism by NGOs and parliamentarians.

Notwithstanding the results of a non-binding public referendum in March rejecting a sweeping new surveillance law passed the previous year by parliament, the law entered force in May. Domestic rights groups remained critical of the new bulk interception powers, the level of oversight of those powers to intercept bulk data, and controls over sharing material derived from the interception with other countries' intelligence agencies.

In June, the Minister of Justice and Security confirmed to parliament that the government continued to exercise powers to deprive terror suspects abroad of their Dutch citizenship, although he refused to confirm how many individuals had citizenship removed. The same

month a Dutch court expressed concerns about whether the limited safeguards in the process are consistent with the EU Charter of Fundamental Rights.

A May ruling by Limburg district court found the Dutch law requiring people to identify as either male or female on official documents, including birth certificates, to be too restrictive and urged legislators to make statutory provision for a gender-neutral option.

Poland

The government's efforts to undermine the rule of law and human rights protections continued during the year.

Curbing judicial independence remained a focus, despite growing international criticism. In July, a law entered into effect which reduces the retirement age for Supreme Court judges, forcing 27 judges to retire—well over a third of all Supreme Court judges. The first president of the Supreme Court refused to step down and was, at time of writing, continuing her work. In August, the Supreme Court suspended the application of the law, requesting that the Court of Justice of the EU rule on whether it violates EU law, followed by similar requests in August and September in two cases by common courts. In October, the EU Court of Justice ordered Poland to suspend application of the Law on Supreme Court, following a request by the European Commission for interim measures.

The government's attack on the rule of law began to impact Poland's judicial cooperation with other EU states. In July, the EU Court of Justice ruled that Irish courts were entitled to refuse the extradition of a Polish national to Poland if they concluded there is a real risk of an unfair trial to that individual, citing the article 7 proceedings. In September, the European Network of Councils for the Judiciary suspended Poland over concerns about independence of its judicial appointments body.

In addition to the referrals to and rulings of the EU Court of Justice, other EU institutions took various actions against Poland during the year (see Rule of Law section).

In June, the government pushed through a law which makes it a crime to ascribe any responsibility or co-responsibility to Poland for Nazi-era atrocity crimes committed on Polish soil.

Following international condemnation, authorities removed the crime's three-year maximum sentence but maintained fines.

In mid-January, the Polish parliament enacted government legislation hampering the rights of environmental activists to protest at United Nations climate talks in December 2018 and allowing authorities to subject them to government surveillance.

NGOs working on issues related to asylum and migration, women's rights, or LGBT rights reported ongoing difficulties accessing previously available public funding and some were subject to smears in pro-government media.

Summary returns of asylum seekers to Belarus continued, the majority from the Russian republic of Chechnya and Central Asia. In May, the top administrative court found that border guards had failed to conduct a proper assessment of an asylum seeker's intent to seek asylum.

Spain

The Spanish Socialist Party assumed power in June after a no-confidence vote in parliament against the then-ruling Popular Party. The new government pledged to adopt more humane immigration policies; at time of writing, parliament was debating reforms to the controversial 2015 public security law, including to provisions allowing summary returns and limits on freedom of association and expression.

Over 49,300 people arrived by sea by mid-November. Almost 6,000 crossed land borders into the country's North African enclaves in Ceuta and Melilla from Morocco, many by scaling fences. Migrants faced substandard conditions in arrival facilities and obstacles to applying for asylum.

Summary returns from the enclaves continued, and the new government pursued an appeal initiated by the previous government against a European Court of Human Rights 2017 ruling that Spain violated the rights of two sub-Saharan African migrants when border guards summarily returned them to Morocco from Melilla in 2013. The Council of Europe called on Spain in September to improve conditions and protection measures for migrants and asylum seekers, particularly unaccompanied children, in Ceuta and Melilla.

In January, a Ceuta judge closed the investigation into the February 2014 deaths of 15 migrants after Guardia Civil officers fired rubber bullets and tear gas into the water off the enclave's coast.

Protests erupted across Spain in April after a court acquitted five men of gang rape and convicted them on the lesser charge of sexual assault because the prosecution did not establish the use of violence or intimidation, prompting the government to examine possible changes to the criminal code. In July, a Supreme Court ruling enforced compliance with a 2014 decision by the UN committee on discrimination against women ordering the government to compensate a woman for gender-based discrimination.

At time of writing, no police officer had been convicted for excessive use of violence during the crack-down on the October 1, 2017, independence referendum in Catalunya. In March, 25 independence leaders were indicted on various charges ranging from rebellion to misuse of public funds.

In February, the Council of Europe's Commission against Racism and Intolerance called on Spain urgently to create an equality body to tackle racism, and recommended measures to integrate migrants and end school segregation for Roma children. Draft legislation to ensure the right to vote for persons with intellectual disabilities has remained under examination in the Spanish parliament since September 2017.

In February, the Supreme Court upheld a prison sentence for a rapper convicted of glorifying terrorism and slander against the Crown. The highest criminal court sentenced a different rapper in March to jail time on similar charges. In March, the Supreme Court overturned the 2017 conviction of a young woman for joking on Twitter about an assassination by the Basque separatist group ETA in 1973.

United Kingdom

The UK's planned exit from the EU (Brexit) in March 2019 continued to dominate public life and overshadow other pressing human rights concerns. The EU and UK government reached provisional agreement in November on a treaty covering the transition period following the UK's departure from the EU in 2019. They also agreed a draft political declaration on future relations that included a commitment to human rights. But at time of writing it was not clear if the treaty would be approved by the UK parliament, leaving open the possibility the UK would leave in 2019 without an agreement, which would carry risks for human rights, including uncertainty regarding the future residence rights of EU citizens living in the UK and of UK citizens living in EU countries post-Brexit.

A June 2018 law to incorporate EU law into domestic law when the UK leaves the EU was criticized for omitting the EU Charter of Fundamental Rights, leaving it open to a future UK government to weaken employment and other rights protections derived from EU law.

There were significant developments regarding UK complicity in the CIA-led torture and secret detention. In May, the prime minister apologized unreservedly to a Libyan couple for the UK's role in their 2004 rendition to Libya. In June, a parliamentary committee published two reports containing its findings into allegations of UK complicity more widely. The committee found actions the UK took and tolerated between 2001 and 2010 to have been "inexcusable." There were fresh calls from NGOs and some politicians for a full judicial inquiry into the issue. At time of writing, no one in the UK had been charged with a crime in connection with the abuses.

The UK persisted in not imposing a maximum time limit for immigration detention, and continued to detain asylum-seeking and migrant children. Data published in November showed the government had relocated only 220 unaccompanied children from other EU countries out of a target 480. The UK had resettled only 417 refugee children under a 2016 pledge to accept 3,000 such children from conflict zones in the Middle East and Africa.

The UK Supreme Court ruled that Northern Ireland's strict abortion law violates the right to personal integrity protected by the European Convention on Human Rights, though the

court dismissed the case in question on technical grounds. A private members bill introduced in the House of Commons in October called for decriminalization of abortion throughout England, Wales, and Northern Ireland.

The public inquiry into a 2017 fire that destroyed a London apartment block, killing 71 and leaving hundreds homeless, continued its work, amid concerns about whether victims can participate fully in the process. A criminal investigation into the fire was ongoing at time of writing.

A draft counterterrorism law approved by the parliament's lower house (the House of Commons) contained problematic measures that could harm people's human rights, including criminalizing the viewing of extremist material and proposing an offence of travel to a "designated area." The draft law remained pending before the unelected upper house (the House of Lords) at time of writing.

In September, the European Court of Human Rights ruled that the lack of safeguards in the now-lapsed surveillance powers under the Regulation of Investigatory Powers Act 2000 had violated the right to privacy, in a case brought by over a dozen NGOs, privacy organizations, and journalists. The court did not, however, find bulk interception necessarily unlawful. Privacy rights campaigners remained critical of the replacement powers.

The body established in 2017 to complete investigations into allegations of abuse by British forces in Iraq between 2003 and 2008, continued its work. At time of writing, no prosecutions had arisen from its work or that of its predecessor.

After a visit in November, the UN special rapporteur on extreme poverty concluded that changes to the welfare system and reductions in public services had entrenched negative outcomes for the rights of people living in poverty.

Foreign Policy

Despite shortcomings, the European Union remained a leading actor in promoting human rights globally.

In July, EU foreign ministers reaffirmed their continued strong support of the International Criminal Court (ICC) and a rules-based international order.

The EU and its member states remained strong supporters of international efforts to ensure accountability for atrocity crimes committed in Syria. Together they are the largest donors to the United Nations' International, Impartial and Independent Mechanism (IIIM), which has a mandate to collect and analyze information and evidence of international crimes committed in Syria to assist criminal proceedings before national or international courts.

The EU sought to mitigate the impact of decisions by the US to withdraw support for international agreements, human rights bodies and mechanisms: the EU's External Action Service (EEAS) fought to ensure the survival the Joint Comprehensive Plan of Action (JCPOA) with Iran, but the EU focused far less on the worrying human rights situation in the country and was unable to secure the release of jailed activists and journalists, including EU citizens. The EU and its member states significantly increased their financial contributions to the UN agency providing assistance to Palestinian refugees (UNRWA) following the Trump administration's decision to withdraw all US funding. The EU continued to press Israel to stop its illegal settlement policy.

The United States' decision to leave the UN Human Rights Council (UNHRC) pushed the EU to search for new allies at the UN's prime human rights body. In September, the EU stepped up its efforts to advance criminal justice for Myanmar armed forces' ruthless campaign of ethnic cleansing of more than 700,000 Rohingya Muslims and other serious violations of international humanitarian and human rights law elsewhere in the country.

Together with the Organisation for Islamic Cooperation (OIC), the EU pushed for a UNHRC resolution which established an accountability mechanism similar to the Syria IIIM. In June, the EU adopted targeted sanctions against seven individuals considered responsible for atrocities and serious human rights violations committed against the Rohingya population. In September, EU Trade Commissioner Cecilia Malmström warned Myanmar that the army and government's responsibility for serious human rights violations and continued impunity for human rights crimes could lead to the suspension of trade preferences conditioned on respect for human rights.

Similarly, and after repeated warnings, the EU initiated procedures to suspend trade preferences with Cambodia conditioned on respect for human rights, citing Cambodia's fraudulent elections and Prime Minister Hun Sen's and his government's failure to comply with international human rights norms.

The EU persistently called for the release of peaceful activists, lawyers, and dissenters detained in China and, together with Germany, played an important role in securing the freedom of Liu Xia, an artist and the widow of the late Nobel Peace Prize laureate, Liu Xiaobo. Yet at a summit in June, the EU Council and Commission presidents failed to use the momentum generated by Liu Xia's release and relocation to Germany to publicly voice concerns over China's abysmal human rights record and press for further releases.

The EU took a firm stance against the continued crackdown on basic freedoms and dissent in Russia. The EU publicly pressed for the release of several human rights defenders and government critics and opponents detained for their peaceful activities. While the EU addressed rights violations in areas of Ukraine under the control of Russian backed rebels and in Russia-occupied Crimea, it has been more cautious when Ukraine's government curbed free speech in the rest of the country.

The EU and its member states largely failed to adequately respond to the brutal crackdown on dissent and the shrinking space for freedoms of expression, assembly, and association in the Arab states of the Gulf. For the most part, the EU failed to publicly press for the release of women rights activists, journalists, human rights defenders and government critics in the United Arab Emirates, Bahrain, Kuwait, and Saudi Arabia, including Sakharov Prize laureate, Raif Badawi. However, in response to the disappearance and killing of Saudi journalist, Jamal Khashoggi, in Saudi Arabia's Istanbul consulate, Germany placed 18 Saudi officials allegedly connected to the killing on an entry ban list to the Schengen Zone of 26 states, a unilateral move that subsequently was expressly supported by several other states.

The EU continued to largely mute its position on human rights violations in Turkey, Libya, Egypt, and Sudan because of its cooperation with those countries on preventing migration to Europe.

As a direct reaction to Venezuela's rigged May elections and continuing human rights violations, in June the EU added 11 individuals responsible for human rights violations and for undermining democracy and the rule of law in the country to its list of sanctions, bringing the total number of officials sanctioned by the EU to 18.

In October, the EU renewed its targeted sanctions against individuals responsible for serious human rights violations and acts to undermine democracy in Burundi.