

European Union



People take part in a march on the 34th anniversary of the first democratic elections in postwar Poland, in Warsaw, Poland, June 4, 2023.

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European Union (EU) member states and institutions made new and renewed existing commitments to uphold and protect rights in 2023. In practice, however, the willingness of the EU to give effect to those commitments too often fell short, particularly when it came to the rights of people at its external borders and members of marginalized communities and in its response to the troubling spread of curbs on civil society.

Migrants, Refugees, and Asylum Seekers

Amid an increase in people arriving at EU borders, particularly by sea, the EU and its member states doubled down on repressive deterrence measures and alliances with abusive countries without regard for human rights.

According to the [United Nations Refugee Agency \(UNHCR\)](#), by November 19, more than 240,800 people arrived irregularly at the EU's southern borders and at least 2,594 died or went missing in the attempt, both figures well over the total for the previous year. [UN Children's Fund \(UNICEF\)](#) [estimated](#) that 11 children died or went missing every week in the first half of the year while attempting to cross the central Mediterranean. Major shipwrecks near Italy in February and Greece in June highlighted the deadly consequences of the EU's approach to boat migration.

The [European Parliament](#) called in July for a “comprehensive” EU search and rescue mission by member states and the EU border agency Frontex, measures to ensure disembarkation only in places of safety, and assessment by the European Commission of whether individual member states' activities in relation to rescue at sea comport with the Charter of Fundamental Rights and EU and international law. The EU's Fundamental Rights Agency (FRA) [called in July](#) for the establishment of independent border monitoring, while mechanisms established so far in [Croatia](#) and [Greece](#) are neither independent nor effective, according to nongovernmental groups.

EU member states, including [Bulgaria](#), [Croatia](#), [Poland](#), [Greece](#), [Hungary](#), [Lithuania](#), and [Latvia](#), continued to engage in unlawful pushbacks at external borders while [Italy](#) and [Malta](#) facilitated interceptions at sea and returns to Libya. The [Council of Europe’s Committee for the Prevention of Torture](#) called on European countries in March to end unlawful pushbacks and ill-treatment in immigration detention and removal operations. In September, the [Court of Justice of the EU ruled](#) that France’s systematic refusal of entry of undocumented migrants at the Italian border was unlawful.

The EU continued to support security forces in multiple African countries for migration control purposes. In February, the European Commission handed over the first of five boats to Libyan coast guard forces, [deepening its complicity](#) in abuses against migrants in Libya, which the UN called possible [crimes against humanity](#). In July, the EU pledged [€105 million to Tunisia for border management](#) despite serious [risks to refugees and asylum seekers](#) and [racist and xenophobic hate speech](#) at the highest levels of the Tunisian government, as denounced by UN experts. In September, the EU ombudsman [opened an inquiry](#) into the agreement. Nongovernmental rescue organizations, already facing obstruction and criminalization, [received instructions by Italy](#) to disembark in Tunisia.

In September, the European Commission adopted a “[10-point plan for Lampedusa](#)” after the Italian island experienced high numbers of arrivals within a short period of time, overwhelming its perennially inadequate capacity. In addition to [rehashing abusive and ineffective policies](#), the Commission said it was open to considering expanded naval missions in the Mediterranean [after](#) the Italian prime minister requested a naval blockade against people on the move.

As of September, [4.2 million people](#) who fled Russia’s full-scale invasion of Ukraine enjoyed temporary protection in the EU. Citing [difficulties with respect to education, housing, and particularly employment for those fleeing Ukraine](#), the EU FRA called for long-term measures. In September, EU countries [agreed](#) to extend temporary protection until March 2025.

In June, [EU states endorsed](#) expedited border procedures despite the lack of sufficient safeguards, increased use of detention, and discretionary approach to what constitutes a “safe third country” to which people can be deported. [EU states agreed in October](#) on a proposed regulation that would allow governments to derogate from key rights and safeguards in ill-defined emergency situations. There was no meaningful progress on reforming the dysfunctional system for sharing responsibility for migrants and asylum seekers among EU states. As of August, a total of [2,503 people had been relocated](#) out of Cyprus, Greece, Italy, Malta, and Spain to other EU countries since the 2022 Voluntary Solidarity Mechanism was agreed, about 30 percent of its modest goal.

In July, the [European ombudsman launched an inquiry](#) into whether Frontex respects rights during its joint maritime operations and aerial surveillance of the Mediterranean Sea. In a case brought by a Syrian family returned to Türkiye from Greece in 2016 in a joint operation with Frontex, the [General Court of the EU ruled in September](#) that Frontex cannot be held responsible for damages because only member states assess asylum applications and make removal decisions.

In its [annual report 2023](#), the FRA noted increased pressure on civil society groups protecting migrants’ and refugees’ rights at borders in Greece, Italy, Hungary, and Latvia, among others. Civil society organizations face similar pressure in [Poland](#).

Discrimination and Intolerance

Efforts by European institutions to develop and improve standards for tackling different forms of discrimination and intolerance in the European Union were not always matched by the actions of member states.

Many [EU governments](#) failed to make sufficient progress to implement or adequately translate into national policy the [European Commission’s Action Plan Against Racism 2020-2025](#). Giving effect

to the action plan requires states to [address](#) structural racial inequities and inequalities—including their historical roots—and to strengthen protection and accountability for victims of racism.

In June, the Council of Europe’s European Commission against Racism and Intolerance (ECRI) annual report [identified](#) continued discrimination against lesbian, gay, bisexual, transgender, and intersex (LGBTI) people and Roma and Travellers as key trends in Europe, including in EU member states.

Roma children face school segregation, and Roma live in poor housing conditions or face eviction, according to ECRI. In August, ECRI made [recommendations](#) to Council of Europe member states to tackle discrimination against Roma and Travellers.

The ECRI annual report identified the undermining of free speech and assembly of LGBTI persons as well as hate speech by politicians and hate-motivated violence directed against LGBTI people as key concerns, while state efforts to combat discrimination were insufficient. In July, ECRI adopted a [general recommendation “on preventing and combating intolerance and discrimination against LGBTI persons.”](#)

In April, the European Parliament [adopted](#) a resolution calling for concrete progress on the adoption of an EU anti-discrimination directive. This directive is needed to address the currently fragmented EU approach to anti-discrimination policies, with some forms of discrimination, such as [age](#), only covered when it comes to employment. The European Parliament called on the EU Council to adopt a new comprehensive anti-discrimination directive that would expand EU-level legal protection against discrimination across the board, including on grounds of gender, racial or ethnic origin, religion or belief, disability, age, and sexual orientation. Previous efforts in the council have been blocked by some member states.

In June, the EU Council [approved](#) the EU’s accession to the convention on preventing and combating violence against women and domestic violence (the Istanbul Convention), requiring EU institutions to uphold comprehensive standards on prevention, protection, and prosecution in legislation and policies. All EU member states have signed the convention, but six—Bulgaria, Czechia, Hungary, Latvia, Lithuania, and Slovakia—have yet to ratify it, and Poland has [threatened to withdraw](#).

[Negotiations on an EU directive](#) to combat violence against women and domestic violence—the first EU-wide measure to address the issue—were ongoing at time of writing.

In September, the EU Council [adopted](#) a draft decision calling on member states to ratify the International Labour Organization (ILO) Violence and Harassment Convention (C190).

In September, the European Parliament adopted a [resolution](#) against “prostitution,” but rejected some harmful parts of a previous draft, indicating a growing understanding of the dangers of criminalization for sex workers and their rights.

In May, the European Parliament Working Group against Antisemitism [stressed](#) the need for further education to counter antisemitism and all forms of intolerance and discrimination in the EU. A European Commission-funded joint project by the UN Education, Scientific and Cultural Organization (UNESCO) and the Organization for Security and Co-operation in Europe (OSCE) Office for Democratic Institutions and Human Rights (ODIHR) already seeks to develop the educational dimension of national strategies to combat antisemitism in 12 EU member states.

In October, the FRA [published](#) a report on anti-Black racism in the EU based on a survey in 15 member states. It shows that despite EU anti-discrimination legislation and other policy tools to tackle racism, Black people face increased racism, discrimination, and hate crimes in EU member states.

The same month, the head of the FRA described antisemitism as [“deeply ingrained racism in European society,”](#) with reports of it significantly increasing in [France](#) and [Germany](#) following the

October 7 attacks by Hamas and Israel's response. There are also concerning reports of an increase in Islamophobic incidents in EU states during the same period.

In February, the European Commission [appointed](#) Marion Lalissee as the new EU anti-Muslim hatred coordinator; the post had been [vacant for over 18 months](#).

Poverty and Inequality

EU [data](#) from June 2023 showed that 95.3 million people (21.6 percent of the population) were “[at risk of poverty or social exclusion](#)” during 2022, conditions that threatened their rights. The primary factor contributing to the risk of poverty was [unemployment](#). Poverty rates in Romania, Bulgaria, Greece, Spain, and Latvia [exceeded 25 percent](#), [according to EU data](#). The risk of poverty or social exclusion was [slightly higher](#) for women (22.7 percent) than it was for men (20.6 percent).

Mid-year data showed that inflation fell across the bloc in 2023 in relation to [food](#), [energy](#), and the general [consumer price index](#), [softening the negative impact on rights of sharp price rises in 2022](#). However, some countries continued to experience high rates of inflation. June 2023 consumer price inflation in [Hungary](#) (19.9 percent) was more than three times the EU average (6.4 percent). Many EU countries continued to [earmark financial support](#) to households and businesses to meet electricity and gas costs.

A European Commission [report](#) published in June, based on 2020-2022 living standards data, raised serious concerns about the obstacles people at risk of poverty or social exclusion in some member states face in accessing public services essential to realizing their rights, including water and sanitation, energy, digital communications, bank accounts, and transport. The report highlighted obstacles to accessing these services for marginalized groups, including homeless people, Roma, people with disabilities, single-parent (mostly women-headed) households, and families with three or more children.

In January, the European Commission adopted [a report](#) examining member states' progress toward implementing a [2019 recommendation](#) on social protection for workers and self-employed people. The report found that across the 12 EU states reporting data, an estimated 5.6 million “[non-standard workers](#)” and 15.3 million self-employed people had no access to unemployment benefits. [Data](#) released in November showed that expenditure on social protection increased in 2022 compared to the prior year in all EU states except Malta and Ireland; however, it decreased by 1.5 percent overall as a proportion of total state expenditure (in GDP terms).

In February, an [expert group](#) appointed by the Commission published [recommendations](#) for improving social protection and addressing poverty, including the establishment of a minimum package of social rights guaranteed at the national level in every EU state.

In February, the European Anti-Poverty Network presented [findings](#) showing that while all EU member states had minimum income schemes in place, none meet the actual needs of beneficiaries. The network called on the EU to progress from the 2022 Council recommendation on minimum income toward a binding directive and establish a “right to adequate minimum income” in EU law.

In September, FEANTSA and the Abbé Pierre Foundation, two anti-homelessness organizations, [estimated](#) that around 895,000 people are homeless in Europe. The survey included most EU states and the UK.

At time of writing, two EU states, Austria and Latvia, had yet to meet a March 2022 deadline to submit a national action plan on implementing the [European Child Guarantee](#). The EU-wide [measure](#) aimed at tackling child poverty requires states to ensure free access to early childhood education and care, free education with one free healthy meal each school day, health care, and housing for all children facing social exclusion or other disadvantages.

In July, the European [Parliament](#), [Commission](#), and [Council](#) began negotiating [legislation](#) to prevent the employment misclassification of some gig economy workers, who are often subject to precarious work arrangements and low pay.

Rule of Law

Two EU member states, Hungary and Poland, continue to face scrutiny under [article 7 of the Treaty on European Union \(TEU\)](#) over their governments' persistent disregard for the [democratic and human rights values](#) on which the EU is founded. Concerns about declining [democratic freedoms and shrinking civil society space](#) deepened in many member states while legislative initiatives at the EU level compounded threats to civil society.

Despite persistent concerns over rule of law, [on December 13 the European Commission concluded](#) that Hungary had met benchmarks linked to judicial independence and announced it was unfreezing €10 billion in EU cohesion funds. The Commission maintained a freeze on €21 billion in other funds linked to ongoing breaches of rule of law principles in Hungary.

Neither Hungary nor Poland have received EU COVID-19 recovery funds because of their failure to meet [core benchmarks](#). In Poland, these relate to the justice system, and in Hungary to corruption, judicial independence, and transparent decision-making.

An EU Council hearing on Hungary, and a “state of play” update on Hungary and Poland under the article 7 procedure took place in [May](#) and [November](#), respectively. While EU member states continued to engage in political dialogue around the procedure, [they avoided putting to a vote](#) whether either state's actions constituted a “clear risk of a serious breach” of EU values or to adopt recommendations to address these breaches. This is despite another [European Parliament resolution](#) in June calling on the Council to do so.

While both governments continued to flout rulings of the EU Court of Justice with little consequence, the European Commission continued efforts to use infringement proceedings to address their breaches of EU law.

In June, the commission launched legal infringement [proceedings](#) against Poland over its [new law](#) against “Russian influence” that could lead to opposition party members being banned from public office. As of mid-November, 16 EU member states and the European Parliament [had joined the European Commission's 2021 infringement](#) against Hungary for its [anti-LGBT child protection law](#). These proceedings are noteworthy in that they target Hungary and Poland for their breach of EU fundamental values and principles as enshrined in article 2 of TEU rather than breaches of individual EU laws.

The European Commission's 2023 *Rule of Law* report and the country-specific recommendations under the 2023 European Semester [criticized Hungary's](#) continued use of emergency powers and raised concerns about the [independence of the judiciary](#) in [Poland](#).

The [Rule of Law report highlighted](#) that the concentration of news media ownership remains a “high risk” across the EU, and levels of political independence of media stayed unchanged at “medium risk” overall. The report put media pluralism at “high risk” in five member states in particular—Croatia, Cyprus, Greece, Slovenia, and Malta—and at “very high risk” in Bulgaria, Poland, Romania, and Hungary. It also noted that civil society and human rights defenders faced increasing challenges linked to the narrowing of civic space and highlighted Greece, Spain, Italy, France, Hungary, and Poland.

The [European Parliament's Democracy, Rule of Law and Fundamental Rights Monitoring Group](#) continued its scrutiny of member states, including on the follow-up of court cases concerning the murders of journalists in Malta and Slovakia; ongoing corruption investigations and the dismissal of the prosecutor general in Bulgaria; freedoms of expression and demonstration and policing in

France; and the undermining of independent public bodies, freedom of the press, and civil society in Greece. The monitoring group criticized the European Commission for failing to launch or pursue infringement procedures despite serious democracy and rule of law challenges in member states.

The use of spyware against journalists, lawyers, politicians, and others in Greece, Hungary, Spain, and Poland [remains a concern](#). In a [June resolution](#), the European Parliament [called on](#) the council, commission, and individual member states to implement reforms to curb spyware exports and to investigate cases of abuse.

Negotiations on an EU draft Artificial Intelligence (AI) Act are underway in an attempt to regulate AI and related technology across member states. The draft includes provisions that threaten human rights, including through exemptions for protections around AI use in law enforcement and migration and asylum contexts.

The EU is currently developing a [regulation on political advertising](#), expected to be agreed on in 2024, which aims to increase transparency around political advertising online, including during election processes, by setting limitations on how personal data is used in political contexts.

The European Commission's proposed [“Defence of Democracy Package”](#) aimed at addressing malign foreign influence, generated intense [push-back from civil society](#) over potential stigmatization of foreign-funded groups and the chilling effect such legislation could have on civil society in Europe and abroad.

Foreign Policy

The EU and its member states remained the world's biggest humanitarian donors and leading actors on human rights in multilateral fora. However, Europe's stance in the wake of the hostilities in Israel and Palestine since October 7 and its open support to some repressive governments in pursuit of short-term stability, migration control, and other trade or geopolitical interests highlighted major double standards undermining its standing as a principled global actor.

Russia's invasion of Ukraine remained the EU's top priority. The EU has provided unprecedented financial and humanitarian assistance to Ukraine and supported initiatives for the country's reconstruction. The EU backed unparalleled efforts for accountability, including in international fora, and renewed and expanded the use of sanctions for crimes committed in Ukraine. At time of writing, EU leaders were scheduled to discuss in December the European Commission's [recommendation](#) to open EU accession negotiations with Ukraine.

European Council President Charles Michel facilitated talks between Armenia and Azerbaijan over the situation in Nagorno-Karabakh until the September 19 military takeover by Azerbaijan, which resulted in an almost complete depopulation of ethnic Armenians from the region.

The EU or its member states commendably led on several resolutions at the UN Human Rights Council and General Assembly, including on North Korea, Russia, Belarus, Myanmar, Eritrea, Burundi, and Afghanistan, and supported other country-specific and thematic initiatives. However, EU member states' record at the UN was stained by their mixed voting on key resolutions on the hostilities in Israel and Palestine as well as by their reluctance to initiate or support initiatives to address serious human rights abuses in [Libya](#), Egypt, China, Saudi Arabia, Yemen, and Bahrain, among others. In October, the [EU did not](#) present a follow-up resolution on the situation in Ethiopia, despite the alarming conclusions of a UN inquiry, which the EU had initiated at the peak of the conflict.

At the end of 2022, Czechia, on behalf of the EU, [proposed an amendment](#) to the UN General Assembly's draft budget resolution for 2023 aimed at countering efforts by Russia, China, and like-minded UN member states to defund UN human rights mechanisms. The EU amendment was adopted.

Most EU governments and commissioners failed to acknowledge, let alone address, Israeli authorities' crimes of apartheid and persecution against Palestinians. The EU's response to the hostilities in Israel and Palestine that started in October exposed biases and divisions within the bloc. Commission President Ursula von der Leyen and other officials condemned Hamas' heinous deadly attacks on civilians in Israel but not Israel's cutting off of basic services and aid to civilians in Gaza, and they [showed little regard for the loss of Palestinian lives](#) amid Israel's relentless bombardment of Gaza. Efforts by the EU's foreign policy chief, Council President Michel, and some EU governments were key to [rejecting efforts](#) to cut vital EU aid to Palestinians and to securing EU calls on Israel to respect international humanitarian law.

The EU's top foreign policy priority in relations with neighbors to the south remained containing migrants' departures toward Europe at any cost, persevering in a failed approach that has exposed the [erosion of the bloc's human rights commitments](#).

Emblematically, in July, the European Commission concluded a deal with Tunisia pledging increased financial support in exchange for cooperation on curbing irregular departures toward Europe. Regrettably hailed as a "[blueprint](#)" for the region by EU President von der Leyen, the deal showed no regard for [serious abuses](#) against Black African migrants in the country nor to Tunisia President Kais Saied's increasing authoritarianism.

The EU's focus on curbing irregular migration extended to other foreign policy areas, such as development aid and trade. At time of writing, the European Parliament and Council were still negotiating a reform of the EU's Generalised Scheme of Preferences (GSP), which grants trade benefits to developing countries linked to their respect of human rights and labor standards. The reform has [stalled](#) due to the council's attempts, rightly opposed by the European Parliament, to condition GSP benefits on migration cooperation. In October, a precautionary four-year rollover of the current GSP regulation was approved, while negotiations for reform continue. Pressure through the GSP was key to securing some positive developments in Sri Lanka and in Bangladesh, but the EU was overly indulgent toward other GSP beneficiaries, such as the Philippines and Pakistan, highlighting the [need for a reform](#) to make the scheme more transparent, predictable, and impactful.

In May, the EU adopted the Deforestation-Free Products Regulation, putting the onus on companies registered in EU member states to ensure seven agricultural commodities they import or export have not been produced on land deforested after December 31, 2020, and that the production [complied](#) with key human and labor rights standards. Other key pieces of business and human rights-related legislation—notably a directive on mandatory corporate human rights and environmental due diligence and a regulation banning goods made through forced labor from the EU market—remained in the making. Both will likely have a particular impact on the EU's trade and business relations with China, where forced labor is pervasive as part of Beijing's crimes against humanity against Uyghurs and other Turkic Muslims.

While divisions among states persist, the EU seems determined to pursue a "de-risking" approach to China, reducing critical supply chain dependency and strengthening trade ties with other partners in the region. EU statements on China at the UN Human Rights Council remained strong, but the EU did not take further steps, such as leading efforts at this council toward accountability for crimes against humanity in Xinjiang and serious violations elsewhere or expanding the use of the EU's human rights sanctions regime.

Self-censorship continued to underpin the EU's approach to human rights abuses in the Persian Gulf. The EU prioritizes trade, economic, and political ties with governments in the region and remains [reluctant](#) to publicly criticize abuses, leaving the matter to yearly, ineffective human rights dialogues.

The same applies to India, with the EU and its governments reluctant to speak openly and exert public pressure over deteriorating human rights conditions under Prime Minister Narendra Modi.

In July, the EU held a [summit](#) to reengage with Latin American and Caribbean leaders. The EU continued to play an important role for human rights in Guatemala and Venezuela, but its actions

remain insufficient to address other human rights crises in the region, including in Haiti, Nicaragua, Cuba, and El Salvador.

In February, the EU Foreign Affairs Council renewed its [Great Lakes Strategy](#), committing to strengthen support for human rights and international humanitarian law in the region and to speak out actively against violations. The EU's slow and limited response to the renewed crisis in Sudan questioned its capacity to prevent and address atrocities. Continued disengagement from the [Sahel region](#), following a series of military coups, was accompanied by greater attention to Gulf of Guinea states.

In November, in Samoa, the EU signed [a new agreement](#) with 79 African, Caribbean and Pacific (ACP) countries to replace the 2000 Cotonou agreement, making human rights one of its engagement priorities. Previously, the signature of the agreement had been [blocked since 2021 by Hungary](#) over references to gender and migration.

The EU expanded listings under its Global Human Rights Sanctions regime and ad hoc country regimes to target individuals and entities involved in human rights violations.

Following corruption allegations involving some of its members, the European Parliament adopted [new rules](#) aimed at preserving its integrity and transparency. Some political groups took the chance to call into [question](#) the integrity of all NGOs and [tried to halt](#) the parliament's human rights work. However, the parliament continued to play an important role in advancing human rights, challenging, among others, the European Commission's deal with Tunisia, adopting [resolutions on human rights](#) situations of concern around the world, voicing human rights issues during country visits, and adopting principled negotiating positions on important legislation. The Parliament's [position](#) in October on the hostilities in Israel and Palestine exposed biases similar to those that characterized the European Council's response. Parliament [awarded](#) the 2023 Sakharov Prize for Freedom of Thought to Jina Mahsa Amini and the Woman, Life, Freedom Movement in Iran.