

## European Union

The European Union and most member states continue to espouse a commitment to human rights and democratic values. In practice, however, the policies and actions of the union and member states often fall short.

On migration, the response to the crisis in Afghanistan, the humanitarian emergency at the Poland-Belarus border, and pushbacks at that and other external EU borders exemplified a focus on sealing borders and externalizing responsibility for refugees, migrants, and asylum seekers at the expense of human rights. State responses to racism, violence, and discrimination, affecting women, ethnic and religious minorities, lesbian, gay, bisexual and transgender (LGBT) people, and people with disabilities, are often inadequate and in some cases exacerbate rights abuse.

The Covid-19 pandemic exacerbated deep inequality and poverty in the European Union, despite some state measures to mitigate it. EU member states used stronger rhetoric to criticize attacks on the rule of law and democratic institutions inside the EU, but fell short of taking decisive action available under the EU treaties or fully activating financial conditionality mechanisms.

### ***Migrants, Refugees, and Asylum Seekers***

EU member states evacuated thousands of Afghans from Kabul in August after the Taliban takeover but subsequently focused largely on measures to keep people fleeing Afghanistan in neighboring countries. During a high-level EU forum on providing protection to Afghans at risk, convened in October, EU member states did not make any concrete resettlement pledges.

In May, Spain [summarily returned](#) thousands of people, including unaccompanied children, from Ceuta after an estimated 10,000 people entered the Spanish North African enclave within 24 hours with alleged facilitation by Morocco.

[Lithuania](#), [Latvia](#), and [Poland](#) declared states of emergency, deployed troops, and unlawfully pushed people back into Belarus after saying that Belarus authorities were facilitating people, including Iraqis and Afghans, entering EU states. In August, the [European Court of Human Rights](#) ordered [Latvia](#) and [Poland](#) to pro-

vide assistance to groups of Iraqi and Afghan asylum seekers, respectively, stuck at the Belarus border, but reserved for a full hearing the question of whether they should be admitted to their territory. The situation escalated significantly in November, with thousands of people in dire wintery conditions at the Poland-Belarus border, and estimates that [at least nine people had died](#) in the area.

According to the [UN refugee agency](#), over 103,889 people arrived irregularly at the EU's southern borders by mid-November 2021, most by sea, while at least 1,319 died or went missing in the Mediterranean Sea, almost as many (1,401) as in all of 2020. The [International Organization for Migration \(IOM\)](#) estimates that 1,563 people died at the Mediterranean, and [recorded 785 dead or disappeared](#) in the Atlantic Ocean on their way to Spain's Canary Islands in the first eight months of 2021. The death toll may be much higher; the nongovernmental organization (NGO) Walking Borders said almost [2,000 had died](#) in the first six months alone.

The EU and member states continued to cooperate with Libya, including to facilitate interceptions at sea and disembarkation in Libya, despite known risks of arbitrary detention, torture, and other abuses. At least [27,551 people—well over double the total for 2020—were disembarked in Libya](#) in the first 10 months of 2021. A [UN inquiry published in October](#) said the litany of inhumane acts against migrants in Libya may amount to crimes against humanity, adding that the responsibility of other countries needs to be investigated.

The [Council of Europe commissioner for human rights](#) and the [UN high commissioner for human rights](#), in March and May respectively, urged the EU to conduct search and rescue in the Mediterranean Sea, stop obstructing the work of nongovernmental rescue organizations, and condition cooperation with Libya on respect for human rights. As of September, only five NGO rescue vessels were operational, with groups alleging obstruction by Italy and Malta.

In June, [Denmark amended its immigration law](#) so it can send asylum seekers to another country for examination of their claim, without any guarantee of relocation to Denmark if successful. The [African Union strongly condemned](#) the move in August, and to date no country is on record as agreeing to host offshore processing.

A [European Parliament investigation](#) concluded in July that the EU Border and Coast Guard Agency, commonly known as Frontex, failed to take action to stop unlawful pushbacks, ignoring reports and deliberately delaying hiring rights monitors. Despite having numerous accountability mechanisms, Frontex [has failed to credibly investigate or mitigate pushbacks](#) where they were operating. In late October, the [European Parliament froze](#) part of the agency's budget until it makes improvements related to human rights.

In September, the European Commission [noted slow progress](#) on implementing its 2020 [Pact on Migration and Asylum](#), with notably limited momentum to create more safe and legal migration pathways and towards more equitable sharing of responsibility for asylum seekers. Steps towards creating independent border monitoring mechanisms envisioned in the pact fell short of guarantees to ensure such mechanisms would contribute to accountability and to ending illegal pushbacks.

### ***Discrimination and Intolerance***

The Covid-19 pandemic [fuelled](#) discrimination and hate crimes particularly against migrants and Roma people, according to a June EU Fundamental Rights Agency report.

The European Committee of Social Rights of the Council of Europe (CoE) said in a March report that the pandemic had a [dire impact](#) on schooling during the 2020-2021 academic year, including in EU member states. [Inequalities were exacerbated](#) particularly for [marginalized](#) and [socially disadvantaged](#) children and those in greater need of educational support such as [children with disabilities](#).

A June [report](#) by the EU's Fundamental Rights Agency (FRA) found in some countries asylum seekers and undocumented migrants faced difficulties in accessing Covid-19 vaccines, but other countries waived formal requirements to facilitate access.

In response to increasing antisemitism and attacks on Jews in many parts of Europe, including online hate speech, the CoE's European Commission against Racism and Intolerance issued a [General Policy Recommendation](#) in September calling on European countries including EU states to tackle the issue and in Oc-

tober, the European Commission published a [strategy](#) on combatting anti-semitism.

A May survey by the FRA on [police stops across the EU](#) found that overall ethnic minorities, Muslims, and those who do not identify as heterosexual were among those most often stopped. It also found that those who experience ethnic profiling place less trust in public authorities than those who do not.

The pandemic highlighted a [stark rise in abuse and hate speech](#) against lesbian, gay, bisexual, transgender and intersex (LGBTI) people, problems accessing health care including for LGBTI people with [disabilities](#). A survey published in April found increased vulnerability to [homelessness](#) for LGBTI young people linked to the pandemic.

The FRA [called in July](#) on EU countries to remove barriers that prevent hate crime victims from coming forward, and to encourage reporting by tackling structural discrimination and prejudice in society, eliminating discriminatory policing, publicly condemning hate crime and raising victims' awareness of their rights and support available.

In March, the Council of Europe commissioner for human rights, Dunja Mijatović, [expressed concern about people of African descent's](#) continued exposure to racist violence, racial profiling or other grave forms of racism and racial discrimination in Europe including in EU states.

Violence and harassment on the grounds of gender and sex, including for [LGBTI people](#), remained widespread. A [FRA survey](#) published in March found that 83 percent of women and girls aged between 16 and 29 limit where they go or who they spend time with to protect themselves; over 1 in 4 women (28 percent) reported having been victims of harassment in the year before the survey, and women were significantly more likely to experience sexual harassment than men; when women face non-sexual physical violence, they said it is most often by a family member or a relative (32 percent) and frequently in their own homes (37 percent). More than two thirds of respondents said they did not report incidents of violence to the police. At time of writing, six member states and the EU had yet to ratify the CoE [Istanbul Convention](#) on combatting and preventing violence against women; some member states were actively opposing ratification or threatening to withdraw from the convention.

A [March study](#) by the European Institute for Gender Equality found that while all 27 EU countries had taken steps to support and protect women victims of intimate partner violence and their children in the context of Covid-19, only a handful had comprehensive action plans to address the situation.

In March, the European Commission [adopted a strategy for the rights of persons with disabilities 2021-2030](#), prioritizing accessibility; deinstitutionalization and independent living; countering discrimination and achieving equal access in employment, justice, education, health, and political participation; and promoting disability rights globally. The 2021 Fundamental Rights Agency annual report noted [particular risks for people with disabilities in institutions](#) during the Covid-19 pandemic, as well as increased obstacles to accessing essential services, education, and healthcare.

The European Court of Human Rights (ECtHR) [ruled in July](#) to permit employers to discriminate against people who wear religious dress, raising concerns about protection of religious freedom for Muslim women in particular.

### ***Poverty and Inequality***

Official [estimates](#) suggested that 91.4 million people across the EU (around a fifth of the population), of whom 17.9 million were children, are [at risk of poverty or social exclusion](#) (defined as living with severe material deprivation or chronic underemployment), with inequality levels static or worsening since the 2008-9 financial crisis.

The [European Food Banks Federation](#) estimated in September that its member organizations were providing food aid to 12.8 million people in need, an increase of 34.7 percent compared to pre-pandemic situation, highlighting a sharp increase in aid provided to people who had lost their jobs. Temporary financial relief from governments in many EU states helped partly mitigate the negative impact of the Covid-19 pandemic on inequality, which [nonetheless widened](#).

The UN special rapporteur on extreme poverty concluded a visit to EU institutions in January [warning](#) that national governments and regional institutions needed to prioritize socioeconomic rights and “rethink [their] fundamental economic rules” to make meaningful headway on reducing poverty in the coming

decade, and noting the disproportionate impact of poverty on women, people with disabilities, older people, and Roma.

In March, the European Commission adopted the [European Child Guarantee](#), spurred by concerns of increasing child poverty during the pandemic, setting out specific steps on children’s right to food and right to an adequate standard of living. The European Commission [proposal](#) for the European Council calls on Member States “to guarantee for children in need effective access to healthy nutrition and adequate housing.”

In May, EU member states signed the [Porto Declaration](#) committing to the implementation of a [European Pillar of Social Rights](#), confirming a target to remove 15 million people from poverty by 2030, and setting out a need to modernize minimum incomes schemes across the EU. The UN special rapporteur on extreme poverty [assessed](#) the Porto Declaration’s targets as “insufficiently ambitious.”

Anti-poverty and environmental groups [criticized](#) the European Commission’s announcement in July of a [legislative package on energy](#) for failing to protect people on low-incomes from fluctuating energy prices and for insufficiently addressing emission reduction targets. As energy prices rose, by October researchers estimated [some 80 million households](#) would struggle to meet energy costs during the winter.

Roma people remained at disproportionate risk of living in poverty and social exclusion. Roma rights activists [documented](#) anti-Roma discrimination and segregation in housing, evictions and lack of access to water, sanitation and essential public services in some EU countries, including Bulgaria, the Czech Republic, France, Hungary, Ireland, Italy, Romania, and Slovakia. The European Roma Rights Center [reported](#) that Roma children were overrepresented in state care in Bulgaria, the Czech Republic, Hungary, Italy, Romania, and Slovakia, often as a byproduct of discriminatory policy, poverty, and social exclusion.

## ***Rule of Law***

Hearings on Poland and Hungary under Article 7—the EU treaty procedure to scrutinize threats to EU values on rights and rule of law—took place in the EU Council in [June](#) 2021.

In June, [18 EU member states](#) jointly condemned the Hungarian legislation discriminating against LGBT people. In a [June resolution](#), the European Parliament called on the Council to issue concrete rule-of-law recommendations to Hungary and Poland under Article 7.

In [July](#), the European Parliament condemned Hungary's anti-LGBT law and other attacks on the rule of law. In [September](#), it criticized the deterioration of media freedom and the erosion of judicial independence in Poland. In [October](#), it called on the Commission to launch an infringement against Poland on the functioning and composition of the Constitutional Tribunal, following a decision by the tribunal that undermines EU law.

In October, the EU Court of Justice imposed a daily €1 million (approximately US\$1,132,000) penalty on Poland for failing to respect a [CJEU request](#) in July to block a 2020 law undermining judges' independence. In September, the EU Commission [opened a follow-up procedure](#) against Poland for failing to [implement a separate CJEU ruling](#) that found the disciplinary regime against judges was illegal. In July, the commission initiated another [legal procedure](#) against Poland over "LGBT-ideology free zones" in several municipalities. In October, EU Commission President Ursula Von der Leyen stated she was [deeply concerned](#) by the ruling of Poland's compromised Constitutional Tribunal on the unconstitutionality of EU law, and committed to use all the powers under the treaties to protect the binding nature of CJEU rulings.

The commission opened a follow-up case in [February](#) against Hungary for failing to implement 2020 CJEU ruling finding illegal the law on [foreign-funded NGOs](#), and requested in November that the CJEU orders financial penalties on Hungary for failing to implement a December 2020 Court ruling finding the [asylum law](#) illegal. In November, the [CJEU ruled](#) that [Hungary's 2018 asylum law](#) that restricted access to international protection and criminalized legitimate activities in support of migrants breached EU law. The commission opened new legal infringements against Hungary for [forcing independent station Klubradio](#) off air, and in July for the law violating the [rights of LGBT people](#).

A European Parliament [Monitoring Group](#) continued to assess situations in other EU countries, including Bulgaria, Slovakia, Slovenia, and Malta.

In July, the European Commission released its [second rule of law report](#) covering all 27 EU states. In September, Commission President [Von Der Leyen](#) announced that from 2022, the rule of law reports would come with specific recommendations to member states, and committed to introduce a media freedom legislation within a year.

At time of writing, the commission had not yet started using the new rule of law conditionality mechanism for EU funding, prompting a legal challenge by European Parliamentarians. The commission in September explained that delays in approving Poland's and Hungary's Covid recovery funds were justified by rule of law concerns. In September, four Polish regions revoked their anti-LGBT declarations for fear of losing EU funds earmarked to the regions.

Lack of accountability for the killing of journalists for their work remains a concern. In an [April resolution](#), the European Parliament urged Malta to bring to justice the perpetrators of the 2017 murder of journalist Daphne Caruana Galizia. In February, one of the three accused of the murder was sentenced to 15 years of prison; the other two were awaiting trial. In August, Malta's attorney general called for life sentence against [Yorgen Fenech](#), for his involvement in planning the murder. In July, the report of an [independent judicial inquiry](#) flagged the responsibility of the state for the climate of impunity that led to Caruana Galizia's killing.

In June, Slovakia's [Supreme Court acquitted and ordered the retrial](#) of a man accused of being involved in the murder of journalist Ján Kuciak and his fiancée, Martina Kušnírová, in 2018. In Athens, Greece, investigative journalist [Giorgos Karaivaz](#) was shot in April 2021. The investigation was ongoing. In the Netherlands, investigative journalist [Peter R. de Vries](#) was shot in Central Amsterdam on July 6 and died nine days later; two people were in custody for their alleged involvement. According to investigators, the murders of [Karaivaz](#) and de Vries are linked to organized crime networks.

In its [annual Rule of Law report](#), the European Commission identified that civil society organizations face serious challenges in some EU states. In Hungary, civil society groups continue to face smear campaigns and laws criminalizing legitimate activities. In Poland, human rights defenders face harassment and defunding, with women's human rights defenders facing [escalating threats](#). France's



top administrative court [confirmed](#) in September the government-ordered dissolution of an anti-discrimination group. In Greece, Cyprus, and Italy, civil society groups working on migration face a hostile environment.

## ***Climate Change Policy and Impacts***

The 27 member states of the European Union are among the [top 10 greenhouse gas emitters](#) globally, making a major contribution to the climate crisis that is taking a mounting toll on human rights around the globe. In July, the European Commission adopted a [series of legislative proposals](#) laying out how it intends to achieve [climate neutrality by 2050](#), the target set in the 2020 European Climate Law adopted in June, including the intermediate target of an at least 55 percent net reduction in greenhouse gas emissions by 2030. According to Climate Action Tracker, the 2030 commitment is “almost sufficient” to meet the Paris Agreement goal to stay below 1.5°C of warming.

Despite committing to phase out environmentally harmful subsidies, including subsidies for fossil fuels, [by 2020](#), European Parliament members voted in 2021 to [prolong gas subsidies until 2027](#), undermining emissions reduction efforts.

Several European officials, including the French president and the then-German chancellor, have said they opposed or had strong reservations about the EU-Mercosur free trade agreement due to Brazil’s disregard for its commitments under the Paris Climate Agreement and failure to curb illegal deforestation in the Amazon, a “carbon sink” critical for mitigating climate change.

## ***Foreign Policy***

The European Commission continued to oppose temporarily waiving some intellectual property and trade rules in the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) that would facilitate the world-wide production of Covid-19 tests, treatments, and vaccines needed for the pandemic response.

Hungary repeatedly used the EU's unanimity rule to prevent the adoption of several EU statements on human rights, as well as of EU foreign ministers' conclusions on China's crackdown in Hong Kong.

Highlighting major double-standards in foreign policy, the EU and its member states failed to take decisive action to address serious human rights abuses in Egypt, the Gulf countries, Israel and Palestine, and India. Trade, migration-management, and perceived geostrategic interests ostensibly took precedence over human rights concerns in EU relations with these and other countries, leading to a reluctance to publicly denounce abuses or to condition military, budgetary, or political support to states responsible for grave human rights violations. Similarly, the EU raised concerns on rule of law and human rights in Turkey but failed to make it a priority in the relationship. When unanimity was secured, the EU managed to take bold steps, including notably on Russia, Nicaragua, Venezuela, Myanmar, and Belarus.

The EU collectively and several of its member states continued to play an important role on several initiatives at the UN, and sponsored, co-sponsored, or supported important resolutions including on Afghanistan, Belarus, Ethiopia, Sudan, Syria, Sri Lanka, Myanmar, Nicaragua, North Korea, and climate change. But EU member states' support for joint statements on Egypt and on China was fragmented, and none supported the establishment of a commission of inquiry on Israel.

The failure to seriously address human rights violations by EU member states, and EU double standards continued to risk devaluing important EU declarations and human rights policies including the new [EU Action Plan on Human Rights and Democracy](#).

In February, the EU revised its [guidelines for human rights dialogues](#) with third countries, recognizing the need to maximize their impact. Human rights dialogues have often been unproductive undertakings, often held just ahead of higher-level engagements by EU leaders with their counterparts, giving the appearance of being no more than a box ticking exercise.

In [April](#), EU foreign ministers adopted a new [strategy](#) for the Sahel region, recognizing the urgent need for security sector reform, improved governance, and accountability, including justice for violations committed by the security

forces. Concerns remain over its implementation in a changing scenario and uncertainties over the EU's presence in the region.

In March, under the [new EU global human rights sanctions regime](#), the EU designated a total of 15 individuals and 4 entities from Russia, China, North Korea, Libya, South Sudan, and Eritrea. At the time of writing these were the only designations under the [new EU global human rights sanctions regime](#). The sanctions against Chinese officials deemed responsible for what Human Rights Watch and others has determined to be [crimes against humanity](#) in Xinjiang were the first restrictive measures against the Chinese government since the 1990 Tiananmen massacre. Beijing retaliated with countersanctions against several EU and European entities and Members of the European Parliament; in response, the European Parliament [froze](#) any consideration of a bilateral trade deal with China. Existing sanctions regimes and arms embargoes were confirmed or strengthened, including those on Myanmar, Belarus, Syria, and Venezuela, among others.

In [March](#), the European Parliament adopted a [legislative initiative report](#) paving the way for EU legislation on sustainable corporate governance. The proposed legislation [should](#) put in place binding provisions for companies to conduct human rights and environmental due diligence throughout their value chain, foreseeing penalties in case of failure to comply and establishing legal remedies for affected individuals and communities. In [September](#), the Commission's President, Ursula von der Leyen, also announced upcoming legislation to ban products produced by forced labor from entering the EU market.

In September, the European Commission [proposed](#) a new regulation to replace the current Generalised Scheme of Preferences (GSP) when it expires in 2023. The scheme provides beneficiary countries with tariff benefits for their exports to the EU against varying degrees of human rights conditionality. While the new proposal includes some improvements, several human rights groups, including Human Rights Watch, [urged](#) the European Parliament and the European Council to address some of the scheme's longstanding key weaknesses.

Current GSP beneficiaries include countries with very serious shortcomings in their human rights records, including Sri Lanka, the Philippines, Pakistan, Bangladesh, and Myanmar. In April, the EU granted GSP+ to Uzbekistan despite

persistent serious human rights concerns. Pressure from the [European Parliament](#) ahead of the EU's assessment of Sri Lanka's compliance with its obligations under the GSP scheme helped build momentum to secure reform of parts of the country's abusive counter-terrorism legislation and responses.

The European Parliament continued to play an important role as a watchdog of EU foreign policy, often denouncing abuses committed by governments that the EU and its member states were unwilling to publicly criticize, including Egypt, Rwanda, India, Saudi Arabia, Bahrain, the United Arab Emirates, and Vietnam. Unfortunately, calls by European parliamentarians for concrete EU action often were ignored by the European Commission, the European External Action Service, the European Council, and EU member states. The European Parliament [awarded](#) the 2021 Sakharov Prize to Russian dissident Alexei Navalny.