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Events of 2017

Xenophobic populists hostile to human rights shaped politics even when they failed to win at the ballot box, and European governments seemed determined to keep migrants away at all costs. Yet there were hints in the response to the crisis in Poland that European Union leaders were beginning to recognize that the bloc's future depends on a willingness to stand up for human rights and the rule of law.

Migration and Asylum

The EU and its member states intensified efforts to prevent arrivals and outsource responsibility for migration control to countries outside the EU's borders. In Libya, in particular, the EU pursued a strategy of containment in cooperation with Libyan authorities, despite overwhelming evidence of pervasive and routine brutality against asylum seekers and other migrants arbitrarily detained by those authorities, or otherwise deprived of their liberty. Libya has not signed the Refugee Convention, and does not have a functioning asylum system.

By mid-November 2017, just over 150,000 people reached Europe by sea, less than half the arrivals for the same period in 2016, with a significant decrease in arrivals on Greek islands and dip in boat departures from Libya. There was a large increase in boat migration in the western Mediterranean, from Morocco to Spain, though the overall numbers remained low. The Western Balkan route remained largely closed, aided by an abusive border regime in Hungary and migrant pushbacks by Croatia.

The Mediterranean remained deadly, with almost 3,000 dead or missing by mid-November 2017. Nongovernmental organizations (NGOs) performed roughly 40 percent of all rescues in the central Mediterranean in the first half of 2017, but by September several NGOs had suspended activities due to security concerns and increased interceptions, sometimes reckless and accompanied by abuse, by Libyan coast guard forces. Backed by EU institutions, Italy imposed on NGOs a code of

conduct governing rescues following a campaign to delegitimize and even criminalize their efforts.

Despite calls for expanded safe and legal channels, including family reunification and humanitarian visas, EU institutions and member states moved forward only on resettlement of recognized refugees. The European Commission announced in September that member states had resettled 22,518 refugees over the past two years, and recommended a plan to resettle 50,000 refugees to Europe over the next two years. Member states were slow to respond to the earlier commission call for resettlement pledges.

Member states less affected by direct arrivals remained reluctant to share responsibility for asylum seekers. The two-year binding plan to relocate almost 100,000 asylum seekers out of Greece and Italy officially ended in September, with only 29,401 people actually transferred, less than one-third of the final target. Some countries continued to relocate, however, and over 2,000 more had been relocated by mid-November. In June, the European Commission initiated infringement proceedings against Hungary, Poland, and the Czech Republic for failure to comply with the plan. In September, the EU Court of Justice (CJEU) dismissed the case against the relocation plan brought by Hungary and Slovakia.

EU countries continued to return asylum seekers to Italy, and resumed returns to Greece, under the Dublin Regulation, which requires the first EU country of entry to take responsibility for asylum claims in most cases. In March, the European Court of Human Rights (ECtHR) ruled that Hungary was in violation of its human rights obligations for the way it detained asylum seekers and returned them to Serbia under the "safe third country" argument, and in April the United Nations High Commissioner for Refugees (UNHCR) called for a suspension of returns to Hungary under the Dublin rules. Germany officially suspended such returns in late August, and a number of other EU countries took a similar approach.

Little progress was made on reform of EU asylum laws. Problematic proposals would make it easier to summarily reject claims, send people to countries outside the EU based on the "safe third country" concept, and revoke refugee status. Meanwhile, asylum seekers continued to face widely varying recognition rates across the union.

Discrimination and Intolerance

Populist extremist parties exercised an outside influence over European politics during the year. While they came second rather than first in presidential elections in France and Austria and the parliamentary vote in the Netherlands, radical right populists entered the German parliament, and at time of writing were in talks to become part of the coalition government in Austria, following elections in October. Worse still, elements of their anti-immigration, anti-refugee and anti-Muslim policy agenda continue to be embraced by mainstream political parties in many EU countries.

Racist, xenophobic, and anti-Muslim sentiment and violence persisted across the EU. Muslims experienced widespread hostility and intolerance. Anti-Semitism, including hate crimes, remained a serious concern.

In its June annual report, the Council of Europe's Commission against Racism and Intolerance (ECRI) noted that nationalistic populism and xenophobic hate speech had entered the political mainstream in the region. In an April report, the EU Fundamental Rights Agency (FRA) noted that many hate crimes in the EU remain unreported and invisible, leaving victims without redress, and urged member states to improve access to justice for victims.

In an August assessment on strategies aimed at helping Roma, the European Commission found that as many as 80 percent of Roma are at risk of poverty across the EU, calling for further efforts to improve access to schooling and employment.

In August, the Council of Europe's Commissioner for Human Rights Nils Muižnieks identified the right to live in the community and deinstitutionalization; the right to legal capacity; and the right to an inclusive education as key challenges affecting persons with psychosocial and intellectual disabilities in Europe. In September, Muižnieks called for an end to school segregation for children with disabilities, Roma children and refugee and migrant children.

A March decision by the CJEU backing private sector workplace bans on headscarves seriously undermined women's right to equality and non-discrimination. In July, the ECtHR upheld Belgium's ban on burqas and full-face Islamic veils.

In a June resolution, the Council of Europe Parliamentary Assembly called for an end to impunity of sexual violence and harassment of women in public by prosecuting perpetrators. In June, the EU signed the Istanbul Convention on preventing and combatting violence against women. Eleven EU member states -- including the United Kingdom, Greece, and Hungary -- have yet to ratify the convention.

In May, Council of Europe Secretary General Thorbjørn Jagland warned that attacks against lesbian, gay, bisexual, and transgender (LGBT) people are widespread in Europe, and highlighted the need for strong and effective anti-discrimination laws. In April, the ECtHR ruled that requiring transgender people to undergo sterilization in order to have their gender recognized violates human rights.

Terrorism and Counterterrorism

Attacks in Belgium, Finland, France, Greece, Spain, Sweden and the UK, together killed over 60 people and left hundreds injured. All the mass casualty incidents among these were claimed by the Islamic State (also known as ISIS). Some incidents were attributed to or claimed by far-right, left-wing and regional separatist armed organizations. During the year, attacks specifically targeting police officers or soldiers took place in France, Poland, Spain, Sweden, and the UK.

France, Germany, and the Netherlands passed laws permitting or enhancing existing powers of the executive, to order administrative controls restricting the movement and association of people considered a threat to national security.

In March, a new EU directive to combat terrorism, strengthening the existing EU framework, was approved by governments. The directive requires states to criminalize "public provocation to commit a terrorist offence" and various preparatory acts that fall short of direct participation in attacks. Human rights groups expressed concern about insufficient safeguards and vague terminology in the directive, and its impact on freedom of expression.

During the year, people in France and Spain were convicted of terrorism offences for posting comments online that were treated as glorification of or apology for terrorism, in some cases without evidence of any direct link to incitement to violence.

In June, the European Commission accelerated existing plans to combat radicalization and remove online terrorist content. An Anglo-French action plan published the same month included proposals to remove extremist material online, and to access encrypted content, raising concerns about freedom of expression and privacy.

Criminal investigations into alleged complicity by Polish and Lithuanian authorities remained stalled, and a judicial review of a 2016 decision by prosecutors to close the investigation into alleged UK complicity in renditions by the Central Intelligence Agency (CIA) to Libya remained pending. A ECtHR case brought against Lithuania and Romania over their complicity in CIA torture and secret detention remained pending.

Croatia

By August, 1,262 people claimed asylum in Croatia in 2017, including people returned to Croatia from other EU member states under EU asylum rules. Only 76 asylum seekers had been granted some form of protection in 2017 at time of writing. Croatia relocated 78 asylum seekers from Greece and Italy by late September.

During the year, Croatia forced back asylum seekers and migrants who entered the country from Serbia without examining their asylum claims. In July, the CJEU ruled that Croatia breached EU law by allowing asylum seekers and migrants to cross into Slovenia and Austria without first examining their asylum claims.

Asylum seekers and refugees continued to face social isolation and difficulties in accessing language classes, education, and employment. Unaccompanied migrant and asylum children continued to be placed in residential institutions for children without adequate arrangements for their protection and care. Out of 30 registered unaccompanied children, only one had been enrolled in school for the academic year of 2017/2018.

People with disabilities continued to be denied the right to legal capacity and to live in the community. Adult persons with disabilities continued to be placed in residential institutions without their consent.

Members of national minorities, in particular ethnic Serbs and Roma, continued to face discrimination, ethnic intolerance, and hate speech. Thousands of Roma remain stateless. Roma children are effectively segregated in schools.

The Croatian judiciary continued to make slow progress on war crimes accountability.

Estonia

The number of stateless persons continued to decline in Estonia in 2017, although the naturalization rate is very slow. According to the Interior Ministry, in 2016, only 1,450 stateless people acquired citizenship by naturalization and as of January 2017, leaving 79,438 stateless persons residing in Estonia, compared to 82,561 in January 2016. Stateless persons, most of whom are ethnic Russians who lost their citizenship in 1991 after the collapse of the Soviet Union, continue to face significant barriers to social and economic integration. Not only do they lack full political and employment rights, they are also unable to pursue certain careers in national and local civil service, police, and customs.

While Estonia has made some strides in reducing child statelessness in recent years, the government has only partially addressed the problem. Children between 15 and 18 and those born outside Estonia to parents who are stateless residents of Estonia still cannot automatically obtain citizenship. In February 2017, the UN Committee on the Rights of the Child recommended that Estonia "fast track the naturalization of children with undetermined citizenship" between 15 and 18 years old.

In January 2017, Estonia became the first former Soviet republic to recognize same-sex marriages entered into abroad. In July 2017, Estonia held its first Pride Parade in 10 years. Despite these

significant steps, the government has yet to implement the 2016 Cohabitation Act that would give people in same-sex civil partnerships the same rights as married couples, including in relation to property and adoption.

As of September 25, 2017, the government had relocated 141 asylum seekers under the EU relocation scheme.

France

France continues to rely on abusive counterterrorism powers introduced following November 2015 attacks.

The state of emergency that permitted the use of security powers without adequate safeguards was extended in December 2016 and July 2017. The state of emergency ended on November 1, when the new Law to Strengthen Internal Security and the Fight against Terrorism entered into force, following its adoption by parliament in October.

Despite widespread concern from rights bodies, both domestically and abroad, the law incorporates some of the powers utilized under the state of emergency. These include powers that have led to significant abuse, such as the power to order people considered a threat to national security to live in an assigned place of residency, and to carry out house searches without judicial authorization.

The French Ombudsman, the French National Consultative Commission of Human Rights (CNCDDH) and a large coalition of NGOs criticized the law for granting the executive the power to restrict freedom of worship, assembly, free movement and the right to privacy, without adequate judicial safeguards.

A report by the French ombudsman in January confirmed earlier CNCDDH's findings that young men from visible minorities are overrepresented in police checks, and are 20 times more likely to be stopped by the police than members of the majority population. The new security law expands police check powers at and around borders, including international train stations, raising concerns that the use of discriminatory identity checks could be expanded.

An April report by the CNCDDH records a 44.7 percent decrease in anti-Semitic and anti-Muslim incidents in 2016 compared to 2015.

There were reportedly between 500 and 1,000 migrants, including up to 200 unaccompanied children, in the Calais area, as of October, despite the dismantling of the squalid, informal camp at the end of 2016. The French ombudsman and local organizations reported dire living conditions for migrants there, as well as police harassment and abuse against migrants and aid workers, concluding that they contributed to "inhuman living conditions." The report of an investigation ordered by the interior minister, published in October, found that police had abused migrants in Calais.

Despite several court orders, local authorities in Calais continued to obstruct the work of aid groups and refused to provide water and sanitation. By the end of October, the central government had opened four new short-term shelters and provided running water, toilets, and showers.

By late September, France relocated 377 asylum seekers from Italy and 4,091 from Greece.

In an annual report in March 2017, the inspector of prisons found that women in prison face difficulties "accessing psychiatric care."

In February, France became the first permanent member of the UN Security Council to endorse the Safe Schools Declaration.

Germany

Arrivals of asylum-seekers and migrants fell for the second year in a row. By the end of July, 105,000 new asylum-seekers had been registered. Authorities made decisions on over 408,000 asylum applications in the first half of the year, many pending from the previous year. By August, Germany had accepted 1,730 resettled refugees, of whom 1,700 were Syrian. By late September, Germany had relocated 3,641 asylum seekers from Italy and 4,838 from Greece.

In the first half of 2017, authorities recorded 143 attacks on asylum shelters and 642 attacks on refugees and asylum seekers outside their home.

Germany's federal parliament approved a series of surveillance measures during the year that raise concerns about the rights to privacy and freedom of expression. One measure, which would allow law enforcement agencies to install malware on mobile phones, tablets and computers to circumvent encryption, had not entered into force at time of writing. A second came partly into force in October, requiring social media companies to take down "illegal content," a poorly defined term including hate speech, or face large fines. A third, which entered into force in July, permits law enforcement authorities at the border to examine data on the mobile phones of refugees and migrants, without a prior court order, a reasonable suspicion of a criminal offense, or consent.

An amendment to the Federal Criminal Police Act, in force since July, allows the pre-emptive electronic tagging and imposition of restrictions on the movement of people considered to pose a risk to national security (*Gefährder*), but who had not yet committed any crime. An immigration power allowing similar restrictions on foreign nationals pending deportation came into effect the same month.

German authorities continued to investigate serious international crimes related to the conflict in Syria and Iraq. Trials for war crimes are underway or have been concluded against members of ISIS, former Jabhat al-Nusra members, and various armed groups opposed to the Syrian government.

In June, Federal Parliament approved the recognition of equal marriage rights for same-sex couples, and the law came into force on October 1.

Greece

A December 2016 European Commission plan for Greece recommended tougher measures aimed at increasing the number of returns of asylum seekers to Turkey, including weakening protections for vulnerable groups, expanding detention, and curbing appeal rights. As a result, Greece increased detention capacity and forced people identified as "vulnerable" to remain on the Aegean islands until their asylum claim is heard.

Despite progress, access to asylum remained difficult and subject to delay while there were particular concerns with low refugee recognition rates on the islands.

The policy under the EU-Turkey deal of containing asylum seekers on the islands trapped thousands in overcrowded and abysmal conditions, while denying most access to adequate asylum procedures or refugee protection.

According to UNHCR data, there were more than 46,000 asylum seekers and migrants in mainland Greece, and 13,652 on the islands, as of October.

The Greek authorities' failure to properly identify vulnerable asylum seekers for transfer to the mainland impeded their access to proper care and services.

The policies, conditions, uncertainty and the slow pace of decision-making contributed to deteriorating mental health for some asylum seekers and other migrants on the islands, while creating tensions that sometimes erupted into violence.

Greek police were criticized for excessive use of force against asylum seekers during a July protest at the hotspot on Lesbos, and ill-treatment of some of those who were detained following ensuing clashes. At time of writing, an inquiry was ongoing.

In September, the Council of State ruled that two Syrian asylum seekers could safely be removed to Turkey without their claims being heard, paving the way for large scale returns of Syrians under the EU deal. The wider impact of the ruling had yet to be felt on the islands at time of writing, and no asylum seekers had been returned under the conditions permitted in the ruling.

More than 1,390 migrants had been removed to Turkey by the end of October, after their claims were rejected on the merits or because they did not file an asylum claim or agreed to return voluntarily. In June, the Greek ombudsman launched an inquiry into allegations of pushbacks, including of Turkish nationals, at the Greek-Turkish land border.

An estimated 3,150 unaccompanied migrant children entered Greece as of October 31. In July, the Greek ombudsman criticized the prolonged detention of unaccompanied children at police stations and refugee camps while they await placement in the overburdened shelter system. At time of writing, an estimated 2,016 were waiting to be placed in a dedicated facility, including 107 who were detained.

Greece opened afternoon preparatory classes to integrate asylum-seeking and migrant children into public schools on the Greek mainland, but failed to cover hundreds of children on the islands. At time of writing, the education ministry was planning to extend classes to children on the islands, but plans excluded children older than 15 and those living in camps.

Far-right groups regularly attacked asylum seekers on the island of Chios. In April, two men were convicted for racially-aggravated crimes over the incidents.

In a landmark ruling in March, the ECtHR ordered Greece to pay some €600,000 in damages for failing to protect from forced labor 42 migrant strawberry pickers who were shot at by farm foremen in 2013 when they protested about unpaid wages.

In September, parliament adopted a new law on legal gender recognition, removing medical requirements to change a person's legal gender.

RABIHA HADJI'S STORY

Rabiha Hadji, a 33-year-old Kurdish mother of four children from Syria who was detained at the Moria hotspot on Lesbos in April, was refused asylum protection in Greece on the basis that Turkey is a safe third country for her and her family. "My hope is dead since they brought me here," she said. "We saw all the terrible miseries [in Syria] but me and my children haven't seen a jail [until coming to Greece]." She was awaiting deportation to Turkey.

Hungary

Hungary saw a decrease in asylum applications in 2017, with 3,035 asylum seekers registered in the first ten months of the year, compared to more than 26,000 during the same period in 2016, according to UNHCR. Most asylum seekers in 2017 came from Afghanistan, Iraq and Syria.

A March law allows for automatic detention of all asylum seekers, including children over 14 years, in two transit zones at Hungary's border with Serbia for the entire duration of the asylum procedure. Coupled with recent restrictive amendments to the asylum law, which bar asylum seekers from meaningful access to the asylum procedure, authorities limited daily entry of asylum seekers to 20, leaving thousands stranded in Serbia in poor conditions.

In September, UN High Commissioner for Refugees Filippo Grande called on Hungary to improve access for people seeking asylum, and to dismantle the transit zones at the borders.

The construction of a second line of fencing on Hungary's border with Serbia in April, and violent and other pushbacks of asylum seekers at the border also contributed to the significant drop in arrivals.

By mid-November, there were 455 asylum seekers detained in the two transit zones, including 243 children, among them 19 unaccompanied children, according to UNHCR.

The government engaged in a campaign to discredit civil society organizations, particularly those funded by philanthropist George Soros, describing them as foreign paid traitors, to smear Soros himself.

In February, the UN special rapporteur on the situation of human rights defenders raised concerns about the government's continued stigmatization of human rights defenders.

In April, the government passed a law forcing all civil society organizations receiving more than US\$27,000 per annum in foreign funding to register with authorities as foreign funded, and to report that fact on all published materials. Failure to comply results in a fine and could ultimately mean deregistration. To date, over 200 organizations have declined to register, while 20 complied.

A group of 23 organizations, including prominent human rights organizations, filed a complaint to the constitutional court in August, challenging the law. The EU Commission started infringement proceedings against Hungary in April as a result of the law.

Also in April, parliament adopted a law targeting the Central European University in Budapest, introducing requirements that would make its operations in Hungary impossible, and undermine academic freedom. The law triggered protests in Budapest and drew significant international criticism, including from the US Department of State and the European Commission, which also initiated infringement proceedings against Hungary.

In May, the European Parliament adopted a resolution characterizing the human rights situation as one that risked breaching EU values and calling for action under article 7 of the EU treaty.

Many media outlets are under state control or owned by people with close ties to the government. In September, pro-government online publication *888.hu* published a list with names of eight journalists, accusing them of pursuing a foreign agenda sponsored by Soros.

Roma continued to face discrimination in housing, education, and public health care. In May, the European Commission launched infringement proceedings against Hungary for on-going discrimination of Roma children in education.

The UN Working Group on the issue of discrimination against women in law and in practice highlighted domestic violence in Hungary in a report to the Human Rights Council in June, and urged authorities to ratify the Istanbul Convention and improve training for law enforcement officials.

In June, the appeals court in Budapest ordered the retrial of a Syrian man sentenced in November 2016 to 10 years in prison for terrorism, for throwing stones during 2015 clashes between Hungarian security forces and migrants and asylum seekers at the Serbian-Hungarian border.

Italy

Over 114,000 migrants and asylum seekers had reached Italy by sea by mid-November, according to UNHCR, significantly straining the country's reception system. The government adopted harsher policies amid a toxic political debate over migration.

In the first seven months of the year, the number of new asylum applications almost doubled compared to 2016, while authorities granted some form of protection in 43 percent of cases. The majority received temporary humanitarian leave to remain in the country, including for abuses suffered as migrants in Libya.

In February, the government introduced measures to accelerate the asylum procedure, including by limiting appeals against negative decisions, and announced plans for new immigration detention centers around the country.

The central government faced problems finding accommodation for asylum seekers across Italy, with many communities refusing to host reception centers. Many reception centers lack care and support for sexual violence survivors, as well as survivors of other traumatic violence. Italy's failure to provide long-term support to individuals granted international protection was on stark display in August, when police violently evicted hundreds of homeless Eritrean refugees from an occupied building in Rome.

Children made up 15 percent of new arrivals, with many traveling on their own. In March, parliament adopted a law to improve protections for unaccompanied children, including prioritizing their placement with foster families rather than institutions and ensuring every child is appointed a legal guardian.

A government proposal to make it easier for those born in Italy to obtain citizenship faced significant opposition and remained blocked in parliament at time of writing.

In July, parliament adopted a law finally making torture a crime, but with a definition and statute of limitations that do not meet international standards.

The Council of Europe's Committee for Prevention of Torture published a report in September calling on authorities to address prison overcrowding and conditions, and improve investigations into alleged ill-treatment by law enforcement agents.

In July, the UN women's rights committee recommended stronger measures against gender-based violence, including improving identification and protection in asylum reception centers and adequate anti-trafficking mechanisms.

Latvia

In 2017, Latvia made little progress in reducing its stateless population, which as of late 2016 was 242,736 persons, according to UNHCR. Stateless persons, most of whom are ethnic Russians, do

not have full political rights and continue to experience social and economic discrimination. They are also unable to pursue certain careers in civil service, among other professions, and face restrictions on property rights.

In September, the parliament rejected amendments to Latvia's citizenship law submitted by the country's president earlier the same month, which would allow all children born in Latvia automatically to receive Latvian citizenship, unless their parents opt out or they already have another nationality. Under current legislation, non-citizens may register their children as Latvian citizens, but this process is not automatic.

The Latvian State Language Center continues to sanction individuals for failing to use Latvian in professional communications. During 2016, the center issued 160 warnings and fines, a sharp decrease from the previous year. For a second year, the mayor of Riga was among those fined.

In December 2016, Council of Europe Commissioner for Human Rights Nils Muižnieks published recommendations following his visit to Latvia in September 2016, calling on the Latvian authorities to ensure greater protection for women, children, and LGBT people. Latvia has yet to ratify the Istanbul Convention, which it signed in 2016.

By late September, Latvia had accepted a total of 321 asylum seekers from Italy and Greece under the EU relocation plan.

The Netherlands

Anti-immigrant, anti-Muslim rhetoric pervaded the election platforms of mainstream parties in the run-up to the general election in March. The incumbent prime minister published an open letter to voters telling immigrants who did not accept Dutch values "to act normal or leave."

The time-limited and conditional support offered by the Dutch government to rejected asylum seekers continued to raise concern. In July, the UN Committee on Economic, Social and Cultural Rights criticized a law making health, education and welfare assistance contingent on rejected asylum-seekers' "demonstrated willingness to return to their country of origin."

In 2017, the Central Agency for the Reception of Asylum Seekers (COA) reduced its shelter capacity from 48,700 to 31,000 places and closed 45 locations, claiming it reflected a decrease in asylum seeker numbers.

In March, new counterterrorism powers entered into force, allowing authorities to impose restrictions on people suspected of involvement in terrorism, including reporting obligations, geographic limits on movement, contact bans, prohibitions on leaving the country, and extending the power to strip Dutch nationals as young as 16 of their citizenship while abroad if suspected of joining a terrorist group. In August, the acting justice minister confirmed the first use of the power to strip Dutch nationality from a person convicted of a terrorism offense.

In July, parliament took the final step to adopt sweeping new surveillance legislation, despite widespread criticism that it violated the right to privacy. Domestic rights groups criticized as inadequate the body established by law to oversee the exercise of the broad powers given to the intelligence services to intercept communication.

Poland

The government continued to undermine the rule of law and human rights protection during the year.

Using its parliamentary majority, the government introduced a series of laws in July that threaten judicial independence and the rule of law. One law would give the minister of justice control over judicial appointments. A second law, approved in the same month, would remove all sitting supreme court judges, except those chosen by the government, and together with its power to appoint judges, would give it control of the court.

Following significant international criticism, Poland's president vetoed both laws and submitted his own proposals to parliament, which also fail to adequately guarantee the independence of the judiciary. The president signed a third law giving the justice minister power to appoint the presidents of lower courts, lower the retirement age for judges and dismiss the president of any court.

The efforts to undermine the independence of the judiciary met with significant international opposition, including from the Organisation for Security and Co-operation in Europe (OSCE), the Council of Europe, and the UN special rapporteur on the independence of the judiciary.

The EU Commission initiated infringement proceedings against Poland in July over the law on common courts. The commission also made further recommendations under the rule of law framework and expressed willingness to trigger article 7 of the EU Treaty if Polish authorities did not address concerns. EU member states twice debated rule of law in Poland in the General Affairs Council during the year, with many expressing support for the commission's efforts, but without the council reaching a firm conclusion. In November, the European Parliament adopted a resolution on Poland to take steps needed for the parliament to make a formal request to the council to trigger article 7 in relation to Poland.

In September, the Polish parliament passed a law with adverse effects on civil society organizations. It establishes a government controlled body in charge of overseeing the distribution of public funds to NGOs. Prior to its adoption, the OSCE's Office for Democratic Institutions and Human Rights raised concerns about the law, and urged lawmakers to provide safeguards limiting government interference in the body's work. State-funded NGOs working on asylum and migration, women's rights, and LGBT rights reported difficulties and delays during the year accessing the state funds granted to them.

Asylum seekers, the majority from the Russian republic of Chechnya and Central Asia, who arrived at the Polish-Belarus border crossing were routinely denied the right to access the Polish asylum procedure, and summarily returned to Belarus. Polish authorities on five occasions in 2017 ignored binding ECtHR interim orders to halt the removal of asylum seekers to Belarus.

In June, the Polish parliament adopted a law restricting access to emergency contraception, even in cases of rape.

"MARCUS"'S STORY

"Marcus," a 35-year-old Chechen asylum seeker traveling with his wife and three children, who had made five unsuccessful attempts to lodge a claim in Poland, told Human Rights Watch in December 2016, how he and his family were refused access to the Polish asylum procedure and returned to Belarus:

"It's like Groundhog Day. The same thing happens every time. I start every interview by saying that my life is in danger [in Chechnya] because I'm a journalist. They keep asking why I don't have a visa . . . I cite international law and procedure, asking them to take me to a camp to process my [asylum] request. They [Polish officials] tell me they can't do anything but it's the Immigration Services. I ask them [Polish officials] how I can get to there [Office of Foreigners]

but they just give me my passport back and hand me a paper stating I was denied entry."

"Marcus" said that he received death threats in Chechnya after reporting about enforced disappearances there. He fled to another part of Russia in 2011, but Chechen security services found him and threatened his family in Chechnya to try to make him return. With a renewed crackdown on dissent in Chechnya, Marcus fears he is in a direct line of fire. "You know, I had a good job and a good life," he said. "Why would I want to leave all that behind for nothing."

Spain

Catalonian authorities held an independence referendum on October 1, even though Spain's Constitutional Court had ordered it to be suspended and later declared it unconstitutional. The vote was marred by excessive use of force by Civil Guard and national police officers.

UN High Commissioner for Human Rights urged Spanish authorities to ensure thorough, independent, and impartial investigations into all acts of violence.

Central authorities used constitutional powers to dissolve the Catalan regional government and impose direct rule on October 27, and called for elections in December. In November, prosecutors began criminal proceedings against 14 representatives of the dissolved Catalan government for sedition and other offenses.

Attacks in Barcelona and Cambrils by an armed extremist cell in August left 16 dead and more than 100 wounded. ISIS claimed responsibility. The Barcelona attack was the deadliest in Spain since 2003.

Public officials warned against Islamophobia in the wake of the attacks. Reported anti-Muslim incidents included an assault on a 14-year-old Moroccan child. A Pakistani man began a case against Spain at the ECtHR in May, for police use of ethnic profiling, a perennial problem in the country.

The increased numbers of migrants reaching Spain by sea faced substandard conditions in police facilities and obstacles to applying for asylum. Over 16,000 people arrived by sea in the first ten months of 2017, a significant increase over the previous year. Over 5,000 crossed land borders into Ceuta and Melilla, many by scaling fences around Spain's enclaves.

In October the ECtHR found that the 2014 summary return from Melilla to Morocco of two sub-Saharan African men constituted collective expulsions. The ruling means Spain should reform a 2015 law formalizing this practice, which continued periodically throughout 2017. Asylum seekers in Spain's enclaves faced delays in transfers to the mainland, including LGBT asylum seekers, despite vulnerability to abuse.

In January, an appeals court reopened the investigation into the February 2014 deaths of 15 migrants in Ceuta waters after Guardia Civil officers fired rubber bullets and tear gas into the water.

As of September, Spain had relocated only 1,257 asylum seekers of the 9,323 it had committed to taking from Greece and Italy. While it pledged to resettle 1,449 refugees from outside the EU, at time of writing it had resettled only 631.

The CJEU issued two rulings against Spain, in December 2016 and January, for unfair mortgage practices, paving the way for consumer lawsuits against banks.

OUMAR'S STORY

Oumar, a 24-year-old from Mali, fled his country in July 2016 after he was threatened by armed groups because he worked as a tour guide with foreign tourists. After a difficult journey, he reached Nador, in northern Morocco, in November or December that year. He lived for four months in an informal migrant camp in the forest. "The police came all the time to chase us, hit us, destroy everything." He tried several times to take a boat to Spain, but was caught by Moroccan security forces and bused to different parts of Morocco.

In March 2017, he boarded a small Zodiac with seven other people. There was no engine. "The whole night we rowed and bailed water. If we stopped, the current would turn us around." Oumar was picked up at sea by the Spanish rescue service Salvamento Marítimo and disembarked in Algeciras, on the Andalusian coast.

He spent two days in a police cell. "The lawyer came when we had to sign the paper [in police custody], he gave us a copy but didn't explain what it was. The judge interviewed us as a group. She asked why we came, if we had any identity papers, if we had any family in Spain. I was scared. Everyone said they came for work, so I said that too. The lawyer didn't say anything about asylum."

The judge ordered the whole group, including Oumar, into detention pending deportation. It was in the detention center that Oumar finally spoke with someone from the Red Cross who told him about his right to apply for asylum. When Human Rights Watch spoke with Oumar, he had his asylum seeker card and was awaiting a decision.

United Kingdom

More than six months after the government formally triggered the start of Brexit, significant concerns remained about the status of rights and protection for all UK residents derived from EU law after the UK leaves the EU. A draft law to move EU law into domestic law after Brexit raised serious concerns about granting broad powers to the executive to amend laws undermining rights without parliamentary scrutiny, and excluding rights currently protected under the EU Charter of Fundamental Rights.

In June, a fire destroyed an apartment block in London, of which significant parts were social housing, raising troubling questions about the state's fulfilment of its duty to ensure safe and adequate housing. Seventy-one people died, and hundreds were left homeless. The government established a public inquiry into the immediate circumstances surrounding the fire.

Despite allegations of serious abuse in immigration detention centers, the UK persisted in not imposing a maximum time limit for immigration detention, and continued to detain asylum-seeking and migrant children.

By June, the UK had resettled 8,535 Syrians, part of a commitment to resettle 20,000 by 2020. Separately, in April the government reversed a much-criticized decision in February to curtail a program to bring unaccompanied asylum-seeking children in Europe without family ties to the UK.

No new anti-terrorism laws were proposed in response to attacks in London, Manchester, and Northern Ireland that resulted in 36 deaths and more than 250 injuries. Three attacks inspired by or claimed by ISIS caused most of these casualties. The government linked its efforts to press internet companies to remove content deemed extremist to the ISIS-related attacks.

A case at ECtHR on the privacy implications of the UK's mass interception of communications data remained pending at time of writing.

The Iraq Historic Allegations Team, a body set up to investigate alleged abuses of civilians in Iraq by UK armed forces between 2003 and July 2009, was shut down by the government in June 2017. A preliminary examination by the Office of the Prosecutor of the International Criminal Court into alleged war crimes committed by UK personnel in Iraq remained open.

Although access to abortion remained restricted in Northern Ireland, in June, the UK health minister announced that women and girls from the region who travel to access abortion services in England each year would no longer have to pay to do so.

Foreign Policy

While the European Union and its member states continued to pledge their commitment to human rights, foreign policy initiatives were often undermined by other national interests, including security, trade and access to natural resources; a desire to prevent refugees, asylum seekers and other migrants from arriving in Europe; and a failure of the EU's External Action Service to provide principled leadership on behalf of human rights.

In April, EU foreign ministers adopted a strategy on Syria that included justice for war crimes, the release of thousands of prisoners, clarification about enforced disappearances, lifting of sieges, and the end of unlawful attacks and the use of illegal weapons, despite the lack of effective EU action to realize these priorities. Also in April, the EU co-hosted an international donors' conference to secure continued support for Syrian refugees and host countries in the region. The EU and its member states became the biggest donors to the International Impartial Independent Mechanism to investigate atrocity crimes committed in Syria.

EU member states supported the United Nations Security Council's establishment of a mechanism for crimes committed by ISIS in Iraq, without insisting that Iraq become a member of the International Criminal Court (ICC), which would have jurisdiction over crimes committed by all parties.

The EU and its member states continued to denounce Israeli settlement expansion, displacement of Palestinians, and demolitions of their homes and other structures in the Occupied West Bank as violations of international law and obstacles to lasting peace.

In the Arab Gulf states, the EU did not publicly insist on the release of numerous jailed human rights defenders, including EU nationals and a Sakharov prize winner.

The EU often stayed silent about severe human rights violations in countries along the Mediterranean migration route such as Egypt, Libya and Sudan, while engaging these countries in efforts to curb migration flows.

The EU and its member states strengthened diplomatic and business ties with Iran, and remained a staunch supporter of the Iran nuclear agreement. The EU and Iran also began discussions to establish an Iran-EU human rights dialogue. But, by and large the EU and its member states did not use their political and economic leverage to press for the release of jailed journalists and human rights defenders and for effective human rights reforms in the country.

The EU repeatedly expressed concerns over the arrests of human rights defenders, journalists, and political opposition members in Turkey. While the European Parliament responded to negative developments in Turkey by voting to cut pre-accession funding, there was disagreement among member states on the way forward.

Despite disputes among member states, the EU issued numerous public statements deploring the human rights crackdown in Russia, and exhibiting support for the embattled human rights community.

The EU failed to leverage talks on a new partnership agreement with Azerbaijan to secure concrete rights improvements.

At the UN Human Rights Council, the EU took the lead on the establishment, and later the extension of the mandate, of a Fact-Finding Mission (FFM) to investigate and report on abuses in Burma's Rakhine State. EU foreign ministers condemned atrocity crimes in Rakhine state, urged the Burmese government to cooperate with the FFM, insisted on Rohingya refugees' right to return to their homes, and demanded that those responsible for serious human rights violations be held accountable. However, at time of writing, the EU had not adopted targeted sanctions against Burmese military officials responsible for crimes against humanity. The EU, and its member states, were the biggest humanitarian donors supporting Rohingya refugees in Bangladesh.

In June, the EU high representative issued an unheeded call to China to allow the terminally ill Nobel Prize laureate, Liu Xiaobo, to travel abroad with his wife to receive medical treatment. Several EU member states echoed that call, and Germany used the G20 Summit in Hamburg to press the Chinese president to let Liu Xiaobo go, but China refused. Meanwhile the EU did not seriously challenge the broader crackdown on dissent and freedom of expression in China.

The EU and the European Parliament condemned Cambodia's crackdown on political opposition and media freedom and the decision to dissolve the Cambodian National Rescue Party, and stated that respect for human rights is a "prerequisite for Cambodia to continue to benefit from the EU's preferential 'Everything but Arms' scheme."

The EU commissioner for trade raised concerns over the Philippines' anti-drug campaign involving extrajudicial killings of alleged drug users and dealers. The European Parliament adopted a resolution decrying abuses, and called for the release of Senator Leila de Lima, who received a visit from a delegation of MEPs.

The EU and its member states decried the crackdown on human rights in Venezuela, and imposed an embargo on arms and material that can be used for internal repression. EU foreign ministers also adopted a legal framework to impose targeted punitive sanctions against individuals responsible for abuses, but at time of writing had not named any people to its sanctions list. The European Parliament awarded the 2017 Sakharov Prize to the democratic opposition and political prisoners in Venezuela.

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