

European Union

Faced with significant strategic challenges, including the refugee crisis, the United Kingdom vote to leave the European Union, attacks by violent extremists, and rising support for populist anti-immigration parties, EU governments and institutions responded in 2016 in ways that often undercut or set aside core values and rights protections rather than working consistently together to defend them.

Migration and Asylum

The EU as a whole failed to show leadership and solidarity in the face of the largest global displacement crisis since World War II. Much of the debate about policy responses focused on concerns about the impact on security and cultural identity and growing support for populist parties with xenophobic platforms. EU policies focused primarily on preventing arrivals and outsourcing responsibility for asylum seekers and refugees to other regions.

Border closures along the Balkans route and a March agreement with Turkey contributed to a significant decline in arrivals by sea to Greek islands in the Aegean Sea, while boat migration from North Africa to Italy kept pace with previous years. In the first 10 months of the year, almost 328,000 had crossed the sea to reach European shores, compared to 736,646 during the same period in 2015, according to the United Nations Refugee Agency (UNHCR).

Fifty-eight percent of those arriving by sea came from the world's top 10 refugee-producing countries, including Syria, Afghanistan, Iraq, and Eritrea, according to UNHCR. Nigerians, Pakistanis, Gambians, Ivorians and Guineans together made up 21 percent of the new arrivals. Nearly one-third were children, and the proportion of unaccompanied children rose over previous years.

Despite increased capacity for search and rescue operations in the Mediterranean, and numerous nongovernmental organizations (NGOs) conducting rescue missions, by mid-November 4,271 had died or gone missing at sea, making 2016 the deadliest year on

record. The EU began training Libyan coast guard officers amid persistent concerns about violence and degrading conditions in Libyan detention centers and the absence of a functioning asylum system.

Border closures on the Balkans route and heightened border controls by Austria, France, and Switzerland left asylum seekers and migrants stuck in Greece and Italy. There were violent pushbacks at the Bulgaria-Turkey and the Macedonia-Greece borders. Austria, Denmark, Hungary, Sweden, and Germany were among EU states adopting more restrictive asylum laws.

There was little appetite among EU governments to share responsibility for asylum seekers more equitably across the union. By mid-November, only 7,224 asylum seekers had been relocated from Greece and Italy to other EU countries under an EU emergency plan, according to the European Commission. The commission proposed a permanent relocation mechanism to help countries experiencing disproportionate numbers, but it would allow countries to pay to avoid accepting relocations, and retain the Dublin regulation that places primary responsibility for processing asylum seekers on the first EU country of entry.

A new European Border and Coast Guard began operating in October. Replacing the external border agency Frontex, the entity has more autonomy from member states and a reinforced role in returns, as well as a complaints mechanism. It does not have an explicit search and rescue mandate.

In March, the EU signed a problematic deal with Turkey to send back asylum seekers reaching Greece by sea in exchange for billions of euros in aid and a pledge to resettle one Syrian for every Syrian returned. In June, the commission announced a new “partnership framework on migration” conditioning aid on migration cooperation, drawing criticism from development NGOs, and began implementing migration control projects with countries including Sudan and Eritrea.

EU governments made slow progress on resettlement. By July 2016, only 8,268 refugees had been brought to EU states under a July 2015 EU plan to resettle over 22,000 within two years, although some EU states resettled additional numbers through bilateral arrangements. Ten EU states failed to resettle a single person. Poor progress lowered

expectations for implementation of the permanent EU Resettlement Framework proposed by the commission. The proposal would make immigration co-operation an element in the decision whether to resettle refugees out of a host country.

The European Commission issued a raft of proposals in July to reform the EU's dysfunctional asylum system. They include stronger safeguards for children and better access to a lawyer, but would punish asylum seekers for moving from one EU country to another and make it easier to summarily reject claims and revoke refugee status. The council and parliament had yet to approve them at time of writing.

Discrimination and Intolerance

The ongoing refugee crisis and attacks by armed extremists in Belgium, France, and Germany reinforced xenophobic, Islamophobic and anti-immigrant sentiment, manifest in attacks on Muslims, migrants, and those perceived as foreigners and support for populist anti-immigration parties in many EU states.

Anti-Semitism, including hate crimes, remained a serious concern in some EU states including the UK and France. In an April resolution on combating anti-Semitism in Europe, the Parliamentary Assembly of the Council of Europe noted that members of the Jewish community regularly experience insults and physical violence across Europe.

In September, United Nations High Commissioner for Human Rights Zeid Ra'ad al-Hussein warned leaders of populist parties in Europe about the corrosive effect on societies of their instrumentalization of bigotry and xenophobia for political ends.

In its May annual report, the Council of Europe's Commission against Racism and Intolerance noted an anti-immigrant and Islamophobia trend, and emphasized the need to combat racist violence. The Council of Europe's Commissioner for Human Rights Nils Muižnieks urged European countries to prioritize migrant integration, including by ensuring effective protection from discrimination.

In June, the European Commission launched the High Level Group on combating racism, xenophobia and other forms of intolerance in order to improve efforts by EU member states

to prevent hate crimes. In an April report, the EU's Agency for Fundamental Rights said that hate crimes often go unreported and unprosecuted and urged member states to improve access to justice for victims.

In May, the European Network Against Racism reported that Muslim women were the main targets of Islamophobia in eight EU countries surveyed.

In February, Council of Europe Commissioner for Human Rights Muižnieks called for an end to forced evictions of Roma in several European countries, and noted that this practice increases the vulnerability of Roma families, prevents their social inclusion, and impedes the prospects of regular schooling for their children.

In May, Council of Europe Secretary General Thorbjørn Jagland urged governments to ensure that children can study in a safe environment, free from violence, bullying and discrimination on all grounds, including their sexual orientation or gender identity.

In March, the European Commission proposed that the EU ratify the Istanbul Convention on Domestic Violence. EU Commissioner for Justice Vera Jourova said that one in three women in the EU has experienced physical or sexual violence or both, and called on the 12 remaining member states to ratify the convention.

Malta was among eight EU states that began work on a pilot for an EU disability card to secure mutual recognition of the rights and benefits of 80 million people with disabilities across the EU. In a report published in August, the EU's Agency for Fundamental Rights noted that gaps in screening prevent migrants with disabilities from receiving adequate support throughout arrival, registration and asylum procedures.

Terrorism and Counterterrorism

Attacks in Belgium, France, and Germany, many claimed by the Islamic State (also known as ISIS), together killed scores of people and injured hundreds more. The attacks prompted or reinforced measures and proposals in EU states to expand police and surveillance powers, strengthen intelligence cooperation, and revoke dual citizenship of those found to have committed terrorist acts.

In Belgium, which suffered coordinated attacks on Brussels airport and a metro station on March 22, the government proposed a raft of new counterterrorism laws to expand powers of surveillance and detention. None had become law at time of writing.

In March 2016, EU Justice and Home Affairs ministers agreed a draft directive to strengthen the EU's legal framework for preventing terrorist attacks, in particular by criminalizing preparatory acts, such as training and travel abroad for terrorist purposes. Human rights groups expressed concerns about insufficient safeguards and precision in the draft directive. The draft directive remained under consideration at time of writing.

In April, the EU Council adopted a directive to regulate the transfer of personal information on air travelers to member states' law enforcement authorities in relation to possible terrorist offences and other serious crimes.

In June, the European Parliament renewed calls for investigations into the complicity of EU states into CIA torture and secret detention on European soil, reflecting the limited progress made so far in national investigations. Poland and Lithuania's criminal investigations remained stalled and the UK's concluded with no charges brought.

Croatia

Fewer than 500 people claimed asylum in Croatia in the first nine months of 2016. Thirty-four were granted some form of protection during the same period. Restrictions on the Western Balkan migration route reduced the number of arrivals. Croatia continues to push back asylum seekers and migrants who attempt to enter via Serbia.

While the government made some progress in providing housing to the small number of people from outside the Western Balkans who were granted protection, asylum seekers and refugees from outside the region continue to face difficulties in accessing education and employment. Unaccompanied migrant and asylum seeking children continue to be placed in residential institutions, including homes for children with behavior problems, without adequate guardianship or access to education.

People with disabilities continue to face exclusion and discrimination, including barriers that prevent them from participating in society on an equal basis with others. The guardianship system denies around 18,000 people with disabilities the right to make a range of decisions about their lives.

In February, the European Court of Human Rights (ECtHR) ruled that Croatia discriminated on grounds of sexual orientation against a woman from Bosnia and Herzegovina, by denying her the right to a residence permit in Croatia to join her female partner.

In April, Council of Europe Commissioner for Human Rights Muižnieks raised concerns at the reported rise in discrimination, ethnic intolerance, and hate speech targeting members of minorities, in particular Jews, Roma, and Serbs. The commissioner also warned against the inadequate state response to physical attacks, death threats, and intimidation against journalists.

As of August 2016, more than 2,800 persons, most of them Roma, remain stateless or at risk of statelessness. They face particular difficulties accessing basic state services, such as health care, social assistance, and adequate housing. Roma children remain subject to de facto segregation in the education sector.

Estonia

According to the Interior Ministry, as of January 2016, about 6.1 percent of the country's population of 1.3 million is stateless, a slight decrease from 2015.

Statelessness disproportionately affects ethnic Russians, who lost their citizenship after Estonia declared independence from the Soviet Union in 1991 and enacted policies stripping most non-Estonians of citizenship. Stateless persons continue to face significant obstacles in accessing full employment rights and are barred from holding certain jobs, including as judges, police officers, and prosecutors.

New amendments to the Citizenship Act entered into force on January 1, 2016. They provide for automatic Estonian citizenship for children born to stateless parents, whereas before parents had to apply for it. Parents may reject the grant of Estonian citizenship to their

children within a year. The amendments also exempt people 65 and older from the written portion of the mandatory Estonian language exam for naturalization.

Language requirements remain the most significant naturalization challenge for the country's Russian-speaking population. The costs of naturalization, including application and language exam preparation, and income requirements, impede naturalization of poorer long-term residents and contribute to statelessness among Russian speakers. The state reimburses language class fees only after the applicant passes the test.

The government failed to adopt amendments that would allow the Co-Habitation Act to fully enter into force in 2016. The act is progressive legislation that extends the rights of marriage to unmarried—including same-sex—couples, encompassing, among other things, child adoption and property rights.

Estonia maintains a minimalist refugee policy. By November, the government had relocated 66 asylum seekers from Greece under the EU relocation scheme, according to the European Commission.

France

France suffered three deadly attacks claimed by ISIS in June and July, including an attack with a truck in Nice that killed 86 people and injured hundreds. The state of emergency declared by President Francois Hollande following the November 2015 attacks in Paris and Saint-Denis was renewed by Parliament in February and May 2016.

On July 21, a few days after the Nice attacks, Parliament adopted a new law extending the state of emergency by another six months, and expanding already wide police powers of search, seizure, and detention. On December 15, the state of emergency was renewed for the fifth time, for another seven months, until July 2017.

The July law toughens several terrorism-related provisions in France's laws and criminal code. It re-instates warrantless seizures of computer and cellphone data that France's highest legal authority earlier in the year had struck down as unconstitutional, adding safeguards that still fall short of proper judicial oversight.

The law came only weeks after an already broad counterterrorism law adopted by Parliament in June 2016, which the French National Consultative Commission of Human Rights (CNCDH) had criticized for curbing freedoms.

Between November 2015 and July 2016, under the emergency law, police carried out nearly 4,000 warrantless raids and placed 400 people under house arrest, yet those actions led to only six terrorism-related criminal investigations. Those measures targeted mostly Muslims and led to abuses of the rights to liberty, privacy, freedom of movement, and non-discrimination.

A French commission of inquiry into the Paris attacks concluded on July 5 that the state of emergency had “limited impact” on improving security. The panel described important failures in analyzing intelligence that could have helped prevent the attacks. In a May review of France, the UN Committee against Torture expressed concern about excessive use of force by police when carrying out house searches in the context of the state of emergency, as well as during demonstrations.

In August 2016, mayors in about 30 towns adopted decrees prohibiting women from wearing full body covering swimsuits (known as “burkinis”) or any other skin concealing outfits on the beach, arguing that they may pose a risk to public order.

The French Human Rights League and the Collective against Islamophobia in France contested those bans before administrative courts. In August, the Council of State, France’s highest administrative court, ruled that the ban in one town illegally breached fundamental freedoms and ordered it to be suspended. Some bans were subsequently withdrawn by some towns or struck down by lower courts, while other courts upheld bans despite the Council of State ruling.

The number of migrants in a camp in Calais known as “the Jungle” in August 2016 reached 6,900, according to authorities more than double the estimate a year earlier. NGOs insisted the actual numbers were higher. On July 7, the CNCDH expressed concern regarding the increase in the number of migrants living there in conditions “contrary to human dignity.”

A 2016 UNICEF survey of unaccompanied children in Calais and Dunkirk camps found they were subject to sexual exploitation, violence, and forced labour. In the last week of October, French authorities dismantled the camp. Between October 24 and 26, nearly 5,600 people were relocated to reception centers across France, with some unaccompanied children brought to the UK (see below). Arbitrary age assessment meant that some unaccompanied minors were left out of the specific process put in place for children.

France had accepted 2,091 asylum seekers relocated from Greece and 231 from Italy at time writing, the largest number of any EU state under the relocation scheme.

In July, the UN Committee on Economic, Social and Cultural Rights criticized as “substandard” reception and accommodation facilities for asylum seekers in France.

In July, the National Assembly deemed as too costly a measure that would have required police officers conducting an identity check to record it in a written document. The proposal had been seen by human rights advocates as an important means of addressing discriminatory checks.

In November, the Court of Cassation ruled against the state in three cases of police identity checks involving ethnic profiling, finding that the checks were “discriminatory” and that the state committed a “gross fault.” According to a CNCDH report published the same month, there is growing evidence from separate studies that young men from visible minorities are overrepresented in police checks.

An April report by the CNCDH expressed concern about the rise in racist, anti-Semitic, and Islamophobic incidents reported to police in 2015.

French prisons continued to be severely overcrowded and the suicide rate among inmates remained high, particularly among women, drawing criticism in July from the UN Committee for the Elimination of Discrimination against Women (CEDAW). Prisoners with psychosocial disabilities often have inadequate access to mental healthcare.

Germany

In 2016, Germany continued to grapple with the implications of the arrival of 890,000 asylum seekers and migrants in 2015. A number of attacks in July, some inspired by or claimed by ISIS, put the spotlight on the country's counterterrorism policy.

Authorities sought to respond to a wave of arson attacks on asylum-seeker housing, with federal police reporting more than 850 such attacks between January and mid-November 2016.

Authorities took some steps to address the shortcomings in Germany's response to hate crimes, including training law enforcement and judicial authorities to improve the investigation and prosecution of racially motivated crimes. In March, a chief judge at a district court sentenced three people to prison for hurling a gasoline bomb into an asylum-seekers' apartment and pointed to the attackers' xenophobic and racist motives.

Several changes were made to asylum law and policy. In February, the Federal parliament passed restrictions on family reunification rights for people who do not qualify for full refugee status, and in July, passed a law aimed at integrating refugees, beneficiaries of subsidiary protection, and certain asylum seekers, conditioning access to benefits and permanent residence status on cooperation with language and other integration requirements.

After a series of attacks in July, Germany amended several existing counterterrorism-related laws in an effort to increase coordination among intelligence agencies. Germany's highest court in April struck down parts of a 2009 counterterrorism law expanding the federal police authority to investigate and gather intelligence on terrorist threats, on grounds of inadequate safeguards to protect privacy.

In October and November respectively, the lower and upper houses of parliament approved a law permitting surveillance of journalists outside the EU, despite extensive criticism of the measure by human rights groups, the OSCE representative on media freedom, and three UN special rapporteurs. Several groups subsequently announced their intention to challenge the law in the constitutional court.

Mass sexual assaults against women in Cologne, Hamburg, and other German cities on New Year's Eve prompted debate about the police failure to respond effectively to violence against women. In July, Germany made it easier to prosecute suspects of sexual violence by removing a requirement that the victim physically resist assailants in order to bring charges.

Greece

Despite reforms to address chronic deficiencies, Greece's broken asylum and reception system deteriorated. While the numbers of arrivals by sea fell after the EU-Turkey deal, border closures along the Balkans route preventing asylum seekers from leaving, limited solidarity from other EU governments and ongoing arrivals by sea left more than 60,000 asylum seekers and migrants stranded in the country.

Thousands who arrived after the EU-Turkey deal were restricted to islands in the Aegean, often in closed facilities, while tens of thousands face abysmal conditions across the country. By mid-November, only 5,654 asylum seekers had been relocated from Greece to other EU countries, out of the 66,400 initially planned, even as the European Commission pressed Greece to start accepting returns of asylum seekers who transited the country under the Dublin regulation.

A Greek law adopted in April to facilitate implementation of the EU-Turkey deal allows for expedited examination of the admissibility of asylum claims in order to determine whether asylum seekers can be safely returned to Turkey to be provided temporary protection or to have the merits of their claims assessed there. At time of writing, only 12 asylum seekers have had their cases ruled inadmissible following an appeal, but none of them had been deported to Turkey. At least one Syrian is challenging the decision at Greece's highest court, the Council of State.

More than 700 people were removed to Turkey under the deal after their claims were considered in Greece under a fast-track border procedure and rejected on the merits or because they did not file an asylum claim or agreed to return voluntarily.

Most asylum seekers entering Greece came through the Aegean islands, and were processed in EU-mandated asylum centers known as hotspots. More than 16,000 asylum

seekers and migrants staying in the islands' hotspots face appalling detention and reception conditions, including severe overcrowding, significant shortages of basic shelter and unsanitary, unhygienic conditions. Women, children and people with disabilities are particularly affected.

Long lines for poor quality food, mismanagement, and lack of information contributed to a chaotic and volatile atmosphere. Fights occurred on a frequent basis, particularly in the food lines, at times with no police intervention, while women and girls were exposed to sexual harassment and violence.

Greek authorities drew criticism over their failure to put systems in place that would allow the full disbursement of EU assistance to improve reception conditions.

An estimated 4,370 unaccompanied migrant children entered Greece during the year, according to the National Center for Social Solidarity (EKKA). Unaccompanied migrant and asylum seeking children were often detained in police cells or closed facilities in the islands, due to the lack of adequate shelter accommodations. At time of writing, an estimated 1,610 were waiting to be placed in a dedicated facility.

A large-scale asylum pre-registration process between June and July aimed to improve access to asylum and speed-up relocation, benefitting 27,592 asylum seekers. Despite these efforts, access to asylum remained difficult and subject to delay.

Civil society groups reported an increase in attacks and intimidation of asylum seekers and migrants on the islands and in the mainland in the second half of the year, and an inadequate police response. In a March landmark ruling, the ECtHR criticized Greece for failing adequately to investigate a racist attack against an Afghan national in 2009.

In September, Council of Europe Commissioner for Human Rights Muižnieks urged Greece to protect the human rights of persons with intellectual and psychosocial disabilities and move them out of institutions into the community. Children with disabilities were removed from an institution in Lechaina notorious for abusive practices, but in some cases transferred to other institutions rather than into community-based care.

Hungary

Hungary saw a significant decrease in asylum applications in 2016. By early September, Hungary had registered 26,192 asylum seekers, compared to over 150,000 during the same period in 2015, according to UNHCR. The majority of asylum seekers in 2016 came from Afghanistan and Syria.

February 2016 border closures on the Western Balkan route, combined with increased restrictive measures along Hungary's border with Serbia, criminal prosecutions of irregular border crossers and pushbacks, often accompanied by violence, at Hungary's border with Serbia contributed to the decrease.

An April law restricted the rights of asylum seekers and cut integration support for recognized refugees. The same month, the government announced the closure of the largest open reception facility by the end of the year.

An accelerated fast-track border procedure effectively bars asylum seekers from meaningful access to the asylum procedure. A July law legalized push-backs to the Serbian border, enabling police officers to escort to the border anyone caught irregularly eight kilometers inside Hungary. The law, together with low daily caps on entry, leaves asylum seekers—including children, families and people with disabilities—stranded at the border for weeks in poor conditions.

During 2016, the government continued its anti-immigrant rhetoric. In February, the government announced a national referendum on the EU relocation plan requiring Hungary to accept 1,294 asylum seekers and in July launched a government sponsored and tax payer funded anti-immigrant campaign. A low turnout for the October referendum meant that the result was invalid, although most who did vote supported the government's position.

Journalists continued to work in a hostile environment. In September, the editor-in-chief of *Budapest Business Journal*, Tom Popper, resigned after being told by its publishers to stop mentioning refugee issues in the editorial column. The largest opposition daily newspaper, *Nepszabadsag*, and its website closed down without warning in October with its owner citing financial losses and plummeting circulation.

Roma continued to face discrimination in housing, education, and public health care. In September, the Council of Europe Advisory Committee on the Framework Convention for the Protection of National Minorities urged Hungary to end discriminatory segregation of Roma schoolchildren.

In August, a lower court sentenced a right-wing extremist to 10 years' imprisonment for violent attacks between 2007 and 2009, including throwing Molotov cocktails at the homes of socialist MPs and an attack on a gay bar in Budapest.

In January, the ECtHR ruled that secret surveillance by the Hungarian Anti-Terrorism Task Force had violated privacy rights. The grounds for the decision included Hungary's failure to provide judicial oversight over Task Force actions and other sufficiently precise and effective safeguards.

In July, the ECtHR ruled that Hungary had arbitrarily detained an Iranian gay man and failed to take into account his vulnerability in detention arising from his sexual orientation.

By late October, 26 homeless people had been charged with misdemeanours under local decrees banning the homeless from residing habitually in public spaces, compared to 71 in the first 10 months of 2015.

Italy

By mid-November, 164,695 migrants and asylum seekers reached Italy by sea, according to UNHCR. Nigerians, Eritreans, and Sudanese made up the largest national groups. Numbers of unaccompanied children increased significantly, with an estimated 23,000 traveling alone to Italy by mid-September compared to 12,360 in all of 2015. The International Organization for Migration estimated that 80 percent of all Nigerian women arriving in Italy had been trafficked or were at risk of being trafficked into sex work.

New asylum applications and rejection rates increased compared to 2015, as increased border controls by neighboring countries prevented onward movement. Most asylum seekers lived in temporary emergency facilities of varying standards. Concerns persisted about use of force for fingerprinting as well as overcrowding and lack of protection for

unaccompanied children at hotspots. At time of writing, only 1,570 asylum seekers had been relocated to other EU countries out of the 39,600 initial target under the EU plan.

Italy intensified negotiations with countries such as Sudan, Gambia, and Libya on migration control, including to facilitate deportations. In August, after a memorandum of understanding with Sudan, Italy deported 48 Sudanese it claimed had not sought to apply for asylum amid concerns about the procedure.

A bill to make torture a criminal offence in domestic law, approved by the lower house of parliament in 2015, languished in the Senate at time of writing.

In February, the ECtHR ordered Italy to compensate an Egyptian cleric known as Abu Omar for complicity with his 2003 rendition and for failing to ensure effective punishment for those responsible. At time of writing, one of the 22 CIA agents convicted in absentia by Italian courts in the case was fighting extradition from Portugal. At issue is Italy's refusal to grant her a retrial.

Italy continued to expel terrorism suspects under a procedure that explicitly denied the right to an in-country appeal. Italy expelled 47 individuals, many of them to Tunisia and Morocco, in the first eight months of 2016.

In April, the Council of Europe's Social Rights Committee said the fact that 7 out of 10 doctors in Italy are "conscientious objectors," meaning that they refuse to provide abortion services in some or all circumstances, created serious difficulties for women accessing safe and legal abortions.

As of May, same-sex couples may have their relationships legally recognized as civil unions, though they do not have the right to adopt.

Latvia

Statelessness remains a key concern. UNHCR estimated that as of late 2015, around 252,000 of the country's population is effectively stateless (referred to by authorities as

“noncitizens” or “persons with undetermined nationality”). Despite 2013 reforms, several thousand children remain stateless.

Discrimination persists against Russian speakers, particularly in employment, language use, and education. Latvian non-citizens are barred from occupying certain posts in the civil service and other professions. They also face restrictions on owning land.

Authorities continued to sanction individuals over alleged failure to use Latvian in professional communications. According to the Latvia’s State Language Center, a government agency, 180 people were fined for violating the state language law in the first six months of 2016. In March, a cleaner in a Russian-language school was fired following a State Language Center inspection, for not having a sufficient level of Latvian. In June, a speech therapist was forced to resign her post in a kindergarten due to a similar inspection. In July, the State Language Center fined the mayor of Riga over Russian language use in social media posts by the Riga city administration. The mayor appealed.

In September, the Latvian parliament adopted in first reading draft amendments to the Law on Public Associations and Foundations, creating broad grounds for government oversight over NGOs deemed to undermine national security, public safety, and order.

According to Latvian LGBT activists, the authorities used a 2015 law on “constitutional morality education” to censor discussion about LGBT people in at least two schools in 2016.

At time of writing, Latvia had accepted a total 148 asylum seekers relocated from Greece and Italy under the EU relocation scheme.

Netherlands

In February, the government expanded the list of safe third countries for asylum seekers. Nationals from countries deemed safe are presumed not to need international protection and are subject to accelerated procedures, raising concerns about the quality of individual examination of asylum claims. In September 2016, the country’s highest administrative court affirmed the legality of Albania’s designation as a safe country of origin.

The Dutch government continued to offer support that is limited in duration and scope to rejected asylum seekers, with assistance contingent on their cooperation with removal from the country. In February, several UN special rapporteurs urged the Dutch government to provide emergency assistance to rejected asylum seekers.

Refugee rights groups criticized Dutch authorities over longer waits for asylum determinations and family reunification procedures.

At the start of 2016, NGOs reported threats and discrimination against LGBT asylum seekers at asylum facilities, and a Dutch independent monitoring body, the Dutch Board for Protection of Human Rights, found in February that LGBT asylum seekers at a large facility face discrimination.

In May, the Netherlands enacted a law allowing authorities to strip Dutch citizenship from dual nationals as young as 16 if they determine that they have joined or fought abroad with a terrorist group and pose an “immediate threat” to national security. No court conviction is required. Those whose Dutch citizenship is revoked have only four weeks to appeal.

In January, the Netherlands ratified the UN Convention on the Rights of Persons with Disabilities.

Poland

Poland faced international criticism over attempts by the newly elected parliament led by the ruling Law and Justice Party to undermine the independence of the Constitutional Tribunal, the country’s highest court.

In November 2015, the parliament cancelled the appointments of all five Constitutional Tribunal judges elected under the previous government, and passed a law in December that undermined the tribunal’s functioning. When the tribunal ruled in March 2016 that the changes were unconstitutional, the government refused to publish the ruling or to change the law.

In July, the parliament adopted a revised Act on the Constitutional Tribunal. Polish NGOs expressed concern the new act would paralyze the court and affect its independence. The Constitutional Tribunal ruled that part of the new law was unconstitutional. At time of writing, the Law and Justice Party was reportedly preparing yet another draft revision of the act on the Constitutional Tribunal.

In March, the Venice Commission, the Council of Europe's advisory body on constitutional issues, concluded that the December 2015 amendments endanger the rule of law and called on the government to implement the Constitutional Court's judgment. In October, the Venice Commission criticized the July revised act as limiting the tribunal's effectiveness and independence.

The crisis led the European Commission in January to activate for the first time its rule of law mechanism—created in 2014 to address rights-threatening measures by EU member states. In July, the European Commission gave the government three months to publish the Constitutional Court's rulings and implement the Venice Commission's recommendations. At time of writing it had yet to announce any follow-up action.

In January, Parliament adopted amendments to the Act on the Police that raised concerns on the protection of privacy online. In June, President Andrzej Duda signed into law a new Anti-Terrorist Act that introduces a vaguely defined “event of a terrorist nature,” extends investigative powers specifically on foreigners, regulates access to online content and extends arrest and search powers.

In October, Parliament withdrew a contentious proposition supported by Polish Prime Minister Beata Szydło to impose an almost total ban to abortion, following mass protests. Amid continued protests, the Law and Justice Party pressed ahead with efforts to further limit what is already one of the most restrictive abortion laws in Europe.

There continues to be little accountability for hate crimes based on sexual orientation. Anti-migrant hate speech and violence was a growing concern. Polish NGOs accused authorities of preventing asylum seekers at the border with Belarus from entering Polish territory to seek protection.

There was no sign of progress in the Krakow appellate prosecutor's longstanding criminal investigation into a secret CIA detention and interrogation program on Polish territory.

Spain

A policy of summary returns and reinforced controls at Spain's land border with Morocco in its North Africa enclaves appeared to result in migrants increasingly trying to reach Ceuta and Melilla by boat or swimming. The number of deaths along that route tripled to 45 in the first six months of 2016 compared to 2015.

There were several group attempts to scale the fences surrounding the enclaves, followed by summary returns, though fewer than in previous years. In July, Council of Europe Human Rights Commissioner Muižnieks urged Spain to adopt border procedures to prevent refoulement and collective expulsions. An ECtHR challenge to summary returns from Melilla in 2014 was pending at time of writing.

As of mid-November, Spain had relocated only 398 asylum seekers of the 9,323 it had committed to taking from Greece and Italy. While it pledged to resettle 1,449 refugees from other regions, at time of writing it had resettled only 279.

In April, the European Commission took the first step towards legal action against Spain for failure to protect consumers against unfair mortgage terms. In July, the EU Court of Justice advocate general recommended the court uphold a 2013 Spanish Supreme Court judgment preventing consumers from suing banks for interest paid on mortgages under rules subsequently declared unlawful; the EU court had yet to rule at time of writing.

In June, Spain's Constitutional Court suspended a Catalan law with protections for those facing eviction from their homes, including for failure to mortgages, pending examination of an appeal by the central government.

In May, the ECtHR ruled Spain had failed adequately to investigate allegations of torture of a man suspected of affiliation with the armed Basque separatist group ETA, while he was held and interrogated in incommunicado detention.

At least one journalist was fined, in April, for publishing photographs of a police operation under a controversial 2015 public security law. There were several high-profile cases of charges against musicians, puppeteers, and activists for glorification of terrorism, including on social media, under strengthened provisions in the criminal code.

United Kingdom

The referendum vote in June to leave the European Union sent political shockwaves through the country, creating uncertainty about future constitutional arrangements and the residence status of the more than 3 million citizens from other EU states in the UK.

The Brexit vote was preceded by the murder of MP Jo Cox, who had campaigned vigorously on behalf of asylum seekers and for the UK to remain in the EU. Following the vote there was a marked increase in xenophobic and racist hate crimes, including assault and arson attacks, with EU citizens from eastern Europe a particular target, according to data issued by the police. Poland sent police officers in September to an English town after a Polish man was beaten to death in a possible hate crime.

In an August review of the UK, the UN Committee on the Elimination of Racial Discrimination expressed concern at the “divisive, anti-immigrant and xenophobic rhetoric” employed during the Brexit campaign and the hate crimes that followed it, and called on public officials to formally reject such speech.

The government of Prime Minister Theresa May, elected leader by the Conservative Party in July, renewed its pledge to replace the UK’s domestic human rights legislation with a bill of rights, but took no discernable action towards that end. After the Brexit vote, May backed away from the suggestion the UK would leave the Council of Europe and ECtHR.

May used her first party conference speech as prime minister to say that “activist left-wing human rights lawyers” would “never again” be allowed to pursue claims on behalf of victims of human rights abuse by UK military forces. She was apparently referring to cases brought against the Ministry of Defence in relation to abuses in Iraq and Afghanistan. The government wants to exempt UK forces operating overseas from human rights law.

The UK made some progress on pledges to resettle Syrian and other refugees, but opted out of the EU asylum seeker relocation scheme. In late October, as French authorities moved to close the Calais camp, the UK finally stepped up efforts to bring unaccompanied children with family ties to the UK. By mid-November, the UK had brought around 300 children from the camp. Despite a legislative requirement that the government facilitate the relocation from Calais and elsewhere in the EU of unaccompanied asylum seeking children even without family ties in the UK, very few of the children brought from Calais lacked family ties, and the government imposed age and nationality restrictions on those it would accept.

In a June review, the UN Committee on the Rights of the Child called on the UK to stop detaining asylum-seeking and migrant children and expedite family reunification for unaccompanied children outside the UK.

In January, a government-commissioned independent review of the tied visa for migrant domestic workers recommended restoring their right to change employer—a key safeguard against employer abuse. The government restored the right but failed to permit visa extensions beyond the existing six-month limit, blunting the measure’s effectiveness.

In June, prosecutors announced no UK officials would face charges for involvement in the kidnap, transfer, and torture of two Libyan dissidents and their families in 2004, effectively closing the last criminal investigation for the UK authorities’ complicity in global counterterrorism abuses. A review by a parliamentary body into UK complicity in torture and rendition continued at time of writing.

The Iraq Historic Allegations Team, a body set up to investigate possible war crimes by UK forces, continued work in 2016, despite unwarranted political criticism of its existence and the principle of legal scrutiny of military operations.

In November, Parliament approved problematic legislation—the Investigatory Powers Act—entrenching and broadening state surveillance powers without adequate safeguards.

Foreign Policy

The EU's foreign policy agenda was dominated by the conflicts in Syria and eastern Ukraine, and the deteriorating relationship with the Russian government as a result of Moscow's involvement in these conflicts. Another focus of EU foreign policy appeared dictated by EU member states' desire to prevent a growing number of refugees, asylum seekers, and migrants from arriving in Europe.

The EU successfully pressed Ukraine to refer jurisdiction over grave crimes to the International Criminal Court (ICC), through a so-called article 12(3) self-referral. But at time of writing the EU has not been able to ensure that Ukraine fulfills its obligation to ratify the Rome Statute, as required in the legally binding EU-Ukraine Association Agreement.

The EU maintained a comprehensive set of sanctions against Russian individuals and entities in response to Russia's involvement in the eastern Ukraine conflict and its occupation of Crimea. Sanctions included asset freezes and visa bans against 149 persons and 37 entities.

Apart from critical statements decrying Russia's comprehensive crackdown on freedom of expression, association, and assembly at home, the EU and its member states did not appear to have any united strategy in response to the rapidly deteriorating human rights situation in Russia.

But, in a new and innovative way to counter Russian propaganda, the EU started a "EU Mythbusters" twitter effort @EUvsDisinfo where lies and myths were challenged with facts and figures.

The EU as a whole remained the largest humanitarian donor for the Syrian crisis. But EU assistance went beyond emergency assistance and rapidly centered more on sustained help, particularly aimed at securing Syrian refugees' access to education and work in their host countries: Jordan, Lebanon, and Turkey.

A new deal was finalized between the EU and Jordan granting trade concessions in exchange for work opportunities for Syrian refugees. Spanning 10 years, the deal will apply

to some 52 product groups that are manufactured in special economic zones in Jordan, on condition that producers employ more Syrian refugees. The requirement for workforces is at least 15 percent Syrian participation, rising to one quarter after three years. The deal is supposed to serve as a win-win model for a refugee-hosting community.

The EU also started to negotiate and conclude several questionable readmission and other migration cooperation agreements with third countries, paving the way for the return of asylum seekers and migrants to countries that are neither safe nor stable. The hallmark of most of these agreements—that also serve to prevent asylum seekers and migrants from coming to the EU—does not appear to focus on the advancement of protection of the most vulnerable, but on protecting the EU from having to deal with them on its own territory.

The EU continued to sponsor and co-sponsor some important country resolutions in the United Nations Human Rights Council, including on Burma, North Korea, and Burundi, ensuring continued UN human rights monitoring and reporting on these countries. The EU response was fragmented, however, on joint statements on China and Azerbaijan, and the resolution on Yemen.

With regards to the continuing deterioration of human rights in Turkmenistan, where the government refuses to even confirm whether several prisoners are dead or alive, the European Parliament took the important step of suspending the ratification process of an EU-Turkmenistan Partnership and Cooperation Agreement.

The European Parliament also adopted strong resolutions calling for the immediate adoption of targeted sanctions against officials responsible for grave rights abuses in the Democratic Republic of Congo, and in October EU foreign ministers adopted conclusions paving the way for such sanctions to be imposed.

The EU imposed restrictive measures against Burundi officials deemed responsible for rights abuses and undermining democracy in Burundi.