

Rights and freedoms in Europe, under threat

Adriana Ribas Iglesias



Clashes between people of the demonstration and Police at the end of the demonstration against the G7 meeting in Taormina, Italy, on the 27th May 2017 | Photography: [Alessio Mamo](#)

Europe is facing a major human rights challenge. Russia's war in Ukraine has worsened the negative human rights trend of previous years by fostering insecurity and inequality and has provided a pretext for authoritarian agents and governments to continue repressing fundamental freedoms. These same forces have articulated and disseminated racist, xenophobic, misogynist and homophobic agendas.

The global context has also contributed to growing instability: among this cocktail's ingredients, we can list heightened geopolitical tensions, worsening effects of the climate crisis and new challenges to the international human rights system.

The coming years will undoubtedly continue to be marked by the Russian invasion of Ukraine, which has unleashed a widespread human rights, humanitarian and displacement crisis. In addition, thousands of possible war crimes and crimes against humanity by the Russian forces have been documented, such as extrajudicial executions and other unlawful killings, torture and ill-treatment, forced population transfers, use of prohibited weapons, sexual violence, and selective attacks on schools and hospitals. Russia has employed siege tactics against civilians, indiscriminate attacks and targeted attacks on energy infrastructures with the intention of causing maximum suffering for the civilian population.

In addition, both Russia and Ukraine have subjected war prisoners to ill-treatment and possible extrajudicial executions.

Migrants and refugees: the hypocrisy

In recent years, Europe has received an unprecedented number of people on the move: [1] people fleeing Russia's invasion of Ukraine make up Europe's largest displaced population since the Second World War. In this case, Poland (1.53 million), Germany (1.02 million) and the Czech Republic (468,000) are the countries that have received most people. These displacements triggered activation, for the first time, of Directive 2001/55/EC on minimum standards for giving temporary protection in the event of a mass influx of displaced persons, which gave rapid access to accommodation, work and education to those fleeing the conflict in Ukraine. The shelter given to those who were seeking protection from this war marked a new milestone in Europe and showed that the European Union's member states have the capacity to offer dignified protection to millions of people when there is the political will to do so.

But not everyone has been equally welcome: Europe's borders have continued to be a place of exclusion based on racial profiles, and a place of danger and abuse for many others who are also seeking protection and come from other parts of the world, such as Afghanistan, Syria and sub-Saharan Africa. In recent years, European Union countries have also recorded the highest number of asylum applications by people from other countries since 2016, as well as an increase in the number of people who use routes through the Western Balkans and across the Central and East Mediterranean.

State agents patrolling maritime borders prevent refugees and migrants arriving by sea from disembarking. Border agents and police arbitrarily detain, often for long periods, people who have managed to enter European Union territory, and summarily deport, often violently, thousands of people to countries such as Syria, Lebanon, Morocco and Turkey.

The Spanish authorities continue to deny responsibility for the serious human rights violations committed at the border fence in Melilla in 2022, when 37 people from sub-Saharan Africa died, dozens more were injured, and at least 470 were summarily deported back to Morocco.

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Every day, all over the world, there are people who have to make the most difficult decision

of their lives: to leave their homes in search of a safer place to live. And we must not lose sight of the fact that the problem is not the people, but the causes that push families and individuals to cross borders, and the mistaken, inhumane responses by the authorities.

It is clear that European policy toward migrants and refugees must change course. In fact, it must go in quite the opposite direction. People's right to receive international protection, without discrimination, forced return to a situation of persecution or any other violation of human rights, must be upheld, safeguarded and effectively applied.

The rights of women and girls: steps forwards and backwards

Women are continually subjected to discrimination and violence, whether institutionalised in law or in practice, even in countries and regions with laws that *a priori* guarantee equality. There has been progress in Europe, but we also detect significant reversals.

Countries such as Poland, Hungary or Slovakia continue to limit access to abortion. Malta has taken steps forward in decriminalising abortion, albeit with a procedure that continues to hinder access to this right. Andorra [2] continues to be the only country in the European Union in which abortion is totally forbidden; the authorities criminalise associations that defend the human rights of women and girls (especially their sexual and reproductive rights). This harassment is taking place all around the world in an attempt to prevent human rights advocates from promoting equality, especially when their activities challenge traditional structures and patriarchal social norms.

Against this backdrop, it is clear that the progress made in the protection of women's rights is insufficient and that the citizen response has been exemplary: women activists have been at the forefront of resistance and human rights protests in countries such as Poland or Russia, in many cases risking their own lives.

The authorities must implement urgent measures to guarantee the rights of women and girls, establishing simpler reporting mechanisms against gender-based violence and rights violations, raise awareness and train the police and the judiciary, and provide women with greater financial independence.

Torture and abuse: replacing the rule of law with terror

Systematic torture and other ill-treatment have taken place in the context of Russia's war in Ukraine. Some prisoners of war have been subjected to torture and possible extrajudicial executions; in Ukraine, as part of the "screening" processes carried out by Russia, civilians have suffered electric shocks, they have been threatened with execution, they have been deprived of food and water, and minors have been separated from their parents.

In Belarus, people convicted of politically motivated charges are held in solitary

confinement and endure inhumane conditions. One execution was also carried out last year in Belarus, as it is the only country in Europe that still applies the death penalty.

At the European Union's external borders, border guards and police officers continue to inflict ill-treatment, often equivalent to torture, on refugees and migrants, and in Italy, prosecutions related to torture in prisons have continued.

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There is no justification for torture; it is a barbaric, inhuman act, prohibited under international law, which is why it often takes place behind closed doors, in secret. In fact, many governments devote more effort to denying or covering up torture than to thoroughly investigating accusations of torture. And torturers often act without fear of arrest, prosecution or punishment. This impunity perpetuates the practice of torture and the people who suffer it are left bereft of recourse. All forms of torture and ill-treatment must be eradicated, prosecuted and punished.

Right to privacy: a false dichotomy between security and freedom

Several countries give "carte blanche" to indiscriminate surveillance in their laws. France allows mass interception of communications and withholding of information for long periods, and prior court authorisation has been eliminated. The United Kingdom has also introduced more spying powers in its legislation. Poland has given surveillance powers to the police and other agencies that are incompatible with the respect for privacy.

Europe has not escaped Pegasus either: independent experts have confirmed use of the spyware in Spain, Poland and Greece. In Catalonia, dozens of politicians, journalists, pro-independence activists and their families were attacked by this Israeli-made spyware between 2015 and 2020 [3].

Several governments have continued to dangerously expand the powers of their police and intelligence services. In Serbia, the government has attempted to pass legislation to facilitate biometric surveillance and data processing. In Switzerland and Ireland, several NGOs have expressed concern about draft legislation that, in Switzerland's case, would expand the powers of intelligence services and, in the case of Ireland, introduce facial recognition technology into law enforcement.

In the name of security and counter-terrorism, the authorities tell us that they need more powers to investigate and prevent attacks. This indiscriminate surveillance simply turns us

all into suspected criminals and puts our activities under suspicion. We must not believe that “if you’ve done nothing wrong, you’ve nothing to hide”. Mass surveillance is illegal under international human rights laws. Therefore, countries must transpose this into their national legislation so that our rights are guaranteed and only a judge can authorise interception of our communications.

Freedom of expression: repression of critical voices

Governments take advantage of different “crises” to grant themselves new powers. The Hungarian authorities use the pretext of the war in Ukraine to give themselves new powers that allow them to declare a state of emergency. Latvia, Lithuania and Poland have maintained a state of emergency on the border with Belarus that unjustifiably restricts access for journalists, NGOs and humanitarian agents. Turkey continues to arrest and prosecute dozens of journalists, activists and opposition politicians on trumped-up terrorism charges; the Turkish Parliament approved a new law on disinformation that strengthens the government’s powers over social media.

The use of abusive lawsuits (strategic lawsuits that seek to limit public participation) against journalists and environmental activists is increasingly common and worrying in countries such as Austria, Bosnia and Herzegovina, Bulgaria and Greece, but is already alarmingly common in Croatia, Serbia and Slovenia.

In Russia, since the war began in Ukraine, tens of thousands of people have protested peacefully against the aggression and have criticised it on social networks and in the media. The Russian authorities have responded with an unprecedented wave of repression throughout the country against any voice raised against the Russian invasion of Ukraine: arrests, legislative reforms and repression of critical voices.

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Freedom of expression has regressed significantly in Spain since 2015, when the Congress approved the Basic Law for the Protection of Public Safety (also known as the “gag law”) and the reform of the Criminal Code. [4] These laws were passed despite warnings from UN experts, who said that some of the precepts contained in both laws could lead to a disproportionate restriction of the rights to freedom of assembly, expression and information.

Governments across Europe imprison people simply for speaking out, despite the fact that almost all constitutions extol the value of freedom of speech. Being able to exercise these

rights, without fear or undue interference, is an essential part of an open, just society which guarantees access to justice and enjoyment of human rights.

Discrimination on the grounds of religion and sexual orientation

In the sphere of religion, there have been an unprecedented number of reports of anti-Semitism in several countries. In both Germany and the United Kingdom, watchdogs have documented a serious increase in anti-Semitic hate crimes.

On the other hand, several countries have continued to bolster the measures against Muslim women or approve new measures. Andorra approved a law banning people from wearing conspicuous religious symbols, which prevented Muslim women from covering their heads with the hijab.

In the area of sexual orientation, discrimination and violence against LGBTQI+ people in some countries has been accompanied by positive judicial or legislative developments. One of the most extreme episodes of violence took place in Slovakia in 2022, where two people died and another was wounded by gunfire outside a gay bar. There have been reports of attacks and threats against LGBTQI+ leaders in Montenegro, North Macedonia and Poland. In Poland, many towns and villages still declare themselves “LGBTQI+-free zones” and strategic lawsuits have been used against public participation, with arbitrary arrests of activists. [5]

The courts of some countries have issued rulings strengthening the rights of LGBTQI+ people. In Croatia, it was confirmed that same-sex couples should be able to adopt on the same terms as every other couple. The Constitutional Court of Slovenia has declared that prohibiting same-sex marriage and adoption by same-sex couples is unconstitutional. Following a ruling by the Supreme Court of Latvia, the administrative courts have started to recognise same-sex couples. In Switzerland, new laws have come into force legalising civil marriage and adoption for same-sex couples. Moldova has been able to hold the largest Pride march in its history, even though the mayor of the capital, Chisinau, had threatened to ban it.

Generally speaking, racism and discrimination manifest in all major aspects of daily life. Therefore, despite progress, the authorities must take a holistic approach to the protection of the right to non-discrimination. This will be the only way in which the principle of universality of rights can be realised.

Poverty and climate crisis: key for guaranteeing enjoyment of all rights

The war in Ukraine has had a strong impact in terms of poverty: according to the World Bank, the country’s general poverty rate has increased tenfold, [6] since almost half a

million children have been pushed into extreme poverty. At the same time, the war has affected all countries with close economic ties to Russia. At the end of 2022, most countries in the region were suffering a cost-of-living crisis and unprecedented inflation: 17 European Union member states had inflation rates above 10%.

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The unprecedented heatwaves during the summer, with temperatures above 40°C in many European countries, have led a large part of the population to become aware of the climate crisis. The high temperatures in 2022 resulted in an excess of 25,000 deaths; in addition, rivers dried up, a glacier melted in Italy, a severe drought affected most of Portugal, and wildfires destroyed huge areas in Spain. The summer of 2023 has not been very different, marking a clear trend towards increasingly extreme weather.

Governments must increase their emission reduction targets to reflect their responsibility in the climate crisis, and must implement adequate policies that are compatible with human rights, including phasing out the use and production of fossil fuels by means of a fair transition.

75th anniversary of the Universal Declaration of Human Rights: a turning point?

Recent years have highlighted the international community's inability to address serious human rights crises. The response to the Russian invasion of Ukraine has shown what can be done when there is political will: condemn the invasion, put in place a forceful, coordinated response, and open borders to refugees. This should be the model for addressing all large-scale human rights violations, wherever they occur.

However, at the same time, hypocrisy has become apparent in relation to other mass human rights violations and conflicts. In practice, countries defend human rights not globally but on a case-by-case basis, hypocritically and prioritising their own interests. This is undoubtedly an attack on the essence of the universality of human rights.

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On this anniversary, all states should intensify efforts to achieve a renewed rules-based order that benefits everyone, everywhere. International institutions and systems intended to protect our rights must be strengthened. This includes funding United Nations human rights mechanisms, reforming the Security Council to give more voice to countries and situations that have traditionally been ignored, and ending abuse of veto powers by the five countries that are permanent members of the Council, especially in the face of mass atrocities.

The rights enshrined in the Declaration must become a reality for more and more people, for all people. Any lesser ambition on the part of world leaders would be a betrayal that could plunge the world into the abyss.

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