

International Human Rights Movement "World without Nazism"

THE WHITE PAPERS OF HATE

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Foreword

White Papers of Hate is a fundamental study conducted annually by the International Human Rights Movement “World Without Nazism”. This book in particular is its third edition, covering the year 2014. Previous two editions focused on 2012 and 2013. The study is based on media reports and public documents obtained from governments and human rights organisations.

The analysis of a large amount of factual data in 21 countries provided us with objective information and enabled us to rank the radical nationalist threat in Europe. The goal was to identify the general trends in social development of European countries in terms of radical nationalist (neo-Nazi) threats, and provide relevant recommendations to minimise such problems.

Based on the conducted research, we can conclude that the level of this threat is different in various European countries, depending on several factors: economic conditions, globalisation and attractiveness of markets, labour market (inflow and outflow of labour force); willingness of the state to abandon old assimilation policies towards the indigenous and “new” ethnic minorities and satisfy their cultural, educational and religious interests; government’s understanding of the problem and willingness to combat manifestations of neo-Nazism and aggressive nationalism in cooperation with civil society institutes.

Even though these factors are different in each country, we arrive at a disappointing conclusion — radical nationalist trends are common in any, even most prosperous society. In almost all Old World countries radical nationalists are represented at least at a local legislative level, and in some countries they have their own factions in parliament. There are countries where radicals are part of the ruling coalition. No less disappointing is the fact that, following sentiments of their electorate, respectable democratic parties also pick up radical rhetoric. In other words, radical nationalism became an everyday reality. In some places, this reality is intrusive and unsafe; in other places, it is barely noticeable. However, it exists and it must be accounted for.

What is the threat to society? Our research indicates that the development of aggressive nationalist and neo-Nazi trends is fraught with a significant deterioration of public stability, division of society not just on political, but also ethnic and religious grounds. As a consequence, this leads to civil unrest and increased interethnic tensions. This cannot but affect the socio-economic

development of the country, its investment appeal and multiple other factors. However, the most important outcome of these trends is a direct threat to democracy — curtailment of democratic processes, violations on the freedom of speech and large-scale violations of human rights.

The world has already experienced the rise of Nazism in Germany through democratic means. Let us not forget that at the time, radical nationalists have been brought to power in many other countries, in one way or another. We all know the results of these events. We remember how quickly the democratic principles have eroded — principles, the inviolability of which was sworn by all political leaders at the time; how hard the world tried to ignore the Holocaust and violations of fundamental human rights; how human values were given up in favour of short-term political goal.

History always repeats itself. Today, the world experiences similar conditions that brought Hitler to power many decades ago. These include the economic recession, the revision of previous World War history in some countries, the acute problem of ethnic minorities in Europe, the problem of refugees, etc.

Our common goal is to prevent the repetition of the past. This study is a joint contribution of antifascists and scientists from across the world to solve this problem.

SYNOPSIS

White Papers of Hate 2014 is based on fundamental research conducted by the International Human Rights Movement World Without Nazism in 21 countries in Europe.

Research consists of an aggregate analysis of neo-Nazi and radical nationalist manifestations in relation to factors of social stability/instability in each country. Analysis involved the legal framework in the period of monitoring, law enforcement practices in regards to minorities, manifestations of racism and intolerance and their legal implications, level of xenophobia in the society, political programmes and activities of radical nationalist parties and groups, international factors, and many others (14 criteria in total). Analysis involved both the factors contributing to development of nationalism and the factors preventing this development.

The largest source for this research was the 2014 Monitoring of manifestations of radical nationalism, conducted by World Without Nazism, along with various media reports. Hate crime statistics were verified through police sources, human rights organisations and local WWN representatives.

This is a third edition of White Papers of Hate. Previous editions covered the year 2012 and 2013, which allowed for a comparative analysis between two different periods in the current edition. Radical nationalism rating is the main result of the analysis. It represents a set of coefficients that reflect the real state of affairs in all 14 criteria that affect the development of radical nationalism in each country.

Analysing the situation in 2014 and comparing it to previous years, we were able to identify the following trends:

First, the explosive growth of radical nationalism in Ukraine, resulting in the radicalisation of the government and the right-wing liberal and nationalist forces.

In 2014, forces that replaced Viktor Yanukovich's regime have borrowed from nationalist ideology, enshrining Stepan Bandera's

RADICAL NATIONALISM INDEX TABLE
(2012–2014)

Rank			Country	Score in		
2012	2013	2014		2012	2013	2014
4	3	1	Ukraine	-57.5	-62.5	-85
3	2	2	Latvia	-57.5	65	-62.5
13	15	3	Italy	-35	-22.5	-52.5
2	4	4	Estonia	-60	-57.5	-52.5
5	8	5	Hungary	-47.5	-42.5	-42.5
1	1	6	Greece	-67.5	-65	-40
12	7	7	United Kingdom	-30	-45	-37.5
10	9	8	France	-37.5	-42.5	-37.5
6	6	9	Lithuania	-47.5	-47.5	-35
8	11	10	Bulgaria	-42.5	-32.5	-32.5
7	5	11	Moldova	-47.5	-52.5	-32.5
-	13	12	Poland	-	-25	-32.5
11	10	13	Russia	-32.5	-35	-27.5
9	12	14	Romania	-40	-30	-27.5
16	17	15	Germany	-10	-10	-25
15	14	16	Czech Republic	-15	-25	-15
17	16	17	Finland	-10	-12.5	-10
18	19	18	Croatia	-10	-7.5	-10
-	-	19	Ireland	-	-	-7.5
-	-	20	Slovakia	-	-	-7.5
14	18	21	Albania	-15	-7.5	-5

Ukrainian nationalism as part of the government de-facto and de-jure position. Social protest against corruption in late 2013 — early 2014 transformed into a revolution in February 2014, resulting in liberal nationalist forces coming to power and instituting a new political regime, closely based on the neo-Nazi ideology. Pro-Western slogans, such as “European Choice”, have merged with the old doctrine of “integral nationalism” from 1930–1940s.

Openly nationalist and neo-Nazi forces became temporary allies of this government; organisations such as the Right Sector and a number of militant units created in the spring of 2014 from those who fought against Ukrainian forces during the Maidan protests.

Another factor that affected Ukraine’s position in the radical nationalism rating was the campaign of repressions and terror against the opponents of the new regime — predominantly left-wing activists, communists and antifascists. While demanding maximum freedoms

during Yanukovych's government, after coming to power the opposition has done exactly the opposite and banned the Communist party, along with peaceful protests of their opponents, coming down on them with full force of repressions.

Demands for a greater decentralisation in Ukraine, moved forward by pro-Russian activists in Crimea, Donetsk, Luhansk, Kharkiv, Odessa and several other cities in the southeast — the main goal was to provide linguistic autonomies for national minorities and redistribution of taxes — were completely denied. The resulting escalation has led to a civil war in Ukraine, underlying which are different ideologies — the so-called “European Choice”, glorification of Stepan Bandera, etc.

Second, the sharp decline of radical nationalism in Greece, a country that used to lead in terms of prominence of the extreme right ideology in society.

In 2014, the number of violent hate crime based on race or religion had decreased dramatically — there have been no racially motivated murders or political terrorist attacks during the observed period.

Greek nationalists, despite the worsening economic situation, unexpectedly failed to gain more support this year. These improvements have resulted from the modernisation of anti-extremism and anti-racism legislation in Greece, as well as efforts to combat hate crime and government actions against the neo-Nazi Golden Dawn party. Greece serves as evidence of the fact that political will of the government that recognised the threat of neo-Nazism and that took measures to prevent it can prove very effective.

Third, deterioration of the situation in Germany and Italy.

These two countries serve as an example of how a wealthy society can in one year start exhibiting radical nationalist sentiments. Germany has significantly worsened its standing in the radical nationalism index since 2013; Italy ranked third, becoming one of the most radical nationalist countries monitored this year. German and Italian societies were characterised by the growth of hate crime, including those that resulted in deaths, interethnic clashes and terrorist attacks (Italy). The demand for extreme right-wing policies comes from the frustration of locals with migration, which is reaching critical levels in Italy and Germany. Migration in general was a major issue for most EU member states.

It is also worth mentioning the increased influence of radical Islamism on the migrant populations in Europe this year. Radical nationalists, meanwhile, are exploiting the fears and frustrations of native populations and mainstream parties are often borrowing this tactic themselves.

Today these countries are facing an ambiguous situation. On the one hand, governments are making statements against extremism

and encouraging antifascist movements; on the other hand, inflow of migrants, economic difficulties and ineffectiveness of government policies in integrating migrants are resulting in a demand for radicalism.

In Latvia, levels of xenophobia have been consistently high. Since the coming to power of *Visu Latvijai* (“All for Latvia”) party, the country has been conducting extreme right policies in education and electoral rights for non-citizens, while repressing antifascist movements. This country has been infected by xenophobic sentiments for several years, resulting in votes being cast on an ethnic basis, which is actively supported by the ruling circles. These sentiments have traditionally manifested as anti-Russian campaigns, which started in the 1990s, but recently Latvian joined the list of countries protesting against immigrants from developing countries.

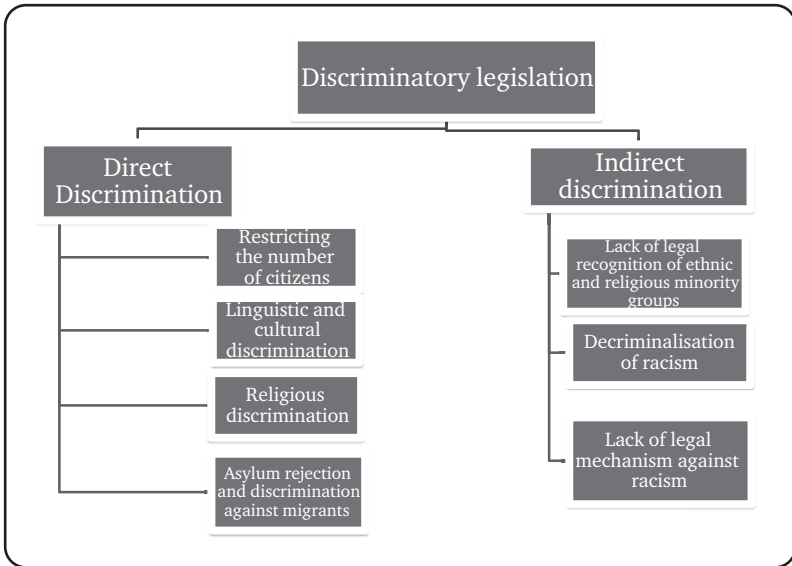
During the monitored period, we saw several attempts of Latvian special services repressing antifascists, Russian activists and leaders of non-citizens’ rights movement. This undermines the political stability of the country, prevents harmonisation of society on a multicultural basis and creates risks of escalation in the future.

The following are the key indicators used to determine the level of radical nationalism in European countries:

- Discriminatory legislation and practices.
- Xenophobia.
- Rate of hate crime and its prevention.
- Influence of radical nationalist forces on the government and civil society.
- Glorification of Nazism.
- Influence of antifascist movement on the government and civil society; government attitude towards antifascists.

Discriminatory legislation and practices

When assessing discriminatory provisions in legislation, it must be noted that discrimination can be *direct* or *indirect*. With regard to the topic of this research, we can distinguish the common legislative regulations in a number of countries that enshrine direct discrimination. This especially concerns restrictions in civil rights of certain groups of the population. The easiest way to do this is **limit the number of citizens** and automatically deprive non-citizens of their basic rights. Unlike in 1930s, this discriminatory act looks more seemly — Europe does not currently have racial laws, but there are laws that deny citizenship to whole social groups due to their geographical origins or their ancestral history.



The modern mechanism in reducing citizenship is the institution of “non-citizenship” — characteristic for *Latvia*, *Estonia* and *Croatia*, and partially *Italy*, *Greece* and *Turkey*.

In Latvia, non-citizens consist of 300,000 Russian-speaking residents; in Estonia — 100,000 Russian-speaking residents. In both countries, these persons did not receive citizenship after the collapse of USSR. Non-citizens in these two countries are the people who (or whose ancestors) migrated to these territories from other Soviet republics after June 1940 — when Latvia and Estonia were incorporated in the Soviet Union

Non-citizens in Croatia (around 20,000 people) are ethnic Roma, who were forcibly displaced from other countries of the former Yugoslavia or who cannot prove their Croatian roots. Majority of these persons do not even have old Yugoslavian documents, have poor knowledge of Croatian language or are completely illiterate, which prevents them from passing the citizenship test.

Yugoslavian travellers are in a similar situation in other former Yugoslavian territories and Italy. Greece, Turkey and Macedonia have considerable populations of former Greek nationals, deprived of their citizenship due to Article 19 of the Greek Citizenship Act.

Non-citizenship is accompanied by deprivation of voting rights, restrictions on a number of professions, especially in public sector, restrictions on property rights and more.

Another form of direct discrimination is **language and culture discrimination**. This type of discrimination consists of:

- Full or partial conversion of all minority schools to the official language of education.
- Restriction on the use of minority languages in toponymy.
- Restriction on the use of minority languages in communication with government institutions and in the affairs of private enterprise.
- Establishment of special punitive authorities that control the compliance with these regulations.

As of 2014, the list of countries with clear language and culture discrimination included *Latvia, Estonia, Lithuania*, and partially *Ukraine, Greece, Moldova* and *Bulgaria*.

Some countries contain religious discrimination at a legislative level. Greece, for example, has an amendment to the Education Act that prohibits teaching the Koran in Thracian schools. Muslims also have problems in appointing their own religious leaders.

Germany and Finland discriminates against so-called “unofficial religions”, which have no right to collect church tax. In Germany, this concerns Muslims; in Finland all religions, except Lutherans and Orthodox, are considered unofficial.

France has a law that prohibits government funding of religious organisations that have no cultural and historical ties with the country (Muslims, for example). In 2001, France enacted an anti-sect law that allows disbanding religious organisations. In 2011, France enacted an anti-niqab law.

Czech Republic adopted a Law on Religious Organisations in 2005, which considerably restricted the right of religious organisations to create charity foundations and medical and educational institutions.

Romania also has restrictions on religious organisations. To officially register, they must have been active for 12 years and have at least 20,000 followers.

In 2011, Hungary adopted the law regarding freedom of conscience, faith, church, religion and religious organisations, which limited the number of official religious organisations to just 32.

Discrimination of refugees and migrants at a legislative level has been noted in Bulgaria, UK, Russia and Czech Republic.

In 2013, Bulgaria introduced amendments to the Law on Asylum and Refugees, according to which these persons are placed in closed containment centres for 6 to 12 months.

United Kingdom introduced changes to the Immigration Act in 2014, prohibiting access to social and health services for migrants who haven't received refugee status, which violates Article 8 of the European Convention on Human Rights.

Russia introduced changes to its migration laws in July 2013, which allowed deporting a foreign national and prohibit future entry if he violates administrative laws two times or more within three years. Thus, an immigrant may be deported for committing a driving offence, for example.

Czech Republic introduced a new Law on the Stay of Foreign Nationals, which made it easier to deprive them of residence permits. A foreign national may be deported for debts, failure to pay bills, administrative fines, etc. In addition, new income requirements have been introduced to target poor immigrants from Ukraine and Vietnam.

Indirect discrimination includes the following factors: decriminalisation of racism and other manifestations of hate, intentional official non-recognition of ethnic and religious minority groups and lack of legal mechanisms to combat hate crime.

Europe has a number of countries that do not recognise racism and religious hatred as an aggravating circumstance. This usually means that majority of manifestations of hate is qualified as everyday incidents. Countries to which this applies include *Romania, Hungary, Bulgaria, Albania*, and partially *Poland, Italy* and *Finland*. For example, in Italy, racism is considered an aggravating circumstance only if there are hate appeals to a *mass* audience “for the purpose of changing its behaviour”, which is obviously almost impossible to prove.

Manipulation of the official list of minorities is the most common practice in Europe. *France* and *Greece* (with the exception of Western Thrace) do not recognise minorities at all, supposedly to avoid segregating the society on racial grounds. This is a classic example of a European nation-state, founded on cultural/religious traditions of the titular nation. De facto, around 10% of these countries’ population are ethnic minorities, but their governments do not undertake any obligations to ensure their national and cultural rights. Instead, these states are engaged in integration into a mono-national society, which usually implies assimilation. This concerns religious minorities as well as ethnic minorities. For example, several years ago Greek Education Law was amended with provisions that prohibit teaching Koran in Thrace — home for a large Turkish diaspora.

By formally rejecting its national and religious minorities, the state is also rejecting an educational system for these minorities. This gap in education is usually filled with various extremist, often Islamic, groups that impose their own values in private or even illegal ethnic schools. As a result, the government not only loses control over diasporas, but also breeds extremist communities who have direct impact on interreligious tensions and public order. It is worth noting that neither France nor Greece have joined the Framework Convention for the Pro-

tection of National Minorities or the European Charter of Regional or Minority Languages.

There is a list of countries that artificially limit the list of official minorities. These countries joined the Framework Convention for the Protection of National Minorities, but made substantial reservations.

Latvia, Estonia and Poland limit the list of their minorities by citizenship. Thus, these countries hold no obligation to ensure minority rights for 400,000 Russian-speaking non-citizens in Latvia and Estonia, as well as 1.5 million Ukrainian migrant workers in Poland. *Austria* recognises only German-speaking citizens as its minorities. *Denmark* — German-speaking peoples of South Jutland. *The Netherlands* — recognises only Frisians. *Germany* recognises only those Sorbs, Danes, Frisians and German Gypsies (again — citizens of Germany). Rights of national minorities in Germany do not apply to 3 million Turks, 1.5 million former Yugoslavians, and 200 thousand Poles that live in Germany, regardless of their citizenship.

Slovenia has a similar situation — it recognises only autochthonous Italian, Hungarian and Roma minorities). The same applies to *Sweden* (Swedish Finns, Jews and Gypsies), *Macedonia* (Turks, Albanians, Vlachs, Serbs, Roma and Bosnians), *Bulgaria* (does not account for Macedonians and Pomaks, considering them “Turkified Bulgarians”) and *Romania* (does not recognise the Balkan-Romance nations, including Moldovans, considering them ethnic Romanians).

As we can see, non-indigenous peoples, mostly immigrants, suffer from this the most. However, Poles in Germany, for example, have lived on its territory for many centuries and had the status of a national minority before Adolf Hitler’s rise to power.

Ukraine is the only country in Europe that has absolutely no mechanism of accountability for racism and other forms of hate. Ukraine’s Ministry of Justice is still reluctant to amend its Decree 8.10.1998 № 53/5 that specifies expert organisations in various fields, but does not include interethnic relations. Therefore, no assessment on the presence of incitement to ethnic enmity can be considered an expert opinion. In these conditions, qualification of hate crime remains entirely within the competence of the law enforcement, who often abuse this responsibility by qualifying manifestations of hate as everyday incidents.

Almost all monitored countries conducted discriminatory practices against ethnic and religious minorities. This mainly concerned Romani and Sinti. This phenomenon is most common in Greece, Czech Republic, Bulgaria, Hungary, Poland, Ukraine, Romania, as well as in France and Italy, who continued the deportation of Roma (citizens of Bulgaria

and Romania), which was a direct breach of Schengen agreement. One of the most common forms of Roma discrimination is forced eviction, without proper documents and often without provision of alternative accommodation, as well as segregation in education, employment and healthcare discrimination, police abuse.

Discrimination of the Russian-speaking irredenta was common in *Latvia, Estonia, Ukraine and Moldova*. Discrimination of Muslims is common in *Greece*, where besides aforementioned discrimination in education, there is also government intervention in the appointment of Muslim clergy; *France* — Law prohibiting hijab in public places; in *Russia* (rejection of construction of mosques) and *Bulgaria* (problems with access to work in the public sector, law enforcement in particular). Discrimination of the LGBT community and “non-traditional” religions remains relevant.

Xenophobia

A crucial factor of radical nationalism is the level of xenophobia in society and government. Xenophobia is the unreasoned fear of that which is perceived to be foreign or strange. In this case, it is the fear of people of other nationalities, religion, etc.

Xenophobia can manifest in several ways: xenophobia in mass media, street xenophobia (graffiti, demonstrations, rallies) and domestic xenophobia. This phenomenon is a good indicator of the general level of enmity towards certain groups of the population.

Of the monitored countries, most xenophobic were *Italy* (85% of citizens hold anti-immigrant, anti-Roma), *Poland* (up to 85% of anti-immigrant sentiments), *Greece* (80% — anti-immigrant, anti-Roma and anti-Muslim sentiments), *France* (70% — anti-immigrant, 49% — anti-Semitic), *Latvia* (70% — anti-immigrant sentiments) and *Estonia* (similar figures).

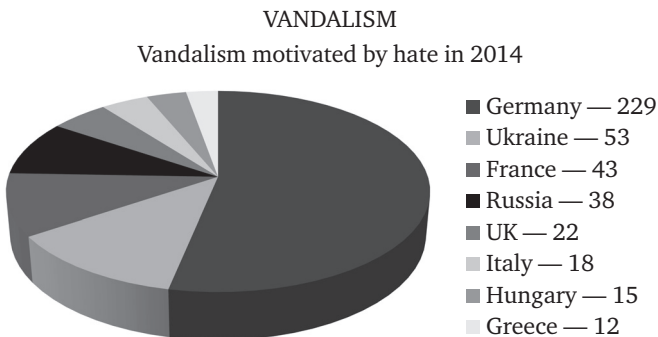
In *Hungary*, more than 70% of the population hold anti-Roma views; in *Russia*, more than 73% of respondents hold anti-immigrant views, particularly in large cities — more than 50% anti-Caucasus, 45% against Central Asians and Chinese. In *Czech Republic*, more than 60% of the population holds antiziganist (anti-Roma) views. People in *Romania*, holds anti-Roma and anti-Hungarian views. In *Bulgaria*, 50% have negative attitude towards Roma. 50% of Croatian citizens are against Serbs, Bosnians and Roma. 38% of Ukrainian citizens hold anti-Semitic views. Xenophobia is often reflected in sports — high levels of racism in sports always indicates high level of xenophobia in society in general

Hate crime

Hate crime is a predictable product of xenophobia. It includes **vandalism** of religious buildings, including cemeteries, **interethnic and interreligious clashes**, **violent attacks**, **murders**, **terrorist attacks** based on ethnic or religious hatred and a number of other actions that are assessed differently in every country.

Analysis of this crucial factor of radical nationalism is difficult due to different approaches to statistical treatment of hate crime. There are countries where statistical record of hate crime (officially or unofficially) is not publicised or not conducted at all (Greece, Bulgaria, Italy, Albania, Finland, Romania, France, some of the Baltic States and numerous others). Some countries do not consider hate motives as an aggravating circumstance in the commission of certain offences (such as crime motivated by gender hatred). Therefore, officially the highest hate crime rate is observed in the United Kingdom (more than 50,000 in 2014), which practices full statistical transparency; whereas Greece and Romania — where such statistics are de facto concealed — have the lowest rate of hate crime.

However, some figures can be considered as reliable. For example, *Germany* decisively had the highest number of vandalism incidents against religious institutions in 2014 (229 cases of xenophobic vandalism). 39 cases were anti-Semitic (influenced by the Gaza conflict); 7 acts of vandalism were against the memory of victims of Nazism, 2 — against Christians, and 1 each — against LGBT, Roma and anti-fascists. Ukraine follows with 53 cases (compared to 46 in 2013), 23 of which were anti-Semitic, 16 — anti-Christian and 14 — other. France was third with 43 cases (45 in 2013).



Interethnic clashes were reported in seven monitored countries: Germany, Italy, Ireland, Poland, Russia, Ukraine and France. In 2013, such incidents happened in only 4 countries. This increase was related

to a rise in anti-Semitic sentiments due to the Gaza conflict. Clashes against refugees and Muslims have also been noted.

Greece, Italy and Russia had provocative attempts to transform everyday conflicts into interethnic.

There have also been multiple violent attacks with “political overtones”. However, these figures cannot be considered completely accurate due to different methods of reporting hate crime in different countries.

In the monitored period, *United Kingdom* was once again at the top of this list (approx. 53,300 attacks). It is followed by Germany (17,020 attacks), France (397) and Russia (101). Nevertheless, data about Italy and Greece, Hungary and Romania remains unknown. The official statistic in Ukraine (26) is most likely false.

An important indicator of radical nationalism is the *struggle against hate crime* and governments position towards nationalism in general. In this regard, the three leading countries are the *United Kingdom* (8,400 convictions on charges of hate crime), *Germany* (3,000) and *Russia* (509), which has a fairly effective law enforcement practice with respect to such crime. Greece had a sharp reduction in hate crime in 2014, which was due to new anti-extremism and anti-racism legislation, recognition of racism as an aggravating circumstance and repressions against the neo-Nazi Golden Dawn party. Greek police was more effective in investigating hate crime and courts showed less leniency towards offenders.

An important aspect in combating hate crime is transparency. First of all, this concerns crime statistics. As a general rule, countries that hide their statistics have the most difficult situation in this field. This is usually followed by qualification of hate crimes as everyday offences, reluctance to report such crime, etc.

Influence of neo-Nazi and radical parties on the government and civil society

Influence of neo-Nazi and radical parties on the government and civil society is another crucial factor of radical nationalism.

In general, it can be said that most European governments have been infiltrated by these forces, either at a local or central level. Since February 2014, we saw that radicals in Ukraine manage to influence the authorities (including the army and the law enforcement) without officially entering the government.

Another form of such influence involves mainstream parties borrowing nationalist slogans from the far right parties in order to expand their electorate base. The following radical nationalist parties are most influential in Europe.

Svoboda party and Right Sector in *Ukraine*. Despite losing in 2014 elections, Svoboda maintains serious positions in the western regions. Right Sector, which united a number of small far right organisations, is a growing political force that controls most of volunteer militant units in Ukraine. During the monitored period, the party was influential in the Ukrainian parliament.

Visu Latvijai is part of the *Latvian* parliamentary coalition and has substantial influence over policies towards minorities.

Lega Nord and M5S (Five Star Movement) in *Italy* have had positive results in the European Elections.

Pro Patria and Res Publica Union in *Estonia* was actively promoting discriminatory initiatives in parliament, including the forced “Estonisation” of education. In 2011, the party received more than 20% votes and passed into parliament. In 2015, the party received 13.7% votes in the parliamentary elections and 13.9% in the European elections.

Golden Dawn party in *Greece*, despite facing some resistance from the government this year, continues to maintain around 9–11% support

Jobbik party in *Hungary* proposed a range of anti-Semitic and anti-Roma initiatives in 2014. In 2013, it was supported by 21% of voters.

The National Front remains the leading extreme right force in *France*, headed by Marin Le Pen. The party tried to improve its image and abandon its anti-Semitic rhetoric. In the European Elections, National Front received 25%

It is also worth mentioning national conservative parties of France, Finland (True Finns), Bulgaria (Ataka), the United Kingdom Independence Party that was extremely successful in European and national elections.

To summarise, every country in Europe has a nationalist party in one form or another, many of these parties are represented in their respective parliaments.

Glorification of Nazism and collaborationism

An important factor of radical nationalism is glorification of Nazism. This phenomenon, as well as demands to revise the results of the Second World War, has a direct link with discrimination of ethnic minorities. Glorification of Nazi collaborators turns the nations who were fighting against them in the past into current enemies. Usually, these are ethnic minorities.

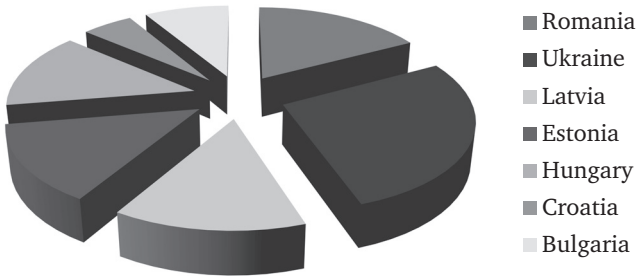
Currently, there are five countries glorifying Nazism. First — *Romania*, where glorification of Antonescu is conducted at presidential

level, by prominent politicians and in mass media. Romania regularly holds solemn events commemorating the fallen soldiers of the Romanian occupying army; there is an active pro-fascist Iron Guard; there is Holocaust denial, etc.

Second — *Hungary*, which has the same events, albeit without direct involvement of the government. A large bust to Marshal Horthy was installed in Budapest Freedom Square; Hungarian media, particularly the press affiliated with Jobbik party, glorifies this Hitler’s ally and his regime. However, it is worth noting that Hungary recently adopted the law criminalising Holocaust denial

Third — *Latvia*, which has annual processions of Waffen SS in Riga city centre and regular erection of monuments to the auxiliary police. There have been legislative attempts to include the Day of Latvian SS Legionnaires in the official calendar. Glorification of Nazism is common in *Estonia* as well, with annual gatherings of Waffen SS veterans in Sinimae. In *Ukraine*, radical nationalists glorify SS Galicia Division. In *Bulgaria*, nationalists held “Lukov March” to commemorate the pro-fascist WW2 General Hristo Lukov. There have been some reports of glorification of Nazism in *Croatia*

GLORIFICATION OF NAZI COLLABORATORS IN 2014
Approximate Level



The last crucial factor of radical nationalism is the persecution of antifascists. These cases were recorded in many countries, and sometimes expressed in legal prosecution. In some cases, antifascists commit offences themselves — usually at public protest actions, with attacks on police and on members of rival demonstrations. However, there are also cases of unlawful prosecution.

Latvian and *Estonian* special services declare antifascists as enemies of the state in their annual reports. In all three Baltic States, security services demonise antifascist activists as “Russian agents”. Government intervention in the activities of these individuals and organisations violate their freedom of speech, assembly and expression.

In 2014, some foreign antifascist activists who were intending to attend events in the Baltic States were not allowed entry. There have been reports of unsanctioned searches, arrests and political discrimination against these people.

Conclusion.

Causes of growth of radical nationalism in Europe

This study indicates that the level of radical nationalism in Europe remains alarmingly high. In some countries, we observed a sharp increase of extreme right sentiments in 2014. What are the causes of this trend?

It is commonly believed that the main reason is the increase in migration flows from Asia and Africa, which creates demand for extreme right policies from the indigenous populations. However, migration from Third World countries into Europe has been present since the 1950s. In addition, radical Islamists often turn out to be second or third generation immigrants, born in Europe and fluent in the language of the country they live in. Therefore, it is fair to say that increased migration is not the main reason.

The main reason is the **crisis of traditional European nation-state**, which was created in mid-19th — early 20th century on the ruins of former great empires. Nation-state is a natural and irreplaceable institute of modern humanity. It protects the interests of the nation. The question is what is meant by “nation”?

Nation can be regarded as an ethnic group. Such nation-state is formed on the “principle of blood”. This is something many radical nationalists and neo-Nazi aspire to, despite the fact that the only European experience of such state in 1930–1940s failed, resulting in a tragedy of millions.

Nation can also be considered as a community of people united by a common supranational (supra-ethnic) political or religious idea, tied to a common territory and common historical fates of members of the community. For example, establishment of the United States was based on Protestant messianic idea of exploration and democracy. On the basis of this ideology and universal mythology immigrant state, a new American nation was created. Its culture is based on British culture mixed with Irish, French, African, Latin American and other cultures, which gave it a unique *American* character.

Swiss nation was based on the idea of *neutrality*. In 1291, three cantons populated by different, primarily Germanic, ethnic groups united to defend themselves against Austrians, Burgundians and other troublesome neighbours. In 1513, they were joined by 10 more cantons (currently — 26). For a small country surrounded by large, constantly warring states, neutrality guaranteed safety and allowed to play an important role in the

world arena. As a result, the desire for peace and economic prosperity outweighed the cultural and historical ambitions of various peoples, creating a new multi-ethnic nation that has four official languages and does not have any communicational or other difficulties in this regard. Switzerland, uniting several ethnic groups that previously fought amongst themselves, sets a classic example of how a supra-ethnic ideology could unite potential enemies within one country, the stability and cohesion of which is cause for envy of many European nation-states.

Class idea — the idea of dictatorship of the proletariat and proletarian internationalism — united almost all lands of the disintegrated Russian Empire and created a new country — the Soviet Union. Over the years, USSR almost concluded the process of creating a new multi-ethnic nation, or as it was then called — “a new historical community — the Soviet people”. The idea then lost popularity, was discredited and substituted in several Soviet republics with nationalist ideas, which along with objective destructive processes characteristic for all empires largely contributed to the collapse of the Soviet Union.

Conventionally, such state can be called international, since it is not created around the traditions of a particular titular ethnic group.

However, in most European countries, a nation is a community of people who *regardless of their ethnicity* are united by a **common territory**, as well as a **common cultural and historical** identity.

This traditional perception allows member of any ethnic or religious group to become French, Greek or Italian, if he satisfies the strictly defined conditions for naturalisation. Nation-states where ethnicity is irrelevant, but what is important, is the cultural unity, common historical destiny, common territory, are finally considered the countries created on the “principle of land”, they are definitely based on cultural, historical and linguistic traditions of the titular ethnic group. In other words, to be a part of the French nation, resident of the French Republic does not have to be French by ethnicity, but must be fluent in French, accept the French history and culture as his own and feel his integral belonging to France. Calling things by their proper name, he has to voluntarily assimilate. The word “voluntarily” is key here. This does not mean that he has to forget his roots and native language. In France, for example, we find the descendants of the Russian immigration of 1920s, who preserved Russian language and carefully treat their ancestors’ culture, but they are actually French, in a cultural, linguistic and everyday sense of the word.

This state-forming principle is still considered a major achievement of European democracy, an essential tool in the struggle against racial and religious discrimination. This principle founded the majority of Old World countries. This state is what many post-Soviet countries strive for.

The crisis arose as a result of globalisation processes, when streams of immigrants poured into Europe unwilling to voluntarily assimilate. Tunisians in France wanted to stay Tunisians, and not become French. In Germany, the same happened with Turks. Yes, they enjoyed living in these countries, where their children were born; and they were ready to accept themselves as citizens of France or Germany, but not as French and Germans. However, European traditional nation-states, despite claims of commitments to the ideals of multiculturalism, were not ready to accept the new model. The situation in post-Soviet states was even more difficult, especially in those with large *irredenta*.

There is a difference between the term “*diaspora*” and “*irredenta*”. American sociologist Rogers Brubaker uses the term “accidental diasporas” and differentiates between the terms “movement of peoples across borders” and “movements of borders across peoples”.

Irredenta (Italian: *irredentismo*, “unredeemed”), or irredenta nation, is used to describe ethnic minorities inhabiting the territory adjacent to the country dominated by their compatriots. Unredeemed nation is left beyond the borders of its country after wars, annexations, border disputes or as a result of various colonial models — in this case, it was the fall of the Soviet Union.

Unlike a diaspora, whose members are scattered throughout the territories far from their historical homeland, members of irredenta are compactly settled in countries bordering their historical homeland, with particularly high concentration in the border adjacent regions. The main feature of irredenta is its large numbers at a relatively low level of internal consolidation. Therefore, Russian-speakers living in the former Soviet Union should not be defined as “diaspora”, but “irredenta”, as they have long been living on their territory and are not migrants.

Irredenta are usually sensitive to any infringement of the majority on their rights, since they consider themselves autochthonous inhabitants of the territory they occupy. If discrimination takes on a systematic character, irredenta form a **movement for reunification with the territory of the ethnic majority** — irredentism.

In just Moldova and the Baltic States, more than a million of Russian-speaking inhabitants were artificially separated from the Eastern European civilisation, from their spiritual and cultural centre — Russia. Instead, they were offered other national, cultural and political values alien to them. Furthermore, while in Lithuania and Moldova the imposed assimilation process was relatively voluntary — all residents at the time of independence received citizenship and equal rights — minorities in Latvia and Estonia were subjected to forced assimilation — they were not granted citizenship, they were deprived of many political and economic rights, education in minority schools was gradually phased out, they were dismissed from civil service positions

under the pretext of poor knowledge of state language, etc. These countries created special language services, which monitored the use of state language in business activities.

Thus, the course of these countries — multinational by their ethnic composition and with a large Russian irredenta — towards building a European nation state, geared towards friendly relations with Europe and confrontation with Russia, is a course towards a permanent crisis, where the Russian-speaking “accidental diaspora” is unwilling to assimilate and accept the national policy of their governments. Residents of eastern Ukraine fear this “Baltic scenario”, as they traditionally have spiritual ties with Russia more than Europe.

Crisis of traditional European nation-state is caused by the contradictions between principles which it was built upon and expectations of national and religious minorities.

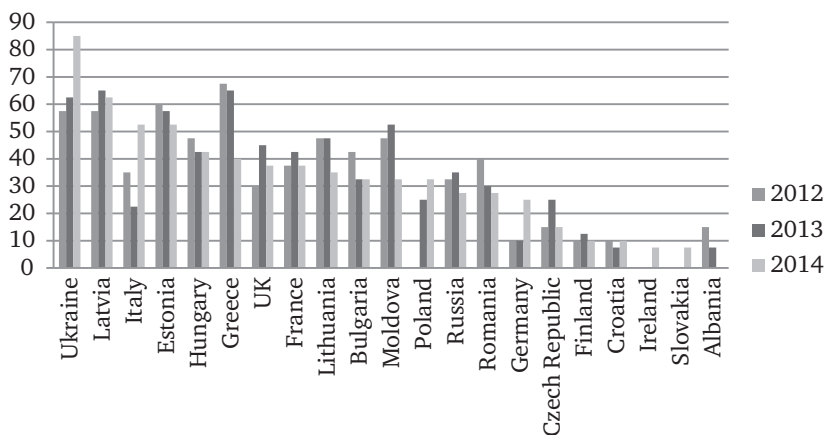
Is there a solution to this crisis? Certainly, yes. There are two alternatives. Assimilation (in this case — forced, because voluntary assimilation is practically exhausted after multiple mistakes and objective consequences of globalisation) or changing the type of the state — a nation-state created around the traditions of the titular nation must be transformed into an international state, united by a certain idea. This could be the European idea in the EU, idea of Ukrainian, Moldovan, etc. internationalism in CIS countries and so on.

There are serious doubts in the success of the assimilation project in today’s globalised environment, when assimilation targets a large number of people who communicate with their historical homeland or are susceptible to foreign ideological movements (especially under government’s isolation from these processes). Forced assimilation in such circumstances is hardly possible, given the number of subjects for assimilation, their solidarity and cautious (and sometimes, hostile) attitude towards the majority.

This leaves changing the type of the state. An international state can be built on the principle of federalism — delegation of powers between the centre and federal subjects — or on the principle of general internationalism, if there is a desire to keep the unitary character of the state. This is more difficult, because reform will affect all main state institutions and all residents of the country. Certainly, it will affect not just the economy and politics of the country, but also ideology, language, culture, education, etc. Therefore, the ideology of *primacy of the titular nation* must be replaced with another ideology.

When it comes to Europe, this process involves breaking the public identity of majority of Europeans, which they are definitely not prepared for at the moment. This is evidenced by the 2014 European Parliamentary Elections, where Eurosceptics and nationalists, including radicals, were quite successful. However, election of Jean-Claude Juncker as

THE LEVEL OF THE AGGRESSIVE NATIONALISM
IN EUROPEAN COUNTRIES
(2012–2014)



Head of European Commission indicates that Europe will continue its course towards federalisation, at least in the next five years.

On the other hand, there is evidence that some EU leaders are realising the scale of the problem and its causes — crisis of traditional European nation-state. This was one of the underlying reasons for the European federalisation project, proposed by the former chairman of the European Commission José Manuel Barroso. In all likelihood, this movement will continue by the new EC leadership, headed by Jean-Claude Juncker. A possible alternative is the further growth of nationalistic tendencies, weakening of European institutions and disintegration of Europe. Nevertheless, the process of Euro-integration will be very difficult. For the next five years, federalisation will be objected by Eurosceptic MEPs.

Attempts to create European-style nation states in Russia, Ukraine, Moldova and other post-Soviet countries is a road into the abyss of a crisis that is already rampant in Europe. For some CIS countries, especially Russia, these attempts risk disintegration of the country and the emergence of a number of traditional nation-states, which can lead to uncontrollable processes on the post-Soviet space.

In this situation, international organisations and certain leading countries play a special role. In conditions of weak civil society in countries most susceptible to radical nationalist influence, these organisations and countries still possess the necessary political and economic resources to eliminate nationalists' socio-political base. In order to achieve this, it is necessary to recognise the danger and introduce a system of measures aimed against radicals' influence on the government.

RESEARCH METHODOLOGY

This study is based on the monitoring of neo-Nazism, radical nationalism and xenophobia in 21 European countries, conducted by the International Human Rights Movement “World Without Nazism” in 2014.

The aim of the analysis is to examine trends and developments of neo-Nazi and extreme right sentiments in various countries, formulate possible future scenarios of socio-political development and draw up recommendations on minimising the level of xenophobia and the radical nationalist threat.

Analysis was conducted in the following areas:

- Factors that influence the development of radical nationalism in certain countries.
- Factors that constraint and hinder the development of radical nationalism.
- Consequences that may have certain tendencies for social and political development of the country and the world as a whole.
- Possible solutions (recommendations) to relevant problems in the country.

Research was conducted using pooled analysis of criteria (indicators) that were used to determine the factors of stability/instability in society. According to this method, each factor of stability was assigned a fixed positive score, and each factor of instability was assigned a corresponding negative score. If a particular indicator is limited or partial in its effects on the social and political processes, it was assigned a 50% score from the total indicator value. Thus, we were able to assess partial decisions or insignificant processes.

As a result, via simple arithmetic addition, we obtained an average score of radical nationalist threat level assigned to a particular country.

The following criteria for the factors of stability/instability were analysed:

FACTORS OF STABILITY

Nº	Criteria	Score
1	Legislation and law enforcement practice preventing the development of radical nationalism	
	Presence of anti-Nazi, anti-racist and anti-extremist legislation; legislation aimed against the incitement of ethnic and religious hatred in the country	5
	Presence and development of anti-discriminatory legislation	5
	Compliance of the government (central, regional, municipal), law enforcement and judiciary with anti-Nazi, anti-racist, anti-extremist, anti-discriminatory and hate crime legislation	5
	Struggle against hate crime (criminal cases against organisers and participants, guilty verdicts)	5
2	Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism	5
3	Activities aimed at promoting tolerance and preventing extremism.	5
4	Position of migrants and society's attitude towards immigrants, foreigners, different ethnic groups	
	Presence and development of migration laws	5
	Government's compliance with such legislation (law enforcement practice)	5
	Social assistance for immigrants	5
5	Presence, popularity and size of anti-fascist and anti-racist movements	
	Presence of anti-racist and anti-Nazi movements and parties	5
	Anti-racist and anti-fascist movement activities (pickets, rallies, demonstrations)	5
	Presence of anti-racist and anti-fascist civic initiatives	5
6	International Aspect	
	Participation in significant international agreements on combating racism and discrimination of ethnic minorities	5
	Accession to new international agreements and resolutions of various international organisations, aimed at combating Nazism, combating discrimination, or protecting minority rights	5
	International statements and initiatives of the monitored countries and their leading politicians, aimed against discrimination, neo-Nazism and xenophobia	5

FACTORS OF INSTABILITY

N°	Criteria	Score
1	Legislation (central, regional, municipal) and law enforcement practices that contribute to the development of radical nationalism	
	Discriminatory legislation affecting minorities residing in the country in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.	-5
	Legislation restricting the voting rights of permanent residents of the country on the basis of ethnicity or country of origin	-5
	Presence of legal norms and other regulations that legalise the radical nationalist ideology, its attributes and practices, as well as their distribution in the mass media and mass communication	-5
	Discriminatory practices against minorities in the field of registration, mobility, business, employment, education, housing, healthcare, religion, etc.	-5
2	Xenophobia and inflammatory statements by members of the authorities and media	-5
3	Unlawful use of anti-extremist legislation	-5
4	Position of migrants and society's attitude towards immigrants, foreigners, different ethnic groups	
	Discriminatory practices against immigrants	-5
	Use of ethnic crime as justification for discrimination against immigrants	-5
	Negative attitude of the community towards immigrants, foreigners, various ethnic groups	-5
5	Incitement of religious and ethnic hatred	
	Calls for ethnic and religious hatred in mass media and mass communications, graffiti	-5
	Presence and popularity of radical nationalist literature, films, music. Ultra-nationalist rock bands and their concerts	-5
6	Radical nationalist groups and parties	
	Presence of neo-Nazi and ultra-nationalist groups, movements, political parties (both in the centre and in the localities)	-5
	Presence of discriminatory demands in the programmes of these parties and in the statements of their leaders towards the members of minorities	-5

№	Criteria	Score
	Neo-Nazi and radical nationalist influence over the civil society, including oppositional and human rights organisations	-5
	Neo-Nazi and radical nationalist influence over the local legislative/executive bodies	-5
	Neo-Nazi and radical nationalist influence over the central legislative/executive bodies	-5
7	Public actions of extremist and nationalist groups	
	Neo-Nazi and radical nationalist participation in mass actions prohibited by the authorities	-5
	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities	-5
	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities, with the participation of representatives from the legislative or executive bodies, law enforcement and security agencies	-5
	Presence of “football xenophobia” and racism amongst sports fans.	-5
8	Racist attacks, violence and terror	
	Vandalism in cemeteries, attacks on religious buildings	-5
	Inter-ethnic clashes instigated by xenophobia and radical nationalism	-5
	Cases of violence, including murder on racial, ethnic and religious grounds	-5
	Hate crime cases	-5
	Nationalist or religious terrorist attacks	-5
9	Glorification of German National Socialism and collaborators of Nazi Germany, historical revisionism, Holocaust denial	
	Glorification of German National Socialism and/or its collaborators in the media, desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition	-5
	Glorification of German National Socialism and/or its collaborators with the support of local authorities, demolition of monuments to soldiers of the anti-Hitler coalition, erection of monuments to the soldiers of Wehrmacht and Nazi butchers	-5

Nº	Criteria	Score
	Glorification of German National Socialism and/or its collaborators in the decisions, made by the authorities	-5
	Historical revisionism, Holocaust denial	-5
10	Persecution of veterans and partisans of the anti-Hitler coalition	
	Public calls for repression against the veterans and partisans of the anti-Hitler coalition, as well as anti-fascists	-5
	Restrictions on human rights and anti-fascist organisations, bans to entry or exit imposed on anti-fascists, inaction of the authorities	-5
	Criminal prosecution of veterans, partisans of the anti-Hitler coalition and anti-fascists	-5

The above analysis suggests a **conclusion** that involves the following aspects:

1. Human rights

- *Guarantees against any form of minority discrimination;*
- *Adherence to norms of the fundamental human rights instruments (European Convention for the Protection of Human Rights and Fundamental Freedoms, European Charter on Human Rights, as well as in adherence to the Framework Convention for the Protection of National Minorities and the European Commission against Racism and Intolerance, etc.);*
- *Differences between the rights and freedoms of the titular nation and ethnic minorities;*
- *Legislation enshrining inequality of minorities;*
- *Rulemaking in protection of minorities;*
- *Freedom of speech violation;*
- *Legislation and law enforcement practises concerning immigrants.*

2. State of the society

- *Violation of human rights and lack of equal rights, freedoms and opportunities for all national minorities residing in the country, leads to a reduction in opportunities for residents' self-realisation, split of society, exclusion of minorities from public processes, weakening of the state;*

- *Self-determination – how manifestations of xenophobia and extremism affect the identity of minorities, as well as majority's identification of minorities (growth of social phobias).*

3. Socio-economic development of the country

Do manifestation of various forms of xenophobia and extremism affect the identity of minorities, as well as identification of minorities on the part of the majority (growth of social phobias):

- *Standard of living;*
- *Economic turmoil, instability;*
- *Decline in production growth, emigration of the labour force.*

4. Security and geopolitical stability in the region

- *Political stability in the country;*
- *Impact of xenophobia and extremism in the country on the issues of external security, on relations with third countries and the international security in the region as a whole.*

The analysis allows us to make **recommendations** for reducing xenophobia and radical-nationalist threat. These recommendations involve the following aspects:

- 1) General recommendations on the accession to international agreements and conventions.
- 2) General recommendations on adjustments to the legal framework.
- 3) General recommendations for the executive bodies on law enforcement and human rights.

In addition, the analysis is used to generate a **rating of xenophobia and radical nationalism**, which is then presented on the map of Europe.

ALBANIA

ASSESSMENT CRITERIA FOR FACTORS OF STABILITY/INSTABILITY

1. Legislation (central, regional, and municipal) and law enforcement practices that contribute to the development of radical nationalism

I n d i c a t o r s

- Discriminatory legislation affecting minorities residing in the country in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.

Section 3, Article 18 of the Constitution of Albania has an odd disclaimer that suggests that there are cases when discrimination is “objective and justified”.¹

In November 2011, the Constitutional Court of Albania ruled in favour of excluding the “ethnicity” category from both the Civil Status Act and the population census. While exclusion of this category from the Civil Status Act is generally consistent with the European Protection of Human Rights regulations, excluding it from the population census where completing it is strictly voluntary and only represents the self-identification of the respondent, is somewhat illogical. The expert opinion is that this is Albanian government’s attempt to twist statistics in order to make the number of national minorities living in Albania appear smaller than it really is. All of this resulted in a situation where minorities residing outside the so-called “Minority Zones” have practically lost the ability to prove their identity.²

The Albanian Criminal Code does not contain any statements about racial hatred and other prejudices serving as a motive aggravating the seriousness of the offense. Despite the assurances of the Albanian authorities that courts will be taking these factors into consideration when issuing verdicts, as well as statements that it “contradicts the Albanian legal system”,³ the European Commission against

Racism and Intolerance (ECRI) has on multiple occasions suggested for Albania to amend its Criminal Code in such a way that racism, as well as other prejudiced actions, would be treated as aggravating circumstances.

In August 2014, Albania eased the procedure for obtaining its citizenship with respect to ethnic Albanians residing in specific territories. Neighbouring countries see this as another step towards building a “Greater Albania”, incorporating territories of Greece, Macedonia, Serbia and Montenegro.⁴

- Legislation, limiting the voting rights of the permanent residents of the country based on their ethnic background or country of origin.

No such legislation was present in Albania during the observed period.

- Presence of the norms in the legislation or other normative documentation that legalises the ideology of radical nationalism, its attributes and practices, as well as public propagation in media and mass communication.

No such norms were present in Albania during the observed period.

- Discriminatory practices against minorities in the field of registration, mobility, business, employment, education, housing, healthcare, religion, etc.

Members of Greek and Macedonian ethnic minorities claim that outside of the “Minority Zones”, established during the Enver Hoxha’s totalitarian regime (1944–1985), there still are numerous locations inhabited primarily by Greeks and Macedonians. A huge scandal was caused by the population census of 2011, where people of Greek and Macedonian origins that live outside the “Minority Zones” were under a threat of financial penalties forbidden to report belonging to any ethnicity other than the one stated in their passport (during Hoxha’s regime all members of ethnic minorities who lived outside “Minority Zones” had their nationality recorded as “Albanian”).⁵ This situation continued in 2014. Egyptian minority is also not recognised by the Albanian government.⁶

There are approximately 60,000 Roma people living in Albania, many of whom live in settlements with little or no infrastructure. Access to education and employment remained a problem for Roma in 2014. Only a few Roma finish middle school; only 4% graduate from college or university⁷. Roma in Selite are under threat of eviction due to the construction of a bypass road.⁸

The government is not protecting Roma from forced evictions from their informal settlements in Tirana and do not provide them with adequate alternative housing.⁹

Human Rights Ombudsman reports that in 2014 many minority children were unable to receive education in their native language. Bilingual schools only provide education for the first nine grades.

In November 2014, it was reported that an Endocrinologist has been verbally abusing a nurse for wearing a Muslim headscarf.¹⁰

LGBT is also facing discrimination in Albania, where they have no right to marriage or civil partnership. LGBT children face bullying in schools, while teachers are unable to deal with these problems. They are also discriminated against in healthcare, where according to Human Rights Ombudsman they tend to receive lower quality service than other people.¹¹

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Discriminatory legislation affecting minorities residing in the country in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.	-5	-5	-5
-	Legislation restricting the voting rights of permanent residents of the country on the basis of ethnicity or country of origin.	0	0	0
-	Presence of legal norms or other normative documentation, which legalises the ideology of radical nationalism, its attributes and practices, as well as their distribution in the mass media and mass communication.	0	0	0
×	Discriminatory practices against minorities in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.	-5	-5	-5
	Total for section 1	-10	-10	-10

2. Xenophobia and hate speech by members of the authorities and media

Such statements have been mainly related to the so-called Greater Albania project, which is the idea of incorporating the Albanian-populated lands in Kosovo, Macedonia, Greece, Serbia and Montenegro. On October 1, it was reported that new Albanian school textbooks contain a map of neighbouring territories that “rightfully belong to Alba-

nia”. This includes the territories of Greece, Serbia and Macedonia. The geography textbook also contains a chapter — “Albanian Lands in Greece”, which asserts that “North-Western Greece, from Florina to Preveza must belong to Albania”.¹² Nevertheless, there have been no statements aimed against local ethnic or religious minorities in Albania.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
-/×	Xenophobia and hate speech by members of the authorities and media.	-5	-5	-2.5
	Total for section 2	-5	-5	-2.5

3. Legislation and law enforcement practices preventing the development of radical nationalism

Indicators

- Presence of anti-Nazi, antiracist and anti-extremist legislation, and legislation directed against incitement of ethnic and religious hatred in the country.

Coexistence”, and “mutual understanding and coexistence between Albanians and ethnic minorities” as some of the fundamental values that the state needs to respect and protect. Section 9, Article 2 of the “Albanian General Law” prohibits the creation of any political parties whose actions incite racial, religious, regional, or ethnic hatred. Article 10 speaks of equality of all religions and independence of religious associations. Article 20 defines the rights of ethnic minorities. According to it, members of national minorities have the same rights as the indigenous Albanian citizens, as well as the right to express their ethnic, cultural, religious, and linguistic identity, study and teach in their mother tongue, and form organisations and societies with the purpose to protect their interests and their identity.¹³

The Albanian Criminal Code has two sections dedicated to the fight against xenophobia — Article 165 (“Inciting Racial Hatred”) and Article 266 (“Public Inciting of Hatred Articles 131–133 regulate the legal actions against crimes involving obstruction of religious organisations’ activities).¹⁴

In May 2013 Albanian Parliament accepted an amendment to Article 50 of the Criminal Code, which adds hatred for sexual minorities (nonstandard sexual orientation or gender identity) as motive for crime to the list of officially recognised aggravating circumstances.

In 2014, there have been no developments in anti-racism legislation.

- Presence and improvement of anti-discriminatory legislation.

Article 18 of the Albanian Constitution prohibits discrimination. In Albanian Criminal Code the regulations prohibiting discrimination are contained within Article 253, according to which any origin, gender, health, religious beliefs or political views, union activity, or ethnic discrimination is punishable by fine and a prison sentence of up to five years.¹⁵

Albanian anti-discriminatory legislation, immutable in the past despite the changes of ruling parties, has lately been largely defined by the country's desire to join the EU (Albania submitted the paperwork necessary to become a candidate for EU membership in April 2009). This explains many revolutionary measures that have been taken in the recent years — like the official ban of LGBT discrimination and introduction of the “Protection against Discrimination” legislation on May 9th 2010. This legislation outlaws any discrimination against gender, race, skin colour, nationality, language, sexual orientation, political, religious or philosophical beliefs, financial status, education or social status, pregnancy, ethnic origin, age, family or marital status, civil status, place of residence, health condition, genetic predispositions, or belonging to any specific group.¹⁶

In 2014, there have been no developments in anti-racism legislation.

- Compliance with anti-Nazi, antiracist, and anti-extremist legislation by the authorities (central, regional, municipal), law enforcement and judiciary, as well as their compliance with legislation directed against incitement of ethnic and religious hate and compliance with anti-discriminatory legislation.

Such legislation was generally observed in 2014, although it cannot be said that racism and extremism is a serious problem in modern Albania.

Article 7 of the “Protection against Discrimination” law states that “Every action or lack thereof conducted by government authorities or legal entities that are part of the private or public sector, which creates grounds for individuals or groups of people to be denied equality or to be treated unjustly and unequally, compared to how other people would have been treated in identical circumstances, is discrimination”.

The fight against racism and discrimination is led by the Albanian Ministry of Interior Affairs, Ministry of Labour, Social Affairs, and Equal Opportunities, and Ministry of Education and Science. Accord-

ing to Article 13 of the “Protection against Discrimination” law, protecting employees from discrimination is employer’s responsibility. Article 19 of the same law puts headmasters of the educational institutions in charge of preventing discrimination in schools, universities, etc.

The official state discrimination counteraction position is held by the Commissioner for Protection against Discrimination (MPCSH). This position was established in compliance with the “Protection against Discrimination” law (2010). The commissary is elected for the period of five years and must provide an annual report on his actions. He has the right to conduct administrative investigations if discrimination complaints are received and he can also administer penalties — including large fines, suggest new regulations that would help with preventing discrimination to the state authorities, etc. All discrimination complaints are handled within 90 days of their receipt.¹⁷

As was already mentioned, a noteworthy incident in 2014 involved a doctor at one of the state clinics entering a physical conflict with a nurse, Irma Haka, due to her wearing a hijab. The doctor was subsequently brought on administrative charges for violating Article 10.2 of the Constitution, which states that the state shall be neutral in issues of faith and conscience and guarantees freedom of expression in the public life. All medical institutions in the country received instructions to prevent such incidents in the future.¹⁸

- Hate crime (criminal cases against organisers and participants, convictions).

Albanian government made an official statement in response to the OSCE’s (Organisation for Security and Co-operation in Europe) query, in which it stated that like such countries as Azerbaijan, Italy, Tajikistan, and Uzbekistan, Albania is not willing to make information related to hate crime statistics public.¹⁹ Therefore this study does possess some fragmented data of such crimes taking place (provided by the official representatives of Albanian government upon requests from international organisations), but absolutely no information on their clearance rate.

- Misuse of anti-extremism legislation.

No such incidents were recorded in 2014.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Presence of anti-Nazi, antiracist and anti-extremist legislation, and legislation directed against incitement of ethnic and religious hatred in the country.	5	5	5

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Presence and development of anti-discriminatory legislation.	5	5	5
×	Compliance with anti-Nazi, antiracist, and anti-extremist legislation by the authorities (central, regional, municipal), law enforcement and judiciary, as well as their compliance with legislation directed against incitement of ethnic and religious hate and compliance with anti-discriminatory legislation.	2.5	2.5	5
–	Hate crime (criminal cases against organisers and participants, convictions).	0	0	0
–	Misuse of anti-extremism legislation.	0	0	0
	Total for section 3	12.5	12.5	15

4. Statements against xenophobia and radical nationalism made by government representatives, members of the ruling party, and influential politicians

On December 17, 2014, President Bujar Nishani celebrated Hanukkah with the Jewish community in his Administration. At the event, he noted, “This holiday in the Presidential Administration demonstrates the best traditions of the Albanian people — hospitality and tolerance. Albanians and Jews are people tied by history. Their friendship is tested and proven during the horrible days of the Holocaust, when Jews found haven and salvation in our country.”²⁰

On December 17, Prime Minister Edi Rama said that Serbia and Albania are neighbours, not enemies, thus recognising that Kosovo is an integral part of Serbia, since its border with Albania stretches along the south of Kosovo.

“We need to continue along the path of cooperation,” he told Albanian Top Channel.²¹

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Statements against xenophobia and radical nationalism made by government representatives, members of the ruling party, and influential politicians.	5	5	5
	Total for section 4	5	5	5

5. Activities aimed at promoting tolerance and preventing extremism

In 2010 Albania introduced a new campaign designed to attract children from Roma families into local schools.²² There is a national strategy dedicated to “improving the living conditions of the Roma ethnic minority”, however, according to the data gathered by the Amnesty International, its actions are not very effective.²³

In 2014, Albanian government promised to ensure registration of newborn children in order to provide them and their parents with appropriate social and healthcare benefits.

In February 2014, social workers met with the Roma community in Shish Tufine in order to help them fill in the application forms for the status of homeless persons, giving them access to certain social programmes.²⁴

Local Human Rights Ombudsman was active in reporting on the situation with integration of minorities and LGBT support. However, Ombudsman said that his recommendations are largely not acted upon.²⁵

At the same time, it is worth noting that Albania had not taken any steps to combat xenophobia towards the Greek minority, which remains a vulnerable group in the country.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
-/×	Activities aimed at promoting tolerance and preventing extremism.	5	5	2.5
	Total for section 5	5	5	2.5

6. Status of migrants and society’s attitude towards immigrants, foreigners, different ethnic groups

Indicators

- Presence and improvement of migration laws.

Until recently Albania was a migration donor country, which annually lost thousands (if not tens of thousands) of its citizens to immigration. For example, in 2011 Albania’s neighbour — Greece, was hosting 400,000 Albanians. It is worth pointing out that this did help at least partially relieve the pressure on the labour market of Albania, which was one of the few European countries to ratify the United Nations Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (in 2007). It also ratified the Euro-

pean Convention on the Legal Status of Migrant Workers in 2007. In March 2003 even a special law was issued — N.9034, “On Emigration of Albanian Citizens due to Employment Reasons”, Article 1 of which declared that Albania guarantees care and protection to its emigrant citizens and will maintain and develop connections with their countries of residence.²⁶

Article 16 of the Albanian Constitution dictates equality of rights, freedoms, and responsibilities for indigenous Albanian citizens, legal foreign immigrants, and Albanian residents without citizenship. In turn, Article 39 prohibits mass deportation of foreigners.²⁷

In March 2013 Albanian Parliament accepted a new amendment to the “Law on Foreigners”, which adapted it to the EU norms as much as possible. This amendment abolished the necessity for EU citizens to obtain a work permit in order to find employment in Albania, as well as gave EU citizens same rights as Albanian citizens for medical and social aid. The amended version of the “Law on Foreigners” is consistent with Directive 2009/50/EC on Entry and residence of highly qualified workers, as well as with the introduction of EU Blue Card, which also regulates employment of highly skilled professionals from Third World countries. The new “Law on Foreigners” adapts the aforementioned directive to the specifics of Albanian population and economy. Laws regulating entry and exit from the country are also fully consistent with Directive 2004/38/EC on the right to move and reside freely. This means that Albania has implemented a visa-free regime for EU citizens and opened its borders for everyone in possession of a Schengen Visa.

The regulations for refugees and asylum seekers are governed by the “Law on Asylum in the Republic of Albania” implemented in 1998.

It must be noted that for several years non-EU nationals have been able to enter Albania through a Schengen Visa.

- Authorities’ compliance with such legislation (law enforcement practice).

Albania is facing a number of problems regarding asylum seekers. The National Reception Centre for asylum seekers lacks legal professionals, teachers and medical staff; there have been problems with providing appropriate clothing for the residents. Refugees are unable to attend vocational courses and do not get assistance in job seeking. A similar centre in Kares lacks translators, councillors, legal and medical staff. The centre also had problems with hygiene and lack of activities for refugees, making the general atmosphere of the centre resemble a prison.

National Centre for victims of human trafficking is in need of renovation, facing problems with heating and lack of staff.²⁸

- Discriminatory practices against immigrants.

Due to low inflow of immigrants this issue is not significant for Albania.

- Use of “ethnic crime” as justification for discrimination against migrants.

No such incidents were recorded in 2014. This issue also is not significant for Albania.

- Social assistance for immigrants.

Immigrant employment, health services, and social aid questions are regulated by the “Law on Foreigners”, “Law on Asylum”, and “Government Decision on the Entrance, Stay and Treatment of the Foreigners”.²⁹

According to these pieces of legislation, all legal immigrants — EU citizens, refugees, and immigrants from Third World countries that have permanent or temporary Albanian residence, have the right for the same social benefits as the indigenous Albanian citizens.

It is vital to remember, however, that this social aid for Albanian citizens is quite peculiar. First, it is almost three times less than the official minimum wage (according to the data obtained in 2012 — 144.4 EUR³⁰), and second, a whole series of aspects this social aid covers is strictly nominal. For example, many local medical facilities remain underfunded. Funding level in different regions depends on what political party is in control. I.E. because socialists have more influence in the south, under their rule the funding of northern medical centres is cut and the money is transferred to support the south, and vice versa. Same applies to vacancies in other institutions on government payroll, including schools and kindergartens. The feeble balance is maintained only in the centre of Albania, where socialists and democrats have roughly the same amount of influence.

Considering that now for many years Albania had over 12% of its population earn wages below the subsistence level,³¹ it is reasonable to assume that immigrants that apply for social aid are automatically put below the poverty line.

Therefore, even though Albania has officially given legal foreign immigrants same rights as Albanian citizens, de facto these rights are of not much real help to either of these two groups. However, due to low immigration level this has not yet reflected on either the socio-economical position in the country, or the society’s treatment of immigrants.

- Negative attitude of the community towards immigrants, foreigners, and various ethnic groups.

Regretfully, there have not been any opinion polls exploring this issue during the observed period. However, previous surveys and indirect evidence suggest that the most vulnerable group in terms of xenophobia in Albania are the ethnic Greeks.

Another danger noticed by observers is Albania being infiltrated by radical forms of Islam, which leads to explicit intolerance towards other religions from the newly converted Islam disciples.³² Homophobia is also fairly common in Albanian society.³³

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Presence and improvement of migration laws.	5	5	5
×	Authorities' compliance with such legislation (law enforcement practice).	5	5	5
–	Discriminatory practices against immigrants.	0	0	0
–	Use of “ethnic crime” as justification for discrimination against migrants.	0	0	0
×	Social assistance for immigrants.	5	5	5
×	Negative attitude of the community towards immigrants, foreigners, various ethnic groups.	–5	–5	–5
Total for section 6		10	10	10

7. Incitement of religious and ethnic hatred

Indicators

- Calls for ethnic and religious hatred in mass media, mass communications, and graffiti.

On February 10, Albanian hackers hacked into the website of Serbian Orthodox Church and its Faculty of Theology. Hackers left an appeal accompanied by ominous music, stating that the websites have been hacked by “Kosova Warriors Group&Bulka Hackers Misteriozi Pirat”. The message also contained threats in Albanian language, claims to “occupied territories” and a statement that Kosovo is part of Albania.³⁴

- Presence and popularity of radical nationalist literature, films, music. Ultranationalist rock bands and their concerts.

No new information has been recorded in 2014.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Calls for ethnic and religious hatred in mass media and mass communications, graffiti.	-5	-5	-5
-	Presence and popularity of radical nationalist literature, films, music. Ultranationalist rock bands and their concerts.	-5	-5	0
	Total for section 7	-10	-10	-5

8. Radical nationalist groups and parties

I n d i c a t o r s

- Presence of neo-Nazi and ultranationalist groups, movements, political parties (both in the centre and in the localities).

The main Albanian nationalist far-right party is the “Red and Black Alliance” (RBA),³⁵ which was created on March 20th 2012, replacing a public movement with the same name that was founded in March 2011. However, after the disastrous results of the first elections the party participated in, its activity plummeted drastically and even the organisation’s official website barely received any updates during the monitored period.

- Presence of discriminatory demands in the programmes of these parties and in the statements of their leaders towards the members of minorities.

The main topics covered by the RBA leaders are Greekophobia and calls for the creation of “The Great Albania”. The party’s representatives regularly accused leaders of the Democratic Party (ruled 2005–2013) in “indulging” Greece and handing it a part of Albanian territory.³⁶ Socialists, who came to power in June 2013, are accused of supporting pro-Serbian policies.³⁷

- Influence neo-Nazis and radical nationalists have over the civil society, including oppositional and human rights organisations.

The idea of “The Great Albania” is reasonably popular in the country (in 2012 it was supported by 64% of the interviewed). It was exactly these views that motivated the leader of the far-right radicals K. Spahiu to reform his public movement into an official political party in 2012.

However, as it often is with such situations, far from everyone who empathises with the national idea is willing to support the far-right

radical parties that exploit it to their advantage. In December 2012 14% of the interviewed claimed to be willing to vote for the “Red and Black Alliance”, yet in June 2013 only 0.59% of the electorate actually gave their voices for it.³⁸ This indicates that radical nationalists do not have much real influence over the Albanian society — voters, even if concerned with the national idea, still understand the importance of other more pressing issues. Interests of Albanian citizens are currently more in the field of European integration, which, they are hoping, will improve the economic condition of the country and will provide them with certain social benefits. Right now they are more concerned with the corruption level than with the idea of “The Great Albania”.

- Influence neo-Nazis and radical nationalists have over the local legislative/executive bodies.

Extreme nationalists have little or no influence over local governments.

- Influence neo-Nazis and radical nationalists have over the central legislative/executive bodies.

Extreme nationalists have minimal influence on the central authorities, who attempt to exploit nationalists sentiments in the society by promoting the idea of Greater Albania and the independence of Kosovo.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Presence of neo-Nazi and ultranationalist groups, movements, political parties (both in the centre and in the localities).	-5	-5	-5
×	Presence of discriminatory demands in the programmes of these parties and in the statements of their leaders towards the members of minorities.	-5	-5	-5
×	Influence neo-Nazis and radical nationalists have over the civil society, including oppositional and human rights organisations.	0	0	0
-	Influence neo-Nazis and radical nationalists have over the local legislative/executive bodies.	0	0	0
-	Influence neo-Nazis and radical nationalists have over the central legislative/executive bodies.	0	0	0
	Total for section 8	-10	-10	-10

9. Public actions of extremists and radical nationalists

I n d i c a t o r s

- Participation of neo-Nazis and radical nationalists in mass actions prohibited by the authorities.

On June 2, 2014, members of the Red-Black Alliance held a demonstration in Tirana, protesting the opening of a Serbian Orthodox temple in the capital. Activists criticised Prime Minister Edi Rama for inviting Serbian Orthodox Church representatives to this important event, calling it “unprecedented”. Nationalists displayed banners, saying “Serbian Patriarch is anti-Albania”.³⁹ The demonstration was dispersed by police.⁴⁰

- Participation of neo-Nazis and radical nationalists in mass actions permitted by the authorities.

On January 17, the Red-Black Alliance held a commemorative action in Tirana, dedicated to Lord Skanderbeg, who united Albanians in the 15th century.⁴¹

- Participation of neo-Nazis and radical nationalists in mass actions permitted by the authorities, with the participation of representatives from the legislative or executive bodies, law enforcement and security agencies.

Such instances were not recorded by the monitoring in 2014.

- Presence of “football xenophobia” and racism amongst sports fans.

Far-right party “Red and Black Alliance”, which started off as a public movement, was originally founded by several groups of football fans who actively participated in RBA events in 2013.

On October 21, a drone appeared at a football match between Serbia and Albania at the Partisan Stadium in Belgrade. The banner attached to the drone displayed a map of Greater Albania and photos of Isa Boletina, and Ismail Kemal, who were the first to raise the Albanian flag in 1912. Serbian defender Stefan Metrovic caught the banner, bringing down the drone, and was immediately attacked by two Albanian players. The ensuing clash among players and fans resulted in the match being cancelled. It was later reported that the drone was controlled by Albanian Prime Minister’s brother.⁴²

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Participation of neo-Nazis and radical nationalists in mass actions prohibited by the authorities.	0	0	-5

Table, cont.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Participation of neo-Nazis and radical nationalists in mass actions permitted by the authorities.	-5	-5	-5
-	Participation of neo-Nazis and radical nationalists in mass actions permitted by the authorities, with the participation of representatives from the legislative or executive bodies, law enforcement and security agencies.	-5	-5	0
×	Presence of “football xenophobia” and racism amongst sports fans.	-2.5	-2.5	-5
	Total for section 9	-12.5	-12.5	-15

10. Racist attacks, violence and terror

As was mentioned previously, Albania has a policy of not releasing statistical data measuring hate crime levels to the public, thus the information provided below might be incomplete.

I n d i c a t o r s

- Vandalism in cemeteries, attacks on religious buildings.
No such cases have been recorded in 2014.
- Interethnic clashes instigated by xenophobia and radical nationalism.
No such cases have been recorded in 2014.
- Cases of violence, including murder on racial, ethnic, and religious grounds.

Numbeo assesses the level of hate crime in Albania as “very low” with moderate level of general crime.⁴³

There was only one case of interreligious conflict in 2014 — when an endocrinologist has been verbally abusing a nurse for wearing a Muslim headscarf. The doctor was later subjected to administrative penalties.

- Terrorist attacks on the basis of radical nationalism and religious fanaticism.
No such incidents were registered in 2014.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
–	Vandalism in cemeteries, attacks on religious buildings.	–5	–5	0
–	Interethnic clashes instigated by xenophobia and radical nationalism.	0	0	0
–	Cases of violence, including murder on racial, ethnic, and religious grounds.	–5	–5	–2.5
–	Cases of hate-driven murders	0	0	0
–	Terrorist attacks on the basis of radical nationalism and religious fanaticism.	–5	0	0
	Total for section 10	–15	–10	–2.5

11. Presence, popularity, and scope of antiracist and anti-Nazi movements and parties

Indicators

- Presence of antiracist and anti-Nazi movements and parties.

The rights of the Greek minority in Albania are protected by the non-government organisation called “Democratic Union of the Greek Minority”, also known as Omonoia (Greek: *Ομόνοια*), which was founded on 1990, and the “Unity for Human Rights Party” that was created by Omonoia (according to the results of the 2013 elections, the party working in tandem with the socialists gained 1 seat in the Parliament⁴⁴). Albania also has an organisation called “Prespa”, which is dedicated to protecting the rights of the Macedonian minority.

There are also several organisations protecting the rights of the LGBT community in Albania: “Alliance against LGBT Discrimination”, “Pro-LGBT”, and “The Pink Embassy”.⁴⁵

- Antiracist and antifascist movement activities (pickets, rallies, demonstrations).

There have been no mass demonstrations or rallies organised by human rights organisations to protest the discrimination against ethnic and religious minorities, or LGBT.

- Presence of antiracist and antifascist civic initiatives.

Institute of Roma Culture in Albania (IRCA) had launched a popular initiative “I am Roma, I am citizen of Albania”, dedicated to protection of Roma rights. They have been able to establish a network of hundreds of volunteers. The initiative has been successful in organising

joint cultural events, assist Roma in access to education and provide translators for Roma who do not speak Albanian.⁴⁶

On August 1, Catholic archbishop Rrok Mirdita commented on the upcoming visit of Pope Francis to Albania, stating that he would find a “model example of peaceful co-existence of different religions”.⁴⁷ On September 21, Pope Francis arrived on a visit to Albania and praised the good relations between Christians and Muslims in the country, despite the events in the Middle East.⁴⁸

Finishing his visit, Pope Francis said, “When it comes to tolerance, I would prefer to use another term. Albanian is a brother, and this is something more than just tolerance. All of this is reflected in their life together, in cooperation between Muslims, Orthodox and Catholics. They work together like brothers.”⁴⁹

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Presence of antiracist and anti-Nazi movements and parties.	5	5	5
–	Antiracist and antifascist movement activities (pickets, rallies, demonstrations).	2.5	0	0
×	Presence of antiracist and antifascist civic initiatives.	5	5	5
	Total for section 11	12.5	10	10

12. Glorification of German national-socialism and Nazi Germany collaborators

I n d i c a t o r s

- Glorification of German National Socialism and/or its collaborators in the media, desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition.

No such cases have been recorded in 2014.

- Glorification of German National Socialism and/or its collaborators with the support of local authorities, demolition of monuments to soldiers of the anti-Hitler coalition, erection of monuments to the soldiers of Wehrmacht and Nazi butchers.

No such cases have been recorded in 2014.

- Glorification of German National Socialism and/or its collaborators in the decisions made by the authorities.

No such cases have been recorded in 2014.

- Historical revisionism, Holocaust denial.

No such cases have been recorded in 2014.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
–	Glorification of German National Socialism and/or its collaborators in the media, desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition.	0	0	0
–	Glorification of German National Socialism and/or its collaborators with the support of local authorities, demolition of monuments to soldiers of the anti-Hitler coalition, erection of monuments to the soldiers of Wehrmacht and Nazi butchers.	0	0	0
–	Glorification of German National Socialism and/or its collaborators in the decisions made by the authorities.	0	0	0
–	Historical revisionism, Holocaust denial.	0	0	0
	Total for section 12	0	0	0

13. Criminal prosecution of veterans, partisans of the anti-Hitler coalition, and antifascists

Indicators

- Public calls for repressions against the veterans and partisans of the anti-Hitler coalition, as well as antifascists.

No such cases were recorded in 2014.

- Restrictions on human rights and antifascist organisations imposed by the authorities, bans to entry or exit imposed on antifascists by the authorities, inaction of the authorities.

No such cases were recorded in 2014.

- Criminal prosecution of veterans, partisans of the anti-Hitler coalition and antifascists.

No such cases were recorded in 2014.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
–	Public calls for repressions against the veterans and partisans of the anti-Hitler coalition, as well as antifascists.	0	0	0

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
–	Restrictions on human rights and antifascist organisations imposed by the authorities, bans to entry or exit imposed on antifascists by the authorities, inaction of the authorities.	0	0	0
–	Criminal prosecution of veterans, partisans of the anti-Hitler coalition and antifascists.	0	0	0
	Total for section 13	0	0	0

14. Internatinal Aspect

Indicators

- Participation of the monitored countries in the most significant international agreements on combating racism and discrimination against ethnic minorities.

As of 2014, Albania had signed and ratified the following international documents: International Convention on the Elimination of all Forms of Racial Discrimination (1994), The Convention on the Elimination of All Forms of Discrimination against Women (1994), and Equal Opportunities for Civic Participation for Foreigners Agreement (2005).

However, to this day Albania still has not signed the Framework Convention for the Protection of National Minorities (FCNM) and The European Charter for Regional or Minority Languages (ECRML) — the two fundamental documents regulating the rights of ethnic and linguistic minorities.

- Accession to new international agreements, as well as resolutions of the United Nations and other international organisations dedicated to combating Nazism, combating discrimination, or protecting rights of minorities, during the monitored period.

During the observed period Albania has not accepted any new international agreements or UN Resolutions, as well as any resolutions proposed by other international organisations, that would help battle Nazism, or racial and minority discrimination.

- International declarations and initiatives of the monitored countries and the leading politicians against discrimination, neo-Nazism and xenophobia.

Albania made no relevant declarations or initiatives during the monitored period.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
-/x	Participation of the monitored countries in the most significant international agreements on combating racism and discrimination against ethnic minorities.	2.5	2.5	2.5
-	Accession to new international agreements, as well as resolutions of the United Nations and other international organisations dedicated to combating Nazism, combating discrimination, or protecting rights of minorities, during the monitored period.	0	0	0
-	International declarations and initiatives of the monitored countries and the leading politicians against discrimination, neo-Nazism and xenophobia.	0	5	0
	Total for section 14	2.5	7.5	2.5

CONCLUSION

Implications for the development of the country and society, based on the analysis of factors and taking into account the aspects listed below.

Albania has been consistently improving its standing in the aggressive nationalism rating. This is due to a sharp decline in violent hate crime and significant improvements in interethnic relations.

The reduction in hate crime can be linked to a decrease in popularity of extreme right organisations in the past few years, caused by government's preventative policies and the desire to enter the European Union. This is a path similar to that of Croatia a few years back and reminiscent of many other Eastern European countries before their accession to the EU.

The fact that radical nationalists are losing their influence was evidenced in 2013 parliamentary elections. At the same time, it is worth noting that Roma are still being discriminated in employment, housing, healthcare and education.

LGBT discrimination was an unexpected issue in 2014, although it is not very common.

ASPECTS

1. Human Rights

- *Guarantees against all forms of discrimination.*

Minorities in Albania are legally protected against discrimination by several Constitution articles, as well as by the Protection against Discrimination Law (2010) and the Law on Foreigners (2013). Another valuable tool in the battle against discrimination is the Commissioner's Special Protection against Discrimination Institute.

- *Adherence to norms of the fundamental human rights instruments (European Convention for the Protection of Human Rights and Fundamental Freedoms, European Charter on Human Rights, as well as in adherence to the Framework Convention for the Protection of National Minorities and the European Commission against Racism and Intolerance, etc.).*

FCNM), nor The European Charter for Regional or Minority Languages (ECRML), which, therefore, makes the question above inapplicable to this particular situation. The Albanian government is very reluctant to act when it comes to improving the legal position of ethnic minorities, which, basically, leaves the country in the same position it was in during the Enver Hoxha's regime, when all members of minorities who had not been conveniently settled into "Minority Zones" had no rights to use their mother tongue at work or in educational institutions.

- *Differentiation in rights and freedoms of the titular nation and ethnic minorities.*

Such differentiation is definitely present in Albania and is most evident when it comes to minority members' inability to use their mother tongue at work and in educational institutions whilst living outside of the official "Minority Zones". This issue mostly concerns Greeks, who constitute 3% of the total Albanian population, as well as Serbs and Macedonians. In addition to that, discrimination against Roma and Balkan-Egyptian communities is also still present in the spheres of employment, health services, and education.

- *Legislation enshrining inequality of minorities.*

The Albanian Constitution proclaims equality of all nations inhabiting Albanian territory; however, de facto the Constitutional Court's decision to exclude the "ethnicity" category from both Civil Status Act and population census is basically an attempt to force members of ethnic minorities residing outside the "Minority Zones" to assimilate into

the Albanian community, as they will be from now on viewed as Albanians because of this.

- *Rulemaking in protection of minorities.*

No new relevant legislation has been noted in 2014.

- *Freedom of speech violations.*

No such cases have been recorded in 2014.

- *Legislation and law enforcement practices concerning migrants.*

Albania has a well-developed migration legislation, which is mostly directed at protecting its own citizens living abroad as immigrants. Money transfers from Albanian emigrants working abroad are estimated to constitute roughly 7% of Albanian GDP. Despite this, Albanian emigrants are still stripped of their voting rights. The number of immigrants living in Albania appears somewhat insignificant when compared to the number of Albanian emigrants living and working abroad, which is why the socio-economic and political position of immigrants is not an immediate issue for the country.

2. State of society

- *Risk of violation or noncompliance with the acting laws directed at protecting the rights of minorities; Risk of discriminatory practices against members of minorities.*

Based on the data acquired over the observed period, it appears that Albanian authorities do not always follow the letter of law when it comes to discrimination legislation. The same data suggests that creation of the position Commissioner for Protection against Discrimination's has not proven particularly effective either. The government's attempt to exclude the "ethnicity" category from the Civil Status Act and population census serves as proof that Albanian authorities are planning to follow in Greece's steps and unify language and nationality policies, which could lead to future conflicts between ethnic minorities and general weakening of Albanian society.

- *Self-determination — how manifestations of xenophobia and extremism affect the identity of minorities; majority's attitude towards minorities (growth of social phobias).*

Albanians claim that they can "feel the hostility" of Greeks and Serbs, who "threaten the independence" of their country. Many of them view the Greek minority as a "fifth column". At the same time the idea of "Greater Albania", which includes seizing territories cur-

rently belonging to Serbia, Montenegro, Macedonia, and Greece, has found mass support of the Albanian population. The incident at a football match between Serbia and Albania on October 21, 2014, demonstrated this problem. The external factor continues to influence the situation with minorities in Albania, who continue to be treated with distrust and hostility. Ethnic minorities agree that there is a formal equality in the country, but it is not present in practice.⁵⁰

All of this points to presence of imperialistic and chauvinistic tendencies in Albanian society, as well as to readiness of authorities to indulge these inclinations. Xenophobia and government's attempt to make members of ethnic minorities abandon their identities — even if only on paper — can lead to heated relations not only with the aforementioned minorities, but with the neighbouring countries as well.

3. Socioeconomic development of the country

(Do manifestations of various forms of xenophobia and extremism affect the socioeconomic development of the country).

- *Standard of living.*

In the “Standard of Living” rating created by the Legatum Institute Albania is ranked 83rd.⁵¹ However, standard of living was not affected by xenophobia or imperialistic inclinations. This situation was mostly caused by reasons purely economic.

- *Economic impacts and instability.*

Albania's GDP grew by 2.4% in 2014. However, unemployment remained high at 17.3%.⁵² Albania also holds the least investment appeal in the region. This is caused by a rather small volume of economy — compared to European levels — and low consumer demand (caused by low household income and high volume of emigration, as well as by decreased international subsidies). A few other reasons for the economic state Albania is currently in include high level of corruption and strained relations with neighbouring countries, who are quite irritated by the multiple attempts to commence the “Greater Albania” project.

- *Decline in production growth, emigration of the labour force.*

For the last 20 years Albania has been a provider of workforce for the European labour markets. Over half a million people have emigrated from the country. This astronomical level of emigration was caused primarily by economic reasons.

On the one hand, workforce emigration was one of the major causes of manufacturing reduction; on the other hand, however, money sent by emigrants provided a major boost to the Albanian economy.

The problems started when the Subprime Mortgage Crisis began in 2008, and thousands of emigrants, including Albanians, subsequently lost their jobs and joined the ranks of the unemployed in Greece, Germany, Italy, as well as in other countries.

4. Security and geopolitical stability in the region

- *Political stability in the country.*

At the present time the nationality issue and the imperialistic ideas of “The Great Albany” do not seem to have any major influence on the formation of Albania’s political landscape. The electorate is currently more concerned with other issues: corruption level, economic growth, social policies, creation of new jobs, and, finally, European integration.

Public activity of the “Red and Black Alliance” is currently negatively affecting only the ethnic minorities. Nationalists have been losing their influence, which was evidenced by the 2014 parliamentary elections.

- *Impact of xenophobia and extremism in the country on the issues of external security, on relations with third countries and the international security in the region as a whole.*

Albania’s obvious support for organisations that are considered extremist not only in Serbia, but even in Greece (i.e. “Kosovo Liberation Army”), conspicuous anti-Greek propaganda spread by the “Red and Black Alliance”, attempts to create the “Greater Albania” — all these actions have somewhat undermined Albania’s relationship with its neighbouring countries (excluding Kosovo). These actions are also seen as a sign of support for their actions by Albanian separatists residing in neighbouring countries, which gives them addition incentive to be more active in their endeavours, thus bringing even more instability to the region.

RECOMMENDATIONS

1. *General recommendations for the accession to international agreements and conventions*

In order to actively begin the reformation of its national policy Albania has to join the two fundamental international human rights regulations: The Framework Convention for the Protection of National Minorities (FCNM) and The European Charter for Regional or Minority Languages (ECRML), which are vital for reaching the European

level of regulating issues related to discrimination prevention and protecting the rights of ethnic minorities.

2. *General recommendations for adjustments to the legal framework*

Albania is recommended to remove the section defending discrimination in cases when “it is objective and justified” from the Constitution. Revoking the Constitutional Court’s decision to exclude the “ethnicity” category from the population census and allowing people to decide for themselves whether or not they want to disclose this information would also be a step in the right direction.

Introducing amendments to the Criminal Code that would ensure that racism and other forms of prejudice are treated as aggravating circumstances in cases when they served as motive for a crime is also absolutely vital.

3. *General recommendations for the executive bodies in the field of law enforcement and human rights*

The Albanian authorities should abolish the “non-recognition of minorities outside of Minority Zones” policy inherited from E. Hoxha’s totalitarian regime (especially with regards to questions of language and education).

Another important step that ought to be taken is releasing the hate crime statistics to the public — including clearance rates — thus making it possible for international organisations to accurately assess the situation in the country and to make sure that adequate amount of effort is put into preventing such incidents, as well as other discriminatory practices, from happening.

It is also possible to direct the activity of the Commissioner for Protection against Discrimination’s towards the mistreatment of Roma people from Balkan-Egyptian ethnic minority with regards to employment, health services, education, and housing. This would require providing the Commissioner with appropriate resources.

It is essential to develop a set of regulations that would ensure that Roma, as well as other socially unprotected groups, are entitled to receiving either social housing, or subsidies that would help cover the costs of private housing. Finally, it would also seem appropriate to introduce legislation that would prevent people from being forcefully evicted into the streets.

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SUMMARY OF INDICATORS FOR 2012–2014

Nº	Criteria	Score in		
		2012	2013	2014
1	Legislation (central, regional, and municipal) and law enforcement practices that contribute to the development of radical nationalism	-10	-10	-10
2	Xenophobia and hate speech by members of the authorities and media	-5	-5	-2.5
3	Legislation and law enforcement practices preventing the development of radical nationalism	12.5	12.5	15
4	Statements against xenophobia and radical nationalism made by government representatives, members of the ruling party, and influential politicians	5	5	5
5	Activities aimed at promoting tolerance and preventing extremism	5	5	2.5
6	Status of migrants and society's attitude towards immigrants, foreigners, different ethnic groups	10	10	10
7	Incitement of religious and ethnic hatred	-10	-10	-5
8	Radical nationalist groups and parties	-10	-10	-10
9	Public actions of extremists and radical nationalists	-12.5	-12.5	-15
10	Racist attacks, violence and terror	-15	-10	-2.5
11	Presence, popularity, and scope of antiracist and anti-Nazi movements and parties	12.5	10	10
12	Glorification of German national-socialism and Nazi Germany collaborators	0	0	0
13	Criminal prosecution of veterans, partisans of the anti-Hitler coalition, and antifascists	0	0	0
14	International Aspect	2.5	7.5	2.5
	Total	-15	-7.5	0

BULGARIA

ASSESSMENT CRITERIA FOR FACTORS OF STABILITY/INSTABILITY

1. Legislation (central, regional, municipal) and law enforcement practices that contribute to the development of radical nationalism

I n d i c a t o r s

- Discriminatory legislation affecting minorities residing in the country in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.

Bulgaria prohibits political and electoral campaigns in foreign languages, which can be regarded as discrimination of Turkish and Roma political activists, who cannot address their electorate in their native tongue. Bulgarian legislators believe that political topics must be discussed in the “language of legal categories”, which is supposedly impossible in any language, but Bulgarian.

In practice, this is a legalised form of discrimination against Turkish and Romani political activists, who cannot address their electorate in their native language.

In a parliamentary vote on February 14, 2014, Bulgaria prohibited using foreign languages in election campaigns (even if conducted through an interpreter). 116 Bulgarian MPs voted in favour of the bill, 32 opposed and 61 abstained from voting.¹

On April 25, the Supreme Administrative Court ruled that “the law which has not been declared unconstitutional cannot therefore be discriminatory,” thus ruling out judicial protection from discrimination.

Another ruling from June 1, 2014, prohibited compensation for material damages in cases related to discrimination.²

As a result, the situation with discrimination in Bulgaria became even more problematic.

- Legislation restricting the voting rights of permanent residents of the country on the basis of ethnicity or country of origin.

At the time of monitoring, such legislation was not present in Bulgaria.

- Presence of legal norms or other normative documentation, which legalises the ideology of radical nationalism, its attributes and practices, as well as their distribution in the mass media and mass communication.

At the time of monitoring, such legislation was not present in Bulgaria.

- Discriminatory practices against minorities in the field of registration, mobility, business, employment, education, housing, health-care, worship, etc.

The main subject of discrimination in Bulgaria are the Roma (Gypsies) (4.9% of the population).³ Most cases of discrimination against Roma were related to access to housing. Majority of Roma live with no access to water, electricity, far from schools and medical centres. In 2006, European Committee of Social Rights recognised this situation as violation of Roma rights, but it has not changed.

50–70% of Roma houses are considered to be illegally built, and therefore their residents can be evicted at any moment.⁴ Roma houses have been demolished across the country: in Plovdiv (April 25⁵), Varna (July 17⁶), and Stara Zagora (July 21⁷). Such practice is applied to illegal houses owned by Bulgarians or other ethnic minorities, but with respect to Roma this problem is catastrophic in scale.

Bulgarian energy company *CEZ*, serving several areas populated by Roma, had installed electric meters high on street poles. According to *CEZ*, this is an “anti-theft” measure, which stigmatises Roma as thieves and prevents locals from reading the meters themselves.⁸

Romani children are segregated in schools, or placed in schools for mentally disabled. The Roma community is also discriminated in the labour market, often denied employment in hotels, coffee shops, restaurants.⁹ It is important to bear in mind that Bulgaria has the highest rate of children with incomplete education. In 2014, 13% of Bulgarian students stopped attending school — a 0.4% increase per year. Majority of those are Roma students. Bulgarian authorities are virtually inactive in this regard, particularly in the last few years, with many schools shut down.

UNESCO study conducted in 2014 revealed that 170,000 young people in Bulgaria are unemployed and do not attend any school. 51% of those people are Roma and Turks. In this regard, Bulgaria has one of the worst Indicators in the EU.

59% of Roma women did not have medical insurance (compared to 22% of non-Roma). Only 15% of women and 27% of men knew about anti-discrimination laws.¹⁰

Amnesty International notes that many members of Bulgarian security services consider all Roma a criminal people, thus justifying discrimination against them.¹¹ Local politicians also often use coercion tactics to force Roma people to vote for the “right” candidate.¹²

Turkish minority (8.8% of the population) are also subjected to discrimination, albeit to a lesser degree.¹³ They have problems accessing employment in the public sector, particularly in law enforcement, judiciary and prosecution. According to *Movement for Rights and Freedoms* party, which represents the interests of this part of the population, 5 thousand Turks have been wrongfully dismissed in the past 4 years.¹⁴ In addition, there is a problem with the return of religious institutions to the Muslims in Bulgaria.

On June 28, Kardzhali District Court rejected as unfounded the claim of the Office of the Chief Mufti regarding the ownership of the land and building of the local regional museum. The building has previously been owned by the Muslim community.¹⁵

Bulgarian authorities do not recognise the existence of such minorities as Pomaks (Muslim Bulgarians) and Macedonians. They are not represented in the National Council for Cooperation on Ethnic and Demographic Issues, under Council of Ministers.¹⁶

Roma, Turks and other minorities, despite paragraph 2, Art 36 of the Constitution, are unable to educate their children in their native language. It can be taught to children only up to 8th grade, as an optional subject. Thus, we are talking about forced assimilation. Representatives of Bulgarian authorities claim that ethnic minority children do not want to study their native language themselves, perceiving it as unpromising.¹⁷

In early January, a large-scale “Bulgarianisation” campaign of toponyms was launched, concerning names that remained from the period of Turkish domination. Governments of Burgas and Varna made a decision to change 215 and 350 geographic names respectively from Turkish to Bulgarian.¹⁸

On October 17, Lyutvy Mestan — leader of the third-largest *Movement for Rights and Freedoms* (DPS) party, representing the Turkish minority in the country — was fined for conducting an election campaign in the Turkish language.¹⁹

There have been reports of discrimination of Jehovah’s Witnesses. On February 6, Kyustendil city council prohibited public religious agitation, distribution of literature and missionary activities without the consent of residents.

Karlovo authorities appealed to the central government to recognise Jehovah’s Witnesses as a “sect”.²⁰

Department of Education in Sliven rejected the request of Seventh-Day Adventists, who were asking to excuse their daughter from

studying on Friday nights, as it coincides with the celebration of the Adventist Sabbath.²¹

There have been reports of discrimination of the LGBT community. Bulgarian legislation defines family exclusively as a marriage between a man and a woman. There are no judicial provisions for partnerships within the LGBT community.²² Gender reassignment operation is subsidised by the government, however the necessary hormonal therapy is not.²³

In February, *Ataka* (Attack) party MPs introduced a bill that would impose a fine or a prison term for “public display of homosexuality through organisation or participation in rallies, parades or through media and the internet.”

On October 10, a similar initiative was proposed by seven municipal councillors from Burgas (members of the National Front for the Salvation of Bulgaria).²⁴

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Discriminatory legislation affecting Albanian minorities in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.	-5	-5	-5
-	Legislation restricting the voting rights of permanent residents of the country on the basis of ethnicity or country of origin.	0	0	0
-	Presence of legal norms or other normative documentation, which legalises the ideology of radical nationalism, its attributes and practices, as well as their distribution in the mass media and mass communication.	0	0	0
×	Discriminatory practices against minorities in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.	-5	-5	-5
	Total for section 1	-10	-10	-10

2. Xenophobia and inflammatory statements by members of the authorities and media

On February 11, MP from *Ataka* party Ilian Todorov, speaking on the television, proposed to provide child benefits to adult mothers only, which is directed against Roma, many of whom are teenage mothers. Todorov stated that some Roma “turned childbirth into business”.²⁵

On February 20, Leader of the Ataka party Volen Siderov stated that his party would introduce an initiative to ban news in Turkish language, cancellation of the declaration of apology for the “bulgarisation” of Muslims under the communist regime, as well as recognise the genocide of Bulgarians carried out by the Osman Empire. Siderov threatened that if the initiative fails, Ataka will leave the parliament.²⁶

On February 28, MP from Ataka party Magdalena Tasheva stated that Bulgarian lands are being bought by the Canadian billionaire J. Barry, in order to settle Syrian refugees and change the ethno-religious appearance of Bulgaria.²⁷

On March 1, Vice President of the Ataka party Pavel Shopov expressed his opinion during discussions around the proposed amendments, “Is everything over in the country that now we have to deal with same-sex marriages? They legalised them in Texas, so now we have to immediately follow their example?”²⁸

On December 17, leader of the National Salvation Front of Bulgaria Valery Simeonov, speaking in parliament, said that Roma demand unemployment benefits “without any effort on their part”. “Their children play with pigs and their women have maternal instincts akin to street dogs.”

There have been several extreme anti-migration statements by members of the government,

Mayor of Rozovo Feodora Georgeva explained that the reason for migrantophobic actions that took place in her village is that locals are simply “wary of those who are different”.²⁹

Former Director of the State Agency for Refugees, Nikolai Chirpanliev, said that it is a “well-known fact that Arabs tend to lie and it is part of their everyday life.”³⁰ Such statements intimidate the population and incite xenophobia.

On November 25, Patriotic Front party announced that it will no longer support B. Borisov’s government after the Prime Minister refused to dismiss the Deputy Defence Minister — an ethnic Turk Orhan Ismailov.³¹

In May, the Ataka party was actively promoting a video where same-sex marriage and paedophilia was presented as core of “Euro-Atlantic values”.³²

On June 20, presenters of a TV programme “Hi, Bulgaria” Anna Tsoleva and Viktor Nikolayev said that one of the reasons for the recent flooding in Varna was illegal deforestation by Roma.³³

Head of the National Salvation Front of Bulgaria also owns SKAT TV, a channel engaged in propaganda of often borderline radical national-patriotic ideas.³⁴ For example, on August 27 and September 3, SKAT broadcasted a programme called “Jehovah’s Witnesses, Satanists taking over Bulgaria”.³⁵

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Xenophobia and hate speech by members of the authorities and media.	-5	-5	-5
	Total for section 2	-5	-5	-5

3. Legislation and law enforcement practice preventing the development of radical nationalism

Indicators

- Presence of anti-Nazi, anti-racist and anti-extremist legislation; legislation aimed against the incitement of ethnic and religious hatred in the country.

The core of Bulgarian anti-racist legislation is the country's Constitution, the Law "On protection against discrimination" (2004, amended in 2006) and the Criminal Code.

Article 6 of Bulgarian Constitution states: "There shall be no restrictions on the rights or privileges on the basis of race, nationality, ethnicity, gender, origin, religion, education, opinion, political affiliation, personal or social status or property status". Article 29 states that no person can be subjected to forced assimilation. Paragraph 2 of Art 36 notes, that citizens for whom the Bulgarian is not first language, have the right, alongside the compulsory study of Bulgarian language, to study and use his native language. Article 54 asserts the right of national minorities to develop culture, while Article 37 proclaims freedom of conscience. Article 44 prohibits organisations whose activities are directed towards inciting racial, ethnic or religious enmity.³⁶

Article 4–5 of the Law "On protection against discrimination" bans discrimination on racial or religious grounds (see below)

Criminal Code contains Article 108, which establishes criminal liability for those who preach fascist or other anti-democratic ideology. Article 162 of the Criminal Code deals with crimes against ethnic and racial equality, both violence and abetting. Article 163 concerns the participants of large-scale attacks on the grounds of hate; Article 164–166 concerns crimes on religious grounds.³⁷

Article 8 on Radio and Television notes that media services cannot be inciting to hatred based on race, gender or nationality. Article 10 states that programmes that promote intolerance among citizens or hatred based on race, gender, religion or nationality cannot be broadcasted. Article 17 states that media must bear full responsibility for the contents of their media services and must not allow "creation or distribution of any programmes that incite national, political, ethnic,

religious or racial intolerance”. Offences are punished by a fine of approximately 1,500 euros, which is doubled if offense is committed again.³⁸

While Bulgarian Criminal Code mentions motives of crimes that should be considered by the courts (Art 54), the country’s legislation has no mention of norms recognising racial, religious or other prejudices as aggravating circumstances in the commission of crimes.

Bulgaria also lacks the law regulating the rights of national minorities, which means that provisions of the Framework Convention for the Protection of National Minorities are not being followed. Furthermore, there is no legislation to combat the crimes against LGBT members.³⁹

- Presence and development of anti-discrimination legislation.

The main normative act of anti-discrimination legislation is the Law “on protection against discrimination”, adopted in 2004 and amended in 2006. Article 2 of the Law states that its purpose is to provide each person with the right to quality execution of the laws, equal opportunities, effective protection against discrimination.

Article 4 and 5 states that the law is directed against discrimination (direct and indirect) on the basis of gender, race, nationality, ethnic origin, citizenship, origin, religion and beliefs, education, political affiliation, personal or social status, disability, age, sexual orientation, family status, financial status, as well as protecting against sexual harassment, incitement to discrimination, persecution and racial segregation, as well as protecting from the presence and construction of architectural environment that restrain access for disabled people. Article 12 prohibits employers to implement restrictions on the grounds specified in Art 4, except for those cases, when it is due to the specifics of the job. Article 18 states that employers, cooperating with trade unions, should take effective preventative measures against all forms of discrimination at the workplace. Article 30 places similar responsibilities on heads of educational institutions in the case of discrimination of students.⁴⁰

Nevertheless, given that the new norms have effectively nullified existing antidiscrimination legislation (see Section 1), it must be said that Bulgarian legislation currently needs serious revision.

- Compliance of the government (central, regional, municipal), law enforcement and judiciary with anti-Nazi, anti-racist, anti-extremist, anti-discriminatory and hate crime legislation.

In general, the existing legislation is enforced. In accordance to the Law “On protection against discrimination”, a Committee for Protection against Discrimination was created. Commission is a collegial

body composed of 9 members, whose term of office is 5 years. The Commission is authorised to issue an order to eliminate discriminatory measures, necessary for execution, as well as to issue fines on violators of the law on discrimination, challenge discriminatory regulations, conduct investigations and provide assistance to the victims of discrimination. The statute of limitations for the cases investigated by the Commission cannot exceed three years.⁴¹ The Committee has 20 regional departments, where victims of discrimination can receive legal consultation.⁴²

Since 1997, Bulgaria has a National Council for Cooperation on Ethnic and Demographic Issues under the Council of Ministers. It is the main national body for consultation and coordination of public policy in respect of persons belonging to ethnic, religious and language minorities. Cooperation between authorities and national minority organisations are conducted through this Council.⁴³ Activities of the National Council are developed in several directions, including: providing for equal opportunities and equal treatment of all Bulgarian citizens, prevention of manifestations of racism and xenophobia, as well as prevention of any discriminatory practices on ethnic grounds; improving access to healthcare and education, as well as improving employment and living conditions for persons belonging to ethnic minorities, with an emphasis of the most vulnerable citizens in the context of socio-economic conditions; preservation and development of cultural, religious and language identity of minorities.⁴⁴

In 2011, a Memorandum of Cooperation was signed between the Ministry of Interior and OSCE/ODIHR dedicated to the subject of hate crimes.⁴⁵

For several years, Ministry of Interior has been conducting staff trainings on prevention of discriminatory behaviour, as part of the fight against discrimination and hate crimes, primarily affecting the issues of identification of discrimination in minority communities.⁴⁶

Bulgarian schools allow for elective classes being taught in student's native language, if appropriate form is submitted. However, in 2013 the number of such applications fell from 114 to 9 thousand.⁴⁷

On February 21, Supreme Administrative Court of Bulgaria ruled in favour of Muslim prisoners in a Sofia prison, who demanded they are not given meals containing pork.⁴⁸

Burgas City Council and Bulgarian parliament rejected several homophobic bills.

On the other hand, Bulgaria still lacks an official registry of hate crime. Xenophobia is not considered an aggravating circumstance in trials. During investigations, hate crime is often qualified as "common" crime, such as hooliganism.⁴⁹

Sofia Prosecutor told Amnesty International in July 2014 that for the past 10 centuries, Bulgaria has been populated by different peoples and Bulgarians are very tolerant. He added that “99% of crime do not have racist or xenophobic motives”.

After the February Islamophobic unrest in Plovdiv, head of a police department told Amnesty International that there were supposedly no evidence to suggest that the protest and the attack on a mosque were motivated by ethnic or religious hatred. He attributed the unrest to common dissatisfaction of the city residents. Many do not receive necessary information. When police is involved in a trial, the investigation can stretch indefinitely (for example, case of the alleged police brutality against Roma in Plovdiv has not been resolved since 2009). As a result, many victims choose not to report crimes to the police.⁵⁰

In December 2013, the Analytical Office of the General Prosecution of Bulgaria prepared guidelines for investigating discrimination-related crimes. In 2014, many regional law enforcement agencies are still waiting to receive these guidelines.⁵¹

- Hate crime (criminal cases against organisers and participants, guilty verdicts).

On March 20, Pazardzhishky District Court of Bulgaria found 13 imams guilty of preaching anti-democratic ideology, sentencing one to imprisonment, two to probation and others — to a fine.⁵²

On May 14, the Central Election Commission ruled to take Ataka party’s xenophobic pre-election video off air.⁵³

On November 25, the State Agency for National Security (DANS) conducted an anti-terrorist operation in Pazardzhik, Plovdiv, Smolyakovo, Haskovo and Asenovgrad. 20 people were arrested as a result. By late November, eight people remained in custody, charged with participating in a criminal radical Islamist organisation.⁵⁴

Unfortunately, we can note the continuous trend of police reluctance to investigate hate crime and excessive leniency towards the accused.

People who shouted anti-Muslim slogans during the February unrest in Plovdiv were not brought on any charges. Only three participants in the unrest have been arrested on charges of vandalism.⁵⁵

Gotse Delchev regional Prosecution refused to investigate desecration of a mosque under the pretext that the mosque was inactive. This was supported by higher authorities.⁵⁶

Prosecutor in Sofia refused to initiate pre-trial proceedings regarding desecration of a local synagogue, saying that anti-Semitic graffiti are an “expression of personal opinion”.

On August 15, defendants in a case of assault against a black woman from France received fines, instead of criminal punishment.⁵⁷

On October 29, it was reported that Sofia Regional Prosecution refused to initiate a criminal case against a TV presenter Albena Vuleva, who openly called for sterilisation of Roma. Prosecutor's Office explained that Vuleva called for sterilisation of not just Roma and therefore there is no ethnic hatred in her statements.

In December, Prosecution refused to investigate online threats against the organisers of gay-pride in Sofia, because the comments have been deleted.⁵⁸

- Misuse of anti-extremist legislation.

No such cases were recorded in 2014.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
-/x	Presence of anti-Nazi, antiracist and anti-extremist legislation, and legislation directed against incitement of ethnic and religious hatred in the country.	2.5	2.5	2.5
-/x	Presence and development of anti-discriminatory legislation.	5	5	2.5
x	Compliance with anti-Nazi, antiracist, and anti-extremist legislation by the authorities (central, regional, municipal), law enforcement and judiciary, as well as their compliance with legislation directed against incitement of ethnic and religious hate and compliance with anti-discriminatory legislation.	5	5	5
-/x	Hate crime (criminal cases against organisers and participants, convictions).	2.5	2.5	2.5
-	Misuse of anti-extremism legislation.	-5	0	0
	Total for section 3	10	15	10

4. Statements of government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism

On February 18, President Rosen Plevneliev stated that he is prepared to convene the Advisory Council on National Security to discuss civil peace. President urged politicians to “change the partisan approach and hate speech to tolerance”.⁵⁹

On February 20, President also stated, “deputies of BSP confirmed that, if necessary, they will support the convening of the Advisory Council on National Security to discuss extremism and hate speech. I will closely monitor the process and exchange information with political parties, and will convene the Council if necessary”. President expressed his categorical rejection of all forms of extremism, promising to “restrict it by any means.”⁶⁰

On February 18, President and Prime Minister of Bulgaria R. Plevneliev and P. Oresharski made a joint declaration against xenophobia. “In recent days and weeks we have witnessed events dangerous for democracy and unity of our nation. Attempts to impose hatred and intolerance towards differences, setting up Bulgarian citizens against each other, playing around with ethnic peace and hate speech is unacceptable and must be categorically condemned... Efforts of all institutions, political parties, organisations, as well as their individual members must be directed at preventing the imposition of intolerance, calming the tensions and termination of divisions in society.”⁶¹

On July 3, President of Bulgaria Rosen Plevneliev stated that the flood in Bulgaria showed the solidarity of Bulgarians irrespective of religion or belief, and members of all religious communities and churches opened their hearts to victims. “People saw how Muslim refugees help restore Orthodox temples. This is happening here and now, in Bulgaria, and shows that solidarity is the universal value.”⁶²

On September 24, after meeting with American Jewish organisations in New York, President of Bulgaria Rosen Plevneliev said that manifestations of xenophobia and anti-Semitism should not be tolerated, they have to be discussed by institutions and the civil society. Plevneliev stressed that hate speech and extreme nationalist rhetoric is completely unacceptable among political parties in the EU.⁶³

On December 16, President Rosen Plevneliev lit the first candle of Hanukkah in the Sofia synagogue. During his speech he said that hate speech cannot be tolerated.

President also urged everyone to always remember the salvation of Bulgarian Jews in the Second World War, and in the recent years — Bulgarian firefighters who assisted in extinguishing fires in Israel in 2013.⁶⁴

On February 24, Bulgarian Foreign Ministry protested against Ukraine’s abolition of the Law on State Language Policy, stating that this is a mistake.⁶⁵

Bulgarian authorities took immediate measures to clean the desecrated monument in Sofia. According to Parliamentary Speaker Mihail Mikov, this was done by volunteers. “Such hooliganism should not tarnish the general attitude of Bulgarians towards monuments of Soviet and Russian soldiers. Bulgarians remember and value what Rus-

sian and Soviet soldiers have done for Bulgaria, what they spilled their blood for.”⁶⁶

On May 20, during a visit to the Memorial “Yad Vashem” in Jerusalem, the Bulgarian Prime Minister Plamen Oresharski said: “This place deserves a great bow for the memory of all the victims of the Holocaust. It obliges us to remember and to work to ensure that it never happens again.”⁶⁷

On November 27, speaking at the National Assembly of Bulgaria, head of DANS Vladimir Pisanchev said that there is still a threat of radical Islamism in Bulgaria. “There is a growing conflict, a growing threat and we must pay very close attention to it,” he said. At the same time, he noted that there is no specific threat to Bulgaria.⁶⁸

On December 17, Chief Mufti of Bulgaria Mustafa Haji met with Vladimir Pisanchev and assured him that the Muslim administration is making every effort to avoid radicalisation of Muslims in the country. Head of DANS Pisanchev thanked the Mufti for the meeting and said that such meetings need to be conducted more often. He also said that the two institutions should work together and such cooperation has a lot of potential.⁶⁹

On March 13, Bulgarian politician of Turkish origin Tchetin Kozak stated his intention to appeal to ECHR if his country does not create conditions for the use of languages other than Bulgarian. He told journalists that “We want to have a clear response from the government, is the use of mother tongue a fundamental human right?”⁷⁰

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Statements against xenophobia and radical nationalism made by government representatives, members of the ruling party, and influential politicians.	5	5	5
	Total for section 4	5	5	5

5. Activities aimed at promoting tolerance and preventing extremism

At the moment, Bulgaria has a series of programmes aimed at combating xenophobia: Decade of Roma integration (2005–2015), Framework programme for Roma integration into Bulgarian society (2010–2020), Strategy for the integration of Roma for the period of 2012–2020. Priority directions of these programmes are education, health, housing, employment, culture, non-discrimination and provision of equal opportunities.⁷¹

Unfortunately, these programmes suffer from lack of funding — out of 122 planned events, 72 are excluded from the budget.⁷² In 2011, a project of mapping the Roma ghettos was launched with the support of EU.⁷³

In 2004, a Strategy of educational integration of children and students from minority groups was approved. For its implementation, the Centre for Educational Integration of Children and Young People from the Minorities (COIDUEM) was created in 2005. Centres tasks include ensuring equal access to quality education for children and young people from ethnic minorities, their effective integration in the regulations and educational practice, preservation and development of the cultural identity of children from ethnic minorities, and creating conditions for successful socialisation of children and young people from ethnic minorities. In recent years, more than 4,000 Roma children of school age were moved from separate schools to general education.⁷⁴ This is a tangible result of government policies directed at eliminating educational segregation of Roma.

Healthcare strategy for vulnerable persons from the ethnic minorities was adopted in September 2005. Its main objectives are to overcome the negative trends in health of vulnerable ethnic minorities, to provide equal access to healthcare services, increase health insurance of ethnic communities, as well as to reduce the infant and maternal mortality rate. The programme launched the activities of “health mediators”, who are acting as liaisons between Roma communities and the medical and social organisations. During 2008–2011, 105 mediators were appointed in 57 communities.⁷⁵

On July 16, it was reported that authorities of Krushari district are taking measures to integrate Roma children. In particular, free kindergartens for Roma children have been opened around the district, where children 5–6 years of age are taught Bulgarian language and are prepared for school. However, according to head of the municipality, these efforts must be supported by the state, as well as their parents.⁷⁶

Governor of Varna Region Ivan Velikov criticised the decision to launch a large-scale “Bulgarianisation” campaign of toponyms. In his opinion it was adopted in violation of the regulations.⁷⁷

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Activities aimed at promoting tolerance and preventing extremism.	5	5	5
	Total for section 5	5	5	5

6. Migrants' position in the society; society's attitude towards migrants, foreign nationals, other ethnic groups

Indicators

- Presence and development of migration laws.

Migration processes in Bulgaria are regulated by several legislative acts — the Constitution, Law on entry, stay and exit from the Republic of Bulgaria for citizens of the European Union and members of their families (2006), the Law “On foreigners” (1998), the Law “On Asylum and Refugees” (2002) and the Law “On citizenship”.

Article 26 of the Constitution of Bulgaria states — “Foreigners residing in the Republic of Bulgaria have all the rights and responsibilities provided for in this Constitution, except the rights and responsibilities that the Constitution and laws require Bulgarian citizenship.”⁷⁸

Conditions of entry for EU and Swiss citizens are defined by the Law on entry, stay and exit from the Republic of Bulgaria for citizens of the European Union and members of their families, adopted in 2006, which corresponds to the Regulation 562/2006 of the European Parliament and Council from 15th of March 2006. Conditions of entry to everyone else are determined by the Law adopted in 1990 “On foreigners in the Republic of Bulgaria”. Article 3 of the Law on foreigners states that they have all rights and responsibilities except for those which require Bulgarian citizenship.

Permits for long-term (up to one year) and permanent (indefinite) residence are issued to foreigners that arrived for treatment, education, participation in scientific research, migrant workers, who have received permission from the Ministry of Labour and Social Policy, entrepreneurs employing at least 10 Bulgarian citizens, investors and their agents, foreign specialists, who arrived through international agreements, spouses of Bulgarian citizens, spouses and children of permanent residents (however, if the marriage has lasted less than 5 years, spouse shall be deported after the divorce), representatives of foreign companies, non-profit organisations and foreign correspondents.

Bulgaria is one of the countries that have their own programme “residence permit in exchange for investment”, in accordance to which a permanent residence permit is given to foreigners after a five-year stay in the country or after an investment of 0.5 million U.S. dollars. Amongst the grounds for the right of permanent residence are also achievements in social and economic sphere, in the field of national security, science, technology, culture or sport. All information about foreigners is entered into a single register, under the responsibility of the Ministry of Interior.

After receiving a permanent residence permit, employment of immigrants is only possible upon obtaining a permission from the Ministry of Labour and Social Policy. Upon receiving the permanent residence permit, their employment — according to Article 33 of the Law on foreigners — does not differ from the employment of Bulgarian citizens in any way. Legal entities are also subjected to a fine, if employing illegal immigrants. Secondary violation is punished by an increased fine. The ban on entry to Bulgaria, according to Article 42 of the Law on foreigners, is valid for 10 years.⁷⁹

Granting of asylum is regulated by the Law on Asylum and Refugees, adopted in 2002.

According to the Law on citizenship, a foreigner can apply for Bulgarian citizenship after five years of residence. It can also be granted “in special cases or for outstanding contributions in the interests of Bulgaria.”⁸⁰

Illegal immigration is punished by a fine or a prison term of up to five years (maximum term for EU countries). However, on May 14, court of Haskovo ruled that illegal entry is not considered a crime if a person applies for asylum at first opportunity. Abetting illegal immigration, even if not for profits, is also punished (this includes humanitarian assistance for immigrants). Renting out property to illegal immigrants is also punished by a fine.⁸¹

- Government compliance with such legislation (law enforcement practice).

Bulgaria is a country of mass labour emigration. In 2013, 2.5 million Bulgarian nationals worked abroad — more than in Bulgaria itself.⁸² As a result, Bulgarian population shrunk by 21% in the past 20 years, which is a record for Eastern Europe.⁸³

On the other hand, the civil war in Syria and Greece’s strict measures to protect Turkish borders made Bulgaria a gateway into the “European fortress” for many Middle Eastern refugees. In 2014, more than 110,000 people had applied for asylum, which is 1/3 more than in 2013. Between January and December 2013, 5,527 foreign nationals received Bulgarian citizenship. The number of applications for citizenship had doubled since last year, reaching 10,408.⁸⁴ Distribution centre in Elhovo is engaged in receiving illegal immigrants, as well as five detention centres in Svilengrad, Sofia (2 centres), Nova-Zagora and Harmanli — with capacity of 6,000 people in total. In addition, Lubimets and Busmatsi have centres for persons not seeking asylum.

According to the Human Rights Ombudsman in 2014, the practice of holding refugees for 24 hours in the border zone has ceased. Now they are transferred to Elhovo centre within this period of time. However, in Elhovo refugees are faced with poor living conditions.

Other centres managed to overcome the shock of the sudden influx of migrants by mid-2014, improving the living conditions significantly. Applications are now processed much faster.⁸⁵

On June 7, in an interview with the Bulgarian journalists, the Chairman of the State Agency for Refugees Nikolay Cirpanliev reported that 55% of refugees in Bulgarian centres have already received the status required to stay in the country.⁸⁶

The main violation on the part of officials towards migrants is the lack of technical equipment during interviews — only in 0.5% cases, despite the fact that offices of the State Agency for Refugees are fully equipped. In a number of cases, interviews were recorded in handwriting and printed only a few days afterwards, which cast doubts on their accuracy. Legal assistance during the interviews was purely formal.

The “migrant containment policy” continued in 2014. A fence along the 33km Turkish border was completed in July and patrolled by heavier forces of border guards and police officers. The border was equipped with CCTVs, allowing monitoring movements of possible refugees and calling the Turkish army for assistance. 6,400 people have been returned to Turkey and Greece. Force was used in some cases. There have been reports of border guards mugging refugees.⁸⁷

On December 31, it was announced that another 131 km fence would be built in 2015. Furthermore, additional 700 people would be allocated to protect the land border with Turkey.⁸⁸

- Discriminatory practices against immigrants.

In 2014, 12 asylum seekers were found guilty of illegal entry into Bulgaria.

In December 2013 — February 2014, instead of issuing documents confirming refugee status, authorities have been placing migrants outside specialised centres for 3–6 months while waiting for a decision. This caused several thousand of migrants to leave Bulgaria. Cases have been reported, where asylum applications have been rejected after business hours and during weekends. As a result, refugees were forced to spend nights on the street. Migrants from Africa were sometimes held under guard for up to 6 months — until they receive refugee status or until deportation. This is despite the fact that according to the law, refugees cannot be detained unless they are considered a threat to national security or public safety. Administrative Court may extend the arrest warrant for another 12 months.⁸⁹

There have been reports that refugees were transferred to Lyubimets or Busmansti, despite their expressed desire to apply for asylum.⁹⁰

Leaflets and guides on antidiscrimination legislation are mostly available in Bulgarian language, in rare cases — in English. Com-

plaints can only be submitted in Bulgarian language, which also limits access to justice.⁹¹

- Use of ethnic crime as justification for discrimination against immigrants.

Such cases were not recorded by the monitoring in 2014.

- Social assistance for immigrants.

Article 28 of the Law on foreigners states, that for foreigners under the age of 18 years, who found themselves unaccompanied by parents or legal guardians, the State Agency for Child Protection provides the necessary financial support to meet their basic needs, medical care, as well as access to free education in Bulgarian public and municipal schools, until the final settlement of the investigation into their stay in the country, but no later than them reaching the age of 18.⁹²

According to Article 26 of the Law on Asylum and Refugees, children under the age of 18, have the right to education in public and municipal schools in the Republic of Bulgaria.

According to Article 29 of the Law, refugees have the right to accommodation and food on the road or at the reception centre, as well as the right to social support, mental healthcare, medical insurance and free medical care to the extent determined for Bulgarian citizens (the same applies to people who have received temporary protection, according to Article 39. Furthermore, according to Article 32, foreigner with a refugee status can receive financial support for renting accommodation for up to six months. According to Article 49 of the Law on Asylum and Refugees, there is a network of integration centres for refugees, which operate courses of Bulgarian language, vocational training, etc.

Elhovo centre has medical staff available on a 24-hour basis. When needed, migrants are placed in hospitals in Haskovoa and Svilengrad. All centres of temporary containment must have medical staff, however the largest one in Harmanli does not have a sufficient amount, according to the Human Rights Ombudsman.⁹³

State Agency for Refugees has a Centre for Integration, which is engaged in implementing the National Refugee Integration Programme. Foreign nationals are offered language courses and professional training. People with special needs are supported by social protection and integration programmes. After finishing a 600-hour language course, refugees must take an exam and receive a corresponding certificate. Children take exams to determine their level of education, before they are accepted in Bulgarian schools.

To facilitate refugee access to employment, State Agency for Refugees signed a cooperation agreement with the Employment Agency.⁹⁴

On July 2, Council of Ministers approved the National Strategy for Integration of Persons Subject to International Protection in the Republic of Bulgaria (2014–2020). Its objectives include organising campaigns to increase cultural diversity and combat xenophobia, as well as ensure strict implementation of antidiscrimination legislation. However, as of 2014, no corresponding Action Plan had been drafted. There are reasons to believe this could remain the same in 2015.⁹⁵

Refugee children regularly face difficulties in access to primary education. According to the Agency for Refugees, only 98 out of 520 children have been accepted to school in September 2014. In many cases, this is due to the Law on Schools, which requires new students to take an exam in Bulgarian, before they can be accepted.⁹⁶ There are no special schools in temporary containment centres.⁹⁷

- Negative attitude of the society towards immigrants, foreigners, various ethnic groups.

Events in former Yugoslavia in the past 25 years influenced the political views in society, with internationalist ideology giving place to moderate nationalism, based on the idea of building a Bulgarian nation upon traditions of the titular nation. In this regard, legal and political terminology in Bulgaria currently lacks the term “minorities” with respect to ethnic and religious groups.

In Bulgarian political life there is a consensus that recognising national minorities and declaring Bulgaria a multinational country would pose a *serious threat to national security and peace in the country and region*. To justify this, Bulgarian authorities argue that the term “minority” has no single European legal definition.

Hostile attitudes towards immigrants is growing in Bulgarian society. According to the Institute of Modern Policy, 60% of Bulgarians believe that the main threat to national security is radical Islam. 43% believe that it is the increasing inflow of refugees from “third-world countries”.⁹⁸ Migrantophobic statements by some officials are likely to have had an effect on these results.

Ant-Roma sentiments are at high level in Bulgarian society. Speculating on the serious demographic problems — low birth rate and the resulting decrease in Bulgarian population — nationalists are intimidating the public with the high birth rate of the Roma population. Influenced by this propaganda, Bulgarians are becoming increasingly convinced that they are becoming a minority in their own country.

Study conducted by Swedish sociologists N. Bergen and T. Nilsson and published in May 2013 showed that 30% of respondents would not like to live near Asian or dark-skinned people. More than half of Slavic Bulgarians have a negative attitude towards local Roma.⁹⁹

Anti-Roma attitudes are evident from the fact that after the flood in Varna, volunteers were helping Bulgarian victims, while completely ignoring Roma.¹⁰⁰

There have been open cases of homophobia. On June 17, Bulgarian Orthodox Church urged the government and civil society organisations to prevent gay-pride from taking place in Sofia.¹⁰¹

In June, a Facebook group emerged calling for violence against members of the Sofia gay-pride parade.¹⁰²

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Presence and improvement of migration laws.	5	5	5
×	Government compliance with such legislation (law enforcement practice).	2.5	2.5	5
×	Discriminatory practices against immigrants.	-5	-5	-5
-	Use of ethnic crime as justification for discrimination against migrants.	-5	-5	0
×	Social assistance for immigrants.	5	5	5
×	Negative attitude of the society towards immigrants, foreigners, various ethnic groups.	-5	-5	-5
	Total for section 6	-2.5	-2.5	5

7. Incitement of religious and ethnic hatred

Indicators

- Calls for ethnic and religious hatred in mass media and mass communications, graffiti.

Most calls for ethnic hatred come from the extreme right party Ataka, the National Salvation Front, as well as a whole number of journalists, known for their xenophobic views. In general, these appeals are directed against three groups of the population: Roma, sexual minorities, and recently — against Syrian immigrants (see Section 2, 6 and 9).

In addition, on June 4, graffiti saying “death to Jews” and depicting swastikas were found on the announcement board at the Central Synagogue in Sofia.¹⁰³

- Presence and popularity of radical nationalist literature, films, music. Ultra-nationalist rock bands and their concerts.

In the 2000s, Bulgaria had a significant presence of ultra right-wing musical groups, however, currently have all been disbanded.¹⁰⁴

Similar bands from abroad are also not touring in Bulgaria. Evidently, the interest in this kind of “cultural nationalism” is not high amongst Bulgarians. This niche is currently occupied by one M. Shamarov.

This cannot be said about radical nationalist literature. In recent years, books such as “My Struggle” (“Main Kampf”) by Adolf Hitler, works by Goebbels, as well as foreign and Bulgarian nationalists and Holocaust deniers, such as R. Harwood, A. Panaiotov, B. Stankov, etc., are enjoying increased popularity and are freely sold. There is a number of publishers of such literature. Most popular among them is the “Zhar Ptitsa” (“Firebird”), owned by Galin Yordanov.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Calls for ethnic and religious hatred in mass media and mass communications, graffiti.	-5	-5	-5
×	Presence and popularity of radical nationalist literature, films, music. Ultranationalist rock bands and their concerts.	-5	-5	-5
	Total for section 7	-10	-10	-10

8. Radical nationalist groups and parties

Indicators

- Presence of neo-Nazi and ultra-nationalist groups, movements, political parties (both in the centre and in the localities).

Bulgaria has several large radical right-wing organisations. First of all, it is the parliamentary party “Ataka” (Attack) — 9.4% votes at 2009 parliamentary elections, and 7.3% at 2013 elections). The second largest nationalist party is VMRO (Bulgarian National Movement). Bulgarian National Union (BNU) organisation, created in 2001, is positioning itself as the heir to the Union of Bulgarian National Legionnaires — a fascist organisation of the interwar Bulgaria.

On November 9, 2013, a Nationalist Party of Bulgaria (NPB) has been founded, openly professing racial hatred.

- Presence of discriminatory demands in the programmes of these parties and in the statements of their leaders towards the members of minorities.

These organisations do not hide their beliefs and promote them through their websites and social networks. They stand on anti-immigration positions, particularly against Middle Eastern migrants, Roma and Turks.

In its programme, “Attack” talks about Bulgaria as a mono-national, mono-confessional and mono-cultural state, where there cannot be multiple faiths, ethnicities and cultures. The party advocates banning state media publications in languages other than Bulgarian. They are also proposing to introduce strict sanctions for “blasphemy against Bulgaria”, introduce “national betrayal” to the Criminal Code and hold a trial against “traitors”. Economic policy of “Attack” party involves “Bulgarianisation” of trade, manufacturing and banking, essentially closing these fields to non-Bulgarians.¹⁰⁵ The party also proposes asserting Orthodoxy as an official religion in Bulgaria, and introducing religious education in primary school. “Attack” also advocates the need to create a state programme to control and eradicate gypsy crime.¹⁰⁶

The Bulgarian National Movement (VMRO), positions itself as “patriots, traditionalists and conservatives”. The party advocates “unification of Bulgarians” referring to the accession of part of Macedonia to Bulgaria. VMRO also stands for introduction of Orthodox Christianity as a state religion. Of other confessions, only the “traditional” ones will be allowed to operate in Bulgaria.¹⁰⁷ Regarding Roma, which VMRO accuses of parasitism, the party proposes to introduce labour service and cancel the “unreasonable”, in their view, social benefits.¹⁰⁸

The Patriotic Front proposes to demolish all illegal Roma houses (around 70% of all Roma houses) and forcibly relocate them into special camps under police supervision. The Front also advocates for the “civil right to resist the construction of mosques and minarets”, demanding an immediate ban of missionary activity by “non-traditional” religions and conduction of services in Bulgarian language only.¹⁰⁹

- Neo-Nazi and radical nationalist influence over the civil society, including oppositional and human rights organisations.

Right-wing radicals have the support of around 10% of the electorate. May 25th European Elections resulted in Bulgaria Uncensored (coalition including VMRO) gaining 10.6% votes and two seats in the European parliament. One of the seats is held by Angel Djambazki, who is known for his xenophobic statements.¹¹⁰

On October 5, Bulgaria held parliamentary elections. Results published on October 9 show the Patriotic Front — uniting National Front for the Salvation of Bulgaria (NFSB) and Internal Macedonian Revolutionary Organization (VMRO) — gathered 7.28% votes and 19 seats. Bulgaria Uncensored received 5.69% votes and 15 seats, while the Attack party received 4.52% votes.¹¹¹

- Neo-Nazi and radical nationalist influence over the local legislative/executive bodies.

Radical nationalist influence over the local government authorities remains insignificant. They lost the 2011 elections and only managed to bring forward one candidate into the post of Municipal Adviser of Sofia — a member of VMRO Angel Djambazki.¹¹²

- Neo-Nazi and radical nationalist influence over the central legislative/executive bodies.

Ataka party received 7.3% votes at the 2013 parliamentary elections, earning 23 seats and becoming the fourth largest faction.¹¹³

The 2014 elections have led to three nationalist parties entering parliament: the Patriotic Front (19 seats), Bulgaria Uncensored (15 seats) and Ataka party (11 seats). This is almost double compared to the previous parliament, where nationalists occupied 23 seats in total.¹¹⁴ The Patriotic Front was even considered for member of the ruling coalition.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Presence of neo-Nazi and ultranationalist groups, movements, political parties (both in the centre and in the localities).	-5	-5	-5
×	Presence of discriminatory demands in the programmes of these parties and in the statements of their leaders towards the members of minorities.	-5	-5	-5
-/×	Neo-Nazi and radical nationalist influence over the civil society, including oppositional and human rights organisations.	-2.5	-2.5	-2.5
-	Neo-Nazi and radical nationalist influence over the local legislative/executive bodies.	0	0	0
-/×	Neo-Nazi and radical nationalist influence over the central legislative/executive bodies.	-2.5	-2.5	-2.5
	Total for section 8	-15	-15	-15

9. Public actions of extremist and nationalist groups

Indicators

- Neo-Nazi and radical nationalist participation in mass actions prohibited by the authorities.

None of the activities of radical nationalists have been prohibited by the authorities.

- Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities.

On January 3, supporters of the renaming held a protest action at the local administration, breaking into governor's office.¹¹⁵ Similar actions were held in Plovdiv.¹¹⁶

Several large-scale anti-Muslim demonstrations have been noted in February. Protests were caused by the appeal of the Bulgarian Head Mufti to return the property previously owned by Muslims — amounting to 29 mosques and other buildings. Bulgarian courts have 26 such cases.

On February 8, more than 1,000 football fans blocked the building of Plovdiv District Court, where the hearing on returning 4 properties to the Head Muftiyat of Bulgaria was held. Protesters chanted “Bulgaria”, sang the national anthem and songs in the style of 19th century Bulgarian renaissance, shouted “Down with the DPS” and “For Bulgaria — freedom or death”.¹¹⁷

On February 14, more than 2 thousand people gathered in front of the Court in Plovdiv, which considered the appeal on returning the Karlovo mosque to the Head Mufti of Bulgaria. They chanted “No to DPS”, “For Bulgaria — freedom or death”, organised a procession and clashed with the police, breaking windows in the “Jumaiajamaia” mosque. More than 120 participants of the anti-Islamic action in Plovdiv were arrested.¹¹⁸ At the same time, protesters told the media that if the court satisfies the Mufti's appeal, they are prepared for civil disobedience and extreme measures.¹¹⁹

Despite City Hall's ban, nationalists held the traditional “Lukov march” in Sofia on February 15 — this time without the traditional torchlight procession. The “march” gathered around 200 people.¹²⁰ Police detained 10 particularly active participants of the march.¹²¹

On February 19, a demonstration was held in Sofia, in front of the monument to the national hero Vasily Levsky. Protesters chanted slogans against the Turkish minority and the Republic of Turkey.¹²²

On June 21, an “anti-pride” march was held in Sofia, protesting against LGBT. The event was organised by the Ataka party, VMRO and the Bulgarian branch of Blood and Honour, an international neo-Nazi organisation.¹²³

On September 12, Bulgarian National Union — New Democracy and the Facebook group “Fatherland Protection Movement” organised a demonstration against the Bulgarian Helsinki Committee, gathering around 50 people who intimidated and insulted members of the committee.¹²⁴

On October 1, members of Bulgaria Uncensored blocked the Turkish border as part of their election campaign. They held banners, reading “We don't want Turkey to decide for us,” “Bulgaria for Bulgarians”, “No to Turkish slavery”.¹²⁵

- Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities, with the participation of representatives from the legislative or executive bodies, law enforcement and security agencies.

Civil unrest in Plovdiv that took place on February 14, was supported by Mayor of Karlovo Emil Kabayanov.¹²⁶

- Presence of “football xenophobia” and racism amongst sports fans.

Lately, football racism is becoming increasingly widespread in Bulgaria. Groups of radical right-wing football fans are emerging across the country, and the radical nationalist parties are gladly banking on them. Majority of NPB members are football fans.

Football fans acted as the main force during the anti-Muslim unrest in February.

Fans of Levsky FC attending the game with CSKA FC displayed a large banner, saying “Bulgaria will remain free when all of you are dead,” referring to Turks. Bulgarian Football Union did not issue any sanctions against Levsky FC.¹²⁷ Bulgarian authorities did not react to this at all.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
–	Neo-Nazi and radical nationalist participation in mass actions prohibited by the authorities.	0	0	–5
×	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities.	–5	–5	–5
×	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities, with the participation of representatives from the legislative or executive bodies, law enforcement and security agencies.	–5	–5	–5
×	Presence of “football xenophobia” and racism amongst sports fans.	–5	–5	–5
	Total for section 9	–15	–15	–20

10. Racist attacks, violence and terror

Indicators

- Vandalism in cemeteries, attacks on religious buildings.

Xenophobic graffiti was found at the Higher Islamic Institute in Sofia (February 15), mosques in Shumen (March 16), Asenovgrad

(May 15), Gotse Delchev (June 19 and August 10), Targovishte (June 20), Blagoevgrad (September 16) and Yambol (December 18).¹²⁸

On June 4, graffiti saying “death to Jews” and depicting swastikas were found on the announcement board at the Central Synagogue in Sofia.¹²⁹

On January 2, Asenovtsi Monument — four kings of the Second Bulgarian Empire, established in Veliko Tarnovo was painted in the colours of the nationalist movement, followed by a call to love Bulgaria.¹³⁰

On May 15 hackers of Turkish organization Milli Güçler (“national power”) on Thursday broke the official website of the Bulgarian Orthodox Church. Visitors of the site for a few hours could see a background screen, where the following text was published in Bulgarian with the Turkish flag on the background: “Official site of the Bulgarian Orthodox Church is locked in response to a vandalism attack on the “Dzhumaya Mosque” in Plovdiv”.¹³¹

- Inter-ethnic clashes instigated by xenophobia and radical nationalism.

On April 28, three Syrian families in Rozovo had to flee to another village, after numerous threats and public actions against them involving around 150 people.¹³²

- Cases of violence, including murder on racial, ethnic and religious grounds.

Most attacks in 2014 happened in the capital.

On April 19, a black French woman was assaulted in Sofia.¹³³

On July 5, around 20 supporters of the nationalist Ataka party tried to disrupt the gay-parade event in Sofia, temporarily blocking transport near the University of Sofia. They were blocked by the police.¹³⁴

On October 11, a pregnant Bulgarian woman and her Moroccan husband were attacked in Sofia.¹³⁵

On April 14, a group of nationalists attacked Jehovah’s Witnesses in Berkovitsa

On July 21, Bulgarian town of Stara Zagora started to demolish the illegal Roma houses — 33 in total. This caused a lot of protest among the locals, who started throwing rocks at the law enforcement, resulting in two people injured.¹³⁶

On August 6, two Jehovah’s Witnesses were attacked in Stara Zagora

On August 9, Jehovah’s Witnesses were attacked in the village of Zhilentsi.¹³⁷

On September 14–15, police of Burgas clashed with residents of the Roma quarter. Two police officers were injured and twenty Roma were arrested.¹³⁸

- Nationalist or religious terrorist attacks.

Monitoring did not record such events in 2014.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Vandalism in cemeteries, attacks on religious buildings.	-5	-5	-5
-/×	Interethnic clashes instigated by xenophobia and radical nationalism.	0	0	-2.5
×	Cases of violence, including murder on racial, ethnic, and religious grounds.	-5	-5	-5
-	Cases of hate-driven murders	-5	0	0
-	Nationalist or religious terrorist attacks.	-5	0	0
	Total for section 10	-20	-10	-12.5

11. Presence, popularity and size of anti-fascist and anti-racist movements

Indicators

- Presence of anti-racist and anti-Nazi movements and parties.

The Bulgarian Antifascist Union (BAU) is the largest anti-fascist organisation in Bulgaria (20,000 members and even more supporters), with divisions located throughout the whole country. It also unites several organisations, including the Bulgarian Domestic Union, Union of Officers and Sergeants from the Reserve, Central Board of War Veterans, Union of War Invalids and the Affected by War, Union of Bulgarian Writers, Union of Bulgarian Journalists and others.

Bulgarian Antifascist Union is the only one in Europe that owns two printed publications — newspaper “Heat” (“Zharava”) and newspaper “My Faith” (“Moyata Vyara”) — published together with the Bulgarian Writers’ Union.

There is also a civil initiative “People Against Racism” (<http://stopnazi-bg.org>), created in 2010. The initiative appeals to all caring people to “take a clear position regarding the frequent manifestations of neo-Nazism, xenophobia and racism of the radical right-wing groups in Bulgaria” and demand the authorities to combat manifestations of xenophobia and extremism.¹³⁹

Furthermore, Bulgaria also has a youth anti-fascist movement “23 September”, led by a historian Boris Boev, an active member of the Bulgarian Antifascist Union.

Since 1992, Bulgarian Helsinki Committee is operating in the country, conducting monitoring of human rights violations, including the problems of xenophobia and discrimination.¹⁴⁰

On February 15, 2014, the Antifascist Union, together with the Central Jewish Spiritual Council and several other Jewish and Roma organisations, published the Declaration against Lukov March.

On February 9, a march was held in Sofia, protesting Lukov March. Its participants also protested against the abolition of an Article prohibiting promotion of fascism¹⁴¹.

“Open Society” institute is working to support Roma, helping them to defend their rights and combat discrimination.¹⁴²

- Anti-racist and anti-fascist movement activities (pickets, rallies, demonstrations).

On February 9, Sofia held a procession under the slogan — Fascism is not an opinion, but a crime. NO to Lukov March. Participants of the action protested against the project of removing the Article criminalising the propaganda of fascism from the Criminal Code.¹⁴³

On July 5, a gay parade was held in Sofia. Sofia Pride involved around 400 people and was held without any incidents.¹⁴⁴

- Presence of anti-racist and anti-fascist civic initiatives.

In 2014, Bulgarian Antifascist Union continued publishing books by the executed antifascist writers (1925–1944) as part of the multi-volume “Shot Pegasus”. Books by Nikola Vaptsarov, Emil Shekerdzhiski, Vasil Vodenicharski, Hristo Yasnov and Hristo Kozlev have been published so far.

On February 20, Bulgarian Antifascist Union and several army veteran associations published a declaration against desecration of Soviet monuments in Sofia.

On March 10, the Jewish community of Bulgaria celebrated the liberation of Bulgarian Jews. A commemorative ceremony was held at a memorial plaque near the Bulgarian Parliament. The ceremony was attended by Chairman of the National Assembly Mikhail Mikov, Mayor of Sofia Yordanka Fandykova, Chairman of the Shalom Jewish organisation in Bulgaria Maksim Benvenisti, MPs, representatives of diplomatic missions and international institutions, NGOs and ordinary citizens.¹⁴⁵

On March 27, Bulgarian Antifascist Union published a declaration condemning the coup d'état in Ukraine.

On March 29, a campaign to clean monuments dedicated to the struggle against fascism was launched in Bulgaria by the Socialist Party. Leader of Bulgarian Socialist Party Sergei Stanishev stated that from now on BSP members will ensure that the local and state authorities maintain monuments.¹⁴⁶

On May 2, BAU published an open letter about events in Odessa, Ukraine, and supporting the victims of the Right Sector.

On May 9, Russia-Bulgaria Council started a fundraising campaign for restoration and repair of the Monument to Soviet Army in Sofia.

Communist youth from the Bulgarian Socialist Party defended the monument to the Soviet Army on the night of May 9.¹⁴⁷

On May 9, people in Sofia celebrated the Victory Day and the inadmissibility of neo-Nazism. Stable Development of Bulgaria Foundation held a conference “Victory over Fascism on May 9 and Modern World”.

The Foundation also held an International Competition “Together in XXI Century”, coordinated with the Russian Embassy. Thousands of Bulgarian, Russian, Belarus, Ukrainian, Moldovan and Kazakhstani students took part in the event.

In January 2014, an International Meeting of Veterans was held in Kamchia, commemorating 70 years since the Leningrad Blockade. Art festival “Together in XXI century” was held in May.

Administration of the Muslim community in Bulgaria condemned the hacking of the Bulgarian Orthodox Church website.¹⁴⁸ They added that Muslim religion and the Bulgarian Orthodox Church traditionally maintain good relations.¹⁴⁹

On September 15, Muslim Administration issued a statement where it condemned the terrorist attacks and inhumane acts of the Islamic State in the Middle East.¹⁵⁰

In October 2014, BAU and Stable Development of Bulgaria held annual festivals “Silver Larks” (for patriotic and partisan songs) and “Alyosha” (for front-line songs). More than 4,000 performers took part.

On November 8, State Opera in Stara Zagora held a concert of ethnic communities, involving performers from Roma, Turkish, Russian, Armenian, Polish and other backgrounds.

On May 17 — International Day Against Homophobia — Bilitis Resource Centre organised a discussion dedicated to LGBT, involving seven parties standing in the European Elections.¹⁵¹

10th LGBT art festival was held in Sofia on December 1–5.¹⁵²

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Presence of antiracist and anti-Nazi movements and parties.	5	5	5
×	Antiracist and antifascist movement activities (pickets, rallies, demonstrations).	5	5	5
×	Presence of antiracist and antifascist civic initiatives.	5	5	5
	Total for section 11	15	15	15

12. Glorification of German National Socialism and collaborators of Nazi Germany, historical revisionism, Holocaust denial

Indicators

- Glorification of German National Socialism and/or its collaborators in the media, desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition.

On February 23, unknown vandals desecrated a monument to the Soviet army in Sofia. Ukrainian flag was drawn on the commemorative inscription and one of the sculptures was painted in Ukrainian yellow-blue colours.¹⁵³

A memorial to Bulgarian partisans in Sofia was desecrated on the night of March 5. The monument was painted with national colours of Ukraine and Poland. On the pedestal, vandals wrote “Putin, go home”, “Crimea 2014” and “Katyn 05.03.40”.

On May 8, a tomb monument to the soldiers of the Soviet Army was desecrated in the Sofia Lozenets quarter.¹⁵⁴ It was then painted red on August 2.¹⁵⁵

On the night of May 9th, Monument to the Soviet Army in Sofia was highlighted in the form of a flag of the European Union. Also, using light effects on the monument there was an inscription “This monument is the symbol of the crimes of the Communist regime”.¹⁵⁶

On September 7, four people, including a candidate MP from the Reformativ Bloc, were arrested in Sofia for writing “Occupiers” on the Soviet Army monument.¹⁵⁷

On August 31, vandals destroyed tombstones on a Russian military cemetery and desecrated a memorial complex in Veliko-Tyrnovo.¹⁵⁸

- Glorification of German National Socialism and/or its collaborators with the support of local authorities, demolition of monuments to soldiers of the anti-Hitler coalition, erection of monuments to the soldiers of Wehrmacht and Nazi butchers.

Such cases were not recorded by the monitoring in 2014.

- Glorification of German National Socialism and/or its collaborators in the decisions made by the authorities.

Such cases were not recorded by the monitoring in 2014.

- Historical revisionism, Holocaust denial.

Such cases were not recorded by the monitoring in 2014.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Glorification of German National Socialism and/or its collaborators in the media, desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition.	0	0	-5
-	Glorification of German National Socialism and/or its collaborators with the support of local authorities, demolition of monuments to soldiers of the anti-Hitler coalition, erection of monuments to the soldiers of Wehrmacht and Nazi butchers.	-5	-5	0
-	Glorification of German National Socialism and/or its collaborators in the decisions made by the authorities.	0	0	0
-	Historical revisionism, Holocaust denial.	0	-5	0
	Total for section 12	-5	-10	-5

13. Persecution of veterans and partisans of the anti-Hitler coalition

Indicators

- Public calls for repression against the veterans and partisans of the anti-Hitler coalition, as well as anti-fascists.

Such cases were not recorded by the monitoring in 2014.

- Restrictions on human rights and anti-fascist organisations, bans to entry or exit imposed on anti-fascists, inaction of the authorities.

Such cases were not recorded by the monitoring in 2014.

- Criminal prosecution of veterans, partisans of the anti-Hitler coalition and anti-fascists.

Such cases were not recorded during the observed period. However, it is worth noting that the social and medical support of veterans of the antifascist movement is just symbolic in Bulgaria. Many active members of the antifascist resistance, who contributed to the defeat of fascism, currently find themselves in a difficult financial situation

In 1995, an Act was passed, recognising participants of the antifascist resistance as participants in the Second World War allied with the anti-Hitler coalition, not providing for any financial benefits for anti-

fascists. However, four years later, even this law was cancelled. Later, public representatives from the Bulgarian Socialist Party introduced a bill to the National Assembly, according to which the members of antifascist resistance would receive the deserved moral appreciation, however, this bill never passed as well.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
–	Public calls for repressions against the veterans and partisans of the anti-Hitler coalition, as well as antifascists.	0	0	0
–	Restrictions on human rights and antifascist organisations imposed by the authorities, bans to entry or exit imposed on antifascists by the authorities, inaction of the authorities.	0	0	0
–	Criminal prosecution of veterans, partisans of the anti-Hitler coalition and antifascists.	0	0	0
	Total for section 13	0	0	0

14. International aspect

Indicators

- Participation in significant international agreements on combating racism and discrimination of ethnic minorities.

To date, Bulgaria has signed and ratified the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, and the Framework Convention on the Protection of National Minorities.

Bulgaria has not signed the European Charter European Charter of Regional Languages and Minority Languages, the Convention on the Participation of Foreigners in Public Life at Local Level, or the Additional Protocol to the Convention on cybercrime, which criminalises the acts of racist or xenophobic character committed through computer systems.¹⁵⁹

- Accession to new international agreements and resolutions of various international organisations, aimed at combating Nazism, combating discrimination, or protecting minority rights.

During the observed period, Bulgaria did not join any international agreements, or resolutions of United Nations or other international

organisations aimed at the struggle against Nazism, racial discrimination, protection of minorities, etc.

- International statements and initiatives of the monitored countries and their leading politicians, aimed against discrimination, neo-Nazism and xenophobia.

Bulgarian officials made no international initiatives or statements related to combatting racism and discrimination.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Participation of the monitored countries in the most significant international agreements on combating racism and discrimination against ethnic minorities.	5	5	5
–	Accession to new international agreements, as well as resolutions of the United Nations and other international organisations dedicated to combating Nazism, combating discrimination, or protecting rights of minorities, during the monitored period.	0	0	0
–	International declarations and initiatives of the monitored countries and the leading politicians against discrimination, neo-Nazism and xenophobia.	0	0	0
	Total for section 14	5	5	5

CONCLUSION

Implications for the development of the country and society, based on the analysis of factors and taking into account the aspects listed below.

Bulgaria maintained its position in our rating. In 2014, conditions for refugees have improved, work of migration authorities became more organised and coordinated; Bulgaria demonstrated more compliance with EU regulations in this area — particularly in terms of immigration infrastructure.

Nevertheless, we also noticed a decline in certain areas. Recently adopted legal norms have effectively nullified governments work in combatting discrimination (see Section 1). We also saw increased interethnic tensions, which was seen in clashes against Syrian refugees in Rozovo. These facts indicate negative trends in Bulgaria that may soon manifest as serious conflicts motivated by migrantophobia.

ASPECTS

1. Human Rights

- *Guarantees against any form of minority discrimination.*

Minorities in Bulgaria are partially protected by certain Articles of Bulgarian Constitution, the Criminal Code, and the Law “On Protection against Discrimination”.

At the same time, the anti-discriminatory articles of the Criminal Code are not used in practice; the Criminal Code does not contain provisions that recognise racial, religious or other prejudices as an aggravating circumstance in the commission of crimes. Bulgaria also lacks the law governing the rights of national minorities. Therefore, there is no legislative mechanism in the country for implementing the provisions of the Framework Convention for the Protection of National Minorities, which the Republic has formally joined. As a result, their protection is carried out through a series of normative acts, which do not include a number of important areas — education in particular. Furthermore, there is no legislation on combating crimes against LGBT. Thus, minorities in Bulgaria cannot be fully guaranteed against discrimination.

Furthermore, in 2014 Bulgaria adopted a discriminatory act that prohibited elections campaigns in any language, but Bulgarian. Decision of the Supreme Administrative Court (from April 25 and June 1) have nullified all efforts of combatting discrimination (see Section 1).

- *Adherence to norms of the fundamental human rights instruments (European Convention for the Protection of Human Rights and Fundamental Freedoms, European Charter on Human Rights, as well as in adherence to the Framework Convention for the Protection of National Minorities and the European Commission against Racism and Intolerance, etc.).*

Lack of a legislative mechanism prevents Bulgaria from effectively carrying out the provisions of the Framework Convention for the Protection of National Minorities. Furthermore, Bulgaria did not join a number of international agreements on human rights. The adopted national and international programmes for Roma integration, support of minorities, etc. are performed poorly at places, which is evidenced by the occasional attempts of regional authorities to evict Roma from their homes without providing them with alternative accommodation.

- *Rights and freedoms of ethnic minorities compared to the titular nation.*

Differences between the rights of minorities and ethnic Bulgarians exist in practice. Roma are facing discrimination in access to housing,

education and labour market. The main problem of Bulgarian Turks remains the lack of education in their native language. So far, the authorities are refusing to admit the existence of such ethnic minorities as Macedonians and Pomaks, which creates a threat of their forced assimilation. The law that prohibits electoral campaigns in non-Bulgarian language creates obstacles for political parties that represent national minorities.

- *Legislation enshrining inequality of minorities.*

It is worth drawing attention to the legislative ban of public speeches in languages other than Bulgarian, which is discriminatory towards the rights of national minorities to participate in public and political life. Bulgarian Parliament's refusal to cancel this ban in June 2012 shows the ruling elite's reluctance to change this state of affairs.

Furthermore, discriminatory rulings of the Supreme Administrative Court — “the law that was not declared unconstitutional by the Constitutional Court cannot be discriminatory” — must be revised as soon as possible. This effectively declares that legal protection from discrimination is impossible in Bulgaria. Another relevant ruling came from June 1, which prohibited material compensations in cases related to discrimination.

- *Rulemaking in protection of minorities.*

Such cases were not recorded during the observed period.

- *Freedom of speech violations.*

Such cases were not recorded during the observed period.

- *Legislation and law enforcement practices concerning migrants.*

Bulgaria has a well-developed migration legislation and programmes for immigrant integration. However, the system is currently tested to the limits due to sharp influx of immigrants. Furthermore, Bulgaria is taking the course towards forced non-admission of immigrants to its territory.

2. State of society

- *Risk of violation or non-compliance with the acting laws aimed at protecting the rights of minorities; risk of discriminatory practices against members of minorities.*

The legislative framework directed at protection of minorities is imperfect in Bulgaria, and the performance of Bulgarian law enforcement is unsatisfactory. This is expressed in the absence of hate crime

statistics, in attempts to classify such crimes as domestic and in failure to execute the legislative acts aimed at combating xenophobia and discrimination. This is actively exploited by radical nationalists, who are actively inciting ethnic and religious hate in the country, finding the support of 15–20% of Bulgarian population.

On the other hand, Bulgarian authorities are reluctant to accept the educational and linguistic rights of a several ethnic minorities, leading to tensions in their environment, which is trying to resist the forced assimilation. Police, in turn, is actively misrepresenting hate crime as “everyday” or “common” offences.

- *Self-determination — how manifestations of xenophobia and extremism affect the identity of minorities; majority’s attitude towards minorities (growth of social phobias).*

Against the background of the recent economic crisis, xenophobia is continuously capturing new layers of Bulgarian society. Xenophobia directed at Roma is widespread and supported by the media. Bulgarians perceive the Roma as “the nation of thieves and slackers”, receiving benefits at Bulgarians’ expense. Another widespread phobia is directed at Turks, since Turkish minority is perceived as the “fifth column”. Macedonians and Pomaks are also in a difficult situation, as the authorities are basically denying them the right to exist, considering them Bulgarians. They are facing the direct danger of forced assimilation and loss of identity.

In the face of growing xenophobia, imperfection of the legislative base and a malfunctioning anti-racist criminal legislation, national minorities prefer to solve their problems by immigrating to more developed countries, and creating similar problems in these countries.

3. Socio-economic development of the country

(Do manifestations of various forms of xenophobia and extremism affect the socio-economic development of the country)

- *Standard of living.*

According to the prosperity index, conducted by Legatum Institute, Bulgaria ranks 49th, finding itself in the last five European countries.¹⁶⁰ However, decline in the standard of living was not related to xenophobia and extremism. The main cause lies within economic factors.

- *Economic impacts and instability.*

Bulgaria is one of the poorest countries in the European Union, with low Indicators of economic and social development, low pensions

and wages, as well as poor demographic situation. In the past 20 years, Bulgarian agriculture has been stagnating — much of production has been shut down. Division between social classes is increasing, which only facilitates tensions in the society. Official data suggests that 2.5 million people in Bulgaria exist under the poverty line. At the same time, Bulgarians pay the highest tax rates in the EU. Serious problems also exist in healthcare and education.

Bulgarian GDP grew by 1.7% in 2014, which did not reflect in the standard of living of its citizens. Unemployment is at 11.4% (22.3% among youth).¹⁶¹ These are average figures do not take into account that there some regions in Bulgaria have mass unemployment; or the fact that Bulgaria has a negative net migration. According to researchers, poverty is the main trigger for xenophobia. Poverty contributes to the growth of anti-Roma xenophobia, as a significant part of the population believes that Roma are “leeching” of them. The reduction in production rate leads to emigration of the labour force. Currently, we can note the mass emigration of gypsies, mainly caused by xenophobia (along with poverty).

- *Decline in production growth, emigration of the labour force.*

The reduction in rate of production leads to emigration of the workforce population. Currently, we can note the mass emigration of gypsies, mainly caused by xenophobia (along with poverty). This emigration, in turn, became the cause of serious socio-political crisis in countries like Italy and France, which are not prepared to accept such a large group of immigrants, even within the European Union.

4. Security and geopolitical stability in the region

- *Political stability in the country.*

The increasing pressure on minorities, which make up a large part of the country’s population, along with the passiveness of the government, could lead to an increased social conflict and instability in Bulgaria. Bulgarian gypsies are finding themselves in the most difficult position, being currently forced to return from the more prosperous countries like Italy and France, which are refusing to accept them. In Bulgaria, they are once again faced with the years of unsolved socio-political issues that affect them directly. This could lead to a surge in ethnic conflicts in the nearest future. We are noticing another alarming trend in Bulgaria — Migrantophobia, or hostility towards immigrants, which manifested as a clash between locals and Syrian nationals in Rozovo.

- *Impact of xenophobia and extremism in the country on external security, relations with third countries and the international security in the region as a whole.*

Growth of xenophobia, which along with poverty became the reason for mass emigration of Roma into Italy and France, has already led to tensions with these two EU countries. The conflict was only resolved by Bulgarian government's agreement to accept the Roma immigrants back in 2012. There are also certain problems in relations with the former Yugoslavian republic of Macedonia, which is openly worried about the rhetoric of certain Bulgarian politics on the "reunification of Bulgarian lands".

RECOMMENDATIONS

1. *General recommendations for the accession to international agreements and conventions*

Bulgaria should ratify the European Charter of Regional and Minority Languages, Convention on the Participation of Foreigners in Public Life at Local Level and an Additional Protocol to the Convention on Cybercrime, which criminalises the racist and xenophobic acts made through computer systems. This would be an important catalyst to align the seriously imperfect regarding minority rights internal legislation of the country with the international provisions.

Given that the glorification of Nazi past has become commonplace in Bulgarian life (Lukov march, erection of monuments to the soldiers of Hitler's bloc, desecration of antifascist and Soviet monuments), it seems appropriate to recommend Bulgaria to join the resolution directed against glorification of Nazism and certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance, which is annually adopted by the UN General Assembly.

2. *General recommendations for adjustments to the legal framework*

Bulgaria is recommended to adopt amendments to the Constitution and other legislative acts that regulate the use of minority languages, opportunities to study in native language, etc.

It is also important to adopt the "framework" law on national minorities.

Furthermore, amendments should be made to the Criminal Code, which would make it possible to recognise racism and other manifestations of hate towards specific groups of the population as aggravat-

ing circumstances in the commission of crimes. It is also necessary to remove the legislative ban on public speeches in languages other than Bulgarian, as it violates the rights of ethnic minorities to participation in public and political life.

Discriminatory rulings of the Supreme Administrative Court from April 25 and June 1, which made legal protection from discrimination impossible, must be revised.

3. *General recommendations for the executive bodies in the field of law enforcement and human rights*

Bulgaria should recognise the presence of Macedonian and Pomak ethnic minorities, and take steps towards the establishment of an education system in minority languages, including the Turkish minority. It is necessary to increase the efficiency of integration programmes for Roma and stop the practice of their eviction without providing alternative housing. Consideration should be given to the system of measures to eliminate discrimination of Roma population in medical and educational fields.

Given the rise of xenophobia in Bulgarian society, which is accompanied by the established facts of incitement of ethnic hatred and even extremist attacks against members of national minorities and antifascists, the government should demonstrate political will and start using the “dormant” anti-racist articles of the Criminal Code and the law enforcement must stop treating hate crime as common crime and stop its practice of not initiating criminal cases in this area.

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SUMMARY OF INDICATORS FOR 2012–2014

Nº	Criteria	Score in		
		2012	2013	2014
1	Legislation (central, regional, and municipal) and law enforcement practices that contribute to the development of radical nationalism	-10	-10	-10
2	Xenophobia and hate speech by members of the authorities and media	-5	-5	-5
3	Legislation and law enforcement practices preventing the development of radical nationalism	10	15	10
4	Statements of government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism	5	5	5
5	Activities aimed at promoting tolerance and preventing extremism	5	5	5
6	Migrants' position in the society; society's attitude towards migrants, foreign nationals, other ethnic groups	-2.5	-2.5	5
7	Incitement of religious and ethnic hatred	-10	-10	-10
8	Radical nationalist groups and parties	-15	-15	-15
9	Public actions of extremists and radical nationalists	-20	-10	-12.5
10	Racist attacks, violence and terror	-20	-10	-12.5
11	Presence, popularity, and scope of antiracist and anti-Nazi movements and parties	15	15	15
12	Glorification of German national-socialism and Nazi Germany collaborators	-5	-10	-5
13	Criminal prosecution of veterans, partisans of the anti-Hitler coalition, and antifascists	0	0	0
14	International Aspect	5	5	5
	Total	-42.5	-32.5	-32.5

CROATIA

ASSESSMENT CRITERIA FOR FACTORS OF STABILITY/INSTABILITY

1. Legislation (central, regional, municipal) and law enforcement practices that contribute to the development of radical nationalism

I n d i c a t o r s

- Discriminatory legislation affecting minorities residing in the country in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.

Croatian legislation contains three main laws that contain elements of discrimination: the Citizenship Act, the Penal Code and the Anti-Discrimination Act.

On 28 October 2011, Croatia adopted amendments to the Citizenship Act, which came into force in January 2012. Compared to the previous version, the new law tightens the requirements for citizenship application, creating conditions for discrimination of certain groups of permanent residents, namely ethnic minorities and those non-Croatians who were forced to emigrate during the war in the 90s.

Article 8 of the new Act requires citizenship applicants to have continuously lived at their registered place of residence for at least eight years (five years in the previous version). Other requirements include a permanent residence permit, Croatian language proficiency in Latin script (as opposed to the Cyrillic alphabet, which had been used in Croatia previously), as well as knowledge of the Croatian culture and “social structure” — tested using a special examination. Additionally, the Act contains a requirement to give up second citizenship, which many IDPs have already acquired. The European Commission against Racism and Intolerance has conducted a research, which revealed that innovations that were adopted into the Law on Citizenship violate the rights of the Roma, many of who are illiterate and do not

speak the Croatian language. In addition, many families among the Roma ignore the state registration of new-borns and today a lot of them do not have Croatian documents. Some only have the old Yugoslavian passports.

Article 16 of the Citizenship Act provides advantages to ethnic Croats in regard to obtaining Croatian citizenship compared to representatives of national minorities: ethnic Croats-foreigners or persons without a citizenship must comply with only one of the five conditions that are mandatory for everybody else, more specifically — “to respect the legal order and customs of Croatia, as well as to have a connection to the Croatian culture”. These requirements are discriminatory towards the representatives of national minorities, although many of them have been living in the country for a long time, some even for generations. This is especially true for Roma, some of which are simply not literate and have poor command of the Croatian language, which can be regarded as a weak link and even disrespect to Croatian culture. Many applicants for citizenship, especially older ones are accustomed to using the Cyrillic alphabet for writing and for them the transition to the Latin alphabet is a problem.

On October 21, 2011, the country adopted a new Penal Code, which came into force on January 1, 2013. Article 87 of the new Penal Code defines a hate crime as “a criminal offense committed on the basis of race, colour, religion, national or ethnic background, disability, gender, sexual orientation or gender identity of another person”. Thus, compared to the previous (2006–2012) Penal Code the list of grounds of discrimination is more limited: some relevant qualifications of hate crime had been excluded, such as those concerning the language, political beliefs, as well as social status and age.

The same problem is present in the Anti-Discrimination Act of 2008 (came into force on 01.01.2009), which also excluded citizenship from the list of characteristics that classify a crime as committed on the basis of hatred.

Additionally, as pointed out by ECRI in its report, the Penal Code of Croatia also includes Article 328, which stipulates liability for the organization of a criminal association, but does not include racism in the list of objectives of such associations.

An important moment in the discriminatory legislation of Croatia is that the country, similar to Latvia and Estonia, recognizes citizens of the country as its ethnic minorities. This directly affects the Roma, many of whom do not have Croatian citizenship.

In Croatia, there is no legislation prohibiting history revisionism and denial of war crimes, including the Holocaust, which allows all sorts of nationalist historians to promote policies and practices of the

Ustashe — Croatian Nazis during the Second World War who were Hitler's allies.

Since 2005, religious organisations pay tax on the purchase of real estate, unless it is not a house of worship. It discriminates against minority confessions, which have no houses of worship and are forced to acquire office or residential premises for the performance of religious rites.¹

- Legislation restricting the voting rights of permanent residents of the country based on ethnicity or country of origin.

Croatian legislation does not contain such restrictions.

- Presence of legal norms and other regulations that legalise the radical nationalist ideology, its attributes and practices, as well as their distribution in the mass media and mass communication.

Such norms have not been recorded by the monitoring in 2014.

- Discriminatory practices against minorities in the field of registration, mobility, business, employment, education, housing, health-care, religion, etc.

In 2014, Commissioner for Human Rights received 49 complaints related to discrimination on the grounds of race, country of origin or ethnicity (22 complaints were filed by ethnic Serbs, 14 — by Romani people), 14 complaints related to discrimination on the grounds of religion and 2 complaints related to gender identity and sexual orientation. Compared to 2013, the number of complaints increased by 9%.

However, the real number of discrimination incidents may be significantly larger, Commissioner believes, as many such cases are not reported by the victims.²

Roma people and Serbs are among the most vulnerable groups in Croatia. According to the Human Rights Watch (HRW) Serbs, once driven from their homes, encounter serious administrative and other barriers when trying to restore their rights for property.³ Furthermore, Serbs are limited in the right to use their native language.⁴ Serbian minorities in Osijek-Baranja and Vukovar-Sriemskaya report feeling distrust of the local authorities towards them. There have been cases of discrimination in employment. Ethnic Serbian citizens are having problems with returning their apartments that have been abandoned during the Croatian War (1991–1995).⁵

On May 5, it became known that in Croatia in 19 years about 30 thousand Orthodox Serbs converted to Catholicism. The main reason for this according to experts is the unwillingness of parents to have

their children traumatized in school due to bullying from other children for what they are — Serbs.⁶

In June 2014, the State Election Commission declined the request by the Serbian Democratic Forum to publish all materials for the elections in Vukovar in both Latin and Cyrillic.⁷

Roma face difficulties in accessing basic public services including health, social care and education.⁸ They find it hard to obtain identity documents, which in turn complicates their obtaining citizenship.⁹ Only 20% of pre-school Romani children have access to relevant education facilities. Parents are either unaware of the existing local pre-school institutions or are unwilling to do so due to lack of Romani teachers or assistant teachers, or are unable to do so due to unemployment and the financial burden paid education poses. As a result, Romani children are underprepared for schools and fail to achieve good results.

Isolation of many Roma settlements in Croatia prevents their successful integration in the education system. Poor quality of life and unsanitary conditions have a serious detrimental effect on Roma children's health in these regions.¹⁰ In average, Roma have access to 12.9 m² of floor area per person, while non-Roma in Croatia have 35 m² per person. 53.8% of Roma families have no access to sanitation, 51.3% do not have a toilet, 50% do not have a bathroom and 46.5% do not have access to clean water in their home. 18.7% of households have no kitchen area and 12.4% have no power.¹¹

According to UNHCR, there are approximately 1,000 Roma stateless persons in Croatia, which follows from the fall of Yugoslavia, where they often had no citizenship. As a result, they were unable to automatically receive citizenship. Instead, they have to go through the process of naturalisation, which was problematic, because they often lacked the necessary documents.¹² Roma are also subjected to racial profiling by the Croatian police.¹³

The Action Plan on the realisation of the Constitutional Law on National Minorities, which aimed to ensure 5.5% of civil servants are ethnic minorities by the end of 2014, had failed to achieve this target — the real figure was only 3.65%. However, even this figure does not proportionally represent minorities in the population. For example, the proportion of Serbs in the population is 7.65% — represented by 3.65% of public service workers; proportion of Roma is 0.41% — represented by 0.05% of public service workers.¹⁴

According to the 2011 population census, minorities constitute for more than 30% of the population in 27 municipalities, but only 10 municipalities prescribe them the right to use their native language. Another 12 municipalities provide vague general provisions

on the rights of minorities to use their native language, the remaining five municipalities do not mention this at all in their local legislation.¹⁵

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Statements of government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism.	-5	-5	-5
-	Legislation restricting the voting rights of permanent residents of the country on the basis of ethnicity or country of origin.	0	0	0
-	Presence of legal norms and other regulations that legalise the radical nationalist ideology, its attributes and practices, as well as their distribution in the mass media and mass communication.	0	0	0
×	Discriminatory practices against minorities in the field of registration, mobility, business, employment, education, housing, healthcare, religion, etc.	-5	-5	-5
	Total for section 1	-10	-10	-10

2. Xenophobia and inflammatory statements by members of the authorities and media

Manifestations of xenophobia have been minimal during the observed period.

In early April 2014, a call to boycott Serbian business in Vukovar appeared in the social media, accompanied by a list of Serbian-owned businesses and other establishments.¹⁶

On November 22, it was reported that presidential candidate from the Croatian Democratic Union, Kolinda Grabar-Kitarovic, presented a flag from the Knin fortress, which is considered a symbol of forced deportation by the Serbs.¹⁷

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
-/×	Xenophobia and inflammatory statements of the government and the media.	-5	-5	-2.5
	Total for section 2	-5	-5	-2.5

3. Legislation and law enforcement practice preventing the development of radical nationalism

Indicators

- Presence of anti-Nazi, anti-racist and anti-extremist legislation; legislation aimed against the incitement of ethnic and religious hatred in the country.

Croatia has a well-developed anti-racism legislation, which with a few exceptions specified in Section 1 fully complies with the European norms.

In addition to the Constitution, which guarantees equal rights and freedoms for every person and citizen of the Republic of Croatia regardless of race, colour, sex, language, religion, political or other opinion, national or social background, anti-racism and anti-discrimination provisions are contained in the constitutional law on the rights of ethnic minorities, the Anti-discrimination Act, the Act on teaching and learning of the languages and literature of ethnic minorities, the Act on the Election of Deputies to the Croatian parliament and the Criminal Code.

The Constitutional Law on the Rights of Ethnic Minorities ensures the exercise of special rights and freedoms of members of ethnic minorities, which they enjoy individually or together with other persons belonging to the same national minority, as well as the right to cultural autonomy (preservation and expression of their cultural identity, preservation and protection of their cultural values and traditions), the right to self-organization and association for the purpose of pursuing common interests and the right to access the public media and communications in the language they use. Any form of discrimination based on the status of a national minority shall be prohibited (Article 4). Members of national minorities are guaranteed equality before the law and equal protection on behalf of the law.

Article 23 of the Constitutional Act foresees that in order to improve the preservation and protection of the rights of national minorities, members of national minorities elect their representatives to participate in public life and conduct affairs at the local level through the councils and representatives of national minorities in the local and regional government

The law also guarantees minorities the right to be represented in parliament.

In 2013, changes were made to the Aliens Act, which introduced a simplified procedure for obtaining citizenship for foreigners who were born in Croatia, at least one of whose parents had Croatian citizenship.¹⁸

Since 2012, Croatia also participates in the programme “Integration of Roma 2005–2015”, which can have a positive impact on its status in the EU.¹⁹

In summer 2012, the authority of the Ombudsman has increased substantially. Croatian Parliament had strengthened the role and importance of this institution, giving it more autonomy and independence compared to other government agencies. In addition, the Office of the Ombudsman merged with the Centre for Human Rights, becoming the central government body responsible for human rights.²⁰

It is important to note that propaganda of racism is a crime in Croatia, defined as “public statements about inferiority or superiority of any race, ethnicity, religion, gender or other characteristics aimed at inciting racial, religious, national or ethnic hatred or hatred based on skin colour or sexual orientation”.²¹

In 2013, Croatia adopted amendments to the Criminal Code that increased the punishment for hate crime. Croatian Prosecutor’s Office issued a special instruction to increase the focus on hate crime.

- Presence and development of anti-discriminatory legislation.

Croatia has a developed (by European standards) anti-discrimination legislation. To it belongs: the Act on Gender Equality, Act on Free Legal Aid, Labour Act, the Act on Foreigners, Act on Asylum, Act on Government Officials, the Gender Equality Act. Moreover, Croatia is one of the few countries that have adopted the law on same-sex partnerships, which regulates the issue of same-sex unions and the legal consequences of such unions and also prohibits any form of discrimination, both direct and indirect, on the grounds of sexual orientation.

The right to education with the use of languages and scripts of national minorities is regulated by the Education Act of National Minorities, which foresees the learning with the use of languages and scripts of national minorities, the establishment of schools that operate using the languages and scripts of national minorities, hiring employees who are members of ethnic minorities with the aim of teaching, publication and translation of textbooks in the language and script of national minorities and the implementation of special programs for the preservation of linguistic and cultural identity.

Minorities in the Republic of Croatia choose the form of education which uses their own language and script, i.e. they choose a program of complete training using their language and script, provided the compulsory study of the Croatian language or “preservation form” — the study of language and culture as an additional educational program, which includes five national subjects (language, history, geography, music and art of national minorities).

Roma in Croatia profit from all rights of minorities, but the schooling of Roma is not carried out on any of the Roam dialects.

In July 2014, Croatian parliament had legalised civil partnership among same-sex couples.²²

- Compliance of the government (central, regional, municipal), law enforcement and judiciary with anti-Nazi, anti-racist, anti-extremist, anti-discriminatory and hate crime legislation.

In April 2011, Croatia adopted an Action Plan to implement the Constitutional Law on National Minorities. As of July 2014, most objectives have been achieved — 77 out of 88 (or 87.5%). However, in some areas, such as the official use of minority languages and representation of minorities in administrative bodies and media, the results are unsatisfactory.²³

Efforts of Croatian government to combat xenophobia and support minorities are influenced by the desire to enter the European Union. Office of the Ombudsman and several international organisations noted that legislation on protecting minorities and combatting xenophobia is not enforced with sufficient consistency. In many cases, attacks on Roma and Serbs are not investigated or do not reach trial and victims are not adequately compensated.²⁴

In 2013, Croatia reached an agreement with Serbia, Montenegro, Bosnia and Herzegovina to exchange information and evidence regarding war crimes. However, cases regarding war crimes committed against Serbs in the 1990s and considered by four specialised courts (in Zagreb, Split, Osijek and Rijeka) are investigated very slowly. At the end of 2014 there were 220 postponed war crime cases. In some cases, investigations have been hampered by the reluctance of witnesses to give themselves in; some of the accused reside abroad. To solve these problems, courts must improve witness support and encourage witnesses to come forward.²⁵

In 2014, Croatia signed an agreement with the Protestant Church. However, unlike similar agreements with other religious organisations, this agreement only regulated issues mentioned in the 2010 ECHR ruling.²⁶

- Hate crime (criminal cases, guilty verdicts).

In 2014, 170 court cases were related to discrimination (compared to 100 in 2013). Of those, 60 were related to racial discrimination (35 in 2013); 13 were related to discrimination based on sexual orientation (15 in 2013); 4 were related to gender identity (0 in 2013); 6 were related to religious beliefs (3 in 2013); 17 were related to political or other beliefs (3 in 2013); 70 — country of origin (44 in 2013). Although, 60% of those cases remained without a verdict.

29 cases were filed under hate speech and abuse, of which 20 were related to hatred towards national minorities.

Magistrates’ courts often practice leniency. For example, a fine for committing a hate crime is reduced to a 1/3 if the accused pays it within a certain time. Court leniency often depends on defendant’s financial abilities, their behaviour in court, apologies and confession. Cases where the crime was verbal abuse and no physical damage had been inflicted serve as mitigating circumstances, which ignores possible moral damages. Furthermore, such measures of leniency are sometimes applied to persons who have committed such offences previously.²⁷

- Misuse of anti-extremist legislation.

On February 5, former Minister of Internal Affairs stood in trial for shooting Nazi collaborators — members of the Ustasha during World War 2.²⁸

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Presence of anti-Nazi, antiracist and anti-extremist legislation, and legislation directed against incitement of ethnic and religious hatred in the country.	5	5	5
×	Presence and development of anti-discriminatory legislation.	5	5	5
-/×	Compliance of the government (central, regional, municipal), law enforcement and judiciary with anti-Nazi, anti-racist, anti-extremist, anti-discriminatory and hate crime legislation.	2.5	2.5	5
-/×	Hate crime (criminal cases, guilty verdicts).	2.5	5	5
-	Misuse of anti-extremism legislation.	0	0	-5
	Total for section 3	15	17.5	15

4. Statements of government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism

On June 22, President of Croatia, Ivo Josipovic, attending an event dedicated to the Day Against Fascism, said that in we must never forget the results of the struggle against fascism. The ceremony dedicated to

the 73rd anniversary since the formation of the first antifascist partisan squad took place near the city of Sisak. President Josipovic noted that 73 years ago a group of young men gathered here to resist fascism and today we are marking this very important day.²⁹

On August 14, President Josipovic welcomed the decision of the Constitutional Court to prohibit the referendum on the Cyrillic alphabet, which was intended to limit the use of Cyrillic by the Serbian minority. “In my opinion, the court made a weighted decision, which was wise in terms of maintaining friendly relations,” the President said.³⁰

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism.	5	5	5
	Total for section 4	5	5	5

5. Activities aimed at promoting tolerance and preventing extremism

On August 13, Constitutional Court of Croatia recognised the referendum that restricted the Serbian minority in using Cyrillic characters as illegal.³¹

On September 5, the first same-sex civil partnership in Croatia has been registered. The ceremony took place in Zagreb and was attended by a member of the ruling Social Democratic Party and Minister of Public Administration Arsen Bauk.³²

On December 4, the government of Croatia decided to provide the Jewish community with land and office building in Zagreb city centre as a compensation for the confiscated property during the Holocaust.³³

A two-day seminar “Teaching national minority youth” was held in the village of Marija Bistrica, organised by the Office for Human Rights and National Minorities.³⁴

Efforts of the Croatian Human Rights Ombudsman can also be noted.

In February 2014, Ombudsman told the president of Croatian parliament that the planned referendum on the use of Cyrillic is significantly restricting the rights of national minorities.³⁵

On August 28, Ombudsman set up a hotline for victims or witnesses of discrimination.³⁶

On November 3, deputy Ombudsman Tena Ejnvalter held a lecture in University of Zagreb on human rights and combatting discrimination of immigrants.³⁷

On December 2, a national conference was held in Zagreb on the implementation of the Anti-Discrimination Act, organised by the Office of the Human Rights Ombudsman and the Office for Human Rights and National Minorities. Application of the law in trials was discussed along with the role of human rights activists in combating discrimination and cooperation between the government, the civil society and the media.³⁸

In 2014, Human Rights Ombudsman set up regional offices in Rijeka and Osijek.³⁹

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Activities aimed at promoting tolerance and preventing extremism.	5	5	5
	Total for section 5	5	5	5

6. Position of migrants in the society; society's attitude towards migrants and foreign nationals

Indicators

- Presence and development of migration laws.

The Republic of Croatia is now at the crossroads of migration flows between East and West. In the 1990s the country was left by more than 500,000 thousand refugees, many of whom still have not returned home, although Croatia unlike many other countries in the world is ready to accept refugees who do not belong to the ethnic majority, with whom this minority fought with weapons in their hands just fifteen years ago. In addition, about 10,000 annually move to work in countries of the “old EU”.

Croatia is already a country that accepts asylum seekers. In 2014, Croatia received 1,500 asylum applications (1,000 in 2013). 3,569 illegal migrants have been caught and 1,408 deportations have been conducted.⁴⁰ Such a relatively small number of refugees is largely due to the fact that the major wave of refugees is stopped by Bulgaria and Greece.

Joining the EU, Croatia mainly brought its immigration legislation into line with European norms of migration as well as the Geneva Convention on Refugees of 1951 (Asylum Act of 2010).

Although the government has not yet made a decision on joining the International Convention on the Protection of the Rights of All Mi-

grant Workers and Members of Their Families, Croatia has adopted a broad legislative framework for the protection of human rights — migrants and their families, based on both national legislation and international treaties, which it is a part of.

The basis of the Croatian migration legislation is: the Labour Law, the Law on Foreigners, the Asylum Act, the Social Security Act, the Criminal Procedure Law, the Law on Health Protection, the Act on Mandatory Health Insurance and various education laws. For illegal entry into the country there is a punishment — one month imprisonment. The penalty for aiding illegal migration is assigned even when its aim was not profit. The definition of complicity even foresees humanitarian assistance to migrants. Landlords who let their property to illegal migrants are also subjected to punishment. The penalty can be a fine or imprisonment.⁴¹

At the beginning of 2013 the Croatian Parliament adopted the migration policy programme for 2013–2015 and an Action Plan for eliminating barriers for the integration of foreigners.⁴²

- Government's compliance with such legislation (law enforcement practice).

For the past several years, Croatia's infrastructure has been suffering under the influx of refugees. As of 2014, there are 450 refugees in the country,⁴³ which is 1.5 times more than in 2013. Another 422 refugees live in the country from previous times.

This is significantly lower than the neighbouring Italy or Hungary, for example (64,625 and 42,775 respectively),⁴⁴ but it exceeds government plans nevertheless.

Refugee centres are overcrowded, with combined capacity of refugee centres in Kutina and Zagreb of 700 people. Lack of spaces means that refugees are placed in isolation centres for illegal immigrants.

At the same time, events of last year forced the government to make some changes related to accommodating children. Homeless migrant children are now being placed in a newly renovated centre for vulnerable groups in Kutina.

The problem of accommodating refugees is mitigated by the fact that 80% of them leave the country before their applications are even considered. Most leave for more developed countries, where their respective communities have already been established.⁴⁵

Nevertheless, problems remain. Guardians of refugee children do not have the necessary information about how to act in the children's best interests. Appointed guardians are often staff members of social assistance centres, and have limited contact with the children.⁴⁶ There are also difficulties in access to education.⁴⁷

Refugee centre in Zagreb remained without a resident doctor between February and April 2014, and since then the doctor was only present for two hours per day. In Kutina, the doctor was brought over from Zagreb when needed. There was almost no medical staff in a centre in Jezevo.⁴⁸

There are also no Croatian language courses. Refugees face problems when proving their diplomas. If they are unable to find work within two years, refugees are left without state support and become homeless.⁴⁹

Programmes for providing housing for refugees have been slowing down since 2012, with many refugees living in poor conditions.⁵⁰ According to the Provision on determining the status of repatriates, adopted in October 2013, this status is lost 6 months after person's entry into the country. Thus, people who arrived before 2013 and who hadn't yet received housing as repatriates are automatically removed from the queue.

A foreign national has the right to free legal support during the consideration of his deportation from the country. However, the government did not set up a team of lawyers who would provide this service.⁵¹

As of December 31, 2014, there are 422 refugees in Croatia who fled the war in the 1990s. They are placed across 11 centres, some of which are in extremely poor condition. Some refugees were threatened with eviction.⁵²

- Discriminatory practices against immigrants.

As already mentioned in section 1, the new edition of the Citizenship Act creates preconditions for discriminatory practices against migrants, especially against Roma. However, in 2013, the discriminatory practices against migrants in this category were not recorded. Nevertheless, as mentioned in the previous section, such practices have occurred in relation to refugees, which resulted in being unprepared to receive a relatively large number of refugees.

Additionally, the new amendments to the Citizenship Act state that those who have reached the age of 60 are exempt from the requirement of knowledge of the Croatian language, as well as the test about Croatian culture and social structure of Croatia. This greatly facilitates the access to citizenship for older people, especially among the Roma population, many of whom are illiterate.

On the other hand, children of immigrants who were born in the country are not given citizenship automatically. Dual citizenship is also prohibited.

Citizens of non-EU countries residing in Croatia do not have the right to active and passive suffrage. Some applicants can be arbitrarily denied citizenship, despite satisfying all official requirements.

In 2014, Ministry of Internal Affairs on multiple occasions refused to extend residency permits for foreign nationals due to expiry of their passports. Some of them were refugees, who were forced to go back to the countries they fled from to renew their documents.⁵³

- Use of ethnic crime as justification for discrimination against immigrants.

No such cases were recorded in 2014. Ethnic crime in general is not a common topic in Croatia; however, nationalists sometimes use it in order to intimidate the local inhabitants regarding the prospects of joining the EU.

- Social assistance for immigrants.

In general, social support extends to migrants in Croatia.

In the Social Security Act it is foreseen that Croatian citizens, foreign citizens and stateless persons permanently residing in the Republic have the right to social security. Exceptions are those with a temporary residence permit, who received it on humanitarian grounds. These persons are not entitled to social security and must pay for health insurance. Until 2012, this category of persons were repatriates who did not represent the ethnic majority, but after coming into force of the amendments to the Citizenship Act and the Aliens Act such repatriates were granted a simplified procedure for obtaining a *permanent* residence permit with the corresponding right to social security and health insurance.

In accordance with the Law on Asylum and laws on education school education is open for all persons in the Republic of Croatia. Primary education and equal rights for the completion of education in accordance with the laws is guaranteed to foreign nationals, asylum seekers, migrants and others.

The right to pension insurance, including disability insurance and insurance for work-related injury and occupational disease is acquired and exercised regardless of citizenship, nationality, colour, race, religion or ethnic background. In the area of pension insurance, the Republic of Croatia uses a system with international treaties on social security.

The procedure governing the legal employment of foreign nationals in the Republic of Croatia is anchored in the Aliens Act. Article 86 of the Act foresees that the Croatian Government decides the annual quota of work permits based on the proposal of the minister in charge of labour issues and in accordance with the current migration policy and the state of the labour market. People, who have a residence permit in Croatia, also have a work permit.

- Negative attitude of the society towards immigrants, foreigners, various ethnic groups.

Anti-Serbian attitudes are common in Croatia. In early July, an association of citizens “Defence Headquarters of the Croatian Vukovar” gathered more than half a million signatures in support of the referendum, which would limit the Serb minority in using the Cyrillic alphabet, giving the opportunity to do it only in places where the number of Serbs reaches 50%, rather than 30% as it is now.⁵⁴ However, the referendum was not held after the decision of the Constitutional Court (see above).

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Presence and improvement of migration laws.	5	5	5
×	Government’s compliance with such legislation (law enforcement practice).	5	0	2.5
–	Discriminatory practices against immigrants.	0	2.5	0
×	Use of ethnic crime as justification for discrimination against migrants.	–5	–2.5	0
×	Social assistance for immigrants.	5	5	5
×	Negative attitude of the society towards immigrants, foreigners, various ethnic groups.	–5	–5	–5
	Total for section 6	5	5	7.5

7. Incitement of religious and ethnic hatred

Indicators

- Calls for ethnic and religious hatred in mass media and mass communications, graffiti.

In early April 2014, a call to boycott Serbian business in Vukovar appeared in the social media, accompanied by a list of Serbian-owned businesses and other establishments.⁵⁵

- Presence and popularity of radical nationalist literature, films, music. Ultra-nationalist rock bands and their concerts.

Marko Perkovic is a popular rock musician in Croatia, who back in 1991 performed as Thompson, mirroring the eponymous American Thompson submachine gun, which he was given in the army when he participated in the Serbo-Croatian war of 1991–95. Later he gave this name to his rock band.

Since 2002 Perkovic performs songs of the Second World War Ustashe — Croatian Nazis who supported the Third Reich. In particular, one of these songs — “Jasenovac i Gradiška Stara” — praises the actions in the Ustasha Jasenovac concentration camp during the Second World War, which destroyed Serbs, Jews and other “racially inferior” people.

In 2004, Thompson, commenting on the accusations of anti-Semitism and a ban on his performances in Amsterdam, said: “I have nothing against Jews, but they crucified Christ.”

Thompson uses the support of the neo-Nazi music promotional network “Blood and Honor” (from the motto of Hitler Youth “Blut und Ehre”).

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Calls for ethnic and religious hatred in mass media and mass communications, graffiti.	-5	-5	-5
×	Presence and popularity of radical nationalist literature, films, music. Ultranationalist rock bands and their concerts.	-5	-5	-5
	Total for section 7	-10	-10	-10

8. Radical nationalist groups and parties

Indicators

- Presence of neo-Nazi and ultra-nationalist groups, movements, political parties (both in the centre and in the localities).

Nationalist opposition in Croatia is divided into a systemic (i.e. one that corresponds to the idea of a democratic parliamentary system) and non-systemic (which represents anti-democratic, extremist positions).

Among the former is the Croatian Democratic Union, which in the early 2000s completely taken over by moderate nationalists — Croatian Party of Rights and in due time a fracture from this party — the Croatian Pure Party of Rights. The main directions of their ideology: ethnocentrism, conservative populism, Euroscepticism, strengthening the role of the Christian church in the state. Based on these ideological attitudes, we can conclude that this category of nationalists as a whole can be classified as moderate.

The second group includes the Association of Croatian Nationalists, previously split from the Croatian Pure Party of Rights, the

Croatian National Front and the “Croatian Association of World War II and the National Resistance” (Ustashe).

- Presence of discriminatory demands in the programmes of these parties and in the statements of their leaders towards the members of minorities.

The Croatian Democratic Union justifies Croatian soldiers who committed war crimes against the Serbs in the 1990s, stipulating that it was a “defensive and liberating war” and promises to “act decisively against attempts to falsify the historical truth”. CDU also protests “affirmative action”, presenting it as discrimination against Croats.⁵⁶

The non-systemic rightist radicals do not have clearly defined political goals. They often claim that they are followers of the Ustashe ideology. Croatian law allows that, because as already pointed out, it does not foresee liability for the glorification of Nazism. Many of them believe their goal to be the construction of an authoritarian nationalist Croatian state. They consider the regime of President F. Tudjman from 1990–1999 liberal.

Meanwhile, like most modern neo-Nazis, the non-systemic radical nationalists categorically deny any parallels between themselves and the Nazis, claiming that they are “patriots” and are not associated with Nazism or communism. For example, it is officially stated on their website by the Croatian National Front and its leader Stjepan Penc.⁵⁷

Ideological components include the Euro-isolationism in foreign politics and the thesis of the messianic role of the Croatian nation in the Western European Catholic civilization.

A compulsory part of the programs of these parties is the slogan “Croatia for Croats”, by which they express their desire to collect all Croats in Croatia and deport all national minorities.⁵⁸

Stjepan Penc, for example, has repeatedly accused the Serb minority of the fact that they steal jobs from the Croats and covertly influence the local authorities and the country’s financial system.⁵⁹

Additionally, homophobic views and ideas of historical revisionism, associated with the glorification of the Ustashe and their slogans in an environment of radical nationalists are very popular.

Some ultranationalists in 2014 left to fight among the Azov battalion in Ukraine.

- Neo-Nazi and radical nationalist influence over the civil society, including oppositional and human rights organisations.

Election results indicate that Croatian society is driving towards the right wing, with around 7% of the electorate expressing support for the radical nationalists.

The Croatian Democratic Union received 41.42% in the 2014 European elections, while the nationalist Alliance for Croatia (uniting several far right parties) received 6.88%.⁶⁰ In the first round of presidential elections in December 2014, leader of the Croatian Dawn (Alliance for Croatia) Milan Kujundzic got 6.3% of votes, while his rival from the CDU Kolinda Grabar-Kitarovic received 37.22%. In the second round in January 2015, Grabar-Kitarovic received 50.74% of votes.⁶¹

- Neo-Nazi and radical nationalist influence over the local legislative/executive bodies.

Neo-Nazis and extreme nationalists did not get representation in the local elections. Elections were won by the conservative coalition consisting of moderate-nationalist Croatian Democratic Union, the Croatian Peasant Party and the Croatian Socio-Liberal Party.

- Neo-Nazi and radical nationalist influence over the central legislative/executive bodies.

Currently, the Croatian Democratic Union holds 44 seats in parliament out of 151. Croatian Democratic Union of Slavonia and Baranja holds 6 seats and the Croatian Party of Rights holds 1 seat. However, they do not influence the government policy in any way.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Presence of neo-Nazi and ultranationalist groups, movements, political parties (both in the centre and in the localities).	-5	-5	-5
×	Presence of discriminatory demands in the programmes of these parties and in the statements of their leaders towards the members of minorities.	-5	-5	-5
×	Neo-Nazi and radical nationalist influence over the civil society, including oppositional and human rights organisations.	0	0	0
-	Neo-Nazi and radical nationalist influence over the local legislative/executive bodies.	0	0	0
-	Neo-Nazi and radical nationalist influence over the central legislative/executive bodies.	0	0	0
	Total for section 8	-10	-10	-10

9. Public actions of extremist and nationalist groups

Indicators

- Neo-Nazi and radical nationalist participation in mass actions prohibited by the authorities.

Such actions were not recorded in 2014.

- Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities.

Such actions were not recorded in 2014.

- Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities, with the participation of representatives from the legislative or executive bodies, law enforcement and security agencies.

Such cases were not recorded in 2014.

- Presence of “football xenophobia” and racism amongst sports fans.

Xenophobia and racism is fairly common in Croatia, despite the relatively calm state of affairs in other areas.

In 2014, six football clubs were fined approximately 20,500 euros due to xenophobic actions of their fans. FIFA fined the Croatian Football Association 80,000 euros for using banners with fascist symbols at the Croatia v. Italy game in Milan.⁶²

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
–	Neo-Nazi and radical nationalist participation in mass actions prohibited by the authorities.	–5	0	0
–	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities.	–5	–5	0
–	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities, with the participation of representatives from the legislative or executive bodies, law enforcement and security agencies.	0	0	0
×	Presence of “football xenophobia” and racism amongst sports fans.	–5	–5	–5
	Total for section 9	–15	–10	–5

10. Racist attacks, violence and terror

Indicators

- Vandalism in cemeteries, attacks on religious buildings.

In mid-April, unknown vandals desecrated a 16th century Jewish cemetery in Split, destroying about a dozen tombstones and opening several graves.⁶³

- Inter-ethnic clashes instigated by xenophobia and radical nationalism.

Such cases were not recorded during the observed period.

- Cases of violence, including murder on racial, ethnic and religious grounds.

Croatian Ministry of Internal Affairs officially recorded 54 hate crimes in 2014, 32 of which were committed against the Serbs.⁶⁴ This is only 6 cases more than in 2013. It is evident that Serbian people continue to be the main target of hate crime in the country.

At the same time, the Independent Club of the Serbian Democratic Party (SDSS) and the Serbian National Council report that there have been 82 cases of ethnic violence against Serbs in 2014.⁶⁵

- Nationalist or religious terrorist attacks.

Such facts were not recorded by monitoring in 2014.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Vandalism in cemeteries, attacks on religious buildings.	0	-5	-5
-	Interethnic clashes instigated by xenophobia and radical nationalism.	0	0	0
×	Cases of violence, including murder on racial, ethnic, and religious grounds.	-5	-5	-5
-	Cases of murders based on hate.	0	0	0
-	Nationalist or religious terrorist attacks.	0	0	0
	Total for section 10	-5	-10	-10

11. Presence, popularity and size of anti-fascist and anti-racist movements

Indicators

- Presence of anti-racist and anti-Nazi movements and parties.

With the aim of monitoring the cases of crimes committed based on racism and neo-Nazism the Margelov Institut was formed in Zagreb

in 2007.⁶⁶ Its employees conduct anti-racism actions and often send open letters to the government to improve the situation in this area.

There are a number of antifascist organisations in Croatia: Antifa-Zagreb, Antifascist Network of Zagreb and Shibenik Antifa. Croatian Antifascist League was established on May 9 to unite several antifascist organisations — Union of Anti-Fascist Fighters and Antifascists of the Republic of Croatia, Josip Broz Tito Union, Union of WW2 Veterans and the Disabled, National Union of Serbs, Serbian Democratic Forum, National Union of Roma, Zagreb Union on Roma Affairs, Jewish Community and Beit Israel.⁶⁷

Members of the left-wing coalition, as well as the Socialist and Communist Party, also occupy antifascist positions.

- Anti-racist and anti-fascist movement activities (pickets, rallies, demonstrations).

In May 2014, Serbian National Council and the Union of Antifascist Fighters and Antifascists of Croatia, along with several local councils and the LGBT community, organised celebrations of victory of antifascist partisans in Petrova-Gora.⁶⁸

Several graffiti-removal actions took place under the name “Not in our town!” in Zagreb,⁶⁹ Split⁷⁰ and Sibenik⁷¹ on October 4, 5 and 25 respectively.

The Regular Forum of Antifascists and Partisans took place on November 15 and 16 in Split. Among the guests were delegations from Split, Trogir, Sibenik, Zadar, Dubrovnik, Rijeka, Zagreb, Istria, Slovenia, Serbia and Italy. Young antifascists shared the experience of action in local communities.⁷²

On December 28, antifascists held a demonstration against the requiem mass for the head of Croatian fascists A. Pevelic.⁷³

- Presence of anti-racist and anti-fascist civic initiatives.

On May 8–11, antifascists held a scientific conference and several concerts involving antifascist music bands.⁷⁴

On March 26–28, a national minority conference took place in Zagreb under the name “STOP Discrimination”. The conference was organised by the World Organisation of Roma against discrimination, racism and poverty and the Croatian Football Federation. The conference aimed to raise awareness about the struggle against discrimination and violence in sports.⁷⁵

On May 30, Association of young Roma “Future of Roma” held a discussion in Rijeka about discrimination and equality of Roma in the city, focusing on the problems they face in healthcare and social welfare.⁷⁶

On September 15, a round table “People on the move — non-discrimination and respect for migrants’ human rights” was held in Zagreb by the Croatian Red Cross.⁷⁷

On November 21, International Organisation for Migration (IOM) organised the second session of the National Consultative Committee in Croatia, dedicated to Roma healthcare.⁷⁸

“Unconquered City” is a magazine published in Zagreb that prints articles on the topics of philosophy, politics, economics, antifascism and its significance.⁷⁹

A Facebook page “Exposing hr.wikipedije” was set up and gathered 4,000 members.⁸⁰

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Presence of antiracist and anti-Nazi movements and parties.	5	5	5
×	Antiracist and antifascist movement activities (pickets, rallies, demonstrations).	5	5	0
×	Presence of antiracist and antifascist civic initiatives.	5	5	5
	Total for section 11	15	15	15

12. Glorification of German National Socialism and collaborators of Nazi Germany, historical revisionism, Holocaust denial

I n d i c a t o r s

- Glorification of German National Socialism and/or its collaborators in the media, desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition.

Glorification of the Ustashe — Croatian Nazi collaborators — is fairly widespread in Croatia. Media reports numerous cases of graffiti with their symbols across Croatian cities.⁸¹

On December 28, a solemn ceremony dedicated to the 55th anniversary since the death of Dictator Ante Pavelic was held in Zagreb

On December 31, the Mass was condemned by the Simon Wiesenthal Centre, which said: “It is hard to believe that in the centre of the capital of a EU member-state, two steps away from the Jewish community of Zagreb, hundreds of people have gathered to commemorate the murdered of hundreds of thousands of people.” Head of the Jerusalem office of the Simon Wiesenthal Centre Efraim Zuroff called this ceremony “an insult to memory of hundreds of thousands of innocent victims” and “a shame for the Catholic church”.⁸²

- Glorification of German National Socialism and/or its collaborators with the support of local authorities, demolition of monuments to soldiers of the anti-Hitler coalition, erection of monuments to the soldiers of Wehrmacht and Nazi butchers.

Such cases were not recorded by the monitoring in 2014.

- Glorification of German National Socialism and/or its collaborators in the decisions made by the authorities.

Such cases were not recorded by the monitoring in 2014.

- Historical revisionism, Holocaust denial.

Croatian-language edition of Wikipedia glorifies the pro-Nazi “Independent State of Croatia” and does not cover the mass execution of Serbs, Jews and Roma that was committed in that period. According to Wikipedia authors, photos of Jasenovac concentration camp are fake and the camp itself is almost a leisure resort, where Jews were in privileged positions. Citations in the article referred to local neo-Nazi publications.⁸³

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Glorification of German National Socialism and/or its collaborators in the media, desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition.	-5	-5	-5
-	Glorification of German National Socialism and/or its collaborators with the support of local authorities, demolition of monuments to soldiers of the anti-Hitler coalition, erection of monuments to the soldiers of Wehrmacht and Nazi butchers.	0	0	0
-	Glorification of German National Socialism and/or its collaborators in the decisions made by the authorities.	0	0	0
-	Historical revisionism, Holocaust denial.	-5	0	0
	Total for section 12	-10	-5	-10

13. Persecution of veterans and partisans of the anti-Hitler coalition

Indicators

- Public calls for repression against the veterans and partisans of the anti-Hitler coalition, as well as anti-fascists.

Such cases were not recorded by the monitoring in 2014.

- Restrictions on human rights and anti-fascist organisations, bans to entry or exit imposed on anti-fascists, inaction of the authorities.

Such cases were not recorded by the monitoring in 2014.

- Criminal prosecution of veterans, partisans of the anti-Hitler coalition and anti-fascists.

On February 5, former Minister of Internal Affairs stood in trial for shooting Nazi collaborators — members of the Ustasha during World War 2.⁸⁴

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
–	Public calls for repressions against the veterans and partisans of the anti-Hitler coalition, as well as antifascists.	0	0	0
–	Restrictions on human rights and anti-fascist organisations, bans to entry or exit imposed on anti-fascists, inaction of the authorities.	0	0	0
×	Criminal prosecution of veterans, partisans of the anti-Hitler coalition and antifascists.	0	0	–5
	Total for section 13	0	0	–5

14. International Aspect

Indicators

- Participation in significant international agreements on combatting racism and discrimination of ethnic minorities.

The Republic of Croatia joined the following international agreements relating to this section: International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the Convention on the Rights of Persons with Disabilities, the European Convention on Human Rights and Fundamental Freedoms, the European Convention for the Prevention of Torture and Inhumane or Degrading Treatment or Punishment, the European Charter for Regional and Minority Languages, the Framework Convention for the Protection of National minorities, the Convention on Action Against Human Trafficking, the Convention on the Protection

of Human Rights and Human Dignity in relation to the application of biology and medicine, which have not suffered any amendments.

In addition, Croatia signed a few dozen bilateral and regional treaties that govern questions regarding the anti-discrimination and anti-racism.

- Accession to new international agreements and resolutions of various international organisations, aimed at combating Nazism, combating discrimination, or protecting minority rights.

During the period, Croatia has not joined any new international treaties and resolutions of the UN or other international organizations aimed at combating Nazism, racial discrimination, the protection of minorities and so forth.

- International statements and initiatives of the monitored countries and their leading politicians, aimed against discrimination, neo-Nazism and xenophobia.

Such initiatives were not recorded by monitoring in 2014.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Participation in significant international agreements on combating racism and discrimination of ethnic minorities.	5	5	5
–	Accession to new international agreements and resolutions of various international organisations, aimed at combating Nazism, combating discrimination, or protecting minority rights.	0	0	0
–	International statements and initiatives of the monitored countries and their leading politicians, aimed against discrimination, neo-Nazism and xenophobia.	5	5	0
	Total for section 14	10	10	5

CONCLUSION

Implications for the development of the country and society, based on the analysis of factors and taking into account the aspects listed below.

Croatia returned to the same position it held in 2012 in terms of manifestations of hate. Despite the overall reduction of hate speech, there is a clear increase of xenophobia towards the Serbian minority.

Furthermore, we saw persecution of antifascist veterans, who fought against the local Nazis (the Ustashe) in the Second World War. These manifestations are consistent and characteristic to many “new” republics in Eastern Europe.

This is not a new trend for the Republic of Croatia, but the government has made every effort to reduce manifestations of radical nationalism before the country joins the EU. Today, this goal has been achieved and the ruling circles are starting to resume their old methods of winning votes by exploiting popular nationalist slogans.

Besides gathering new votes, this method also decreases the influence of radical nationalists on the society. However, in doing so the ruling parties are gradually driving towards the extreme right themselves.

ASPECTS

1. Human Rights

- *Guarantees against any form of minority discrimination.*

Croatia recognises the existence of minorities in the country and is consistently creating a legal framework designed to assure them against any form of discrimination.

At the same time, in the Croatian legislation contains a number of points that create conditions for discrimination. In particular, the Law on Citizenship of the Republic of Croatia creates a preference for naturalization of ethnic Croats at the cost of members of ethnic minorities. Moreover, the legislation defines belonging to the national minorities of the country only to its citizens, which takes a significant portion of people who are not nationals of the Republic but living on its territory from under Croatian international obligations, in particular the Roma.

Additionally, the Croatian legislation does not foresee liability for discrimination on the basis of nationality, which opens up the possibility for discrimination against minorities, who used to live in Croatia but due to military operations have taken the citizenship of other countries. These are primarily Serbs and Roma.

Racist criminal organisations are not sufficiently covered by the Croatian laws. Several types of discrimination are excluded from the Criminal Code. Furthermore, Croatian legislation does not punish denial of war crimes committed during World War Two, including the Holocaust, which allows for glorification of collaborationists.

Croatia has not signed the Agreement on the Legal Status of Migrant Workers, Convention on the Participation of Foreigners in Public Life on a Local Level.

- *Adherence to norms of the fundamental human rights instruments (European Convention for the Protection of Human Rights and Fundamental Freedoms, European Charter on Human Rights, as well as in adherence to the Framework Convention for the Protection of National Minorities and the European Commission against Racism and Intolerance, etc.).*

The main international instruments aimed at combating discrimination, including the Framework Convention for the Protection of National Minorities and the European Charter of Regional Languages have been ratified and observed by Croatia. However, this compliance is done with reluctance and it is likely that without continued pressure from the EU legislation will be observed less strictly.

Serbs and Roma continue to suffer discrimination during implementation of the rights of property ownership, education, during employment and in realizing other economic and social rights.

Croatia's dismissal of the European Convention on Nationality creates the conditions for discrimination against migrants in the provision of citizenship and political participation. In particular ethnic Croats have advantages compared to representatives of national minorities who had previously lived in Croatia in regard to obtaining citizenship.

- *Rights and freedoms of ethnic minorities compared to the titular nation.*

Such discrimination is present and concerns, above all, the rights of national minorities, among those who formerly lived on Croatian territory, to citizenship.

- *Legislation enshrining inequality of minorities.*

Such provisions are contained within the Citizenship Act, which describe different conditions required for obtaining citizenship for ethnic Croats and ethnic minorities, as well as certain provisions of the Penal Code and the Anti-Discrimination Act, which derive citizenship from the list of parameters, which can be discriminated against. In addition, the Croatian law does not extend the Constitutional Law on National Minorities to citizens of other countries and stateless persons who reside in Croatia.

- *Rulemaking in protection of minorities.*

In July, Croatian parliament adopted a law that legalised same-sex civil partnership.

- *Freedom of speech violations.*

No freedom of speech violations have been recorded during the monitored period.

- *Legislation and law enforcement practices concerning migrants.*

Croatian migration legislation is unsatisfactory in certain areas, as it carries a certain discriminatory component related to foreigners of non-Croatian origin and stateless persons permanently and legally residing in the country. It concerns different conditions for granting citizenship to ethnic Croats and ethnic minorities who previously lived in Croatia

At the same time, the recent amendments to the Citizenship Act and the Aliens Act largely, though not completely fill this gap by facilitating the process of granting such persons a permanent residence permit.

Social assistance for people with temporary residence permits remains a problem.

In addition, there are hidden practices of discrimination in Croatia against national minorities, notably from the number of repatriates, in matters of education and employment.

2. State of society

- *Risk of violation or non-compliance with the acting laws aimed at protecting the rights of minorities; risk of discriminatory practices against members of minorities.*

To date, about 65% of all IDPs have returned to Croatia. Meanwhile, the unresolved issues related to the provision of housing to such migrants, compensation for lost property, the restoration of the rights of repatriates as tenants, as well as the issues of the development of education in the languages of ethnic minorities — all combine to create a ground for the growth of nationalist and dissent among them. At the moment, these protests can be contained due to swift actions of legislative executive power controlled by international organisations.

However, if the problem is not resolved in the nearest time, the protest movement can capture areas densely populated by national minorities. Given the still high level of distrust between the indigenous people of Croatia and certain minorities, the problem could be one of the threats to national security of the country.

- *Self-determination — how manifestations of xenophobia and extremism affect the identity of minorities; majority's attitude towards minorities (growth of social phobias).*

Croatia faces problems in establishing a united political nation. The “anti-Cyrillic referendum” project, which gathered the signatures of 15–20% of the adult population, indicates that significant number

of people are hostile to “others” and want to convert them to their way of life.

3. Socio-economic development of the country

(Do manifestations of various forms of xenophobia and extremism affect the socio-economic development of the country).

- *Standard of living.*

The financial and economic crisis that began in Europe in 2008 has not spared Croatia. Due to objective economic reasons the standard of living in the country fell. Croatia ranks relatively high (53rd) in terms of standard of living,⁸⁵ but its GDP only increased by 0.5% in 2014.⁸⁶

- *Economic impacts and instability.*

Croatia’s economic problems are mostly related to the rise in unemployment (11% in 2014, including 45% of able youth⁸⁷) and are not connected to xenophobia in any way. However, situation is exacerbated for minorities, who face discrimination in employment.

- *Decline in production growth, emigration of the labour force.*

Emigration of the working population of Croatia is based on purely economic reasons.

4. Security and geopolitical stability in the region

- *Political stability in the country.*

Over the past decade the Croatian authorities, who have made it their main task of joining the EU, have done much to improve the political stability of the country. A legal framework concerning the rights of national minorities was created plus anti-racist, anti-discrimination and migration legislation has been modernized. All this, taking into account the particular law enforcement practices aimed at improving the situation of minorities, at satisfying the legal needs of immigrants returning to their homeland after the military conflict of the first half of the 90s, paved the way for long-term political stability in Croatia.

- *Impact of xenophobia and extremism in the country on external security, relations with third countries and the international security in the region as a whole.*

Policies of the Croatian leadership in recent years which were aimed at improving the situation in the region, as well as to improve bi-

lateral relations with former Yugoslavian republics, especially Serbia, led to the fact that its foreign partners have almost no issues regarding human rights in Croatia. The return of refugees, the realization of their socio-economic and cultural rights — all of this is being achieved in recent years in a positive way. Some shortcomings remain, but the Croatian government promises to solve them in the near future.

RECOMMENDATIONS

1. *General recommendations for the accession to international agreements and conventions*

To overcome the problems of national minorities in the provision of Croatian citizenship compared with ethnic Croats, it is recommended to join the European Convention on Nationality, which contains the common European standards in this regard.

With Croatia's accession to the European Union, as well as taking into account the possible occurrence of labour migration in the country, it is recommended to the Republic to join the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which is a universal document protecting the rights of this social group.

Given that the country foresees no liability for the denial of war crimes, including the denial of the Holocaust, which creates prerequisites for whitewashing and the glorification of Nazi past, it would be useful for Croatia to support the UN General Assembly resolution A/RES/67/154 "Glorification of Nazism: the inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance" and similar resolutions against neo-Nazism, which are considered in the UN every year. The resolution is directed against the glorification of Nazism and revision of the post-war realities and also corresponds to the General Comments N° 34 to Article 19 on International Covenant on Civil and Political Rights.

2. *General recommendations for adjustments to the legal framework*

Croatia should review its legislation on citizenship in the direction of ensuring equal opportunities for immigrants belonging to the titular nation and national minorities, as well as to simplify the language test for applicants.

In the Anti-Discrimination Act and the Criminal Code, a provision should be added stating that discrimination based on nationality should be treated as an aggravating circumstance when crimes are

committed. In addition, the Criminal Code should include the deleted grounds for prosecution for discrimination.

It is also important to introduce a provision in Article 328 of the Criminal Code, which would criminalise the establishment of criminal groups with the aim of promoting racial discrimination.

It is important to change Article 5 of the Constitutional Law on National Minorities, which currently only counts citizens as ethnic minorities.

Croatia should also adopt a law regarding liability for the denial of war crimes, including the denial of Holocaust.

3. *General recommendations for the executive bodies in the field of enforcement of law and human rights*

Preventive work with local population on combating anti-ethnic hatred and preventing hate crimes needs to be strengthened. In addition, it is important to develop a system of training for law enforcement officials to promptly identify and respond to hate crimes.

The system to counter latent discrimination against national minorities in education and employment should be worked on in order to increase their representation in the civil service and the private sector.

Local authorities have to take the necessary steps towards the legalisation of Roma settlements and integration of the Roma themselves.

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SUMMARY OF INDICATORS FOR 2012–2014

Nº	Criteria	Score in		
		2012	2013	2014
1	Legislation (central, regional, and municipal) and law enforcement practices that contribute to the development of radical nationalism	-10	-10	-10
2	Xenophobia and hate speech by members of the authorities and media	-5	-5	-2.5
3	Legislation and law enforcement practices preventing the development of radical nationalism	15	17.5	15
4	Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism	5	5	5
5	Activities aimed at promoting tolerance and preventing extremism	5	5	5
6	Position of migrants in the society; society's attitude towards migrants and foreign nationals	5	5	7.5
7	Incitement of religious and ethnic hatred	-10	-10	-10
8	Radical nationalist groups and parties	-10	-10	-10
9	Public actions of extremist and nationalist groups	-15	-10	-5
10	Racist attacks, violence and terror	-5	-10	-10
11	Presence, popularity and size of anti-fascist and anti-racist movements	15	15	15
12	Glorification of German National Socialism and collaborators of Nazi Germany, historical revisionism, Holocaust denial	-10	-5	-10
13	Persecution of veterans and partisans of the anti-Hitler coalition	0	0	-5
14	International Aspect	10	5	5
	Total	-10	-7.5	-10

CZECH REPUBLIC

ASSESSMENT CRITERIA FOR FACTORS OF STABILITY/INSTABILITY

1. Legislation (central, regional, municipal) and law enforcement practices that contribute to the development of radical nationalism

Indicators

- Discriminatory legislation affecting minorities residing in the country in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.

Religious Organisations Act of 2005 can be considered discriminatory, which significantly limits the right of religious communities to establish their own organizations — charities, schools and medical facilities.

It is worth mentioning Article 405 Penal Code, which foresees for liability for “approving crimes of the communist regime,” along with the liability for denying the Holocaust. In the context of the imperfections of the law on lustration, as well as imperfect definition of “crimes of the communist regime”, this article makes it possible to discriminate against a wide range of people, including members of the Communist Party of the Czech Republic, which has an opposition faction in parliament. In addition, the adjustment of the communist and Nazi regimes is clearly political in nature, is not correct and diminishes the value of the Holocaust as an exceptional manifestation of genocide against certain populations.

In 2013, at the initiative of the Ministry of Internal Affairs of the Czech Republic amendments were adopted to the Act on Residence of Foreigners, which came into force on 1st of January 2014. According to human rights activists, changes in the law are discriminating against foreigners, because they:

- introduce an obligation for all foreigners, including EU citizens, to gain permanent residency in the country (not to be con-

fused with registration) in the case of being in it for more than 90 days;

- give officials the authority to deny a residence permit to any foreigner in the event of his debts or non-payment (for example, fines for traffic violations or non-payment of insurance companies), and other (!) information that law enforcement agencies may not like it;
 - introduce special visas for foreign workers for a period of less than 1 year obliging to leave the Czech Republic after the expiration of the visa, as well as not providing the possibility of family reunification and not counting this period towards the residence time required to obtain a permanent residence;
 - Ministry of Internal Affairs received the right to veto, according to which foreigners who have obtained the refusal to obtain a residence permit will not be able to find out the cause of failure and to challenge it in court;
 - set new requirements for the financial income of foreigners. In such a way, foreigners residing alone are required to provide confirmation of receipt of a monthly income equal to the amount of at least 4 times the subsistence minimum, for a family of two people — 7 subsistence minimums, for a family of three — 10 minimums and for families of 4 or more people — 13 subsistence minimums.
- Legislation restricting the voting rights of permanent residents of the country on the basis of ethnicity or country of origin.

There was no such legislation in Czech Republic in 2014.

- Presence of legal norms and other regulations that legalize the radical nationalist ideology, its attributes and practices, as well as their distribution in the mass media and mass communication.

There was no such legislation in Czech Republic in 2014.

- Discriminatory practices against minorities in the field of registration, mobility, business, employment, education, housing, health-care, religion, etc.

In 2014, discriminatory practices were primarily applied to members of the Roma minority. Roma population in the Czech Republic is 250 to 300 thousand people, which is about 3% of the population. They are one of the poorest ethnic groups who live in large quantities in places of compact settlement, mainly in the north (the region with one of the highest unemployment rates).

In 2014, Czech Trade Inspection uncovered 8 cases of Roma discrimination. Most were related to sale or let of property, or denial of services.¹

Around a third of Roma live in ghettos, of which there are 400 in the country. They have low-quality accommodation and virtually no access to healthcare.² They have difficulties in employment, with some Roma settlements having almost 100% unemployment.³

Most Roma children study in so-called practical schools, designed for children with light mental disabilities. Various reports indicate that Roma constitute for 30% of students in such schools, which is 10 times more than their proportion in the population.⁴ Many cities have segregated “Roma classes”. This situation remains in spite of continuous criticism by the ECHR. More recently, Czech Republic has been put on trial for violating the anti-discrimination law of the European Union.⁵

Police often remains inactive when the Roma community is attacked; such cases are rarely investigated.

In January 2014, it was reported that Roma families in Duhcov are regularly inspected to find “unadjusted” people.⁶ In early May 2014, heads of 18 settlements in the norther region of the country expressed their fear regarding local elections (October 2014), expecting mass anti-Roma demonstrations. Government funds, designed to improve the situation are instead being given to create new Roma ghettos.⁷ Ministry of Regional Development is reportedly working on a special amendment that would change the system of housing subsidies, lowering them for those living in halls in favour of those renting apartments.

Roma concentration camp in Leti shares premises with a pig farm and the government is reluctant to buy out the farm and set up a memorial of the Roma genocide.⁸

European Roma and Travellers Forum (ERTF) criticised the Czech Republic for its “reluctance” to fight racism against Roma and improve their standard of living.⁹ ERTF also notes that the country had not implemented any Council of Europe legal recommendations regarding, for example, housing for the Roma community.¹⁰

Minorities are also being discriminated in the labour market. For example, a person with a Czech name is more likely to find a job than others. Non-Czechs usually receive lower wages.¹¹

On November 4, CERGE-EI held an experiment on the issues faced by Czech, Vietnamese and Romani people in employment and housing. 1800 emails were sent on behalf of three people, of each respective nationality, responding to rent and job adverts on the four most popular Czech websites. The Czech received 78% approvals for property viewings and the Vietnamese received 41% approvals. Out of 274 job adverts, 43% responded to emails sent by the Czech and 14% invited him for interviews. Members of national minorities received responses in 20% of cases and only 6.5% interview requests%.¹²

There were 22 notable cases of discrimination of foreign nationals in 2014. Tourists are often given higher prices in restaurants, parking and spas. Two Russian tourists were refused service in a hotel.¹³

Muslims are another vulnerable group in Czech Republic. On April 25, Prague police detained several people in the Prague Islamic Centre. They are suspected of publishing and distributing a book promoting anti-Semitism, xenophobia and racial violence. Presumably, the mentioned book is *Fundamentals of Tawheed: Islamic Concept of God*, published by the Centre of Muslim Organisations in Czech Republic and the Islamic Fund.¹⁴

On July 15, the decision of Prague authorities to prohibit the Centre of Muslim Communities to rent land for a cemetery came into force.¹⁵

In early October, Motol Hospital in Prague refused to allow Muslim nurses wear hijabs in the workplace. This came after Director of a Prague Med School enquired whether three Muslim students could undergo work experience at the hospital. Hospital administration explained that hospital regulations prescribes a specific uniform and a headscarf would violate this rule. “We respect the fact that a Muslim headscarf is an expression of faith, however, we must take into consideration the aspects of health and safety and therefore — choose the option of unified clothing for all practitioners.”¹⁶

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Discriminatory legislation affecting minorities residing in the country in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.	-2.5	-5	-5
-	Legislation restricting the voting rights of permanent residents of the country on the basis of ethnicity or country of origin.	0	0	0
-	Presence of legal norms and other regulations that legalize the radical nationalist ideology, its attributes and practices, as well as their distribution in the mass media and mass communication.	0	0	0
×	Discriminatory practices against minorities in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.	-5	-5	-5
	Total for section 1	-7.5	-10	-10

2. Xenophobia and inflammatory statements of the government and the media

In the period under review a number of xenophobic statements from Czech politicians have been noted, which leads to the conclusion that populism and racist attitudes became an acceptable part of public discourse in the Czech Republic.

Increase in xenophobic remarks in 2014 was largely due to election campaigns for European parliament and local governments. Minister for Human Rights and National Minorities Irzi Dinstbir noted in April that many political activists will use anti-Roma sentiments to their advantage.¹⁷

On April 16, Senator Josef Regek posted a statement on Facebook about Roma's laziness and propensity to theft, saying that for 20 generations, "gypsies refuse to work".¹⁸

It was also reported that the Dawn of Democracy movement, led by prominent politician Tomio Okamura, is using anti-migrant symbols in European election campaigns, depicting them as black sheep.¹⁹

Tomio Okamura, known for his populist statements against Roma and foreigners said on August 4 that Roma camp in Lety near Pisek is not a concentration camp, but a labour one. According to him, it was designed for gypsies who refused to work. "Nobody was killed in the camp, people died from old age and disease from the traveller lifestyle. The myth about a Roma concentration camp, according to available sources, is a lie."

Politician stated that those who died in Lety were not victims of Nazi politics and comparing them to actual victims of concentration camps is insulting to the latter.

On August 5, Okamura stressed that he rejects any form of violence and his statement was not related to those who were sent from Lety to concentration camps.²⁰

On May 1st a young politician from the liberal party ANO Milan Zavada, who was nominated by the party in the elections to the European Parliament, was forced to withdraw his candidacy after a video surfaced on YouTube, where he, while at a party, sang Nazi songs and made anti-Semitic comments.²¹

On May 8th the pre-election clip of the "No to Brussels! National democracy" movement surfaced. It was of anti-Semitic character. A. Bartosz, leader of the movement, acting in the tradition of "new anti-Semitism", tried to insist that the clip is "anti-Zionist" by nature, however it was still banned on television. Bartosz also stated that his movement opposes homosexuality and freemasonry.²² In August, Bartosz openly called for restrictions on residence permits for immigrants under the slogan "We don't want Ebola on the streets of Prague".²³

Deputy Mayor of Prostějov Alena Raskova (Social Democratic Party) told a local newspaper that Roma are unwilling to study and work, because they get too many social benefits and fake illnesses to receive more.²⁴

ODS party also used anti-Roma rhetoric, while TOP 09 party promoted Russophobia, which coincided with the events in Ukraine.²⁵

In January 2014, director of an Ostrava school refused to accept Roma children, saying that they belong in “their own schools” and that he does not want to “lose the school’s reputation”.²⁶

It was reported in November that a teacher in a Ministry of Defence nursery (established in 2014) is a former skinhead and an open neo-Nazi.²⁷

Analysis of Czech media reports on Roma in 2014 indicates that an absolute majority of them (80%) was about so-called “gypsy crime” — thus reinforcing the image of Roma as criminal people. It was also revealed that media outlets often fail to verify information about “gypsy crime”, publishing false and unverified reports.²⁸

On May 25, for example, Nova TV reported that a Roma man allegedly murdered a man for stealing a sausage.²⁹

Prima TV published six anti-Roma reports in April-May 2014.³⁰

On June 7, a newspaper in Budisov published an article about Roma allegedly murdering a local man, which almost caused an anti-Roma riot that was successfully prevented by police.³¹

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Xenophobia and inflammatory statements of the government and the media.	-5	-5	-5
	Total for section 2	-5	-5	-5

3. Legislation and law enforcement practice preventing the development of radical nationalism

Indicators

- Presence of anti-Nazi, anti-racist and anti-extremist legislation; legislation aimed against the incitement of ethnic and religious hatred in the country.

According to Article 3 of the Charter on Fundamental Rights and Freedoms, which is part of the Constitution of the Czech Republic, the fundamental rights and freedoms are guaranteed to all regardless of sex, race, colour, language, faith and religion, political or other opinions, national or social background, association with a national or ethnic minority, property, family or other circumstances. The Charter also

states that “everyone has the right to freely determine their nationality. It is forbidden to have any influence on this decision and any pressure on “deprivation of nationality.” Article 15 guarantees freedom of thought, conscience and religion, Article 16 — freedom of religion and independence of the church from the state. Separate chapters have been devoted to the rights of minorities. P. 24 declares that belonging to any national or ethnic minority must not cause harm to anyone. According to Article 25 members of minorities are guaranteed the right to develop their own culture, to disseminate and receive education and information in their native language, use their own language in proceedings and form national associations¹¹.

According to Article 42 of the Penal Code of the Czech Republic xenophobia is an aggravating circumstance when committing crimes. The following qualifying terms have also been introduced in Article 140 (“Murder”), Article 145 (“Serious bodily injury”), Article 146 (“Injuries”), Article 149 (“Torture”), Article 170 (“The deprivation of liberty”), Article 171 (“Restrictions on freedom of movement”), Article 172 (“Forced export abroad”), Article 175 (“Solicitation”), Article 183 (“Violation of privacy”), Article 228 (“Vandalism”), Article 352 (“Violence against an individual or group of persons”), Article 329 (“Abuse of power by public officials”) and Articles 378–383, devoted to military offenses. Directly devoted to the fight against xenophobia is Article 355 “Defamation of a nation, race, ethnic or other groups” and Article 356 “Hatred speeches”, as well as Article 403 “Creating and supporting movements aimed at suppressing human rights and freedoms” and Article 404 “An expression of sympathy for a movement aimed at suppressing human rights and freedoms.”

Holocaust denial is punishable under Article 405, but, as already mentioned, it also contains a passage about the punishment for the approval of the “crimes of communism”, thus equalizing the communist and Nazi system and thereby indirectly rehabilitating the latter. Article 176 is devoted to the punishment for the violation of freedom of religion.

Since 2006, the Czech Republic has a law legalizing same-sex couples registered partnerships.

- Presence and development of anti-discriminatory legislation.

The main legal act of anti-discrimination legislation is the “Law on equal treatment and legal protection from discrimination” (N^o 198/2009) adopted in 2009. The law prohibits direct or indirect discrimination on grounds of race, ethnic origin, nationality, gender, sexual orientation, gender identity, age, pregnancy, maternity, disability, religion, faith or belief. Article 10 of the Act establishes the rights of a person affected by discrimination, access to a court in order to

eliminate the effects of discrimination and to obtain compensation.³² In addition, the law gives the Ombudsman the functions of the national equality bodies. In general, the anti-discrimination law meets the standards of the European Union Directive 2000/43/EU.

There is also the Act on the Ombudsman for Human Rights in 1999 (Nº 349/1999), which describes the terms of reference for the Ombudsman to protect individuals from discrimination.

Elements of anti-discrimination legislation are included in the Law on Service in the Armed Forces, in the Law on Service in the Security Services, as well as employment law and other laws of the Czech Republic.

It is important that the Czech Republic recognizes that it has 18 ethnic minorities, some of them are the so-called “new” minorities, i.e. active in the country over the past decade. Looking ahead, we can say that in 2013 Belarusians and Vietnamese received such recognition. Their representatives together with Bulgarians, Croatians, Russians, Greeks, Serbs, Ukrainians, Germans, Poles, Slovaks and other minority representatives will sit on the Board of the Government of the Czech Republic for National Minorities. Due to this they will be able to participate in the formulation of laws concerning the rights of national minorities.

In 2014, the law against discrimination in the workplace came into force, focusing on corruption and any other violation of workers’ rights.³³

- Compliance of the government (central, regional, municipal), law enforcement and judiciary with anti-Nazi, anti-racist, anti-extremist, anti-discriminatory and hate crime legislation.

According to the amendment to the Law on the Ombudsman for Human Rights adopted in 2009, its jurisdiction also touches on the protection from discrimination and the right to equal treatment. He received the right to conduct research on this issue to assist victims of discrimination in legal terms, publish reports and make recommendations.³⁴

State Council on Roma Affairs was established in Czech Republic in 1997, with regional and municipal coordinators across the country. There are 14 Roma regional coordinators and 163 Roma municipal advisors.³⁵

Police officially put the fight against crimes motivated by xenophobia among the most important priorities.³⁶ On May 21, 2014, Czech government approved an anti-extremism strategy, providing the media with hate crime statistics and ensuring regular publication of them on Interior Ministry website, as well as numerous measures to counter and prevent extremism.³⁷

On the other hand, Czech Republic remains one of the most troubled countries in the EU in matters of discrimination of Roma children in education. In addition, the Czech Republic has not ratified the protocol N° 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms that provides a general prohibition of discrimination, despite the appeal of the PACE. In such a way, as well as in 2012, it should be recognized that the Czech authorities comply with anti-racist, anti-radical and anti-discrimination legislation only partially.

- Hate crime (criminal cases against organisers and participants, guilty verdicts).

While there are official statistics on hate crime, many human rights activists believe that victims often avoid reporting crimes against them, fearing retribution or unfair treatment by the authorities.³⁸

In March, regional court in Usti-nad-Laboj sentenced a nationalist to five years in prison for murdering a Roma man.³⁹

At the same time, Czech police was intimidated by the scale of anti-Roma protests in 2013 and started conducting more preventative work to avoid ethnic clashes. Particular attention was paid to identifying extreme right “troops” in northern regions, densely populated by Roma communities. As a result, Czech authorities managed to radically decrease violent hate crime in 2014.

On the other hand, some actions of Czech law enforcement can be regarded as condoning xenophobia and extremism. On July 17, it was reported that a neo-Nazi who murdered a Roma man in 2001 was released from prison on parole, only spending three years inside.⁴⁰

On September 10, Brno City Court acquitted all the accused in the publication of Hitler’s speeches, not finding a criminal offense in this act.⁴¹ Court decided that authors of Adolf Hitler: Projevy published historical documents, which cannot be prosecuted by law. On October 16, prosecutor Jan Petrascheck appealed the verdict in the Regional Court.⁴²

- Misuse of anti-extremism legislation.

Such cases were not recorded in 2014.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Presence of anti-Nazi, anti-racist and anti-extremist legislation; legislation aimed against the incitement of ethnic and religious hatred in the country.	5	5	5
×	Presence and development of anti-discriminatory legislation.	5	5	5

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
-/x	Compliance of the government (central, regional, municipal), law enforcement and judiciary with anti-Nazi, anti-racist, anti-extremist, anti-discriminatory and hate crime legislation.	2.5	2.5	2.5
-/x	Hate crime (criminal cases against organisers and participants, convictions).	5	5	2.5
-	Misuse of anti-extremism legislation.	0	0	0
	Total for section 3	17.5	17.5	15

4. Statements of government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism

On May 28, President of the Czech Republic Milos Zeman made a speech at the Embassy of Israel, where he sharply condemned the “disgusting attack” on the Jewish Museum in Brussels on May 25. I am not comforted by statements that these are just small marginal groups. On the contrary, I think that this xenophobia and racism or anti-Semitism takes its roots in the ideology professed by these fanatic groups,” Zelman stated at the reception in honour of 66 years of Israel independence.

President then quoted a verse from the Koran, which calls for the murder of Jews. “I have never heard of any movements that call for mass murder of Arabs, but I do know of an anti-civilised movement called for mass murder of Jews”.⁴³

On June 10, Press Secretary of Prague City Administration Jiri Ovcaec reported that President does not intend to apologise for this statement, as he considers apologising for citing an Islamic holy book blasphemy.⁴⁴

On July 17, Human Rights Minister Jiri Dienstbier after a meeting with Prime Minister Bohuslav Sobotka said that amendments to the law expanding Ombudsman’s rights will be adopted before the end of July, to help counter discrimination.⁴⁵ Ombudsman will receive the right to appeal to the Constitutional Court, among other things. However, the decision was not implemented as of yet.

Minister of Culture Daniel German spoke at the former internee camp in Pisek. He said that the genocide of Roma in the Protectorate of Bohemia and Moravia cannot be written off entirely on Nazi atrocities. In particular, Minister noted the danger of neo-Nazi manifesta-

tions. “We cannot simply dismiss these concerns, talking about them as things of the past. In 1928, Adolf Hitler’s party had only 2 seats in parliament. 5 years later, the situation changed. There can be no tolerance of racism, hatred and xenophobia.”⁴⁶

Politicians reacted to the anti-Roma statements of T. Okamura, who said that the Roma camp in Lety was not a concentration camp, but a labour camp for Roma who were unwilling to work.

President of the Czech Republic Milos Zeman said, “If it was a labour camp, its prisoners would not have ended up in Auschwitz.” Minister of the Interior, Social Democrat Milan Chovanec found Okamura’s words “a small political figure attempting to attract media attention at any cost”. Minister of Human Rights Jiri Dinstibir felt that after such statements Okamura must abandon all his political posts, or at least apologise. Former Minister of Finance called Okamura’s words “criminal”.⁴⁷

On August 6, it was reported that a prominent anti-communist activist Simon Heller intends to initiate criminal proceedings against Tomio Okamura.⁴⁸

On August 27, Czech ombudsman Anna Shabatova said that Czech schools and universities have no right to prohibit Muslim students from wearing hijabs that covers hair, neck and breasts.⁴⁹

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism.	5	5	5
	Total for section 4	5	5	5

5. Activities aimed at promoting tolerance and preventing extremism

In May 2014, Czech Republic adopted a Roma Integration Strategy until 2020, establishing the following goals: support Roma as an ethnic minority; provide equal access to education and employment; improve living conditions for Roma people; ensure equal access to social and health services; ensure protection from discrimination — establish free legal assistance for victims of discrimination. The strategy also focuses on more effective ways to integrate the Roma community.⁵⁰

On July 27, fellowship of Czech and Slovak people was celebrated in Velka Javořina in the White Carpathians. The festival was organised by the Culture Club Uherske Hradiste (Czech Republic), and educational centre of Trencin (Slovakia).⁵¹

On September 18, the Upper Chamber of the Czech Parliament held a meeting on anti-Semitism. Speakers recalled that anti-Jewish manifestations today are different due to their predominantly anti-Israel character. “What we previously could not image may once again become a reality,” said Professor of History Otto Dov Kulka (born in 1933), who was one of the few survivors of Auschwitz. Director of the Prague Jewish Museum, Leo Pavlat, thinks that an important role in anti-Jewish sentiments was played by the media regarding the way they covered the conflict in Palestine.⁵² The meeting in parliament was also attended by chairman of the Senate Premysl Sobotka, and Israeli Ambassador in Prague Gary Koren, who noted that the Czech Republic has potential to lead in the struggle against anti-Semitism in Europe. All participants urged President Milos Zeman and the government to make it clear that “anti-Jewish hatred will not be tolerated in the Czech Republic.” A corresponding petition was organised by Senator Daniela Filippova.⁵³

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Activities aimed at promoting tolerance and preventing extremism.	5	2.5	5
	Total for section 5	5	2.5	5

6. Position of migrants and society’s attitude towards immigrants, foreigners, different ethnic groups

Indicators

- Presence and development of migration laws.

Article 14 of the Charter on Fundamental Rights and Freedoms guarantees freedom of movement and entry. In the Penal Code Article 340 (“Organization and maintenance of illegal border crossing”), Article 341 (“Promotion of illegal residence in the country”), Article 342 (“Illegal employment of foreigners”) concern migration.

The main law governing migration is till the “Law on Residence of Foreigners in the Czech Republic” adopted in 1999, which has undergone some changes in the direction of tightening the rules of stay for foreigners in 2011 and in 2013, thus increasing the number of many human rights activists’ accusations of the Czech authorities of discrimination against foreigners (see section 1).

In 1999 the government adopted two Resolutions — “Main principles of the integration concept integrate for foreigners in the Czech Republic”, as well as the “Concept of foreign citizen integration”. The

main target group of immigrants, which the integration measures concern are those coming to the Czech Republic for permanent residence. The basic principles of the integration policy proclaim equal access and equal opportunities for newcomers. The Government thus takes on the responsibility for creating an enabling environment for the integration of immigrants in the labour market and in social life.

In addition, the Refugee Act operates in the Czech Republic, which regulates the conditions of entry and residence of asylum seekers, as well as the decision-making procedure on applications for refugee status, the rights and obligations of the asylum seeker and refugee as well as the competence of the various ministries and the police in relation to asylum seekers.

In June 2013 an amendment to the Law on Citizenship of the Czech Republic was made. According to this change, foreigners who acquire citizenship of the Czech Republic now will not have to renounce their previous citizenship.⁵⁴

In March 2014, Czech parliament adopted a bill on labour cards, which will replace the current “green cards” for foreign workers. Foreign national possessing the labour card will not have to seek permission to stay in the Czech Republic, which should simplify their employment in the country.

- Government’s compliance with such legislation (law enforcement practice).

Czech Republic serves a dual role. On the one hand, it is the donor country for labor migration in countries of the “old” EU. On the other — it is quite attractive for immigrants from the east.

Control of migration in the Czech Republic is carried out by the Police Service of Immigration Interior Ministry and its field offices. Additionally, the Council for decision-making on matters of foreigners is active on behalf of the government

On July 9, Prague for the first time in its history, adopted a document which shows the vision of working with foreigners. The Prague concept was being prepared for about two years. In its final version, it relies on the National Concept, the basic postulate of which is to make migrants feel at home in the Czech Republic, but with the proviso that migrants themselves actively join the integration process.

Objectives of the Concept:

- Establishment of a coordinated cooperation system for all subjects working in Prague, for the integration of immigrants, effective work with immigrants and, first of all, their successful integration into the majority society
- Support of friendly coexistence between migrants and the majority of society and support activities in the neighbouring level

- Provision of sources of finance for the implementation of integration in Prague via effective financing
- Support for the development of new and existing services for immigrants
- Long-term support and financing of the Prague Integration Centre and its activity
- Inclusion of immigrants in the public life of Prague and their engagement in the civil society
- Increase of awareness of specialists and the public in terms of integration of immigrants and their inclusion in the integration process.

The Concept was adopted for three years — 2014 to 2017. Every year, starting from 2015, Prague Council will approve an Action Plan for the next year. There will be two grant programmes working within the Concept. The first is based on the support of cultural, public and educational activity related to immigration. The second will focus on publication.⁵⁵

- Discriminatory practices against immigrants.

Czech Republic continues to have serious problems in decision-making process of the Department of Migration Policy. Because of staff turnover in the tens of thousands of cases visas and residence permits were overdue.

Migrant workers face the most problems. In 2012 the Ministry of Labor and Social Affairs (MLSA) has issued a series of instructions, significantly limiting the rights of foreign workers, reducing the duration of the work permit, requiring proof of education, etc. In the summer of 2013 the Parliament adopted amendments to the Act on Residence of Foreigners who have severe restrictions on residence in the country of foreign workers and their families. Moreover, it was actually introduced significant financial requirement for stay in the country for foreigners

All these measures have led to massive layoffs of migrants as employers do not want to incur additional costs. As a result, the country faced a new problem in 2014 — illegal workers. These people were often not given a written contract and paid lower than the minimum wage. Homeowners often overcharge foreign workers and provide sub-par living conditions.⁵⁶

In a number of cases, migrant workers were refused health insurance, or asked to pay extremely high premiums.⁵⁷

According to a number of human rights activists there are discriminatory requirements in order to obtain a permanent residence permit for EU citizens, in the case of stay in the Czech Republic for more than 90 days instead of the usual registration of the residence permit, which creates problems, especially for the citizens of Slovakia, who had previously lived in a free country.

- Use of ethnic crime as justification for discrimination against immigrants.

In general, the Czech media associates ethnic crime with the Czech Roma and not migrants. This theme is exploited by almost all radical nationalist parties and groups. It occupies a prominent place in their ideology.

- Social assistance for migrants.

As already mentioned, foreigners living in the Czech Republic do not have access to public health insurance. Otherwise, the Czech Republic meets the criteria for the EU to provide social assistance to immigrants.

The country has five integration centres for asylum-seekers.⁵⁸

As part of the integration programme for 2012 it was supposed to make a special emphasis on the integration of children of migrants by facilitating the organization of learning programs for Czech language, teacher training, and publishing of textbooks. It was also proposed to expand the formats of the same courses for adults. To improve the access of foreigners to the labor market job search was supposed to be simplified. In addition, it was proposed to ensure the continuous improvement of the socio-cultural and professional competence of employees of ministries and other concerned agencies working with foreigners. Importance of integration programs at the local level was also stressed.

- Negative attitude of the society towards immigrants, foreigners, various ethnic groups.

Surveys indicate a high level of xenophobia in the country.

Results of a public opinion poll conducted by STEM agency were published in April 2014. 51% of Czechs believe that their country has too many foreigners. According to official data, foreign nationals constitute 4% of the population. Ukrainians are the most numerous (113 thousand), followed by Slovaks (82 thousand), Vietnamese (52 thousand), Russians (32 thousand) and Poles (17,000). 80% of Czechs believe that the residence permit should only be issued under certain conditions. Around 40% of respondents admit that immigrants are necessary for certain occupations. The unemployed and elderly are most negatively disposed towards foreign nationals.⁵⁹ Such attitudes are the result of xenophobic propaganda against foreigners and their alleged “leeching” on the state.

According to the Public Opinion Centre survey conducted in April 2014, 84% of respondents were against their Roma neighbours.⁶⁰

On May 20th it was reported that according to a survey of the Sociological Institute of the Academy of Sciences two-thirds of Czech

citizens have expressed concerns about Islam and Muslims. Only 10% of respondents did not express concerns about Islam. One-third of Czechs called Islam a threat to the country, and two-thirds in different forms expressed their concerns about the religion.⁶¹

According to the Czech Security Information Service (BIS) report, published on October 27, 2014, interethnic tensions in some regions of the Czech Republic in 2013 was threatening the democratic structure of the state. Anti-Roma sentiments in the society could pose a larger threat to the state than more extremist, but not as numerous, radicals. Czech intelligence warns that neglecting minor conflicts between the Roma and Czech population could result in radical manifestations, aggravate the problem and cause people to distrust the democratic principles of the Czech Republic.⁶²

According to the study by the State Agency for Social Adaptation, published on November 26, 44% of Czech people aged 15–25 believe that the Romani families receive more social benefits; 43% believe that most of the unemployed people in the Czech Republic are Roma. 29% of young Czechs believe that Roma receive free medicine. 18% believe that Roma get free public transport. Only third of respondents called these statements false, the rest did not know the right answer. 30% of Czech youth also admitted that they have had negative experiences with national minorities. Thus, the survey demonstrates that young people actively believe in xenophobic myths.⁶³

On July 14, it was reported that according to the Public Opinion Centre, same-sex civil partnership is supported by 73% of Czech citizens. Meanwhile, only 45% of respondents spoke against the legalisation of same-sex marriage. 53% believe that open recognition of homosexuality would lead to problems between locals. 60% of respondents support the right of homosexuals to adopt children of their partner. However, 48% are against them adopting children from orphan homes. 45% were of an opposite opinion.⁶⁴

Presence of Criteria	Indicator	Score in 2014
×	Presence and development of migration laws.	5
×	Government's compliance with such legislation (law enforcement practice).	5
×	Discriminatory practices against immigrants.	-5
-/×	Use of ethnic crime as justification for discrimination against migrants.	-2.5
×	Social assistance for immigrants.	5
×	Negative attitude of the society towards immigrants, foreigners, various ethnic groups.	-5
	Total for section 6	2.5

7. Incitement of ethnic and religious hatred

Indicators

- Incitement of ethnic and religious hatred in mass media and mass communications, graffiti.

In the Czech Republic a number of mass media representatives, who spread ethnic hatred and hostility towards foreigners were registered. A striking example of such sites is the resource <http://www.white-media.info>, which also distributes the defamatory information about the aliens being the main distributors of crime and viral diseases in the Czech Republic.

Also, these sites post personal information on the anti-fascists and those public figures who do not share the radical right-wing views.

In addition, so-called Holy Vaclav Legion was spreading calls to “resist the perverts” who allegedly plan to desecrate the Holy Vaclav monument in Prague.⁶⁵

- Presence and popularity of radical nationalist literature, films, music. Ultra-nationalist rock bands and their concerts.

There are HC black metal bands in the Czech Republic, most notable of which is Inferno. On May 26–27, Brno had a neo-Nazi music festival with performances of bands from the Czech Republic, Poland and Ukraine.⁶⁶ Interestingly, Russian extreme right band “Kolovrat” is quite popular among the Czech youth.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Calls for ethnic and religious hatred in mass media and mass communications, graffiti.	-5	-5	-5
×	Presence and popularity of radical nationalist literature, films, music. Ultra-nationalist rock bands and their concerts.	-2.5	-5	-5
	Total for section 7	-7.5	-10	-10

8. Radical nationalist groups and parties

Indicators

- Presence of neo-Nazi and ultra-nationalist groups, movements, political parties (both in the centre and in the localities).

Right-wing radicals from the “Working Party of Social Justice” (RPSS) play a key role in the environmen. RPSS chairman since the

20th of November 2010 Tomáš Vandas who earlier in 2003 founded the “Workers’ Party”.

RPSS is the strongest right-wing party in the Czech Republic (about 600 members). Since 2010 it has made contact with the German neo-Nazis of the National Democratic Party.

There are also smaller organizations: Patriotic Front (founded in 1993), continuing the tradition of fascist organizations in the inter-war period, “Free Youth”, “Autonomous Nationalists”,⁶⁷ “Independent Nazis”, “National activists”, some groups that fractured from the “Independent Nazis” in 2010. Namely, “National Resistance”, “Popular Front”, association “Blood and Honor”, “Women protest movement”, regional groups “National Resistance — Ruda”, “National Resistance of Bohemia”.⁶⁸ The Czech League Defensive” found a close connection with the “Christian Defensive League” that was formed in the social network Facebook on the basis of the “English Defensive League”. It has about 60,000 followers, who oppose the Islamization of the Czech Republic. The association is trying to prevent the creation of better conditions for the life of Muslims (a state program in 2014) and deprive them of their public funding. According to the Ministry of Internal Affairs of the Czech Republic the core of neo-Nazi groups consists of 500 people, and about 4,000–5,000 people support them.⁶⁹

In 2013, the organization “Czech Lions” declared itself as far-right, which amounted to breakaway RPSS activists intending to focus on the fight against “multiculturalism”.

On May 5, it became known that the Czech police discovered a branch of a Russian neo-Nazi organisation WotanJugend led by a native of Perm S. Busygin.⁷⁰

Czech neo-Nazis have close relations with their German, Slovakian and Polish counterparts.⁷¹

Moderate parties sometimes also engage in xenophobic remarks. Among them is the Party of Free Citizens, established in 2009, and Tomio Okamura’s Dawn of Democracy.

- Presence of discriminatory demands in the programmes of these parties and in the statements of their leaders towards the members of minorities.

RPSS operates under the slogan “Czech Republic for Czech People” and actively cooperates with an anti-Semitic publicist Petr Kalinovsky and his website www.radnicelitvinov.cz⁷².

RPSS programme states: “We do not want to be a nation of immigrants, immigrants from the former Soviet Union, the Balkans, Asia, Far East, etc. Political asylum or a residence permit should be granted only to persons who can adapt to national traditions and habits of the

citizens of the Czech Republic and will be able to fully assimilate” — was stated in the program of this party. Nationalists accused the migrants of taking jobs that belong to the indigenous population, abusing free treatment in hospitals, etc.⁷³

The party advocates a return to the “conservative moral and spiritual values” and demands not only to not give permission for same-sex marriage, but also to cancel the legalization of same-sex partnerships and permission for adoption of children by LGBT people. Nationalists also demanded to cancel the mythical “benefits depending on the colour of skin”, which allegedly employs workers and, in particular, to stop paying for treatment of immigrants. They argue that the “inadaptable” (i.e. Roma) supposedly “live in a privileged position at the expense of others” and enjoy de facto immunity from crimes. The program of RPSS also demands blocking the way into the country for “criminal” nationalities and deport foreigners who have committed a crime.⁷⁴

IvČRN pioneers a campaign against Halal food. Its leaflets state that profits from the sale of such food could go towards terrorism. They also accuse Muslims of cruelty to animals and lack of sanitary norms.⁷⁵

Party of Free Citizens denies the Lisbon Treaty and protests the introduction of euro.

Tomio Okamura’s Dawn of (Direct) Democracy is the main source of anti-immigrant measures. Tomio Okamura’s initiative led to the adoption of the law restricting migration into the country.

- Neo-Nazi and radical nationalist influence over the civil society, including oppositional and human rights organizations.

Neo-Nazis do not have significant influence over the civil society in Czech Republic. RPSS failed to get any seats in parliament. However, this cannot be said about more moderate nationalist parties. Dawn of Direct Democracy, for example, received 14 seats in parliament (6.88% of votes).

European elections in May 2014 resulted in Party of Free Citizens receiving 5.2% votes using xenophobic rhetoric. Dawn of Direct Democracy received 3.12% of votes, failing to pass into European parliament.⁷⁶

- Neo-Nazi and radical nationalist influence over the local legislative/executive bodies.

Influence of extreme nationalists on local authorities is insignificant. Local elections in 2014 were unsuccessful for the right wing parties, with RPSS only passing six municipal councillors (three in Duhovets).⁷⁷

- Neo-Nazi and radical nationalist influence over the central legislative/executive bodies.

In the elections to the Chamber of Deputies in 2013 RPSS did not overcome the electoral threshold. Party leader T. Vandas tried to run for president, but did not collect the required number of signatures. Party “Dawn of Direct Democracy”, which can be attributed to the populists and its leader T. Okamura, attributed to moderate nationalists, scored only 6.88% of the votes and won 14 seats. However, practically all ruling parties support anti-immigrant restrictions that passed in 2013.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Presence of neo-Nazi and ultranationalist groups, movements, political parties (both in the centre and in the localities).	-5	-5	-5
×	Presence of discriminatory demands in the programmes of these parties and in the statements of their leaders towards the members of minorities.	-5	-5	-5
-/×	Neo-Nazi and radical nationalist influence over the civil society, including oppositional and human rights organizations.	-2.5	-2.5	-2.5
-	Neo-Nazi and radical nationalist influence over the local legislative/executive bodies.	0	0	0
-/×	Neo-Nazi and radical nationalist influence over the central legislative/executive bodies.	0	0	-2.5
	Total for section 8	-12.5	-12.5	-15

9. Public actions of extremist and nationalist groups

Indicators

- Neo-Nazi and radical nationalist participation in mass actions prohibited by the authorities.

In 2014 none of the activities of nationalists were forbidden by the authorities.

- Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities.

Several neo-Nazi demonstrations were held across the country. On February 15, a torchlight parade was held in Karlovy Vary, similar to the celebration of the Martyrs Memorial in the Third Reich. The parade ended with speeches by Czech and German neo-Nazis. Nominally, the demonstration was dedicated to commemorate the victims of the bombardment of Dresden by Allied Forces during World War Two. The action gathered 200 people, criticising the United States and promoting the Third Way.

Anti-Roma demonstrations were held on the same day in Ostrava and in Píbram.

On March 1, small anti-Roma demonstrations were held in Ostrava and Plzeň.⁷⁸

On August 16, a group of 11 nationalists tried to organise a blockade against gay pride in Prague.⁷⁹

On September 11, members of the Islam in Czech Republic association filed a petition to the parliament against broadening the rights of Muslims — the second stage of registration of the Centre of Islamic Communities, which would allow Muslims to teach their religion in schools. The petition was signed by 25,000 people.⁸⁰

On November 17, RPSS organised a demonstration in Brno.⁸¹

On December 18, IvČRN and For Homeland movement held a demonstration in Prague, protesting against Syrian refugees. Their action gathered around 60–70 people.⁸²

- Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities, with the participation of representatives from the legislative or executive bodies, law enforcement and security agencies.

In 2014, government officials were not involved in the actions of the nationalists.

- Presence of “football xenophobia” and racism amongst sports fans.

On May 21, the Security Service of the Czech Republic reported the growing unity of the extremists and football fans during the anti-Roma demonstrations.⁸³

In early September, members of Junior Roma FC from Decina managed to win two games in regional championship without actually playing, after their rivals refused to play a “gypsy” team. These teams were ordered to pay a fine of 4,000 korunas.

“Nobody can imagine just how aggressive and vulgar these people are,” secretary of Rybníste FC Jaroslava Fisherová told *Mlada fronta Dnes* newspaper. “We’d rather pay a fine that play with them.”⁸⁴

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
–	Neo-Nazi and radical nationalist participation in mass actions prohibited by the authorities.	0	0	0
×	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities.	–5	–5	–5
–	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities, with the participation of representatives from the legislative or executive bodies, law enforcement and security agencies.	0	0	0
×	The presence of “football xenophobia” and racism sports fans.	–5	–5	–5
	Total for section 9	–10	–10	–10

10. Racist attacks, violence and terror

Indicators

- Vandalism in cemeteries, attacks on religious buildings.

Anti-Roma graffiti was found in Příbram on February 15, Ostrava and Pilsen on March 1.

Anti-Semitic graffiti was found on the walls of a New Jewish Cemetery in Prague on July 24.⁸⁵

On August 1, a swastika was found at a synagogue in Prague.⁸⁶

On August 22, pro-Palestinian leaflets appeared on the monuments of a Jewish cemetery in Teplice.⁸⁷

On August 22, anti-Semitic graffiti was drawn on a Jewish community building in the town of Mikulov. The inscription read, “Hitler did not manage to destroy Jews, but this time nobody will help them, including Golem.”⁸⁸

On August 24, unidentified persons drew a Star of David with a swastika and wrote “Gaza” on rabbi’s mailbox in Prague.⁸⁹

In June, a swastika and symbols of the SS were found in Litvinov.⁹⁰ Such type of vandalism is common in the Czech Republic.

- Inter-ethnic clashes instigated by xenophobia and radical nationalism.

No such cases have been recorded in 2014.

- Cases of violence, including murder on racial, ethnic and religious grounds.

In early July 2014, director of In IUSTITIA Charity Klara Kalibova published the results of a study “Hate violence and the Roma”. According to her, 32% of Czech Roma have faced hate speech and violence. Two thirds of victims never reported these crimes.⁹¹

In February, a mentally unstable man broke into a house inhabited by a Roma family. He attacked an elderly man and his daughter, causing serious injuries.⁹²

On December 13, a Romani man in Havirov was brutally beaten by a group of young people who were shouting racist abuse.⁹³

The reduction in violence against Roma is an important factor in the Czech Republic, given the anti-Roma unrest in 2013.

- Nationalist or religious terrorist attacks.

No such cases have been recorded in 2014.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Vandalism in cemeteries, attacks on religious buildings.	-5	-5	-5
-	Interethnic clashes instigated by xenophobia and radical nationalism.	0	-5	0
-/×	Cases of violence, including murder on racial, ethnic, and religious grounds.	-5	-5	-2.5
-	Cases of hate crimes.	-5	-5	0
-	Nationalist or religious terrorist attacks.	0	0	0
	Total for section 10	-15	-20	-7.5

11. Presence, popularity and size of anti-fascist and anti-racist movements

Indicators

- Presence of anti-racist and anti-Nazi movements and parties.

A number of anti-fascist organizations operate in the Czech Republic. These include “Anti-fascist Network Prague”, “the Czech Union of Freedom Fighters”, youth group “Anti-fascist Action” taking anarchist positions, “Czech Helsinki Group”, the Association “InIUSTITIA”, which monitors hate violence, and also specializes in the provision of services and legal assistance to victims of racism,⁹⁴ civil association “Konexe”, which specializes in defending Roma League rights, which is engaged in anti-racism education of teachers and informing potential victims of discrimination of their rights, the Czech branch of the International Christian Embassy of Jerusalem and many others.

- Anti-racist and anti-fascist movement activities (pickets, rallies, demonstrations).

On December 18, a demonstration was held in Prague demanding Czech Republic accepts 15 Syrian families.⁹⁵ The demonstration resulted in a clash with neo-Nazis.

Antifascists also protested neo-Nazi demonstrations in Karlovy Vary (February 15) and Brno (November 17).⁹⁶

Hundreds of Muslims protested on May 2nd near the Czech Ministry of Internal Affairs to protest against police raids. The protest was organized due to an earlier police raid of several Islamic centres, which resulted in the arrest of extremists who distribute forbidden literature.⁹⁷

On May 13, several Roma arranged a blockade to the pig farm that was built at a former Roma concentration camp in Lety, demanding a memorial constructed to commemorate the Roma victims. Czech authorities responded that money would be better spent on education of Roma children, which official Roma representatives said sounds “absurd” in a country where “billions of kroners are lost to corruption”.⁹⁸

On October 4, around two hundred Roma wearing their national clothes walked across Prague. The parade sang Romani songs and bore banners reading “no to racism”, “no more ghetto” and “schools for all”.

Activists aimed to draw attention to the problem of nationalism in Europe, and express their demand to close the pig farm located on the former Roma death camp in Lety.⁹⁹

On May 8, “Friends of Russia” held a pro-Russian demonstration in Prague, focusing on Czech media coverage of the Ukrainian Crisis.¹⁰⁰

On August 16, Prague held a traditional gay parade which gathered 17,000 people.¹⁰¹

- Presence of anti-racist and anti-fascist civic initiatives.

Romea.cz monitors Czech media and verifies reports on Roma, which sometimes brings up accusations of censorship.¹⁰²

In 2013, Czech Helsinki Committee launched a two-year project dedicated to integration of Roma, focusing on training of teachers and preparation of textbooks for general public.¹⁰³

In 2014, 40 Roma families in Ostrava were successful in claiming against schools that refused to accept their children. This brought a lot of optimism to Roma parents, 80% of whom hope that their children would be able to attend normal schools (previously 5%).¹⁰⁴

NGOs criticised the Dawn movement for its anti-immigrant posters. Head of an organisation helping refugees, Martin Rozumek, said

that the Dawn movement is trying to increase anti-Roma and anti-immigrant sentiments.¹⁰⁵

On October 28, Brno erected a monument to victims of the Holocaust.¹⁰⁶

Amnesty International published a teachers' guide on December 2014, which told teachers how to handle intolerance among students, colleagues and administration.¹⁰⁷ The manual is divided into five sections — intolerance towards the Romani population; students' attitude to foreign nationals living in the Czech Republic; division of students into "castes" based on economic or other status; bullying or any other manifestations of xenophobia. Several propositions on how to handle specific situations can be found on the following website: <http://www.lidskaprava.cz/chci-to-resit/>. In addition, the manual provides several links to external sources that could help resolving certain difficult situations in schools.

Antifascist Action, Institute of Critical Studies and the Anarchist Federation published a book called "Flights to Death Camps", dedicated to the Lety concentration camp. The book is part of a campaign to commemorate the victims of the concentration camp, the territory of which is now occupied by a pig farm.¹⁰⁸

On December 15, another book called "Lety Death Camp: Investigation Begins" was published, focusing on where the infamous pig farm came from.¹⁰⁹

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Presence of antiracist and anti-Nazi movements and parties.	5	5	5
×	Antiracist and antifascist movement activities (pickets, rallies, demonstrations).	5	5	5
×	Presence of antiracist and antifascist civic initiatives.	5	5	5
	Total for section 11	15	15	15

12. Glorification of German National Socialism and collaborators of Nazi Germany, historical revisionism, Holocaust denial

I n d i c a t o r s

- Glorification of German National Socialism and/or its collaborators in the media, desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition.

On November 20, vandals painted a monument to Czechoslovakian Marshal I.S. Konev (1897–1973) in Prague.¹¹⁰

- Glorification of German National Socialism and/or its collaborators with the support of local authorities, demolition of monuments to soldiers of the anti-Hitler coalition, erection of monuments to the soldiers of Wehrmacht and Nazi butchers.

No such cases have been recorded in 2014.

- Glorification of German National Socialism and/or its collaborators in the decisions, made by the authorities.

No such cases have been recorded in 2014.

- Historical revisionism, Holocaust denial.

The Czech Republic is one of those European countries where the thesis “the Nazi genocide and communist regime are equivalent” is highly popular, including support from the government. Despite its incorrectness (from 1938 to 1945 240,000 people were destroyed by the Nazis in the Czech Republic, while from 1948 to 1989 the total number of executions in Czechoslovakia was 284), criminal liability (Article 405 of the Penal Code of the Czech Republic) is foreseen for the denial of this thesis. Such historical revisionism indirectly leads to the rehabilitation of Nazi crimes and directly diminishes their historical significance for post-war Europe. In addition, it silences any questions of responsibility of Czech Nazi collaborationists.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
-/x	Glorification of German National Socialism and/or its collaborators in the media, desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition.	0	0	-2.5
-	Glorification of German National Socialism and/or its collaborators with the support of local authorities, demolition of monuments to soldiers of the anti-Hitler coalition, erection of monuments to the soldiers of Wehrmacht and Nazi butchers.	0	0	0
-	Glorification of German National Socialism and/or its collaborators in the decisions, made by the authorities.	0	0	0
-/x	Historical revisionism, Holocaust denial.	-5	-2.5	-5
	Total for section 12	0	0	0

13. Persecution of veterans and partisans of the anti-Hitler coalition

Indicators

- Public calls for repression against the veterans and partisans of the anti-Hitler coalition, as well as anti-fascists.

No such cases have been recorded in 2014.

- Restrictions on human rights and anti-fascist organizations, bans to entry or exit imposed on anti-fascists, inaction of the authorities.

No such cases have been recorded in 2014.

- Criminal prosecution of veterans, partisans of the anti-Hitler coalition and anti-fascists.

No such cases have been recorded in 2014.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
–	Public calls for repressions against the veterans and partisans of the anti-Hitler coalition, as well as antifascists.	0	0	0
–	Restrictions on human rights and anti-fascist organizations, bans to entry or exit imposed on anti-fascists, inaction of the authorities.	0	0	0
–	Criminal prosecution of veterans, partisans of the anti-Hitler coalition and antifascists.	0	0	0
	Total for section 13	0	0	0

14. International Aspect

Indicators

- Participation in significant international agreements on combating racism and discrimination of ethnic minorities.

To date, the Czech Republic ratified the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Agreement on the Participation of Foreigners in Social life at the Local Level, the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages.

- Accession to new international agreements and resolutions of various international organizations, aimed at combating Nazism, combating discrimination, or protecting minority rights.

During the reporting period, the Czech Republic did not join to any new international treaties and resolutions of the UN or other international organizations to combat Nazism, racial discrimination, the protection of minorities and so forth.

- International statements and initiatives of the monitored countries and their leading politicians, aimed against discrimination, neo-Nazism and xenophobia.

On the part of the Czech Republic no international initiatives and declarations on the fight against racism and discrimination have been noted.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Participation in significant international agreements on combating racism and discrimination of ethnic minorities.	5	5	5
–	Accession to new international agreements and resolutions of various international organizations, aimed at combating Nazism, combating discrimination, or protecting minority rights.	0	0	0
–	International statements and initiatives of the monitored countries and their leading politicians, aimed against discrimination, neo-Nazism and xenophobia.	0	0	0
	Total for section 14	5	5	5

CONCLUSION

Implications for the development of the country and society, based on the analysis of factors and taking into account the aspects listed below.

Czech Republic returned to the position in the rating of aggressive nationalism that it held in 2012, following the anti-Roma riots in 2013. There is a clear decrease in violent hate crime and the number of extreme right militants. This is largely due to measures taken by the authorities, who wish to avoid the repetition of last year's events.

2014 was the year of parliamentary and local elections in the Czech Republic. Law enforcement made considerable efforts to prevent right wing parties from organising raids in the northern cities, which are

densely populated by Roma. As a result, nationalists were limited to only a few weak anti-Roma demonstrations in three Czech cities and a series of anti-Muslim protests.

This situation, especially on the local level, benefited the left-wing forces, which achieved considerable results in the elections.

Nevertheless, the situation in the country remains tense, since all the causes of 2013 riots remain unchanged. Xenophobic practices continue as before.

ASPEKTS

1. Human Rights

- *Guarantees against any form of minority discrimination.*

Minorities in the Czech Republic are protected from discrimination by individual articles of the Charter of Fundamental Rights and Freedoms, which is part of the Constitution, the Penal Code, as well as “the Equal Treatment Act and legal protection against discrimination” and certain provisions of other laws of the country, such as the Employment Act, the law of service in the armed forces, the service in the security services and a number of others.

- *Adherence to norms of the fundamental human rights instruments (European Convention for the Protection of Human Rights and Fundamental Freedoms, European Charter on Human Rights, as well as in adherence to the Framework Convention for the Protection of National Minorities and the European Commission against Racism and Intolerance, etc.).*

Formally, the Czech Republic has signed all major international agreements that protect the rights of minorities. Problems arise with the actual implementation of these agreements especially with regard to the rights of the Roma.

- *Rights and freedoms of ethnic minorities compared to the titular nation.*

The main problem faced by the minorities, especially the Czech Roma, is the question of inequality in education, discrimination at work and unfair housing conditions.

- *Legislation enshrining inequality of minorities.*

There is no such legislation in the Czech Republic.

- *Rulemaking in protection of minorities.*

In 2014, Czech Republic adopted a law dealing with discrimination in the workplace.

- *Freedom of speech violations.*

Such cases were not recorded in 2014.

- *Legislation and law enforcement practices concerning migrants.*

In the Czech Republic there is advanced migration legislation, as well as large-scale programs for the integration of migrants. The main problem, however, is foreign nationals' lack of access to the health insurance and discriminatory amendments to the Law on Residence of Foreign Nationals.

2. State of society

- *Risk of violation or non-compliance with the acting laws aimed at protecting the rights of minorities; risk of discriminatory practices against members of minorities.*

Danger to Czech society remains a formal execution of anti-discrimination legislation in relation to specific groups, especially the Roma, discriminatory requirements regarding long stays of foreigners in the country, including foreign workers, as well as the absence of anti-Nazi government initiatives in relation primarily to the growth of anti-Roma sentiment in society.

- *Self-determination — how manifestations of xenophobia and extremism affect the identity of minorities; majority's attitude towards minorities (growth of social phobias).*

In the face of strong Roma-phobia the vast majority of the population of the Czech Republic actually got used to the stereotype of “Roma crime”, “Roma-parasites”, etc. Discriminated members of minority groups, in turn, find themselves in a vicious circle — they cannot change their position without the support of the authorities, and the government, following the mood of the voters actually locks them into a ghetto.

3. Socio-economic development of the country

(Do manifestations of various forms of xenophobia and extremism affect the socio-economic development of the country).

- *Standard of living.*

Prosperity Index puts the Czech Republic in 29th place (26th in 2012) out of 142.¹¹¹ Based on this, we can conclude that the manifestations of xenophobia for the year did not affect the standard of living of the population.

- *Economic impacts and instability.*

Xenophobia does not lead to mass emigration of able-bodied and employable population of the Czech Republic, and its level did not have a noticeable effect on the economy.

In 2014, Czech GDP increased by 4%, while unemployment levels remained relatively low — 6.4%. However, youth unemployment is high at 15%,¹¹² which promoted xenophobic sentiments against foreign immigrants.

- *Decline in production growth, emigration of the labour force.*

Emigration of the working population is not related to the growth of xenophobia in the Czech Republic and occurs mainly in relation to more attractive countries (economically), primarily to Germany and the UK, but it is evened out by immigration from less affluent countries of Eastern Europe.

4. Security and geopolitical stability in the region

- *Political stability in the country.*

Czech Republic remains one of the most politically stable countries in Europe. However, security agencies of the country warn that xenophobic sentiments may introduce severe tensions in the society.

- *Impact of xenophobia and extremism in the country on external security, relations with third countries and the international security in the region as a whole.*

So far there is no doubt in the political stability of the Czech Republic in the international community and the level of xenophobia is still not high enough to affect this stability. The Czech Republic has no border disputes with neighbours. A single exception is Germany, still demanding compensation for the evicted Sudeten Germans in 1945.

RECOMMENDATIONS

1. *General recommendations for the accession to international agreements and conventions.*

Czech Republic should sign the Protocol N^o 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms provides for a general prohibition of discrimination. In addition, the Czech Republic, a country that has suffered from the Nazis, as well as experiencing increasing problems with the growing influence of xeno-

phobic sentiments in society, would speak in support of the Russian Federation introduced resolutions on combating neo-Nazism.

2. *General recommendations for adjustments to the legal framework*

Czech Republic is recommended to liberalize the rights of religious organizations to establish charitable foundations, schools and medical facilities and for this purpose to amend the law on religious organizations in 2005.

In addition, it is important to revise Article 405 of the Penal Code of the Czech Republic, equating the crimes of communism and Nazi regimes, given the political and historical incorrectness of this thesis. This article is the vagueness of the law and in its legal reasoning carries a risk of indirect discrimination for certain groups and actually contributes to the rehabilitation of Nazism and the devaluation of the historical significance of the Holocaust.

3. *General recommendations for the executive bodies in the field of enforcement of law and human rights.*

Given the high level of xenophobia in the Czech society and, therefore, increased risk of violation of social stability, the following actions are recommended:

- a) developing a range of social programs aimed at the development of tolerance in Czech society;
- b) developing a program of social adaptation of Roma, providing their traditional way of life and the development thereof.
- c) actively and informally investigating cases of discrimination against Roma;
- d) no impunity for cases of hatred statements in the media and communications;
- e) introducing special training for law enforcement officers involved in the service opposition to hate crimes.

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³ <http://www.romea.cz/cz/zpravodajstvi/markus-pape-davno-zapomenuty-pripad-nasilne-smrti-roma-je-u-soudu>

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SUMMARY OF INDICATORS FOR 2012–2014

Nº	Criteria	Score in		
		2012	2013	2014
1	Legislation (central, regional, and municipal) and law enforcement practices that contribute to the development of radical nationalism	-7.5	-10	-10
2	Xenophobia and inflammatory statements by members of the authorities and media	-5	-5	-5
3	Legislation and law enforcement practice preventing the development of radical nationalism	17.5	17.5	15
4	Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism	5	5	5
5	Activities aimed at promoting tolerance and preventing extremism	5	2.5	5
6	Position of migrants and society's attitude towards immigrants, foreigners, different ethnic groups	0	0	2.5
7	Incitement of religious and ethnic hatred	-7.5	-10	-10
8	Radical nationalist groups and parties	-12.5	-12.5	-15
9	Public actions of extremist and nationalist groups	-10	-10	-10
10	Racist attacks, violence and terror	-15	-20	-7.5
11	Presence, popularity and size of anti-fascist and anti-racist movements	15	15	15
12	Glorification of German National Socialism and collaborators of Nazi Germany, historical revisionism, Holocaust denial	-5	-2.5	-5
13	Persecution of veterans and partisans of the anti-Hitler coalition	0	0	0
14	International Aspect	5	5	5
	Total	-15	-25	-15

ESTONIA

ASSESSMENT CRITERIA FOR FACTORS OF STABILITY/INSTABILITY

1. Legislation (central, regional, municipal) and law enforcement practices that contribute to the development of radical nationalism

I n d i c a t o r s

- Discriminatory legislation affecting minorities residing in the country in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.

Estonia, along with Latvia, are the only EU member states that had legislatively enshrined discrimination against a significant part of the population. The discriminatory Citizenship Act (1992) only recognises the right to citizenship for those who had a pre-war Estonian citizenship and their descendants.

This is also true for persons who received so-called “green cards” in 1990–1991 by a non-governmental organisation Congress of Estonia — which united the rightful citizens of pre-war Estonia and advocated for Estonian independence from the Soviet Union. The condition for receiving this card was a verbal statement of support for Estonian independence. A total of 25 thousand green cards was issued and their owners were consequently awarded citizenship of modern Estonia.

Residents of Estonia deprived of citizenship were commonly called “non-citizens”. Non-citizen problem quickly became the problem of discrimination on ethnic and linguistic grounds. New Estonian government ignored the fact that Stalinist USSR did not allow for freedom of movement and residents of other Soviet republics were forcibly moved to Estonia as part of a direct government policy. As a result, majority of Russian-speaking residents who moved to Estonia during the Soviet period were deprived of civil rights. Besides Russians, non-citizens consist of Belarusians, Ukrainians, Jews, and other ethnic groups.

When the Citizenship Law came into force in 1992, Estonian parliament (Riigikogu) became 100% represented by ethnic Estonians. The principle of complete domination of the titular nation in government institutions and administration exists in Estonia to this day — out of 101 MPs in the current parliament, only 8 represent national minorities.¹ It is worth pointing out that around a third of Estonian population are not members of the titular nation.

Non-citizenship in Estonia brings the following violations of rights and manifestations of discrimination:

First, Estonian non-citizens are deprived of freedom of movement. Non-citizens are limited in visa-free entry to a number of countries that have visa-free agreements with Estonia (but may move freely within the Schengen territory with some restrictions).

Second, they are subject to a number of restrictions in employment. They have no right to hold positions in government and local authorities. In addition, they are not allowed to serve in the law enforcement, found a private security firm, hold a notary or attorney position, be a sworn translator, air traffic controller, pilot, etc. Restriction in employment extends also to the private sector — non-citizen is not allowed to be head of internal security or any private security service; non-citizens are not allowed to work in aviation security, navigation, pilot, attorney, etc. Amnesty International pointed out that these restrictions are an indirect form of discrimination of the Russian-speaking population in Estonia.²

Third, non-citizens do not have the right to vote or be elected in Estonian or European parliament, or any municipal governments. They are not allowed to participate in referendums, establish or be part of political parties.

Fourth, naturalised non-citizens cannot receive dual citizenship, unlike those who received Estonian citizenship automatically.

Fifth, Estonian non-citizens are restricted in property rights and privatisation. They have no right to purchase privatised property on credit (unlike citizens). In the period of privatisation, only Estonian citizens received additional 10 years of service for national capital bonds.

Non-citizenship became a crucial tool in eliminating the Russian-speaking population from economic and political competition. Non-citizens, were also deprived of the right to own large property and Citizenship Law prohibited them from participating in privatisation. Danish researcher Eric Andersen writes that the privatisation period in Estonia was the period of losses for non-citizens and elimination of Russian-language public property, which was then divided between members of the titular nation. This caused economic stratification of Estonian society along ethnic and linguistic lines — Russian-speaking community had a higher level of poverty, financial alienation, unemployment and poor conditions to engage in business.

When it comes to eliminating Russian-speakers from political competition, former Prime Minister Mart Laar openly declared that the Citizenship Law in needed to remove “foreigners” from the process of building an Estonian nation state, because Russian “occupiers” may interfere with the “wrong” vote in elections. The International Foundation for Human Personality Bertelsmann Stiftung states, “Even though Estonia maintained serious national controversy, restrictive citizenship policy was intended to provide Russians with much less political rights, otherwise they could slow the pace of reforms”.³

To obtain Estonian citizenship, non-citizen must pass naturalisation — i.e. pass exams on Estonian language, history and legislation. However, naturalisation process has been gradually tightening towards discrimination. In 1993, the Law on Requirements for Estonian Language Proficiency for Citizenship Applicants came into force. The law established privileges for ethnic Estonians who could not take Estonian language exam. In 2006, 25.3 thousand of people received Estonian citizenship under the simplified procedure, as ethnic Estonians. Thus, ethnic discrimination was enshrined in legislation.

Since 1995, the requirements for knowledge of the Estonian language have been complicated and tests for the knowledge of the Estonian Constitution and the Citizenship Act were introduced. At the same time, the law was amended with a ban on naturalisation of former officers of foreign armies, unless they are married to an Estonian citizen by birth. These provisions were openly directed against the former officers of the Soviet Army.

At the same time, the legal status of non-citizens has been gradually improving since late 1990s. First improvements were caused by negotiations on the accession to the European Union, when criticism of international human rights organisations could no longer be ignored. In addition, by late 90s, the process of social transformation in Estonia had ended — market reforms were finalised, privatisation of former Soviet property ended, and a new political system had been formed. As a result, after lowering the Russian-speaking population’s ability to influence socio-political processes, Estonian ethnocratic regime could afford certain amendments to legislation that improved Russian-speakers’ position.

Naturalisation was slightly more facilitated towards graduates of high schools, vocational schools and children born after February 26, 1992, whose parents lived in Estonia for at least five years. Language exam was then equated to naturalisation exam on Estonian language. Furthermore, Estonian non-citizens received the right to vote in municipal elections. In this regard, Estonian legislation is well ahead of legislation of Latvia, which also has non-citizens.

Nevertheless, 6.2% of the Estonian population are still classified as “non-citizens”. As of 2013, the same amount adopted Russian citizenship.⁴ It is particularly noteworthy that no-citizenship is hereditary — children of non-citizens are born non-citizens, giving Estonian society features of the caste system. Furthermore, those who obtained citizenship through naturalisation are still discriminated in certain legislative provisions compared to those who received citizenship automatically.

Article 8 of the Estonian Constitution states, “no person shall be deprived of Estonian citizenship obtained by birth.” However, any person who obtained citizenship through naturalisation may be deprived of if he/she enters service in a foreign army or attempts to forcibly change the constitutional order of the country. Article 28 states that non-citizens may be treated unequally in the sphere of social benefits. Article 29 has the same provision towards non-citizens’ right to choose a profession. Article 31 provides for unequal treatment of non-citizens in entrepreneurship.⁵

On December 18, majority of MPs rejected the Centrist Party bill of amendments to the citizenship law. The party was proposing a more easy way for Estonian non-citizens (so-called “grey passport holders”) who were born in the country or moved there before August 20, 1991, to apply for citizenship. These amendments could have significantly improved the situation with statelessness in Estonia.⁶

Another tool for discriminating national minorities in Estonia is the state language policy. Officially, it is aimed at supporting the single official language — Estonian. However, in practice, support for Estonian language turns into combating Russian, which is the language used by the third of the population and the use of which is prohibited in all public fields.

Language Act in Estonia has been changed 17 times since its adoption in 1995. The law defines Estonian language as a state language, determines regulatory limits and control over the use of Estonian language both in official and public fields. This policy is often explained with the need to preserve the Estonian language, given the fact that there is a little more than a million ethnic Estonians in the world and the language is in danger of gradual extinction. As a result, preservation of the Estonian nation, language and culture are portrayed by Estonian government as the reason for the existence of Estonian state. Language Inspection is a supervisory body that monitors the use of the state language in various areas, such as business. Language Inspection has the authority to impose sanctions for lack of language use or poor language proficiency.

In recent years, Estonia has been conducting a “school reform”, aimed at converting all secondary education in the country into Es-

tonian language (higher education in Russian, for example, has been practically eliminated in 2012–2013).

Government language policy causes criticism not only among the Russian-speaking population, but also among attorneys and human rights activists, who argue that the “school reform” contradicts both the fundamental children’s rights to study in their mother tongue and specific provisions of Estonian Constitution, as well as various international agreements signed by Estonia.⁷

‘Estonisation’ of schools violated Article 21 of the Law on Elementary Schools and Gymnasiums, according to which the education in public schools and gymnasiums is governed by the regional or city assembly. Article 37 of the Estonian Constitution was also violated, according to which minority schools have the right to decide their language of education.

In 2013, Estonia signed an agreement with Russia, where it undertakes to “provide organisational, pedagogical, educational and financial support for public education institutions that teach in a foreign language, at the same level as those that teach in the state language”.⁸

All these legislative norms and international agreements are blatantly ignored by Estonian government during these reforms.

Estonia also ignores the Council of Europe recommendations on the implementation of the European Framework Convention for the Protection of National Minorities, ECOSOC and ECRI recommendations, all of which expressed concern with the lack of guarantees for minorities to use their native language in education.

- Legislation restricting the voting rights of permanent residents of the country on the basis of ethnicity or country of origin.

Non-citizens and Russian citizens residing in Estonia do not have the right to vote and participate in elections to the Estonian Parliament, the European Parliament or local governments. However, unlike Latvia, non-citizens and Russian permanent residents may elect the representatives of the local government councils. However, they cannot compete in the elections to these government bodies.

- Presence of legal norms and other regulations that legalise the radical nationalist ideology, its attributes and practices, as well as their distribution in the mass media and mass communication.

Citizenship Act and the Education law facilitate forced Estonisation of education and essentially legalise the ideology of radical nationalism, since they deprive an entire category of permanent residents of basic civil rights. Moreover, most of these people were born on the territory of the country. These laws also discriminate against minority languages, particularly Russian, which is a native language of more than 30% of the population.

- Discriminatory practices against minorities in the field of registration, mobility, business, employment, education, housing, health-care, religion, etc.

Orthodox Christmas and Easter are not considered an official holiday in Estonia (unlike Protestant holidays), even in places densely inhabited by Orthodox Christians.

On December 4, the Estonian government rejected the Centrist Party proposal to make Orthodox Christmas and Easter a national holiday.⁹ To recognise January 7 as a holiday, schools must apply to their local councils, with agreement from the headmaster and the teachers union, which is often difficult to achieve in areas not densely populated by Orthodox Christian.

At the same time, while there is some opportunity to celebrate Orthodox Christmas, as it usually comes during vacation time, for Orthodox Easter, for example, it is completely impossible.¹⁰

UN Committee on the Elimination of Racial Discrimination (CERD) expressed concern with the forced “Estonisation” of education in their periodic reports on Estonia. CERD instructed Estonia to continue eliminating punitive elements from its approach to promotion of the official language and establish an effective monitoring mechanism of the work of the Language Inspection, revise legislation which restricts the use of minority languages in public sector only to areas where minorities, who are also citizens of Estonia, constitute for half of the population.¹¹

On September 19, Ministry of Education work group on the transition of Russian schools to Estonian language presented a report, according to which the result of the transition was greatly exaggerated by schools. Among other things, it was noted that students attribute their successes in Estonian language to socialising with native speakers, rather than school’s efforts. Experts listed several drawbacks in the transition to Estonian language of education, which were previously voiced by parents and teachers.¹²

Discrimination of Russian-speakers in employment is also common. This situation occurs even when a job seeker demonstrates great Estonian language proficiency and sufficient professional skills. As a result, unemployment rate among Russian-speakers remained higher than that of ethnic Estonians (18.2% and 9.7% respectively, as of 2011). Roma are also subjected to discrimination in employment.¹³

Television broadcasts in a foreign language must not exceed 10% of the weekly volume.

Ethnic and linguistic segregation in employment has drastically increased. There are employers, whose workers are only Russian-speakers — they don’t recruit anyone else. If we compare wages, and level of integration in terms of relations at workplace — there is a huge dif-

ference compared to organisations that do not recruit on ethnic basis,” professor at the University of Tartu Marju Lauristin noted in 2013.¹⁴

Since 2006, the legal acts adopted by the Estonian government are not translated into Russian language, while access to the already translated Russian versions of the legal acts is paid. As a result, almost a third part of Estonian population has to pay to get access to legislation in their mother tongue.¹⁵

Following government instructions, Ministry of Justice did not order any translation of legal acts to the Russian language in 2013, explaining this with lack of finance. Thus, almost a third of Estonian population has to purchase the translation of laws to their native language. At the same time, there are funds for translating legal acts to English language.

Another commonly violated norm in Estonia establishes that an appeal submitted in a minority language shall be replied in the same language, provided that the respective national minority constitutes for more than 50% of the population of the region or county. Proportion of the Russian population, in Ida-Viru County particularly, is significantly higher, but local courts deliver their verdicts exclusively in Estonian.

According to the Framework Convention for the Protection of National Minorities and the Law on Cultural Autonomy of National Minorities (1993), only citizens of Estonia can be officially part of an ethnic minority; non-citizens and Russian nationals are not regarded as minorities.

Thus, Estonia demonstratively ignores the fact that Russian population has been inhabiting north-eastern regions of Estonia for many centuries.

Despite the significant number of non-Estonians among prisoners, prison administration refuses to accept prisoner complaints that are not written in Estonian language, which violates the rights of prisoners.¹⁶

Roma are also subjected to discrimination in education. Roma children are often placed in schools for the mentally challenged.¹⁷

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Discriminatory legislation affecting minorities residing in the country in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.	-5	-5	-5
×	Legislation restricting the voting rights of permanent residents of the country on the basis of ethnicity or country of origin.	-5	-5	-5

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Presence of legal norms and other regulations that legalise the radical nationalist ideology, its attributes and practices, as well as their distribution in the mass media and mass communication.	-5	-5	-5
×	Discriminatory practices against minorities in the field of registration, mobility, business, employment, education, housing, healthcare, religion, etc.	-5	-5	-5
	Total for section 1	-20	-20	-20

2. Xenophobia and inflammatory statements by members of the authorities and media

On October 23, Minister of Finance Jurgen Ligi (Party of Reforms) commented on his public debate with Minister of Education Jevgeni Ossinovski (Social Democratic Party) by posting on Facebook that Ossinovski, as son of an immigrant and member of a pink party “must be very careful”.¹⁸

On November 12, Estonian MP from the far right *IRL* party and former Minister of Defence Jaak Aaviksoo explained why his faction will vote against the liberal amendments to the citizenship law. In his view, Estonian citizenship is inherited and not given by place of birth. “Now this principle is being violated,” he added.¹⁹ This statement was interpreted by the public as Estonian citizenship can be granted only to members of the titular nation.

Aaviksoo later clarified that he was misunderstood: “citizenship by blood” means that only children of Estonian citizens can be given citizenship automatically. “Blood is an official legal term. If parents have Estonian citizenship, their child also receives it regardless of where he was born. Another approach is when a state grants citizenship to any child that was born on its territory. For example, the USA. I think I won’t be wrong in saying that small countries try to provide citizenship by birth and large have the opposite approach.”²⁰

However, the legal principle of citizenship by blood (*jus sanguinis*) provides the right of citizenship to only members of the titular nation who possess corresponding identifying characteristics. Thus, the discriminatory and xenophobic nature of Aaviksoo’s statement is obvious.

MEP from Pro Patria and Res Publica Union Tunne Kelam said on May 25 that Yana Toom’s passing into European parliament will cause problems for Estonia. “We will now have to fight in the European Parliament for things that we didn’t have to fight for before. We really need all six MEPs to walk side-by-side and defend Estonian interests. This was the case in the last two convocations, but now we have a problem”.²¹

On November 21, member of the Free Party of Estonia Evgeny Krishtafovich proposed to “nationalise” all foreign-language schools of the country in order to avoid them being “hostages in the war between the state and self-governments”. He also proposed to convert all schools to strictly Estonian language of education. He said that the state is responsible for its students being loyal to Estonia and speaking the Estonian language and added: “We can’t tolerate the situation where Tallinn and Narva conducting some kind of Putin’s policy, while the Ministry of Education quietly observes from aside”.²²

Deputy Chair of the Centrist Party in Tartu Silver Kuusik commented on the adoption of the bill on Facebook, “I am ashamed that four of the voters (Laazi, Toobal, Sitnic) are members of the Centrist party. KaPo will help eliminate the first two.” (*KaPo* — Estonian Internal Security Service. *Estonian: Kaitsepolitseiamet*). Several days later, Kuusik told the press that Lauri Laazi has been threatening him.²³

On October 5, head of the Christian channel LIFE TV Estonia, Valery Rukovichkin, said that departure from traditional family values poses a “real threat to Estonians’ existence”, referring to the civil partnership law. “I believe that Estonians should think about it. Russian-speakers also, but Estonians primarily. As we know, they have a low birth rate, and now all these homosexual issues pile on. We need to do everything possible to ensure that families have at least three kids,” he said. “We must protect these values at all costs.”

Rukovichkin admitted that everyone has the right to choose, but argued that this is not an issue of choice — “There are things that we simply cannot allow to happen.” Meanwhile, a famous Estonian athlete Tiidrek Nurme wrote in his blog that homosexuality is a “disorder that can be fixed.”²⁴

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
-/x	Xenophobia and inflammatory statements by members of the authorities and media.	-5	-5	-5
	Total for section 2	-5	-5	-5

3. Legislation and law enforcement practice preventing the development of radical nationalism

Indicators

- Presence of anti-Nazi, anti-racist and anti-extremist legislation; legislation aimed against the incitement of ethnic and religious hatred in the country.

Article 12 of the Estonian Constitution states, “No person shall be discriminated based on his nationality, race, colour, gender, language, origin, religion, political or other opinion, property or social status or other circumstances. Incitement of national, racial, religious or political hatred, violence or discrimination is prohibited and punishable by law. Incitement of hatred, violence or discrimination between social strata is also prohibited and punishable by law.”²⁵

The Penal (Criminal) Code of the Republic of Estonia contains Article 151, “Incitement of Hatred”, as well as Article 152, “Violation of the principle of equality”. Both establish liability for violation of the above-mentioned articles of the Constitution.

Estonia has the Law on Cultural Autonomy of National Minorities (1993), but it does not apply to non-citizens. National minorities have certain rights. For example, the Language Act (adopted in 1995, last edition — 2011) guarantees communication with the state authorities in minority language, if half of region’s population represents a certain national minority. However, because non-citizens are not regarded as ethnic minorities, they do not have access to this right. Vast majority of non-Estonians in these areas are also non-citizens.

Antiracist elements are also present in the law on employment contracts, which prohibits discrimination based on race, ethnicity, language proficiency, religious or other beliefs.

On December 11, 2008, in order to implement the EU Directive 2000/43/EC (June 29, 2000) on equal treatment regardless of race or ethnicity, Estonia adopted the Law “On Equal Treatment”. Its goal is to protect individuals from discrimination on the grounds of nationality (ethnicity), race, colour, religion or belief, age, physical and/or mental disability or sexual orientation.

At the same time, the Criminal Code does not prohibit racist organisations and does not qualify racist verbal abuse or incitement to hatred as a criminal offence. Calls for violence posted online are fined by just 100 euros. In addition, according to Estonian criminal law, racist motives are not considered an aggravating circumstance.²⁶

- Presence and development of anti-discrimination legislation.

Article 9 of the Estonian Constitution establishes equal rights of Estonian citizens, foreign nationals and stateless persons residing in Estonia. However, the Citizenship Act and other legislation favours the citizens (see Section 1), bringing these provisions to naught. Joining the Framework Convention for the Protection of National Minorities (1997), Estonia made a reservation that only persons possessing Estonian citizenship may be attributed to national minorities.

On June 29, 2000, the Council of the Europe adopted Directive 2000/43/EC “On the enforcement of the principle of equality of persons irrespective of racial or ethnic origin”. According to EU rules, all EU candidate countries had to bring their legislation in line with this Directive. Thus, Estonia adopted the Gender Equality Act in 2004, just before its accession to the EU. In the same year, Estonia amended the Employment Contract Law, which only covered the private sector. Nevertheless, it included the concept of direct and indirect discrimination. Estonia also adopted the Law on Legal Chancellor, which turned the Estonian Bureau of the Ombudsman into an anti-discrimination body.

The Equal Treatment Act, which was originally intended to bring the national legislation of the country in compliance with the EU Directive, was adopted only in December 2008, after a series of failed votes in the Parliament. The Act defined the direct and indirect discrimination, harassment and other provisions contained in the EU Directive. Furthermore, these provisions covered not just the private sector, but government officials as well. Thus, Estonia introduced legislation that protect public sector workers from discrimination on such grounds as race, colour, religious beliefs and even language skills. In addition, the law was later amended with rules relating to victimisation (protecting victims of discrimination, who have initiated a lawsuit against their employer).

However, the Estonian legislative introduced an amendment to the Estonian Public Service Act that has practically neutralised the anti-discriminatory provisions of the Equal Treatment ACT. Article 36-1 of the Public Service Act states that unequal treatment on the basis of language cannot be considered discrimination if such treatment is permitted by this Act or the Language Act. By introducing this exception, Estonian parliament has refused to fully comply with the Directive 2000/43/EC.

On June 21, 2014, Estonian government approved a revised list of language requirements for employees. Employers now have no right to demand a C2 level of language proficiency from their employees, since there no exam is held for that level.²⁷ At the same time, employers can require Estonian language proficiency from their employees if

the nature of the job or relevant regulations require it, but no higher than level C1.

On October 2, 2014, Estonia amended the Citizenship Act (“Law on Citizenship”). According to the proposed amendments, people older than 65 years will no longer have to take a written exam on Estonian language when applying for citizenship — verbal exam will be sufficient. The bill will also provide children of non-citizens will be granted citizenship automatically if they were born in Estonia. Furthermore, children with dual citizenships will be able to retain both citizenships until reaching the legal age.²⁸ Despite being rejected in the first reading, the bill was passed in 2015.

Adoption of a partnership law on October 9 was the most discussed event during the monitored period. The bill is designed to provide legal protection to all couples who cannot or do not want to formalise their marriage — including same-sex couples. The partnership law provides for official registration of a civil union, division of property and credit obligations and regulates care and inheritance. Furthermore, partners will be able to adopt their partner’s child. The law is set to take effect from 2016.²⁹

- Compliance of the government (central, regional, municipal), law enforcement and judiciary with anti-Nazi, anti-racist, anti-extremist, anti-discriminatory and hate crime legislation.

The contradictory nature of Estonian legislation in combating extremism and radical nationalism leads to selective law enforcement practice when enforcement bodies notice public and political organisations that are disloyal to the ruling regime. Meanwhile, discriminatory and xenophobic statements by Estonian officials and public activists remain not investigated.

Estonian authorities are not collecting any data regarding hate crime, discrimination and other such incidents.³⁰ For example, one of the cases mentioned in Section 2 were not investigated by KaPo (Security Police) at all.

In general, Estonian Security Police often uses the pretext of anti-extremism to prosecute Russian-speaking civil society (see below). This activity cannot be considered a struggle to enforce anti-discrimination, anti-Nazi or anti-extremist legislation.

- Struggle against hate crime (criminal cases against organisers and participants, guilty verdicts).

Despite multiple cases of incitement to ethnic enmity, there have been no criminal proceedings related to hate crime in 2014, which concerns international human rights organisations.³¹

- Misuse of anti-extremist legislation.

Misuse of anti-extremist legislation originates from Estonian Security Police (*Kaitsepolitsei* or *KaPo*). Its activity has a clear political character — KaPo prosecutes mainly oppositional political or public activists and journalists who often express interests of the Russian-speaking community. Thus, the policy of Estonian state security service can essentially be qualified as the struggle against the Russian-speaking minority and its most active members.

Traditionally, the main tool in the fight against dissent is the annual Security Police report. Previously, KaPo public reports constantly led to litigation on charges of defamation, initiated by persons who were accused of being “agents of Russian influence”. For example, Vice Mayor of Tallinn on Culture, Education and Sport Mihhail Kolvart and MP Yana Toom won their lawsuits against the Security Police. This was probably why the report published in 2014 did not provide any specific names. However, the report was still aimed against the Russian-speaking community in Estonia.

Estonian Central Criminal Police arrested the head of Estonia Without Nazism Andrei Zarenkov on trumped up charges of corruption.³²

On March 25, Prosecutor General’s Office and the Security Police of Estonia initiated the prosecution of an 88-year-old Lieutenant colonel of the Soviet militia Pavel Boitsov, who fought against the Estonian nationalist combat units after the Second World War.³³

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Presence of anti-Nazi, anti-racist and anti-extremist legislation; legislation aimed against the incitement of ethnic and religious hatred in the country.	5	5	5
×	Presence and development of anti-discrimination legislation.	2.5	2.5	5
-/×	Compliance of the government (central, regional, municipal), law enforcement and judiciary with anti-Nazi, anti-racist, anti-extremist, anti-discriminatory and hate crime legislation.	0	0	2.5
-	Struggle against hate crime (criminal cases against organisers and participants, guilty verdicts).	0	0	0
×	Misuse of anti-extremism legislation.	-5	-5	-5
	Total for section 3	2.5	2.5	7.5

4. Statements of government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism

On October 22, President of Estonia Toomas Hendrik Ilves said that people in Estonia cannot be divided into friends and foes. Speaking at the presentation of certificates of citizenship at the Narva Castle, President stressed that citizenship is not coercion, but manifestation of free will. “Every person in Estonia must be important to us. Dividing people into friends and foes based on nationality or world view would be disrespectful to us ourselves,” he said. “This is one of the reasons why several years ago I proposed we stop using the word ‘alien’ and instead talk about Estonian Russians, Estonian Ukrainians and other nationalities — the same as we commonly refer to Swedish Estonians, Finnish Swedes, Baltic Germans. My personal vocabulary has no place for ‘aliens’,” he added.³⁴

Commenting on Mr Ligi’s inflammatory statements, Ilves wrote on Facebook, “Member of the Estonian government cannot offend — even unintentionally — his colleagues on the basis of gender, nationality and origin. Humiliation of others is unacceptable for our system of values.”³⁵

On December 23, President of Estonia Toomas Hendrik Ilves said at his annual ETV interview: “I think, Estonia’s success is due to our relative tolerance. Our survival depends on how tolerant we are towards those who are different from us. If we won’t do this, we will find that Estonia has very little ‘correct Estonians’. This would only be to the detriment [of the country] if we reject people and tell them that they have no right to vote, because of their heritage. In European traditions, which we have been aiming for all these years, [...] people are not judged based on where they were born.”³⁶

On March 20, a coalition agreement was concluded between the Party of Reforms and the Social Democratic Party of Estonia. According to it, a number of amendments to the Citizenship Act will be adopted, which will simplify the situation of non-citizens in the country. Changing the status of non-citizens was one of the conditions of the Social Democratic Party when entering the government of Estonia.³⁷

On June 2, MEP Yana Toom said, referring to her future work, “As far as problems in cooperation with human rights advocates, I intend to solve it in the nearest future. And, of course, I will use the platform of European Parliament to inform the European community of the issues of my electorate... Going back to Russian topic — this involves preserving education in the Russian language and creating conditions for Russian intellectuals in Estonia.”³⁸

On June 4, Minister of Education Yevgeny Osinovsky made a statement that after 2015 Estonian Language Inspection will not have the authority to fine people for insufficient proficiency of Estonian language. At the same time, the language inspectorate reserves the right to issue orders.

“In practice, this means sending to language courses. In case of repeated failure to comply with this order, enforcement opportunities remain. I hope that punitive measures will be used only in extreme cases,” Minister of Education explained.³⁹

Minister’s statements were immediately criticised. Centrist party MEP Yana Toom claimed that these are only figurative changes — from misdemeanour to administrative. “And instead of one fine for not knowing the language, the person can be an unlimited number of monetary sanctions”.⁴⁰

On October 2, Estonian Centrist MP Mihail Korb published an article, where he called non-citizenship a “remnant of the 20th century” which Estonia must get rid of. He said that unlike what many people believe, non-citizens rights are restricted in not just voting. According to him, there is at least a dozen restrictions for non-citizens, let alone the fact that they cannot be considered a national minority in the country and thus cannot enjoy the rights that would come with this status.⁴¹

On October 8, Chairman of the Centrist Party in parliament Kadri Simson commented on the amendments to the citizenship law, “Decreasing the number of stateless persons living in Estonia will help solve several problems. First, we will rid ourselves of social isolation and second — reduce the threat to security. Our task is to make it clear to people who considered Estonia their home — they are not strangers here.”⁴²

On December 2, Mayor of Tallinn and leader of the Centrist Party Edgar Savisaar heavily criticised the national policy and the mood in the Estonian society. “We are losing, or have already lost the young Russian-speaking generation. Despite all the work, we failed to make the Russian-speaking population a part of Estonian society.” He said that Estonia is “very far” from western civilizations in terms of tolerance.⁴³

A number of statements followed Jurgen Ligi’s inflammatory post on Facebook. “Jurgen Ligi, in his shameful and thoughtless speech, managed to negate several decades of efforts to unite Estonian society,” said Kadri Simson, leader of the Centrist Party. “It is unacceptable to essentially deprive a quarter of the population of freedom of speech.”⁴⁴

Head of the radical nationalist Pro Patria and Res Publica Union, Urmas Reinsalu, also criticised Ligi’s remarks. “I think it’s inconceiv-

able that Ligi remains in a ministerial position after such statements. This statement hurt all that we have built for peace and security within Estonian society.”⁴⁵

“It’s not just a question of cooperation within the coalition, this problem primarily concerns the Prime Minister. A Minister should not insult a generation that treats Estonia with pride and respect, regardless of the language they speak at home,” Social Democratic MP Eiki Nestor wrote.⁴⁶

Jevgeni Ossinovski himself responded to Ligi’s verbal attack, “It is difficult to expect Estonian society becomes more open and tolerant, when a member of the government makes such remarks against people of other nationalities.”

Numerous publicists and public activists also joined the criticism. As a result, Jurgen Ligi resigned on October 26.

On February 3, Vice Mayor of Tallinn on Education Affairs, Mihail Kilvart (Centrist Party), stated that the Ministry is infringing on the right of Russian-speaking students to freely study in their mother tongue in their spare time.⁴⁷

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Statements of government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism.	5	5	5
	Total for section 4	5	5	5

5. Activities aimed at promoting tolerance and preventing extremism

On January 27, Minister of Education Jaak Aaviksoo took part in the commemorative events dedicated to the Holocaust Remembrance Day. Minister made a speech near the monument to the victims of Klooga Nazi concentration camp and participated in the opening of the exhibition “Letters Hall” (letters of a Jewish woman who spent five years in Nazi concentration camps) in the Estonian Occupation Museum.

In late May, Ministry of Culture of Estonia presented a new seven-year integration programme, which will focus on bilateral integration and increasing civic initiative. The focus moved from the language policy to the cultural immersion of all national communities in Estonia. New integration programme also includes financing for Russian-language media projects.⁴⁸

On June 21, Estonian government approved the amended language requirements for employees. Employers can no longer ask their employees to know Estonian language at C2 level, as there are no exams for this level.⁴⁹ Until recently, employers could avoid recruiting a member of a national minority, because his or her mother tongue is not Estonian. However, employers can still require Estonian language proficiency if it is required by the job and not higher than C1 level.

On October 2, the government adopted changes to the Citizenship Act, which significantly improved the status of Estonian non-citizens. According to these amendments, people older than 65 years will no longer have to take a written exam on Estonian language when applying for citizenship — verbal exam will be sufficient. The bill will also provide children of non-citizens will be granted citizenship automatically if they were born in Estonia. Furthermore, children with dual citizenships will be able to retain both citizenships until reaching the legal age.⁵⁰

In 2014, Estonia adopted a new Integration Programme for 2014–2020. Meanwhile, Ministry of Education and Science launched a new project to improve the quality of education and linguistic consultative assistance to Roma and immigrant students.⁵¹

On September 1, it was reported that The Integration and Migration Foundation Our People (MISA) was selecting a petition to advocate government subsidies for the cooperation and development of minority Sunday schools.⁵²

On October 26, Museum of Occupation in Tallinn announced an exhibition, Ründed ja ränded, which explores in detail the life of Estonians and national minorities in the 20th century.⁵³

On April 28, Courts of lower instances ruled against Tallinn and Narva local governments, who were seeking the right to appeal the governmental ban on Russian as the main language of education. Local city administrations appealed this decision in the Supreme Court, but the appeal was dismissed. Deputy Mayor of Tallinn on Education Mikhail Kylvart noted that Tallinn authorities will continue to fight ECHR to ensure that municipal schools have the right to choose the language of education.⁵⁴

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Activities aimed at promoting tolerance and preventing extremism.	5	5	5
	Total for section 5	5	5	5

6. Position of migrants and society's attitude towards immigrants, foreigners, different ethnic groups

Indicators

- Presence and development of migration laws.

Immigration is regulated by the Aliens Act, adopted in 1993 and repeatedly supplemented. Article 6 of the mentioned law introduces the concept of immigration quotas, stressing that the maximum number of foreign immigrants shall not exceed 0.05% of the permanent population of Estonia. Immigration quota is set by the government of the Republic.

Interior Minister may set the distribution of the quota via appeal and residence requirements, as well as its distribution throughout the year. However, this quota does not include ethnic Estonian immigrants and their relatives, as well as citizens of the United States and Japan. Foreign national's stay without a legal residence permit or a contract of employment is punishable by up to 300 penalty units. Similar offenses committed by a legal entity are punished by a fine of up to 50,000 kroon (3,200 euros). Immigration is governed by the Office of Citizenship and Migration Affairs — a bureau within the Estonian Department of Police and Border Patrol.

After joining the European Union, Estonia had to bring its legislation in line with the existing EU directives. Therefore, Estonia adopted 48 amendments to the above-mentioned law. The latest amendments were made in 2012. The law defines foreign nationals and stateless persons, including Estonian non-citizens as “aliens”. In 1996, non-citizens received special “alien” passports. In 2006, the country adopted a law on EU citizens, which brought Estonian legislation in line with the EU Directive 2004/38.

In 1997, Estonia adopted the Law on Refugees, which regulates the refugee status in the Republic of Estonia in accordance with the accepted international standards and regulates the process of obtaining such status.

- Government's compliance with such legislation (law enforcement practice).

Estonia continues to have a negative net migration, although the rate of emigration is reducing. In 2014, 4.6 thousand people left the country (30% less than in 2013).⁵⁵ Most Estonians immigrate to Finland — 3,051 people. Meanwhile, 1,290 people migrated from Finland to Estonia. Among those who entered the country in 2014, only 65% were Estonian citizens. Among those who left the country, 93% were Estonian citizens.⁵⁶

At the same time, illegal immigrants use Estonia as a transit country to enter the more developed EU countries. These mainly include citizens of Russia, Georgia, as well as various Asian and African countries.

Small groups of African, South-East and Central Asian nationals illegally cross Estonian border to pass through into Scandinavia, Poland or Germany. The number of Asian migrants has reduced in the past few years, whereas the number of Africans has increased. Estonian-Russian border had 160 cases of illegal crossing — which is less than in 2013 (208 cases). The number of border violations for illegal immigration or transit migration has increased from 15 in 2013 to 31 in 2014.⁵⁷

Estonia does have a law on refugees, but the country is not trying to attract refugees. Number of such persons in Estonia is one of the lowest in the EU. It should also be noted that there are not many requests for asylum in this country.

Between January and October 2014, Estonia received 120 asylum applications, of which it approved 20.⁵⁸ However, Estonia did not approve a single asylum application from Ukrainian refugees (35 such applications in 2014).⁵⁹ Estonia has a refugee reception centre in the village of Vao (capacity — 25), which is currently overcrowded.⁶⁰

In general, it can be concluded that immigration legislation in Estonia has been observed in 2014.

- Social assistance for immigrants.

The 1997 Refugee Act guarantees them a state allowance, child benefit, the right to work and the right to receive unemployment benefits, social benefits, and others.⁶¹

Foreign nationals possessing a temporary residence permit enjoy the fundamental social rights and privileges equal to citizens.

Since August 2012, Estonia offers teacher help services for integration of new immigrants in Estonia (TULE). The aim of the project is to help legal immigrants who lived in Estonia for less than three years in the following areas:

- 1) information about the various opportunities in language learning, finding employment and education, healthcare, and various social services in Estonia;

- 2) information about the activities of the special MISA programme for adaptation;

- 3) familiarisation with the Estonian lifestyle, culture and others through excursions;

- 4) other support services (e.g. translation services, language support and so on);

- 5) training services for job hunting and migrant workers' clubs.

The project is financed by the European Fund for the Integration of the Third Country Nationals, the Ministry of Culture and the Integration and Migration Foundation *Our People*.⁶²

On August 29, Ministry of Culture, Integration and Migration Foundation, and the European Foundation for Integration of non-EU Nationals launched a new website called Kultuuriklukk, which is designed to educate foreign nationals in Estonia about the country's culture and customs. The course is provided in several languages and comes with a dictionary and interactive lessons. It is provided online free of charge.⁶³

On October 1, an educational centre opened in Tallinn, providing information on integration to Estonian residents who “had not sufficiently integrated into Estonian society”. Specialists at the centre will provide information about employment, education, social services, legal help, social care, healthcare, benefits, language education, adaptation courses and citizenship. A similar centre is set up in Narva. There is also a corresponding website in Estonian, English and Russian languages.⁶⁴

- Discriminatory practices against immigrants.

No such cases have been recorded in 2014. This study assumes that immigrants are foreign nationals who entered Estonia after its independence in 1991 and does not include Estonian non-citizens under that term.

- Use of ethnic crime as justification for discrimination against immigrants.

No such cases have been recorded in 2014.

- Negative attitude of the community towards immigrants, foreigners, various ethnic groups.

Estonian nationalists mostly exhibit extensive Russophobia. Estonian author Siim Veskimees on July 27 wrote in favour of depriving non-citizens the right to vote in municipal elections to reduce the influence of the Centrist Party in Tallinn and exclude the disloyal population. “It is clear what we have to do with immigrants that were sent here during the occupation in order to destroy the Estonian nation. Those who did not want to tie their lives with Estonia and the EU... we have to reason to consider their opinions”.⁶⁵

Director of the Human Rights Centre of the Tallinn Law School at the Tallinn Technical University called Estonian Russians a “biomass that threatens Estonia” on August 22.⁶⁶

Professor at University of Tartu proposed introducing fees for watching Russian TV. Writing in *Eesti Ekspress* on September 17, he

said, “I am against banning Russian TV channels, but we must consider the possibility of making it a paid service. Government would have additional income and the potential audience would decrease.”⁶⁷
⁶⁸ Thus, he called for indirect discrimination of the Russian-speaking minority in Estonia.

On December 6, Director of the Estonian Language Institute, Professor at University of Tartu Urmas Sutrop published an article in *Eesti Päevaleht*, where he proposed to restrict Russian-language education in Estonia and called it a consequence of the occupation. “Estonian state, of course, does not want to limit Russian-language education, even though it must. Bilingual education is clearly a consequence of the occupation period. Otherwise, our society will remain divided for a very long time,” he said.⁶⁹

Amendments to the Partnership Law sparked hate and intolerance towards the LGBT community in Estonia.

On October 5, Russian Orthodox Church held a public prayer “in protection of traditional values” in their cathedral in Tallinn. “Church cannot remain on the sidelines, when there are attempts to legalise sin,” a statement on the church’s official website reads. “Adoption of the partnership law, opposed by most Estonian citizens, can destroy moral values and the concept of family as a union between a man and a woman blessed by God.”

Organisation In Protection of Family and Traditions (*Est.: SA Pere-konna ja Traditsiooni Kaitseks*) held a rally on Toompea Hill in parallel with the prayer, demanding the government stops “imposing the value of homosexual love on the society”. According to the head of a Christian *LIFE TV Estonia* channel Valery Rukovichkin, the departure from traditional family values poses a “real threat to Estonians’ existence”. Meanwhile, a famous Estonian athlete Tiidrek Nurme wrote in his blog that homosexuality is a “disorder that can be fixed”.⁷⁰ Chairman of the Communications Service at the Estonian Human Rights Centre Johannes Merilai said that some slogans at the October 5 rally were “inciting to hatred”.⁷¹ One of the participants of the rally said on TV that homosexuals are not people.⁷²

A poll conducted in early September indicated that 59% of Estonians consider homosexuality unacceptable, 34% think the opposite. Estonians aged between 15 and 29 or from a wealthy social and economic background are more likely to find homosexuality acceptable. National minorities, people aged over 60 and residents of the Ida-Viru County (predominantly Russian-speaking region, bordering with Russia) are more likely to find homosexuality unacceptable. 64% of the population believe that gays and lesbians should be protected from discrimination by law; only 26% are opposed.⁷³

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Presence and development of migration laws.	5	5	5
×	Government's compliance with such legislation (law enforcement practice).	5	5	5
–	Discriminatory practices against immigrants.	5	5	0
–	Use of ethnic crime as justification for discrimination against migrants.	0	0	0
×	Social assistance for immigrants.	0	0	5
×	Negative attitude of the community towards immigrants, foreigners, various ethnic groups.	–5	–5	–5
Total for section 6		10	10	10

7. Incitement of religious and ethnic hatred

Indicators

- Calls for ethnic and religious hatred in mass media and mass communications, graffiti.

Examples of such calls in 2014 are given in Section 2 and 6. Their common feature is hostility towards the Russian-speaking population as “occupiers”. There have also been several homophobic statements, also noted in Sections 2 and 6.

- Presence and popularity of radical nationalist literature, films, music. Ultra-nationalist rock bands and their concerts.

Copies of Nazi books published during the German occupation of Estonia in 1940s and containing anti-Semitic and anti-Russian views are freely distributed in Estonia. The same goes for calendars and posters of the Nazi occupation, glorifying Waffen SS legionnaires and mocking the leaders of the Allied forces.

There are various music collectives and rock bands, such as P.W.A. and Revalers, which use neo-Nazi tropes in their works.

On April 19, Von Glehn bar in Tallinn hosted a P.W.A — an Estonian neo-Nazi band that uses neo-Nazi imagery in their artistic works. It is assumed that the concert was dedicated to Adolf Hitler's birthday. An anonymous bar patron told the Estonian news portal Delfi.ee that he noticed several visitors wearing red armbands with swastikas and heard calls “Adolf Hitler — 125!”⁷⁴ Bar management did not deny that

some customers could have associated the event with Hitler’s birthday, and did not refute claims that neo-Nazi band’s performance was timed precisely to that date.⁷⁵

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Calls for ethnic and religious hatred in mass media and mass communications, graffiti.	-5	-5	-5
×	Presence and popularity of radical nationalist literature, films, music. Ultranationalist rock bands and their concerts.	-5	-5	-5
	Total for section 7	-10	-10	-10

8. Radical nationalist groups and parties

I n d i c a t o r s

- Presence of neo-Nazi and ultra-nationalist groups, movements, political parties (both in the centre and in the localities).

The main party adhering to the ultra right-wing ideology is the “Pro Patria Union (Isamaaliit) and Res Publica” (created in 2006 by merging the two right-wing parties and led by Urmas Reinsalu).

Of the non-parliamentary parties, it is worth mentioning the Conservative People’s Party of Estonia. The extreme nationalists also include the Julius Kuperjanov Society, Tallinn nationalist club, the Estonian Independence Party, the Freedom Party of Estonia — the Farmers Union and the Tenants Association Kristiine.

There is also a militant nationalist organisation the Estonian Defence League — “Kaitseliit” (the armed militia having 22,000 people is four times the size of the army), founded on ultra right-wing ideology. The organisation uses the Estonian Waffen SS soldiers as role models for educational purposes.

- Presence of discriminatory demands in the programmes of these parties and in the statements of their leaders towards the members of minorities.

Manifestos of the organisations mentioned above would usually contain discriminatory requirements regarding minorities

For example, the Pro Patria Union and Res Publica demanded complete “Estonisation” of schools and announced its support of the “fighters for independence” (i.e. the pro-Nazi collaborators) in its 2011–2015 elections manifesto. The programme also clearly indicated

support of the current policy of discrimination regarding granting of citizenship: “We firmly believe that zero-option citizenship and reduced requirements for Estonian language do not suit the interests of Estonia.”⁷⁶

Estonian Conservative People’s Party stands out due to its tough anti-immigrant ideology and Euroscepticism.

The Estonian Independence Party also promotes nationalism and Euroscepticism. The party favours the dominance of Estonians in Estonia, as well as the exit from the European Union; it is also against the simplification of the process of obtaining citizenship. Yet the NATO membership is considered useful.

Other nationalist parties have similar demands within their political programmes.

- Neo-Nazi and radical nationalist influence over the civil society, including oppositional and human rights organisations.

Members of the “Pro Patria Union (Isamaaliit) and Res Publica” actively promoted various discriminatory initiatives of the authorities, including any further forced “Estonisation” of the education.

Nationalist views have gained considerable support within the community, as shown by the number of votes cast in favour of the nationalists in the elections. Thus, the elections in 2011, with an average figure of 20.5% of voters, the most support was received in the area of Tartu (in the city itself — 24%, and in the counties of Jõgeva and Tartu — 26%), as well as in the counties Järvamaa and Viljandi (23%). The least amount of support for the nationalists was observed in the region of Ida-Viru, where 10.7% of the population are of Russian origin.⁷⁷

A similar situation arose during the 2014 European Elections, where Pro Patria and Res Publica union received 13.9% votes and one seat. An independent nationalist candidate I. Tarand also passed into the European Parliament. Estonian Conservative People’s Party received 4% and did not get through.⁷⁸

- Neo-Nazi and radical nationalist influence over the local legislative/executive bodies.

Non-citizens are allowed to participate in municipal elections, but only citizens of Estonia and other EU states can be elected; the latter have to have lived in Estonia for six months. In 2013, the Centrist Party was successful in local elections, gathering 58% of votes in Tallinn. Centrists also control majority of other Estonian municipalities. However, the second place was given to the extreme right Pro Patria and Res Publica Union (17.2%), its member Eerik Niiles Kross passed into Tallinn city council. Furthermore, several dozen of township heads and their assistants are members of the above-mentioned extreme

right party. All in all, influence of radical nationalists over the local legislative bodies can be considered limited.

- Neo-Nazi and radical nationalist influence over the central legislative/executive bodies.

The “Pro Patria Union and Res Publica” is the only radical nationalist party, which is traditionally included in the Riigikogu and the government. In the 2007–2014 period, the party was part of the ruling coalition. In the parliamentary elections of 2011 the party received 20.5% of the votes and 23 seats in the parliament. Compared to the elections of 2007 the party lost 6 seats yet still managed to retain third place.

However, in 2014 the party was excluded from the ruling coalition and Parliamentary Speaker Ene Ergma, representing the party, was forced to leave this post and resign from politics. Social Democrats entered the coalition and took the path towards democratisation of citizenship and education policies. Thus, in 2014 the nationalist influence over central government had reduced.

On the other hand, on December 8, 2014, it was reported that funds intended for development of cooperation and humanitarian aid were used for treating the warriors of the Ukrainian National Guard, volunteer battalions and Deputy Head of the Right Sector Andrei Tarasenko.⁷⁹

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Presence of neo-Nazi and ultra-nationalist groups, movements, political parties (both in the centre and in the localities).	-5	-5	-5
×	Presence of discriminatory demands in the programmes of these parties and in the statements of their leaders towards the members of minorities.	-5	-5	-5
-/×	Neo-Nazi and radical nationalist influence over the civil society, including oppositional and human rights organisations.	-5	-5	-2.5
-/×	Neo-Nazi and radical nationalist influence over the local legislative/executive bodies.	-2.5	0	-2.5
-/×	Neo-Nazi and radical nationalist influence over the central legislative/executive bodies.	-5	-5	-2.5
	Total for section 8	-22.5	-20	-17.5

9. Public actions of extremist and nationalist groups

Indicators

- Neo-Nazi and radical nationalist participation in mass actions prohibited by the authorities.

No such cases have been recorded in 2014.

- Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities.

Regularly in late July Neo-Nazi radicals conduct mass action, dedicated to the memory of veterans of the Waffen SS, in the town Sinimäe in Vaivara (Ida-Viru County) near Narva. In the course of operation of Narva in 1944 the largest battle of the Second World War took place in that area, where the soldiers of the Estonian Legion of the Waffen SS fought alongside Hitler's troops. After gaining independence in 1991, monuments dedicated to the Estonian SS legionnaires and Belgian and Dutch SS men, as well as the memorials Norwegian and Danish collaborators, were erected next to the monument to the fallen soldiers of the Red Army in Sinimäe.

The events in Sinimäe are traditionally attended by the SS veterans, nationalists and neo-Nazis from Latvia, Belgium, Lithuania, Norway, Denmark, Holland, Belgium and other countries. Nevertheless, due to the pressure of anti-fascist organisations and protests in several countries (Russia, Ukraine, Belgium, etc.), as of 2011 these activities are of closed type, but journalists are allowed to attend.

- Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities, with the participation of representatives from the legislative or executive bodies, law enforcement and security agencies.

The gathering of SS veterans in Põltsamaa on July 19 was attended by Estonian MPs, as well as local officials and members of various NGOs along with Latvian and Finnish guests. Estonian Ministry of Education was represented by Brigadier General Meelis Ostrava.⁸⁰ Gathering in Sinimäe did not attract any significant politicians, but is still financed by the Estonian Ministry of Defence.

- Presence of “football xenophobia” and racism amongst sports fans.

No such cases have been recorded in 2014.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
–	Neo-Nazi and radical nationalist participation in mass actions prohibited by the authorities.	0	0	0
×	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities.	–5	–5	–5
×	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities, with the participation of representatives from the legislative or executive bodies, law enforcement and security agencies.	–5	–5	–5
–	Presence of “football xenophobia” and racism amongst sports fans.	0	0	0
	Total for section 9	–10	–10	–10

10. Racist attacks, violence and terror

I n d i c a t o r s

- Vandalism of cemeteries, attacks on religious buildings.

No such cases have been recorded in 2014.

- Inter-ethnic clashes instigated by xenophobia and radical nationalism.

No such cases have been recorded in 2014.

- Cases of violence, including murder on racial, ethnic and religious grounds.

No such cases have been recorded in 2014. However, there have been two cases of threats of violence in October, following the adoption of the Law on Partnership. One of the authors of this bill, MP Imre Sooaar (Party of Reforms) received offensive letters and violent threats. Deputy Chair of the Centrist Party in Tartu Silver Kuusik said that he was threatened by his fellow MP — target of his homophobic remarks.⁸¹

- Nationalist or religious terrorist attacks.

No such cases have been recorded in 2014.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
–	Vandalism in cemeteries, attacks on religious buildings.	–5	–5	0
–	Interethnic clashes instigated by xenophobia and radical nationalism.	0	0	0
–/×	Cases of violence, including murder on racial, ethnic, and religious grounds.	0	0	–2.5
–	Cases of hate crimes.	0	0	0
–	Nationalist or religious terrorist attacks.	0	0	0
	Total for section 10	–5	–5	–2.5

11. Presence, popularity and size of anti-fascist and anti-racist movements

Indicators

- Presence of anti-racist and anti-Nazi movements and parties.

Estonian anti-fascist community includes the “Night Watch” organisation, the Antifascist Arnold Meri Committee, Estonian Union of Non-Citizens, the NGO “People’s equality” and “Together”, a number of youth and veteran organisations. All of them entered the International Human Rights Movement “World without Nazism” in 2010, which operates in Estonia through its subsidiary — “Estonia without Nazism”. “Russian School of Estonia” demonstrated high activity in opposing the elimination of Russian gymnasiums. Human Rights Centre “Kitez” has also been active in protecting ethnic minorities.

- Anti-racist and anti-fascist movement activities (pickets, rallies, demonstrations).

Estonian special services made numerous efforts to repress antifascist organisations, particularly the leader of Estonian Without Nazism Andrei Zarenkov. These actions have significantly hindered antifascist activities in 2014. Nevertheless, there were several events that have been successful during the monitored period.

On April 26, Tallinn held a picket on “Addressing the issues of Russian population in Estonia: Russians — Unite.” The rally organised by public activist Yuri Zhuravlev gathered several dozen people. Zhuravlev stated that the picket is timed to the 23rd anniversary of discrimination against Russian people in Estonia and 7th anniversary since the demolition of the “Bronze Soldier”. The rally was held under the slo-

gans “23 years of shame” and “Government in Estonia is illegal, since the majority of the population is deprived of the right to vote”.⁸²

On May 2, a restaurant in Tallinn held a festive dinner in honour of 1945 Berlin offensive. The event was organised by *Front Line* history club.⁸³

On September 22, Members of veteran and antifascist organisations of Estonia took part in commemorative events at the Tallinn military cemetery and laid flowers to the Bronze Soldier monument.⁸⁴

On November 14, Union of Estonian Veteran Organisations and the Tallinn Society of World War Two Alliance Soldiers held a historical conference dedicated to the 70th anniversary of liberation of Estonia from the Nazi occupation. Among the honorary guests of the conference were living Estonian World War II veterans.⁸⁵

- Presence of anti-racist and anti-fascist civic initiatives.

The criminal case against the head of “Estonia Without Nazism” Andrei Zarenkov united Russian public organisations in Estonia. Organisations “Russian School of Estonia” and World Without Nazism” stated that Zarenkov’s arrest and searches of his premises are related to his antifascist activities and his criticism of the acting Estonian government.⁸⁶

Human Rights Centre “Kitez”, commenting on the arrest of the People’s House Maardu director Andrei Zarenkov, stated that Estonia has developed a selective law enforcement practice. “While association with the political elite is not specified in the Penal Code, it is actually a circumstance that facilitates the punishment (and the preventative measure) up to complete impunity. Meanwhile, an active civic position is a similarly unwritten aggravating circumstance.”⁸⁷

Prosecution of Soviet veteran Pavel Boitsov caused protests from the Russian non-governmental organisations in Estonia. Russian Alliance of Estonian NGOs published a statement condemning KaPo’s actions and expressed strong dissatisfaction with the actions of the Estonian government to revise the results of World War II.⁸⁸ Russian Alliance’s statement was supported by the Estonian Union of Veteran Organisations, Estonian Union of Former Juvenile Prisoners of Fascism, Union of Russian Citizens in Narva, Union of Veterans of War, Labour and Russian Compatriots in Kivioli and the Association of Ministry of Internal Affairs Veterans in Tallinn.

In May, NPO Russian School in Estonia conducted a survey among teachers of Russian-speaking schools. Survey showed negative attitudes towards the Language Inspection, language requirements and closures of Estonian gymnasiums. Results of the opinion poll were discussed at a meeting of the organisation with Minister of Education Yevgeny Osinovsky.⁸⁹

Member of NPO Russian School of Estonia Andrei Lobov appealed to Estonian Ministry of Defence on June 9, asking to return the Order of the Great Patriotic War to the *Bronze Soldier* monument. The Order was lost in 2007, when the memorial was destroyed and Bronze Soldier was moved to a military cemetery.⁹⁰

On November 17, commenting on Minister Aaviksoo’s statement regarding “citizenship by blood”, Andrey Lyubov said, “I, as an Estonian citizen, am ashamed of the current citizenship law and of the fact that we still don’t have politicians who would propose cardinal changes to this law.” He added that such changes must be gradual, which is why in his opinion, the naturalisation process for the elderly and minors should be simplified first.⁹¹

Estonian Union of Non-Citizens addressed an open letter to President Barack Obama, before his visit to Tallinn. They asked President of the United States to encourage his Estonian colleague to facilitate the abolition of non-citizenship in Estonia.

“In the past 23 years, many Russian residents of Estonia sat a difficult exam for Estonian citizenship, many others adopted citizenship of the Russian Federation, but 90 thousand inhabitants of our country still carry in their passports a shameful label — alien. We, 90 the thousand residents of Estonia who became aliens in our own country appeal to you, Mr Obama, asking to encourage your colleague, President of Estonia Toomas Hendrik Ilves, to return the citizenship that was stolen from us”.⁹²

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Presence of antiracist and anti-Nazi movements and parties.	5	5	5
–/×	Antiracist and antifascist movement activities (pickets, rallies, demonstrations).	5	5	2.5
×	Presence of antiracist and antifascist civic initiatives.	5	5	5
	Total for section 11	15	15	12.5

12. Glorification of German National Socialism and collaborators of Nazi Germany, historical revisionism, Holocaust denial

I n d i c a t o r s

- Glorification of German National Socialism and/or its collaborators in the media, desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition.

Revision of World War Two history is common in Estonia, along with several Eastern European countries, which since obtaining independence have been actively glorifying their Nazi collaborationists.

The highlighted characteristics of the glorification of Nazism in Estonia are the annual meetings of Waffen SS veterans from around the world in Sinimäe, publication and wide distribution of calendars, notebooks, as well as playing cards with images of the Nazi occupation, glorifying the SS and prompting to join the fight against the armies of the anti-Hitler coalition, as well as the publication and republication of Nazi literature, including that dated back to the occupation.

All of this is aimed at developing various ideas among the Estonian population, among the younger generation, especially. The ideas include the perception of the SS legionaries as heroes “defending their homeland against Bolshevism”. Another purpose is to maintain tense relations with Russia, as well as to split the Estonian society into ethnic groups, due to almost every Russian speaking family having someone who fought and died in the struggle against Nazi Germany, and almost every Estonian family has someone who fought in the Waffen SS.

- Glorification of German National Socialism and/or its collaborators with the support of local authorities, demolition of monuments to soldiers of the anti-Hitler coalition, erection of monuments to the soldiers of Wehrmacht and Nazi butchers.

Head of the Jõgeva County, Viktor Svyatyshev, attended the SS veterans rally in Põltsamaa.⁹³

- Glorification of German National Socialism and/or its collaborators in the decisions made by the authorities.

On January 10, a state-funded funeral of the SS veteran Harald Nugiseks was held in Tallinn. Harald Nugiseks was the last remaining survivor of the Estonian Cavalier of the “Knight’s Cross of the Iron Cross” — the highest order of the Third Reich. Funeral of the SS veteran was turned into an event of national importance — it was financed by the Ministry of Defence and participated by officials and politicians from the ruling parties. Estonian Minister of Defence Urmas Reinsalu (Fatherland Union and Res Publica) stated with regard to Nugiseks’ death, “Legendary soldier Harald Nukiseks was a very lively and cheerful person, whose tragedy was in the fact that he could not fight for Estonian’s freedom wearing Estonian uniform.”⁹⁴

From June 28 to June 30, military competition of *Noored Kotkad* (“Young Eagles”) was held on Saaremaa Island in Kaarma and Karlas

townships.⁹⁵ The game called “Mini-Erna” was supported by the Estonian Ministry of Defence and the Defence Forces. Children participating in Mini-Erna re-enact the actions of an Abwehr subversive group “Erna”, which was deployed to flank of the Red Army in 1941.⁹⁶

The so-called “Estonian Freedom Fighters” held gatherings in Põltsamaa and Sinimae on July 19 and 26. The cornerstone of this organisation consists of veterans of Waffen SS and executioners from the auxiliary police battalions. The event on July 19, held under the name “XXII assembly of Estonian Freedom Fighters” was attended by 400 people, including Estonian MPs, local officials and members of NGOs, as well as guests from Latvia and Finland. Chairman of Estonian Freedom Fighters Gunnar Laev urged everyone to actively work in patriotic education. Representing the Estonian Ministry of Defence was Brigadier General Meelis Ostrava.⁹⁷

The event in Sinimae, became a place of distribution of youth counter-cultures, related to Nazism. Symbols of Nazi Germany can be found there on various “souvenirs”, along with symbols of other extreme right organisations.⁹⁸

This year’s gathering in Sinimae was marked with a scandal, after reporters from Russian *Star* TV channel and *Komsomolskaya Pravda* newspaper were denied entry. Chief Editor of a Russian newspaper Igor Teterin and observer Galina Sapozhnikova were detained by police not far from Sinimae, during the commemorative action of Estonian Waffen SS legion. Thus, the European Convention of Human Rights and Basic Freedoms (1950) was directly violated, when journalists were forbidden from carrying out their duties. The response to these allegations was that the ban was imposed to avoid provocations.⁹⁹

- Historical revisionism, Holocaust denial.

Revision of history is one of the main policies of the nationalist parties and the government. The official interpretation of history of the 20th century is based primarily on the notion of the “Soviet occupation”, therefore jumping to conclusions on heroism of the soldiers of the Waffen SS, as well as auxiliary police units who fought on the side of Nazi Germany and participated in the Holocaust.

School history textbooks downplay or hide Estonians’ participation in Jewish executions during the Holocaust and the destruction of Ukrainian and Belarusian civilian population; collaborationists themselves are presented as persons who fought for Estonia’s independence, while Wehrmacht soldiers were portrayed positively in contrast to Soviet troops, whom, according to textbooks, “Estonians disliked”.¹⁰⁰

The official interpretation of history is aimed at portraying Estonians as bystanders and victims of historical processes in 1940–1945.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Glorification of German National Socialism and/or its collaborators in the media, desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition.	-5	-5	-5
-/×	Glorification of German National Socialism and/or its collaborators with the support of local authorities, demolition of monuments to soldiers of the anti-Hitler coalition, erection of monuments to the soldiers of Wehrmacht and Nazi butchers.	-5	-5	-2.5
×	Glorification of German National Socialism and/or its collaborators in the decisions made by the authorities.	-5	-5	-5
×	Historical revisionism, Holocaust denial.	-5	-5	-5
	Total for section 12	-20	-20	-17.5

13. Persecution of veterans and partisans of the anti-Hitler coalition

Indicators

- Public calls for repression against the veterans and partisans of the anti-Hitler coalition, as well as anti-fascists.

Estonian Security Police (KaPo) issues an annual report, where antifascist organisations and individuals affiliated with antifascist movements are described as “enemies of state”. Publication of such materials by a government institution is nothing other than a call on private and public organisations to be cautious in dealing with these individuals. In some cases this causes these organisations and individuals to lose important business and personal contacts.

On October 14, a prominent Russian scientist and interethnic relations expert Valery Tishkov was detained in Tallinn Airport. His was invited by an antifascist club Impressum to read a lecture on interethnic relations in the Baltics. After a day at the airport, Tishkov was deported back to Russia with no explanation.¹⁰¹

Estonian media launched an attack on the Russian academic and antifascists as a whole. Estonian Professor at University of Tartu, Urmas Sutrop, said, “So they aren’t letting through another scum. God

bless him.”¹⁰² He called Impressum an organisation created by the FSB to undermine the Estonian state.

- Restrictions on human rights and anti-fascist organisations, bans to entry or exit imposed on anti-fascists, inaction of the authorities.

In 2007, Estonia imposed a 10-year ban on entry for foreign anti-fascist activists from other Baltic States and Finland. This ban is still in force.

On December 15, Italian journalist and public activist J. Chiesa arrived in Tallinn, invited by Impressum. He was detained by police without any explanation and released only after Italian Ambassador to Estonia Marco Clemente intervened. This incident sparked controversy between the two countries. Eventually, Italian journalist was released from prison, though Estonian authorities claimed he is a threat to national security.¹⁰³

It would seem that Estonian authorities didn't realise that repressions against Italian citizens may lead to more severe consequences that similar actions against a Russian national, for example, as was the case with Valery Tishkov, 73, who was deported back to Russia upon arriving in Tallinn on invitation from Impressum. Meanwhile, Chiesa later returned to Tallinn and read the lecture

- Criminal prosecution of veterans, partisans of the anti-Hitler coalition and anti-fascists.

On March 25, Prosecutor General's Office and the Security Police of Estonia initiated the prosecution of an 88-year-old Lieutenant colonel of the Soviet militia Pavel Boitsov, who fought against the Estonian nationalist combat units after the Second World War.¹⁰⁴

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Public calls for repression against the veterans and partisans of the anti-Hitler coalition, as well as anti-fascists.	0	0	-5
×	Restrictions on human rights and anti-fascist organisations, bans to entry or exit imposed on anti-fascists, inaction of the authorities.	-5	-5	-5
×	Criminal prosecution of veterans, partisans of the anti-Hitler coalition and anti-fascists.	-5	-5	-5
	Total for section 13	-10	-10	-15

14. International aspect

Indicators

- Participation in significant international agreements on combating racism and discrimination of ethnic minorities.

Estonia acceded to the major international conventions in this field, including the International Convention on the Elimination of All Forms of Racial Discrimination (1991), the Convention on the Elimination of All Forms of Discrimination against Women (1991) (Optional Protocol to the Convention has not been signed), and the Framework Convention for the Protection of National Minorities (1997).

At the same time, Estonia ratified the Framework Convention for the Protection of National Minorities with the proviso, according to which national minorities are exclusively persons with the Estonian citizenship. Thus, about 100,000 people were not protected by the document. For example, on grounds of this the relevant authorities refuse to accept an application for giving a special status to the Russian language, even in places of dense residence of the Russian speaking minority. The fact that the majority of residents in these areas is non-citizens. For the same reason it is prohibited to file any of the petitions addressed to the authorities in Russian in the municipalities.

Estonia has not acceded to the European Charter for Regional or Minority Languages (under the pretext of “recent” development of language minorities) and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, The United Nations Educational, Scientific and Cultural Organization Convention against Discrimination in Education (1960); The Convention on the Status of Stateless Persons (1954); Convention on the Reduction of Statelessness (1961) and the Optional Protocol to the Convention on Cybercrime, concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems (2003).

- Accession to new international agreements and resolutions of various international organisations, aimed at combating Nazism, combating discrimination, or protecting minority rights.

In 2014, Estonia did not join any international agreements or resolutions aimed at combating Nazism, discrimination, or protecting minority rights.

- International statements and initiatives of the monitored countries and their leading politicians, aimed against discrimination, neo-Nazism and xenophobia.

No such statements or initiatives have been recorded in 2014.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Participation in significant international agreements on combating racism and discrimination of ethnic minorities.	5	5	5
–	Accession to new international agreements and resolutions of various international organisations, aimed at combating Nazism, combating discrimination, or protecting minority rights.	0	0	0
–	International statements and initiatives of the monitored countries and their leading politicians, aimed against discrimination, neo-Nazism and xenophobia.	0	0	0
	Total for section 14	5	5	5

CONCLUSION

Implications for the development of the country and society, based on the analysis of factors and taking into account the aspects listed below.

Estonia has somewhat improved in the rating of radical nationalism, compared to 2013. This is largely due to amendments to the Citizenship Law and some advancements in the language policy.

Nevertheless, parts of Estonian legislation can be considered as discriminatory towards minorities. The country still maintains the system of “non-citizens”, while the government persecutes antifascists and human rights activists. Estonia traditionally glorifies its Nazi collaborationists.

Parliamentary elections in March 2015 resulted in nationalists from Pro Patria Union and Res Publica entering the ruling coalition, which further casts doubts on the liberalisation of the country’s national policy, particularly the Citizenship Law.

ASPEKTS

1. Human Rights

- *Guarantees against any form of minority discrimination.*

Articles 9 and 12 of the Estonian Constitution that guarantee the rights of minorities, articles 151 and 152 of the Penal Code of Estonia, the Equal Treatment Act, the Employment Contracts Act and a number

of other provisions of anti-racism and anti-discrimination legislation are all in conflict with the Law on Citizenship, Language Law and the Law on Public Service; and the refusal to sign the European Charter for Regional or Minority Languages creates the conditions for discrimination of the Russian language in areas of residence of the non-Estonians.

Refusal to ratify the Framework Convention for the Protection of National Minorities actually takes 100,000 non-citizens resident in Estonia outside the scope of this document and negates its value for the same areas of compact settlement of the non-Estonian population.

Thus, ethnic minorities in Estonia do not enjoy the rights and freedoms guaranteed to them by the fundamental international agreements.

- *Adherence to norms of the fundamental human rights instruments (European Convention for the Protection of Human Rights and Fundamental Freedoms, European Charter on Human Rights, as well as in adherence to the Framework Convention for the Protection of National Minorities and the European Commission against Racism and Intolerance, etc.).*

Estonia does not comply with the fundamental provisions of the Framework Convention for the Protection of National Minorities, which together with the contradictions in the Estonian anti-discrimination legislation, creates the conditions for discrimination. Estonia's failure to accede to the European Charter for Regional or Minority Languages promotes the process of assimilation, which is gaining momentum and supported by the authorities of the country.

- *Rights and freedoms of ethnic minorities compared to the titular nation.*

Such discrimination exists and concerns, above all, the right of national minorities to use their native language that is provided by the requirements of the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages, i.e. those international agreements to which Estonia has not acceded or it has ratified with reservations.

- *Legislation enshrining inequality of minorities.*

Inequality of minorities is embodied in the following Estonian laws:

- The law "on Citizenship", which creates prerequisites for the formation of the category of "non-citizens" and defines the priorities of the naturalisation process
- The law "on Language", based on which the government issued a list of occupations in the private and public sector re-

quiring a high level of proficiency in Estonian. This almost leads to replacement of non-Estonians from many areas of business and creates a punitive body — a language inspectorate, which controls the use of the state language, including in the public sphere

- The law “on Public Service”, which allows unequal treatment on the basis of language proficiency.
 - The law “on Elementary School and High School” and the law “on Private School” both of which together with the amendments, endanger the existence of minority educational institutions.
 - The law “on Vocational Training Institutions” which provides full conversion of vocational education into the Estonian language.
- *Rulemaking in protection of minorities.*

Unfortunately, bills that fall under this category, proposed by the Centrist Party, have not been supported in parliament. On the other hand, the government did somewhat reduce the language requirements in employment.

- *Freedom of speech violations.*

This primarily concerns the SS gathering in Sinemae in July 2014, which reporters were not allowed to attend. There were also proposals to impose additional fees for access to Russian TV channels. Meanwhile, Estonian Security Police made several attempts to hinder the activity of Impressum antifascist club, prohibiting entry into Estonia for several journalists, activists and scientists from across the world.

- *Legislation and law enforcement practices concerning migrants.*

The subject of migrants, despite high levels of migrantophobia in society, is not relevant for Estonia. High level of unemployment and barriers to employment make this country unattractive to immigrants. On the contrary, it recently became a country of mass emigration. At the same time, there is an obvious reluctance of the government to accept refugees and migrants. Minimal number of accepted refugees speaks for itself.

2. State of society

- *Risk of violation or non-compliance with the acting laws aimed at protecting the rights of minorities; risk of discriminatory practices against members of minorities.*

Estonia has a discriminatory legislation which implies daily discriminatory practices against ethnic minorities regarding them using their mother tongue. Furthermore, the presence of the so-called “non-citizens” in the country actually takes a large (almost 100 thousand people) group of people beyond the scope of Estonian anti-discrimination legislation.

Revealed facts of this kind, tough language policy backed by the refusal to accede to the European Charter of Regional languages and the presence of discriminatory laws against minorities lead to a decrease in opportunities for self-realisation of the Estonian residents, to assimilation and further splitting of the society, to “excluding” minorities from the social processes and, ultimately, to the weakening of the state.

- *Self-determination — how manifestations of xenophobia and extremism affect the identity of minorities; majority’s attitude towards minorities (growth of social phobias).*

The division of society into Estonians and Russian-speakers, occurred in Estonia in the early 1990’s, when the country decided to follow the path of restoration of independence and to deprive those who arrived in the country after 1940 and their descendants of citizenship

Today this split, reinforced by the discriminatory legislation, creates all the conditions for the high level of xenophobia, while the nationalist policies of the ruling establishment and the radical nationalist parties and organisations contribute to it.

3. Socio-economic development of the country

(Do manifestations of various forms of xenophobia and extremism affect the socio-economic development of the country).

- *Standard of living.*

The standard of living in Estonia is better than that in the other Baltic states, but is still relatively low compared to other EU countries (ranked 36th).¹⁰⁵ Harsh language requirements, as well as the numerous bans on the occupation choice for non-citizens have basically thrown many professionals who cannot work in their field out of the production process and economic activities, which certainly influenced the level of the economic development of the country and its scientific potential.

This together with the inability of non-citizens to participate in the Estonian privatisation on equal terms, in general, is reflected in the standard of living in Estonia.

- *Economic impacts and instability.*

The economic problems, as well as the economic instability, are both typical for Estonia. In 2014, Estonian GDP grew by 1.8% (2% in 2013), while unemployment was at 6% (11.8% among youth).¹⁰⁶ Many of these problems were caused by the hostile policy of the country's leadership toward Russia and Russian speaking residents of Estonia, which closed Russian markets and cooperation with Russian firms in many industries.

- *Decline in production growth, emigration of the labour force.*

The overall difficult economic situation was exacerbated during the financial crisis of 2008, accompanied by the mortgage crisis. The overall decline in production from 2008 to 2013 provoked the departure of many employable citizens of the country. In 2013, the number of entries to Estonia was 1.5 times more than the number of exits. Altogether, approximately 100,000 people left the country since its independence.

4. Security and geopolitical stability in the region

- *Political stability in the country.*

Estonian society is split into citizens and non-citizens, which, of course, affects the cohesion of the society. A society where the two communities are developed in isolation from each other (as in Estonia, even unlike in Latvia, it really is so) cannot be promising. For now, there is no effect of the disintegration on the political stability. The key to this is the high level of the police control and that of the special services which do not only allege accusations against famous politicians but also put together criminal cases against human rights activists, as well as interfere with the business sponsors of those organisations that are critical of the regime. In addition, the government and the intelligence agencies rely on the high level of nationalism and anti-Russian sentiments in the Estonian society that is of support in this case.

- *Impact of xenophobia and extremism in the country on external security, relations with third countries and the international security in the region as a whole.*

The policy of discrimination against ethnic minorities, the glorification of Nazism and such lead to the deterioration of Estonia's international image, and not only in relations with its nearest neighbour Russia, but also with the other countries.

RECOMMENDATIONS

1. *General recommendations for the accession to international agreements and conventions*

Estonia should withdraw the reservations to the Framework Convention for the Protection of National Minorities, because those exclude nearly 100,000 members of ethnic minorities from the scope of the convention and therefore negate its importance in the areas of compact settlement of non-Estonians.

Estonia should also accede to the European Charter for Regional or Minority Languages, the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, the UN Convention in the field of education, science and culture against Discrimination in Education, the Convention on the Status of Stateless Persons, the Convention on the Reduction of Statelessness, and the Additional Protocol to the Convention on cybercrime, concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems.

2. *General recommendations for adjustments to the legal framework*

Estonia should dismantle the discrimination legislation against minorities, by abolishing the discriminatory provisions of the following laws: the Act on Citizenship, the Act on Language, the Act on Public Service, the Act on the Elementary School and High School, the Act on Private School, the Act on Professional School.

While following the path of dismantling the discrimination legislation, Estonia should grant citizenship status to all inhabitants living in this country at the time of its independence as of 1991, as well as their children and grandchildren.

3. *General recommendations for the executive bodies in the field of enforcement of law and human rights*

Estonian government should monitor the correct implementation of national minority right to native language. The Estonian Language Inspectorate must be shut down or reorganised, as a structure that discriminates Russian-speaking residents and interferes with the affairs of commercial organisations, imposing large fines for lack of knowledge of the state language

The government should suspend the so-called “Estonisation” of minority schools and, at the very least, not hinder parents, boards of trustees, as well as municipalities petitioning to preserve the native language as primary language of education. This is a basic requirement, contained in the recommendations of various international

organisations, which was piously observed even in the Estonian SSR until 1991.

The Ministry of Justice and Estonian law enforcement institutions must look into the activities of radical nationalist parties, and assess their compliance to statutes and legislation.

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SUMMARY OF INDICATORS FOR 2012–2014

Nº	Criteria	Score in		
		2012	2013	2014
1	Legislation (central, regional, municipal) and law enforcement practices that contribute to the development of radical nationalism	-20	-20	-20
2	Xenophobia and inflammatory statements by members of the authorities and media	-5	-5	-5
3	Legislation and law enforcement practice preventing the development of radical nationalism	2.5	2.5	7.5
4	Statements of government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism	5	5	5
5	Activities aimed at promoting tolerance and preventing extremism	5	5	5
6	Position of migrants and society's attitude towards immigrants, foreigners, different ethnic groups	10	10	10
7	Incitement of religious and ethnic hatred	-10	-10	-10
8	Radical nationalist groups and parties	-22.5	-20	-17.5
9	Public actions of extremist and nationalist groups	-10	-10	-10
10	Racist attacks, violence and terror	-5	-5	-2.5
11	Presence, popularity and size of anti-fascist and anti-racist movements	15	15	12.5
12	Glorification of German National Socialism and collaborators of Nazi Germany, historical revisionism, Holocaust denial	-20	-20	-17.5
13	Persecution of veterans and partisans of the anti-Hitler coalition	-10	-10	-15
14	International Aspect	5	5	5
	Total	-60	-57.5	-52.5

FINLAND

ASSESSMENT CRITERIA FOR FACTORS OF STABILITY/INSTABILITY

1. Legislation (central, regional, municipal) and law enforcement practices that contribute to the development of radical nationalism

I n d i c a t o r s

- Discriminatory legislation affecting minorities residing in Finland in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.

In general, Finland does not have laws that could be considered outright discriminatory against minorities. However, there are certain provisions that could potentially have an indirect adverse effect on certain groups of the population.

For example, recommendations by the Finnish Social Service contain allegations that Russian women are predisposed to violence against children.¹ The Foreigners Act contains section 130, which states that at the request of the police or any other authority, a foreign national must present proof of identity, which increases the risk of racially motivated detentions, according to some experts. Article 121 of the same Act permits the detention of foreign nationals in order to establish their identity in situations where “taking into account personal and other circumstances, there are reasonable grounds to suspect that he/she intends to commit a crime in Finland”.

Gender identity is not included in the list of subjects protected by anti-discrimination legislation in Finland.²

Additionally, legislation in Finland contains discrimination against “unofficial churches”, which include all religious organisations, except Evangelical Lutheran and Orthodox churches — Jehovah’s Witnesses, the Free Church of Finland, the Catholic Church of Finland, the Ad-

ventist Church, the Mormon Church of Finland, Pentecostals and several others.

These “unofficial churches” are excluded from benefiting from the special church tax (1–2.25% of revenue), which is derived on the basis of citizens’ voluntary disclosure regarding their membership in a particular religious organisation.

- Legislation restricting the voting rights of permanent residents of the country on the basis of ethnicity or country of origin.

Such legislation does not exist in Finland.

- Presence of legal norms and other regulations that legalize the radical nationalist ideology, its attributes and practices, as well as their distribution in the mass media and mass communication.

Such legislation does not exist in Finland.

- Discriminatory practices against minorities in the field of registration, mobility, business, employment, education, housing, health-care, religion, etc.

There are four discriminated groups: Roma, African refugees (mostly natives of Somalia), Russian-speaking immigrants, members of the LGBT community and the Sami people.

UN reports that Roma, African and Russian-speaking groups are subjected to discrimination in employment, education, healthcare and housing. In the education sector, there is an ongoing problem of exclusion of Roma and immigrant children and their placement in schools for the mentally challenged.³

A study focusing on discrimination of Roma has been published in Finland in April. The study showed that 68% of local Romani people have been discriminated at some point in their life — for example, in stores, in labour and real estate markets.⁴

On August 22, Finnish press published an article about the daily challenges of black taxi drivers. According to the article, many Finnish customers refuse their service and insult them.⁵

Finnish trade unions made a public statement on June 26, saying that LGBT people are widely discriminated against in the labour market. Such discrimination is underreported, as the victims are afraid of informal punishment.⁶

Transgender people cannot start gender reassignment procedures without a formal psychiatric evaluation in central hospitals (the evaluation takes from 6 to 12 months). They also must undergo compulsory sterilisation and the so-called “test by life”, which can take several years. These problems are accompanied by humiliating comments about using “other people’s” documents (which really belong to the

person before the gender reassignment). Many also protest against the compulsory sterilisation. Marriage with or between transgender people is legally changed to a civil partnership.⁷

State-owned television and radio broadcaster *Yleisradio* instructed its journalists not to use the term “equal marriage law”. According to Chief Editor, this is a “biased” term that supports the proponents of said law. The correct term, according to *YLE*, is “gender-neutral marriage”.⁸

We can also note the refusal of Finnish officials to recognise the right of Sami people to use their lands and carry out their traditional farming activities, as well as to change the legal status of lands currently owned by private or public sectors. Thus, the right of Sami people to engage in economic activities is not legally protected. There is a shortage of teachers qualified in teaching the Sami language.⁹

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Discriminatory legislation affecting minorities residing in Finland in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.	-5	-2.5	-2.5
-	Legislation restricting the voting rights of permanent residents of the country on the basis of ethnicity or country of origin.	0	0	0
-	Presence of legal norms and other regulations that legalize the radical nationalist ideology, its attributes and practices, as well as their distribution in the mass media and mass communication.	0	0	0
×	Discriminatory practices against minorities in the field of registration, mobility, business, employment, education, housing, healthcare, religion, etc.	-5	-5	-5
	Total for section 1	-10	-7.5	-7.5

2. Xenophobia and inflammatory statements of the government and the media

Members of the True Finns party were the main source of xenophobic statements.

In late April, leader of True Finns Timo Soini spoke against immigrants from Southern Europe. He compared the state of affairs in these countries to Finland during the war and wondered if immigrants from these countries have the right to leave their respective homelands during economic hardships.

Another member of this party, Jussi Halla-aho, said in May that migrant workers from Estonia are harming the Finnish economy. According to him, even if they are paying taxes, they take large portions of their earnings out of Finland, while the Finnish welfare system is giving out benefits to their families. Timo Soini supported his party colleague and said that it is unfair that the Finnish state should pay social benefits to children of foreign workers, who do not even live in Finland. He added that some Finnish employers are using this system as “bonuses” to wages.¹⁰

Shortly before European Elections, the True Finns party published a “Guide to EU Directives”.¹¹ Some experts believe that the guide has racist overtones and is essentially aimed against minorities.¹²

On September 9, Ari Jalonon MP from True Finns and Sauli Ahvenjarvi from Christian Democratic Party made a joint statement, saying that Finland should only accept Christian refugees to avoid recruitment into terrorist organisations. They believe that Finland should focus on cultural and religious factors when accepting refugees and provide asylum only to those who is able to integrate.¹³

On September 12, third deputy chairman of the True Finns party, MP Juho Eerola demanded to tighten the rights of immigrants to free translation services. He thinks that the unlimited right to translation and interpretation discourages immigrants from learning the Finnish language.¹⁴

On October 13, head of the Defence Committee of the Finnish Parliament and a True Finns MP Jussi Niinisto proposed prohibiting Russians from buying real estate in Finland unless Russia provides Finns with a similar right. “The government should monitor who buys what. In crisis situations, presence of foreign landowners can have a significant impact. Therefore, knowing who bought what and why is in the interest of Finland.”¹⁵

Minister of the Interior and Chairman of the Christian Democratic Party Paivi Rasanen spoke against same-sex marriage and referred to the Universal Declaration of Human Rights, which states that marriage is a union between a man and a woman. “Men and women of legal age has the right to marriage and family without any restrictions on the grounds of race, nationality or religion”. (Article 16).¹⁶

On July 28, The Finland Times published an article which claimed that the murder of three Israeli yeshiva students, which became a reason for the escalation in Gaza, was committed by Israeli intelligence rather than Hamas.¹⁷

Terrorist organisation known as the Caucasus Emirate bases its website, “Caucasus Centre”, in Finland. The website has been active for more than a decade, sponsored by a Finnish national — Mikael Sturshe.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Xenophobia and inflammatory statements of the government and the media.	-5	-5	-5
	Total for section 2	-5	-5	-5

3. Legislation and law enforcement practice preventing the development of radical nationalism

I n d i c a t o r s

- Presence of anti-Nazi, anti-racist and anti-extremist legislation; legislation aimed against the incitement of ethnic and religious hatred in the country.

Article 6 of the Constitution states, that everyone is equal before the law. However, race and ethnic origin of a person are not directly mentioned as a prohibited ground for discrimination. “No one can, without valid reason, have a special status on the basis of sex, age, origin, language, religion, belief, opinion, health, disability or for some other reason that relates to his or her personality” — is stated in the basic law of the country.

Questions related to combating racism and anti-ethnic strife are described in sections 10–10a in Chapter 11 of the Penal Code of Finland, and section 13 of chapter 13 of the Penal Code is devoted to punishment for libel based on xenophobia. Section 24–25 of Chapter 19 of the Penal Code of Finland is devoted to the fight against crimes motivated by xenophobia. Section 10 of Chapter 22 is devoted to combating crimes on religious grounds.¹⁸

Children who speak Sami as a first language and who live in regions populated by the Sami people have the right to education in their native language. General education and secondary vocational education can be provided in the Sami language, which is also offered as an elective course. Council located in Sami regions receive subsidies to support Sami languages, if there are at least three students (or two outside Sami regions). In 2014, Finland adopted a national programme for the revival of Sami language.¹⁹

- Presence and development of anti-discriminatory legislation.

Article 11 of the Finnish Constitution states: “Everyone shall be guaranteed freedom of religion and conscience. Freedom of conscience and religion includes the right to manifest one’s religion and to worship, the right to express a belief and the right to enter or not to enter

a religious community. No one is required to participate in religious ceremonies against their will.”

Article 17 of the Basic Law distinguishes bilingualism in Finland (Finnish and Swedish are equal) and the right of such groups as the Sami and Roma to preserve and develop their language and their culture and Article 75 of the Constitution guarantees the autonomy of the Swedish-speaking Åland Islands.²⁰ According to the law, a municipality is considered bilingual (Finnish-Swedish), if the Swedish-speaking share of the population is more than 8 percent. In the Finnish-speaking regions Swedish language is a compulsory school subject for everyone from 7th to 9th grade (for teenagers aged 13 to 16).²¹

The main document of anti-discrimination legislation in Finland, the Equality Act, was adopted in 2004. According to Article 1 the aim of the Act is the promotion and preservation of equality and improvement protection against discrimination with the right to use law within the framework of discrimination. It covers the areas of employment, social and health services, military service.

Article 6 of the Act states: “No one shall be discriminated against on grounds of age, ethnic or national background, nationality, language, religion, opinion, health, disability, sexual orientation or other personal characteristics.”²²

Article 4 of the Equality Act says that “the government shall promote equality in all its activities, purposefully, with the use of administrative and operational practices to ensure the promotion of equality in planning and decision making.”

Section 11 of Chapter 11 of the Finnish Penal Code is also dedicated to the fight against discrimination. In this case, extra responsibility on managers, under whose watch facts of discrimination took place.²³ The third section of Chapter 47 of the Finnish Penal Code covers anti-discrimination in the workplace.

In 2012, the development of a new version of the law on self-government of the Åland Islands was announced, granting the Swedish minority living there broad autonomy.

On November 28, the Finnish parliament voted to legalise same-sex marriage with 105 MPs in favour against 92 opposed.²⁴ Second vote on December 12 yielded the same result.²⁵

- Compliance of the government (central, regional, municipal), law enforcement and judiciary with anti-Nazi, anti-racist, anti-extremist, anti-discriminatory and hate crime legislation.

In general, Finland complies with anti-racism and anti-discrimination legislation. To do this, the executive branch has a corresponding infrastructure.

Efforts to comply with equality and to fight against xenophobia are coordinated by the Ministry of Internal Affairs. The main legal body fighting for the improvement of the rights of minorities is the Ombudsman for Minorities at the Ministry of Internal Affairs. His tasks involve coordinating with other authorities to ensure equal rights, regardless of the minority's ethnic background. Ombudsman for Minorities can be contacted if, for example, a person is personally faced ethnic discrimination or has witnessed an act of discrimination.²⁶ There are three regional offices advising victims of discrimination — in Turku, Tampere and Kotka. However, Ombudsman for Minorities lacks the human and financial resources necessary for proper performance of his tasks. His office has no regional departments and he can only consider cases of discrimination based on ethnic background.²⁷

The Ombudsman monitors and facilitates the implementation of the rights and improves the position of ethnic minorities and foreign nationals in the society. He meets regularly with various organizations and groups representing ethnic minorities. In addition, he participates in the development of the societies of ethnic groups.²⁸

It is characteristic that in Åland the only official language is Swedish. The islands have their own citizenship and its parliament that does not answer to the Parliament of Finland. The scope of the autonomy: education, culture, protection of monuments, health and medical care, environmental protection, internal transport, local government, the postal service, radio and telecommunications.

Countering discrimination is handled by the Commissioner for Equality Affairs. He can provide support during legal proceedings concerning compensation for damages or help obtain compensation. In such situations, however, the issue has to be significant in terms of the application of the Equality Act.

Commissioner for Equality Affairs has the right to inspect workplaces, if there is reason to suspect a violation of the Equality Act by the employer. Other authorities are obliged, if necessary, to assist in conducting the inspection.²⁹

Discrimination at the workplace is handled by labour protection institutions.

Finland lacks a cohesive programme to combat discrimination of minorities (except Roma).³⁰

As was already mentioned, children who speak Sami as a first language and who live in regions inhabited by the Sami people have the right to receive education in their native language. However, Sami activists have complained about the lack of Sami teachers and lack of awareness about the Sami people in Finnish schools.³¹

According to Article 13–14 of the Equality Act Finland has the National Discrimination Tribunal of the Ministry of Internal Affairs. The

Tribunal hears cases of discrimination and may decide to restore those fired at work and on payment of compensation, or can also impose a fine. The statute of limitations for such cases is two years.³² In this case, outside the jurisdiction of the tribunal are cases of discrimination in the labor market and issues related to immigration.³³

An Advisory Board for Ethnic Relations (ETNO) also operates under the Ministry. It is an advisory body, which considers questions relating to refugees, migrants, racism and ethnic relations.³⁴ Regional councils of the Advisory Council on International Relations suffer from a lack of human and financial resources, which prevents them to effectively carry out their tasks.³⁵

Under the auspices of the Ministry of Health and Social Policy the Advisory Council for Roma is active, 50% of which are Roma. The Board is responsible for monitoring the situation of the Roma, to inform the authorities about this, as well as measures to combat discrimination. The council members are working on a voluntary basis.³⁶

Discrimination at school is handled by school curators and school staff themselves.³⁷

However, in matters of juvenile justice there is a clear violation of the Constitution. Article 6 of the Basic Law provides that children “should have the right to influence the issues that concern them in accordance with their level of development.” However, this provision is often not complied with.

- Hate crime (criminal cases against organisers and participants, guilty verdicts).

Unfortunately, Finland does not hold official statistics for court sentences related to hate crime.³⁸ Therefore, only some cases that appeared in the media are known.

A high-profile case emerged in January, involving incitement of interethnic hatred, when a right wing extremist activist from Tampere, Anu Palosaari was sentenced to a fine of 510 euros for blasphemy (article of the Finnish criminal law “violation of religious peace”). Palosaari wrote several blog posts where she threatened to shoot Muslims and insulted Muslim leaders.³⁹

In mid-October, court sentenced the chief editor of *Magneettimedia* newspaper to a fine of 90 units (out of 100) for publishing anti-Semitic materials in the newspaper. Furthermore, the newspaper will pay a fine of 45,000 euros.⁴⁰

There have been cases where the law enforcement essentially condoned xenophobia. For example, it was reported on July 11 that a prominent political activist MP James Hirvisaari (was previously

excluded from the True Finns party) will not be prosecuted for racist comments in his blog, for lack of evidence.⁴¹

- Misuse of anti-extremist legislation.

No such cases was recorded by the monitoring in 2014.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Presence of anti-Nazi, anti-racist and anti-extremist legislation; legislation aimed against the incitement of ethnic and religious hatred in the country.	5	5	5
×	Presence and development of anti-discriminatory legislation.	5	5	5
×	Compliance of the government (central, regional, municipal), law enforcement and judiciary with anti-Nazi, anti-racist, anti-extremist, anti-discriminatory and hate crime legislation.	5	5	5
×	Hate crime (criminal cases against organisers and participants, guilty verdicts).	5	5	2.5
–	Misuse of anti-extremism legislation.	0	0	0
	Total for section 3	20	20	17.5

4. Statements of government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism

On August 26, Prime Minister Suomi Alexander Stubb said in an interview that it is unacceptable to assign responsibility for the actions of Russian Finns to Russian authorities. He urged to look at Russia and Russians from a positive side. “We can’t blame the Russian culture, Russian Finns or the Russian language for actions of the Russian government. We need to build a society where no ethnic minority, including Russians, is subjected to discrimination.”⁴²

On November 9, Prime Minister Alexander Stubb (Coalition Party) spoke on Yle Radio Suomi and urged everyone not to relate the actions of the Russian state to the Russian-speaking minority in Finland.⁴³

Finnish Prime Minister’s statement about the opposition inciting “Russophobia” became a true sensation in mid-September. Alexander Stubb was talking about the decision to construct a new nuclear power plant in cooperation with the Russian Rosatom.⁴⁴

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Statements of government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism.	5	5	5
	Total for section 4	5	5	5

5. Activities aimed at promoting tolerance and preventing extremism

In 2007, Finland launched a National Anti-Discrimination Action Programme (known as the “Yes” programme). The project involves the Ministry of Internal Affairs, Ministry of Justice, Ministry of Labor, Ministry of Education and Culture, the Ministry of Defense, Ministry of Social Affairs and Health and a number of NGOs. The project objectives are to raise public awareness and capacity in relation to equal treatment and non-discrimination and the promotion of diversity in the Finnish society. The project is also supported by the European Commission.⁴⁵

On November 1, 2012, Finland launched the Good Relations project. Its aim is to combat racism and xenophobia through the establishment of good relations between people from different walks of life. The project also aims to provide a definition of “good inter-ethnic relations”, the creation of a set of Indicators for a good relationship, to try them and to provide information and their results at the national level and at EU level.

The project is coordinated by the Minister of Internal Affairs. The project’s partners are also the Advisory Board for Ethnic Relations and the Center for Economic Development, Transport and the Environment Uusimaa, Pirkanmaa and South-Western Finland. In addition, the project is working with the Ministry of Employment and the Economy, the Association of Finnish Local and Regional Authorities; an organization representing the interests of the Sami and Roma. International partners involved in the project are the Swedish Ministry of Employment and the Council for Ethnic Minorities of Northern Ireland.⁴⁶

Finland celebrates Holocaust Remembrance Day on January 27th. In Finnish the event is called “Day of Remembrance for the victims of persecution” and in Swedish and English versions the term “Holocaust” is used. However, representatives of the Jewish community have complained that the Holocaust is mentioned in passing, and it is understandable only if the teacher explains it in detail.⁴⁷

In March 2010, the police launched an online service to collect information on hate crimes. The Migration Department under the Ministry of the Interior has established a mechanism for monitoring information on the integration of migrants and ethnic relations. However, there is an obstacle to the full collection of information in a ban on the collection of data on the basis of criteria such as religion, language or ethnic origin.⁴⁸

In 2013, Finnish government launched a Russian language and culture foundation.⁴⁹ Finland also celebrates the Day of Swedish Culture on November 6. A variety of events dedicated to the Swedish culture and the Swedish language are held in the municipalities of the country.⁵⁰

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Activities aimed at promoting tolerance and preventing extremism.	5	5	5
	Total for section 5	5	5	5

6. Migrants’ position in the society and society’s attitude towards immigrants, foreigners, different ethnic groups

Indicators

- Presence and development of migration laws.

Article 9 of the Finnish Constitution states that Finnish citizens and foreigners lawfully residing in Finland have the right to move freely within the country and to choose a place of residence.

“The right of a foreigner to enter Finland and reside in the country is set by law. A foreigner may not be deported, extradited or returned if the consequence of this would be the death penalty, torture or degrading treatment.”⁵¹

Foreign nationals stay on the territory of Finland is regulated by the following laws: the Foreigners Act (2004); Law on Citizenship (2003); Decision of the State Council on Citizenship (2004); Wages Act of citizens of the Czech Republic, Estonia, Latvia, Lithuania, Hungary, Poland, Slovenia and Slovakia (2004); Law on the Registration of Foreigners (1997); Law on the settlement of migrants and for admission of persons requesting asylum in Finland (1997); Law of exclusive consideration of requests for asylum, provided to some citizens of the former Yugoslavia (1993); Law on foreign offices (1995); Ombudsman Act on Minorities and the Commission on Discrimination (2001); The Equality Act (2004).

Finland has not ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, assuming that the existing legislation is sufficiently advanced.⁵²

Additionally, in 2001, Finland has ratified the Convention on the Participation of Foreigners in Public Life at Local Level, providing voting rights at the local level for immigrants who legally lived in Finland for five years.

According to the amendments to the Citizenship Act, which came into force in 2011, required continuous residence in Finland was reduced to 5 years, while at the same time half of the time spent living on a temporary residence permit will be taken into account. Citizenship will be available after 4 years of residence, if the applicant mastered one of the official languages. A residence permit in Finland may be issued for one of the following reasons: work, entrepreneurship, studies, family ties (family member living in Finland), re-emigration, Finnish background or international protection (e.g. shelter).

The Supreme Administrative Court of Finland in the spring of 2013 amended the current law on workers, in accordance with which a person cannot be deported if he did not agree to this himself and if his country of origin refuses to accept the deportee. People who find themselves in this situation are at first issued a temporary residence permit for one year and then it can be extended for another year. If after two years the deportation is not possible, then the person has received a permanent residence permit in Finland.⁵³

On September 13, 2014, President of Finland approved an amendment to the law on foreign persons in accordance with EU legislations, speeding up the process of issuing a permanent residence permit and citizenship for refugees and those who are under the protection of the EU.⁵⁴ A residence permit in Finland is not required for citizens of the Scandinavian countries, countries of the EU, Switzerland and Liechtenstein.⁵⁵

A separate category of people for entering — Ingrian Finns mostly living in Russia. They have the right to move to Finland after confirming their Finnish background, successfully completing a test in the Finnish language and the availability of housing in Finland. However, in 2011, the introduction of a five-year transition period was announced, after which they will be able to move to Finland and based on the overall system of residence permits

Finnish legislation provides for the possibility of providing assistance to immigrants for the voluntary return to their country of origin. Help can be given to those who have been granted asylum or a residence permit issued on the basis of humanitarian protection. Help may also be issued to those who cancelled their application for asylum, or whose application for asylum was rejected. This program can cover the cost of travel and reintegration in the country of origin.⁵⁶

Sections 7 and Chapter 17 of the Penal Code of Finland are devoted to combating illegal migration — border crossing foreigners without documents. The maximum penalty is assigned to the organizer of illegal migration if it was paired with bodily harm — up to 6 years in prison.⁵⁷ Accomplices of illegal immigration as well as those who give shelter to illegal migrants are also penalised even if they did not receive profit from the process (with the exception of humanitarian assistance).⁵⁸

- Government's compliance with such legislation (law enforcement practice).

In general, immigration laws are complied with in Finland.

Issues related to migration are engaged by the Finnish Immigration Service which works under the Ministry of Internal Affairs.

Rights of immigrants are handled by the Ombudsman for Minority Affairs.⁵⁹

There is also an Advisory Board for Ethnic Relations, which is strengthening collaboration and cooperation and expert assistance in the development of various aspects of the immigration policy.⁶⁰

By the end of 2014, there were more than 300,000 in Finland. At the same time 50% of the migrants are natives of EU countries and only 6% of immigrants arrived from Africa.⁶¹

Illegal immigration continues to be a problem in Finland, with police detaining 3000 such people in 2013 and in 2014.⁶²

In Finland, there are about 20,000 refugees. Some of them moved within the quota allocated by the program of the UN (UNHCR) refugee camp, located in different parts of the world. Finland within the framework of this program has made a commitment to take 1 thousand refugees annually.⁶³

- Discriminatory practices against immigrants.

Due to the fact that the only center for immigrant detention in Metsala is crowded, they are often placed in cells at police stations, where they are allowed outside for only one hour each day.⁶⁴ According to a survey conducted by the Migration Office of asylum-seekers, they are in need of social support from other people, and not only by the employees of the center. According to asylum seekers their biggest challenge while in the reception centers for refugees while waiting for the pending decision on their case is idleness and loneliness. Based on the responses, the applicants feel safe at the reception center. They also believe that the center staff treats them with respect.⁶⁵

Finland also currently faces a deficit in council housing for refugees.⁶⁶

Each year, the Finnish police conducts a week of immigration control, for which they are detained and questioned foreigners in places where, according to the authorities, many offenses.⁶⁷

Many refugees face difficulties in ensuring their rights without having necessary documents. Immigrants face discrimination on the labour market. Some employers do not enlist them in appropriate benefits schemes.⁶⁸

- Use of ethnic crime as justification for discrimination against immigrants.

The topic of ethnic or “migrant” crime is actively used and developed by the True Finns party, which based its entire 2011 election campaign on this idea and continues to use it in its daily politics.

- Social assistance for migrants.

The Finnish Constitution guarantees everyone social protection, as well as the right to free basic education. In this case, the Basic Law does not specify the citizenship of beneficiaries.⁶⁹

Since May 1999 the country has a law on the integration of migrants. The purpose of adaptation is for the immigrant to receive such knowledge and skills that are necessary for the work and social life in Finland and at the same time to be able to preserve their own language and culture.

Every Finnish municipality is developing a program for the integration of immigrants in collaboration with the Employment Office, with the pension management (KELA), as well as with their own immigrant organizations and other associations.

Every immigrant who has lived in Finland for less than three years is unemployed, registered as a job seeker and/or eligible for benefits on the existence of a personal integration plan in conjunction with the employment office and commune. Responsibility for developing the plan for people of working age is carried by the employment office; the elderly, mothers who are at home to care of a child, as well as young people make up a plan together with the Department of Social Protection. The plan may include various types of training, physical training sessions and working practices. Immigrants are obliged to participate in activities, which are incorporated in this plan. Immigrants have the right to draw up an integration plan for three years, unless he gets a permanent job or a place of study before, which ends qualification.

When the integration plan is drawn up, an immigrant can receive benefits for adaptation. If the immigrant or his family have another sufficient income source benefits for adaptation are not paid, except, for example, during the time of coaching or work practices. Coach-

ing can be given through the employment office or its equivalent, but professional training, which constitutes as a main activity and gives a qualification.⁷⁰

In many areas, there are organizations and friendly societies for immigrants. Finnish Red Cross (Suomen Punainen Risti) helps to find a person or family who can help immigrants in different things or family-friendly.

The government tries to provide immigrants with a status equal to their citizens' in terms of education and social benefits. Immigrants living in Finland between the ages of 7 and 15 years are bound by statutory compulsory education and have the right to have the same basic education as all Finns. The aim is also to provide adult immigrants with the required skills in employment: training, further training and the maintenance of professional knowledge on the daily level. This takes into account the education and experience obtained abroad. Adaptive learning support immigrants and promotes addition immigrants to the conditions of the Finnish society.⁷¹

On the other hand, illegal immigrants and asylum seekers have no access to healthcare other than first aid.⁷²

- Negative attitude of the society towards immigrants, foreigners, various ethnic groups.

Despite numerous social programmes mentioned above xenophobia remains a problem in the Finnish society. According to a recent study conducted by the University of Jyväskylä among school students from 38 European countries, Finnish pupils are most negative towards immigrants. One in ten respondents admitted that they would commit an illegal action against a foreigner. One of the underlying reasons for these results is radicalisation of the Muslim community — at least 20 members of which have already left to fight in Syria.⁷³

A study on the discrimination of children was published in March, indicating that one in ten minors in Finland are subjected to discrimination. 73% of youth have encountered racist materials online.⁷⁴

In early December, Finnish police officer Thomas Elfgrén was given an anti-racism award. At the ceremony he said that there is a racist and discriminatory subculture within the police.⁷⁵ In mid-December, a self-employed taxi driver in Lieksa hired two Somalian drivers, but was met with heavy backlash from parents of students whom taxi drivers were supposed to take to school. They alleged that Somalians “can’t drive in winter.”⁷⁶

In mid-December, Finnish media published an audio recording where a Helsinki local verbally abused an Estonian taxi driver as an immigrant.⁷⁷

Homophobia is also fairly prominent in Finland. Thousands of people left the Lutheran Church of Finland, which supported legalisation of same-sex marriage.⁷⁸

There is a particular negative attitude towards the Swedish people. On November 11 it was reported that a petition against compulsory Swedish language training in schools had been submitted to parliament, signed by 62,000 people.⁷⁹ This can be regarded as discrimination against the Swedish minority.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Presence and improvement of migration laws.	5	5	5
×	Authorities' compliance with such legislation (law enforcement practice).	5	5	5
×	Discriminatory practices against immigrants.	-5	-5	-5
×	Use of "ethnic crime" as justification for discrimination against migrants.	-5	-5	-5
×	Social assistance for immigrants.	5	5	5
×	Negative attitude of the community towards immigrants, foreigners, various ethnic groups.	-5	-5	-5
	Total for section 6	0	0	0

7. Incitement of ethnic and religious hatred

Indicators

- Calls for ethnic and religious hatred in mass media and mass communications, graffiti.

The True Finns party made several statements that can be regarded as calls for ethnic enmity (See Section 2)

- Presence and popularity of radical nationalist literature, films, music. Ultra-nationalist rock bands and their concerts.

Finland is home to one of the most popular among Europeans right-wing rock bands Mistreat. It regularly performs at the Finnish scene. The texts reflect the theme of the group, i.e. Russia-phobia, neo-Nazism and racism. Lyrics of some songs refer to the subject of Nazi Germany and the Third Reich. The group also states their opinion against multiculturalism, communism and homosexuality in their songs.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Calls for ethnic and religious hatred in mass media and mass communications, graffiti.	-5	-5	-5
×	Presence and popularity of radical nationalist literature, films, music. Ultra-nationalist rock bands and their concerts.	-5	-5	-5
	Total for section 7	-10	-10	-10

8. Radical nationalist groups and parties

I n d i c a t o r s

- Presence of neo-Nazi and ultra-nationalist groups, movements, political parties (both in the center and in the localities).

True Finns is the main nationalist party in Finland. Established in 1995 (leader — Timo Soini), the party won 20% of votes and 39 seats (out of 200) in the 2011 parliamentary elections.

Besides the True Finns, Suomen Sisu (Finnish Power) positions itself as an elite club and tries to influence the decision-makers.⁸⁰ Some experts believe that Finnish Power is part of the True Finns party that does not publicise its affiliation.

In 2013, an international neo-Nazi organisation called Blood and Honour appeared in the Finnish cities of Helsinki and Tampere, acting as a recruiting centre for neo-Nazis.⁸¹

On October 16, Finnish nationalists organised a “Night Watch” in Helsinki, which was mainly targeted at immigrants.⁸²

- Presence of discriminatory demands in the programmes of these parties and in the statements of their leaders towards the members of minorities.

True Finns in their 2011 manifesto demand a reduction in the number of Swedish-language TV and radio broadcasts, abolish the requirement of Swedish language proficiency imposed on the civil servants and make Swedish language courses elective in schools. True Finns also seek to introduce quotas for foreign students.

With regard to migration, the True Finns demagogically stated that they welcome legal migrant workers (while persistently pushing the term “criminal immigrants”), and demanded reducing social benefits for migrants and reducing the number of asylum applications. They opposed the granting of citizenship to a wide range of foreigners, stating: “Citizenship should be a reward.”⁸³

Suomen Sisu programme states that the organisation is a nationalist party, whose activities are aimed at creating a Finnish national society.⁸⁴ Chairman of the organisation, Olli Immonen (True Finns MP) argues that current developments in Finland are moving in a nationalist direction and that the country is moving away from the “ideology of multiculturalism”.⁸⁵

True Finns also support Pro-Karelia — an organisation seeking to return the Vyborg territory to Finland along with territories given to Russia after the Russo-Finnish War of 1939–40 and the Second World War.

Nationalists also demand a ban on the sale of real estate to foreigners in Finland. They do not hide the fact that such a demand is the underlying reason of “massive” buy-outs of houses and apartments by Russians in the border zone. According to the nationalists, it threatens national security.⁸⁶

- Neo-Nazi and radical nationalist influence over the civil society, including oppositional and human rights organisations.

True Finns are significantly influential in the Finnish society. In 2011 parliamentary elections, the party was extremely successful given the fact that it only received five seats in 2007.

They were able to replicate this success in the 2014 European Elections. Gathering 12.9% of votes, the party received two seats in the European Parliament making it third in Finland.⁸⁷

True Finns MEP Jussi Halla-aho came second in Finland by the number of votes — almost 80,000 — outranked only by Alexander Stubb, a prominent MP from the Coalition Party and current Prime Minister. Halla-aho is a known racist, aggressively speaking against Muslims and black immigrants. He was sentenced for insulting religious feelings and inciting ethnic enmity on multiple occasions.⁸⁸

True Finns were able to consolidate around conservative-minded voters and convince them of the idea that xenophobia and Migrantophobia are normal attitudes (according to the survey, conducted in November 2014, 16.3% of the electorate were ready to vote for the party⁸⁹).

It is noteworthy that no candidate from immigrant backgrounds was successful in the last parliamentary elections.

- Neo-Nazi and radical nationalist influence over the local legislative/executive bodies.

Nationalists represented by True Finns have a limited impact on the local authorities in Finland, having a small number of deputies in local governing bodies.

- Neo-Nazi and radical nationalist influence over the central legislative/executive bodies.

After the 2011 elections, True Finns received 19.1% votes and increased their faction in parliament from 5 to 39 MPs. However, more importantly, the right-wing radicals are not afraid to address the “painful” issues, which include things like dissatisfaction with labour immigration. The ruling circles of Finland also have to take into account the rise of xenophobia and anti-immigration attitudes. As a result, large parties are trying to adopt the True Finns’ rhetoric, essentially agreeing with their opinions on the situation in the country.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Presence of neo-Nazi and ultra-nationalist groups, movements, political parties (both in the centre and in the localities).	-5	-5	-5
×	Presence of discriminatory demands in the programmes of these parties and in the statements of their leaders towards the members of minorities.	-5	-5	-5
×	Neo-Nazi and radical nationalist influence over the civil society, including oppositional and human rights organizations.	-5	-5	-5
-/×	Neo-Nazi and radical nationalist influence over the local legislative/executive bodies.	-2.5	-2.5	-2.5
×	Neo-Nazi and radical nationalist influence over the central legislative/executive bodies.	-5	-5	-5
	Total for section 8	-22.5	-22.5	-22.5

9. Public actions of extremist and nationalist groups

I n d i c a t o r s

- Neo-Nazi and radical nationalist participation in mass actions prohibited by the authorities.

Large-scale public actions of this nature have not been recorded by the monitoring in 2012.

- Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities.

On October 4, an anti-EU demonstration was held in Helsinki, protesting against immigration.⁹⁰

On November 28, a demonstration against same-sex marriage was held near the Finnish parliament.⁹¹

On December 6 — Finnish Independence Day — nationalist held a torchlight procession in Helsinki under the slogan “Finland for Finns”. The event was attended by delegations from Sweden, Italy and Germany.⁹²

- Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities, with the participation of representatives from the legislative or executive bodies, law enforcement and security agencies.

Such cases have not been recorded by the monitoring in 2014.

- Presence of “football xenophobia” and racism amongst sports fans.

In late April, a scandal enflamed around a racist incident in Finnish basketball. Black Sanomille player Jaraun Burrows accused a player of Kataja, Sami Lehtoranta, of racist abuse. Lehtoranta and his team denied these allegations. The incident was discussed in the Finnish press. As a result, both players were fined for offensive language.⁹³

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
–	Neo-Nazi and radical nationalist participation in mass actions prohibited by the authorities.	0	–2.5	0
×	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities.	0	0	–5
–	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities, with the participation of representatives from the legislative or executive bodies, law enforcement and security agencies.	0	0	0
×	Presence of “football xenophobia” and racism amongst sports fans.	0	–2.5	–5
	Total for section 9	0	–5	–10

10. Racist attacks, violence and terror

Indicators

- Vandalism in cemeteries, attacks on religious buildings.

Such cases have not been recorded by the monitoring in 2014.

- Inter-ethnic clashes instigated by xenophobia and radical nationalism.

Such cases have not been recorded by the monitoring in 2014.

- Cases of violence, including murder on racial, ethnic and religious grounds.

A Finnish rapper of African descent, known as “Black Barbarian” became a target of libellous comments and racist threats on Twitter. In response, he reposted all comments as examples of casual racism in Finland.⁹⁴

- Nationalist or religious terrorist attacks.

Such cases have not been recorded by the monitoring in 2014.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
–	Vandalism in cemeteries, attacks on religious buildings.	0	–5	0
–	Interethnic clashes instigated by xenophobia and radical nationalism.	0	0	0
×	Cases of violence, including murder on racial, ethnic, and religious grounds.	–5	–5	–2.5
–	Nationalist or religious terrorist attacks.	0	0	0
	Total for section 10	–5	–10	–2.5

11. Presence, popularity and size of anti-fascist and anti-racist movements

Indicators

- Presence of anti-racist and anti-Nazi movements and parties.

The main anti-fascist organisation in Finland is the Finnish Anti-Fascist Committee (established in November 2008; leader — Johan Beckman,⁹⁵ followed by Finland Without Nazism (established in January 2011; leader — Petri Krohn. Both organisations aim to combat neo-Nazism, xenophobia, anti-Semitism, and falsification of World War Two history.⁹⁶

There are several other anti-racism organisations, including the Finnish Human Rights League and the Kitke Association for Human Rights.

- Anti-racist and anti-fascist movement activities (pickets, rallies, demonstrations).

In mid-March, around 100 activists of the Finnish Antifascist Network rallied in Turku to support the victims of neo-Nazi attack in Malmö (Sweden), where feminists fell victim to an armed attack earlier that month.⁹⁷

- Presence of anti-racist and anti-fascist civic.

Finland has a public project “Discrimination-free Zone” — a public awareness campaign aimed at combatting any form of discrimination, abuse and harassment.

The campaign invites organisations and municipalities to declare themselves as discrimination-free zones. Such a statement also serves as a signal to employees, applicants and clients that the organisation welcomes everyone, regardless of gender, age, ethnic background, religion or beliefs, opinion, health, disability or sexual orientation. The project is organised by Helsingin Sanomat newspaper, the Finnish League for Human Rights, Forum of Persons with Disabilities in Finland and a number of other organisations.⁹⁸

Finnish Association of Russian-speaking Communities (FARC), established in 2000, currently includes 38 different organisations. Its activities include social, cultural, sporting and educational events aimed at integration into Finnish society of Russian-speaking families, children, youth, the elderly and immigrants with disabilities.⁹⁹

In November 2006, representatives of the Muslim community was created by the Islamic Council of Finland, whose objectives are to improve the dialogue and cooperation between Muslims and other religious groups and to strengthen understanding and respect for Islamic culture in Finland and Finnish culture of the Muslim minority, the prevention of radical Islamism and Islamophobic extremism.¹⁰⁰

Since 2011, an ongoing project, “We know where you live” (“Me tiedämme, missä asut”), created by the Finnish public broadcasting company Yle, which tells about the people who had to endure the aggression on the part of the Internet audience for what they think. The site of the project participants, including many well-known personalities who have been victims of hate, share their experiences. In addition to interviews with participants of the project on its website it provides information about the law applicable to online threats and a discussion forum. Visitors to the page can also take part in a survey about the hate speech on the Internet. The project’s site has been viewed about 250 thousand times. The project received an award for Excellence in Journalism “Stora Journalistpriset” in 2013.¹⁰¹

Famous Finnish musician and rapper Youth “Paleface” said on May 6, “Finland is a fully racist country.” He also criticised the fact that the Finnish media publish racist attacks and hate speech against national groups. The statement was made as part of No Hate Speech Move-

ment. Paleface also published a video on this subject. He stated that hatred is based on fear and that it is everyone’s business.

Finnish branch of the European No Hate Speech Movement is also worth noting.¹⁰²

A Finnish rapper of African descent, known as “Black Barbarian” became a target of libellous comments and racist threats on Twitter. In response, he reposted all comments as examples of casual racism in Finland.¹⁰³

On July 18, Kari Mäkinen, Archbishop of Turku, head of the Evangelical Lutheran Church of Finland (ELCF), which has already apologised for their anti-LGBT position, stated that apologies to gays and lesbians is necessary to move forward. “I think it is time to apologise,” Makinen said and urged other Christian churches to do the same.¹⁰⁴

New rector of Helsinki University of Arts Tiina Rosenberg published a book called *We too are worthy of our own values*, where she stresses the need to adopt antifascist and anti-racist values and criticises the True Finns party.¹⁰⁵

In December, Finnish police officer Thomas Elfgrén was awarded an anti-racism prize.¹⁰⁶

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Presence of antiracist and anti-Nazi movements and parties.	5	5	5
×	Antiracist and antifascist movement activities (pickets, rallies, demonstrations).	5	5	5
×	Presence of antiracist and antifascist civic initiatives.	5	5	5
	Total for section 11	15	15	15

12. Glorification of German National Socialism and collaborators of Nazi Germany, historical revisionism, Holocaust denial

I n d i c a t o r s

- Glorification of German National Socialism and/or its collaborators in the media, desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition.

Such cases have not been recorded by the monitoring in 2014.

- Glorification of German National Socialism and/or its collaborators with the support of local authorities, demolition of monu-

ments to soldiers of the anti-Hitler coalition, erection of monuments to the soldiers of Wehrmacht and Nazi butchers.

Such cases have not been recorded by the monitoring in 2014.

- Glorification of German National Socialism and/or its collaborators in the decisions made by the authorities.

Such cases have not been recorded in 2014, however it is worth noting that a swastika is present on the emblem of the Finnish Air Force School.¹⁰⁷

Before 1944, swastika was a symbol of all Finnish Air Forces. After the armistice with the Soviet Union, however, Finland changed symbols of its armed forces and substituted swastikas for blue circles. Yet the Air Force School did not change its emblem, trying to “preserve its traditions”.

- Historical revisionism, Holocaust denial.

Such cases have not been recorded by the monitoring in 2014.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
–	Glorification of German National Socialism and/or its collaborators in the media, desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition.	0	0	0
–	Glorification of German National Socialism and/or its collaborators with the support of local authorities, demolition of monuments to soldiers of the anti-Hitler coalition, erection of monuments to the soldiers of Wehrmacht and Nazi butchers.	0	0	0
–/×	Glorification of German National Socialism and/or its collaborators in the decisions, made by the authorities.	–2.5	–2.5	–2.5
–	Historical revisionism, Holocaust denial.	0	0	0
	Total for section 12	–2.5	–2.5	–2.5

13. Persecution of veterans and partisans of the anti-Hitler coalition

Indicators

- Public calls for repression against the veterans and partisans of the anti-Hitler coalition, as well as anti-fascists.

Such cases have not been recorded by the monitoring in 2014.

- Restrictions on human rights and anti-fascist organizations, bans to entry or exit imposed on anti-fascists, inaction of the authorities.

Such cases have not been recorded by the monitoring in 2014.

- Criminal prosecution of veterans, partisans of the anti-Hitler coalition and anti-fascists.

Such cases have not been recorded by the monitoring in 2014.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Public calls for repression against the veterans and partisans of the anti-Hitler coalition, as well as anti-fascists.	-5	0	0
-	Restrictions on human rights and anti-fascist organizations, bans to entry or exit imposed on anti-fascists, inaction of the authorities.	0	0	0
-	Criminal prosecution of veterans, partisans of the anti-Hitler coalition and anti-fascists.	0	0	0
Total for section 13		-5	0	0

14. International Aspect

Indicators

- Participation in significant international agreements on combating racism and discrimination of ethnic minorities.

Finland has signed and ratified the core conventions and international agreements on the fight against racism and discrimination: the Framework Convention for the Protection of National Minorities, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Protection of the Rights of All Migrants and their families and the European Charter for Regional and Minority Languages, the UN Declaration on the rights of indigenous people to self-identification and participation in decisions affecting them and their living conditions.

- Accession to new international agreements and resolutions of various international organisations, aimed at combating Nazism, combating discrimination, or protecting minority rights.

Such cases have not been recorded by the monitoring in 2014.

- International statements and initiatives of the monitored countries and their leading politicians, aimed against discrimination, neo-Nazism and xenophobia.

In 2014, Finland or its politicians made no international statements against discrimination, xenophobia and neo-Nazism.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Participation in significant international agreements on combating racism and discrimination of ethnic minorities.	5	5	5
–	Accession to new international agreements and resolutions of various international organizations, aimed at combating Nazism, combating discrimination, or protecting minority rights.	0	0	0
–	International statements and initiatives of the monitored countries and their leading politicians, aimed against discrimination, neo-Nazism and xenophobia.	0	0	0
Total for section 14		5	5	5

CONCLUSION

Implications for the development of the country and society, based on the analysis of factors and taking into account the aspects listed below.

In the aggressive nationalism rating Finland has returned to its 2012 position, indicating some improvement. This is explained by the decrease in violent hate crime (which now mainly takes form as hate speech online). At the same time, the number of legal public actions held by the radicals and connivance of xenophobia on the part of the government is higher than previously observed.

ASPECTS

1. Human Rights

- *Guarantees against any form of discrimination.*

The rights of minorities in Finland are protected by a set of regulations, starting with the articles of the Constitution and the Penal Code and also the Equality Act, the Act on Religious Freedoms (adopted in 2003) etc.

This legislation, combined with signed and ratified international agreements aimed at protecting the rights of minorities, in principle, provide reliable protection for minorities against all forms of discrimination.

At the same time, some problems remain with the “unofficial churches” which are deprived of proceeds from the so-called “Church tax”, as well as in certain categories of discrimination of foreign women who are discriminated against because of the imperfect system of juvenile justice.

- *Adherence to norms of the fundamental human rights instruments (European Convention for the Protection of Human Rights and Fundamental Freedoms, European Charter on Human Rights, as well as in adherence to the Framework Convention for the Protection of National Minorities and the European Commission against Racism and Intolerance, etc.).*

Finland scrupulously fulfils all the requirements of international agreements in the field of human rights, guaranteeing the minorities their cultural, linguistic, educational and other rights. Meanwhile, the rise of xenophobia and migrant happenings in Finnish society in recent years due to the economic downturn and the increasing migration flows and activities of the right-wing party True Finns, which makes the rulers of the country think about the limitations that may be imposed on foreigners who are temporarily or permanently residing in the territory of the Republic of Finland.

- *Difference in the rights and freedoms of ethnic minorities compared to the titular nation.*

There are no differences between the rights and freedoms of the titular nation and national minorities. Ethnic minorities in Finland are guaranteed all the fundamental rights under international law.

- *Legislation enshrining inequality of minorities.*

Law on Freedom of Religion and the tax laws of Finland secured the existence of official churches — the Evangelical Lutheran and Orthodox, who receive the so-called church tax. Representatives of other religious organisations get nothing from this tax.

- *Rulemaking in protection of minorities.*

Finland adopted the law on gender-neutral marriage, which legalised same-sex marriage in the country.

- *Freedom of speech violations.*

Such cases have not been recorded in 2014.

- *Legislation and law enforcement practices concerning migrants.*

The country has advanced migration legislation. Finland has ratified the main international conventions relating to the protection of migrant rights. Since 2001, immigrants who have lived in the country for 5 years are granted suffrage at the local level. The Ombudsman for Minorities is also engaged in the rights of migrants.

In 2012, the National Court overturned the polls regarding discrimination practices against potential immigrants related to their ethnic background, when their entry documents are examined. Effective adaptation programs of migrants are set in motion.

At the same time, in contrast to other EU countries, in Finland previous work experience gained from other EU countries is not taken into account, which is in contradiction with the law and practices of the European Union.

2. State of society

- *Risk of violation or non-compliance with the acting laws aimed at protecting the rights of minorities; risk of discriminatory practices against members of minorities.*

Finland has always belonged to the tolerant countries that strictly observe the rights of minorities. The economic crisis that broke out in 2008, as well as increased migration flows from third world countries led to an increase of xenophobia and migrant-phobia in the Finnish society. 20% of the vote received at the last parliamentary elections by the party True Finns, which maintains a high level of public support, is an eloquent testimony to the changes in society.

Attempts to follow the ideology of the government parties of radical nationalists in matters to do with the foreigners living in Finland, shows that they have done nothing to counter right-wing politics. In fact, the practice of discrimination against foreign families associated with withdrawal of children by guardianship agencies, to discuss the possibilities of reducing teaching hours for the learning of the Swedish language at school and so on. All of this is the result of a loss of the ruling circles of Finland in the face of the unexpected problem of xenophobia. This creates certain problems in society and can potentially lead to a violation of the current legislation concerning the rights of minorities.

- *Self-determination — how manifestations of xenophobia and extremism affect the identity of minorities; majority's attitude towards minorities (growth of social phobias).*

Public opinion polls on this subject have not been conducted during the monitored period; however, indirect evidence and materials

from earlier surveys imply a significant potential for latent xenophobia. One of the main causes of this is the belief among native Finns that immigrants come to their country only because of high social benefits.

Members of minorities, according to several surveys, are starting to see Finland as a country of large-scale discrimination.

3. Socio-economic development of the country

(Do manifestations of various forms of xenophobia and extremism affect the socio-economic development of the country).

- *Standard of living.*

According to the rating calculated by Legatum Institute, Finland ranked 8th in the standard of living, being in the top five EU countries.¹⁰⁸ Despite the growth in anti-immigration attitudes, xenophobia has not yet reached the level that would have an impact on the economic development of the country.

- *Economic impacts and instability.*

Nevertheless, the recession is having an effect on the Finnish economy. GDP continued to fall in 2014 — by 0.2. Unemployment continues to be a big problem, reaching 10.3% (22% among the youth).¹⁰⁹

Such a decline is a breeding ground for xenophobia and Migrantophobia in particular. Immigrants are accused of “leeching” on the native population, which was exploited by the True Finns party in the elections. The party maintained its popularity during the monitored period.

- *Decline in production growth, emigration of the labour force.*

The decline in production, which was mentioned above is mainly a consequence of the general economic crisis, with no connection with the emigration of the working population. On the other hand the continued aging of the population in Finland leads to the fact that the country is more attractive for residents of countries in Eastern Europe as well as Asia and Africa.

4. Security and geopolitical stability in the region

- *Political stability in the country.*

Despite the presence of a popular far-right party, the situation in Finland is quite stable. True Finns cannot significantly expand its sup-

port group. The country still has a democratic majority and categorically will not accept any xenophobic views.

On the other hand, there is a danger that the xenophobic attitudes are practiced by some politicians from the ruling party, and these phobias will manifest not only in the records of the social networks, like in the case of True Finns, but also in the form of public statements. In this case, the law enforcement agencies prefer not to react to it. There is also danger of an attempt of the ruling party to intercept the most popular slogans of True Finns and use them in their programmes.

- *Impact of xenophobia and extremism in the country on external security, relations with third countries and the international security in the region as a whole.*

Finland maintains good relations with bordering countries. Calls for the return of the territories “detached” in the 1940s are made by marginal communities only and are not included in the programs of the main political forces in the country. However, some tensions with Russia remain due to social services harassing mothers of Russian origin, on suspicion of “improper parenting”.

RECOMMENDATIONS

1. *General recommendations for the accession to international agreements and conventions*

Despite the availability of the migration legislation, it would be desirable for Finland to accede to the International Convention on the Protection of the Rights of All Migrant Workers and Their Families. In addition, given the growing popularity of right-wing radicals, it would be desirable to vote for a UN General Assembly resolution condemning Nazism

2. *General recommendations for adjustments to the legal framework*

Finland should exclude recommendations that native Russian women are accused of a predisposition to violence against children from the instructions of social service

Provisions of the Foreigners Act that facilitate ethnic/racial profiling should be removed.

Additionally, it is important to adjust the country’s tax legislation, which prevents “unofficial” Finnish churches from making use of the church tax.

3. *General recommendations for the executive bodies in the field of enforcement of law and human rights*

Finnish authorities should continue to combat xenophobia and discrimination. Particular attention should be paid to counter anti-immigrant and xenophobic propaganda depicting immigrants as “parasites”. Additionally, law enforcement agencies should adopt a tougher response to xenophobic statements made by politicians, not determining their attitude depending on the affiliation of the subject with the ruling or opposition party.

It is also necessary to take measures against discrimination of foreign families, whose children are being taken away under false pretext of supposed abuse.

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SUMMARY OF INDICATORS FOR 2012–2014

Nº	Criteria	Score in		
		2012	2013	2014
1	Legislation (central, regional, municipal) and law enforcement practices that contribute to the development of radical nationalism	-10	-7.5	-7.5
2	Xenophobia and inflammatory statements by members of the authorities and media	-5	-5	-5
3	Legislation and law enforcement practice preventing the development of radical nationalism	20	20	17.5
4	Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism	5	5	5
5	Activities aimed at promoting tolerance and preventing extremism	5	5	5
6	Migrants' position in the society and society's attitude towards immigrants, foreigners, different ethnic groups	0	0	0
7	Incitement of religious and ethnic hatred	-10	-10	-10
8	Radical nationalist groups and parties	-22.5	-22.5	-22.5
9	Public actions of extremists and radical nationalists	0	-5	-10
10	Racist attacks, violence and terror	-5	-10	-2.5
11	Presence, popularity and size of anti-fascist and anti-racist movements	15	15	15
12	Glorification of German National Socialism and collaborators of Nazi Germany, historical revisionism, Holocaust denial	-2.5	-2.5	-2.5
13	Persecution of veterans and partisans of the anti-Hitler coalition	-5	0	0
14	International Aspect	5	5	5
	Total	-10	-12.5	-10

FRANCE

ASSESSMENT CRITERIA FOR FACTORS OF STABILITY/INSTABILITY

1. Legislation (central, regional, municipal) and law enforcement practices that contribute to the development of radical nationalism

I n d i c a t o r s

- Discriminatory legislation towards minorities — inhabitants of France in the areas of registration, transportation, business, employment, education, housing, healthcare, formation of religious cults etc.

France is the homeland of human rights, a country where the most popular anti-discrimination and anti-racial laws were born and implemented. At the same time, France is among the few countries in the world, which do not admit having ethnical minorities, hence, do not acknowledge their special rights, which would differ from “classic” human rights.

Ethnic identity, as well as ethnical self-identification of native French minorities is excluded from the political lexicon. Moreover, the existence of minorities is not acknowledged.

Because of this The Republic of France has not yet joined the Framework Convention for the Protection of National Minorities, although its argumentation in this case is more anti-racist than not. The French have found it unnecessary and even consider it is breaching the principles of equality, unity and freedom. French politicians like to repeat that all French citizens are French regardless of skin colour, religious beliefs and origin.

In France, government funding of religious Muslim schools is practically non-existent, which practically brings religious Muslim education, which still exists in one form or another, away from the government’s control. This state is based on an act of law from 1925, which forbids governmental funding of any religious organizations, which do

not have cultural ties with France, French history and culture. Therefore, the majority of religious organizations of immigrants, many of whom are Muslim and do not have historical ties to the community, do not possess rights to government funding. Accordingly, government funding is available to Catholics, Reformists, Jewish, but not Muslims.¹

In May 2001, the Abou-Picard Act (based on the names of initiators) has been passed in order to combat religious “sects”. Its goal is to dissolve religious groups, which have been constantly accused of acts of crime. This law had a very critical reception. Catholic and Reformer churches of the country have stood up against it. They noted that the law can be used against some cult practices of traditional religions.

French legislation does not consider crimes that were committed on the basis of prejudice against the disabled and migrants to be hate crimes.

Article 78-2 of the Criminal Procedural Code concerning document checks provides law enforcement with extensive authority to stop any person for identity checks without any reasonable grounds for suspicion. Paragraph 3 of the article allows for identity checks in order to “prevent disruption of public order or crime against individuals or property”.² Essentially, this law provides ground for abuse and racial profiling.

Discrimination of nomads is also a common problem. They are required to receive special permission to nomadism, which must be renewed every year (before 2012, it was every three months). Failure to comply with this requirement results in a fine of 1,500 euros. At the same time, their proportion in a municipality must not exceed 3%.³

- Legislation, which limits voting rights of permanent residents on the basis of their ethnical background, country of origin.

Nomads are deprived of electoral rights if they are not tied to a particular municipality. If they relocate, nomads get the right to vote after three years of living in one place.⁴

- Presence of legislative norms or other normative documentation, which legalizes the ideology of radical nationalism, its attributes and practice, as well as distribution thereof in the media and social networks.

France has one of the most liberal legislations in the world regarding freedom of speech and expressing personal opinion. The first amendment to the French Constitution of 1958 states that France “guarantees equality in before the law to all citizens regardless of background, race and religion”.

There is only one limitation to the freedom of speech — slander. Additionally, there is one legislative limitation, which is connected to denial of the Holocaust. An attempt in 2011 to pass a similar law regarding genocide of Armenians in Turkey in 1915 clashed with the point of view of the Constitutional Council (Constitutional Council, case N° 2012-647DC), which admitted that “this law goes against the standpoint of the Constitution on the freedom of speech and thought, therefore a legislative body has no right to go against the Constitution”. As a result the law had been found redundant and was fully revoked.

- Discriminatory practice towards minorities in the areas of registration, transportation, business, employment, education, housing, healthcare, formation of religious cults etc.

Although protection from discrimination is an old tradition in France, monitoring has recorded an array of discriminatory actions.

First of all, this concerns the discrimination of the Roma, who arrived to France from Eastern Europe on the basis of unified EU territories.

As of 2014, there are 429 Roma settlements in France, totalling more than 19,000 people. Many settlements have no access to water and electricity or healthcare. In a number of cases, Roma children are often not accepted to schools, while their parents are cut off from the labour market due to poor knowledge of French.

Evictions of Roma families continued in 2014. 13,483 people have been evicted this year (many of whom were not given alternative housing). On June 18, 400 people were forcibly evicted from the largest informal Roma settlement in Marseilles, La Pareto. Only 18 families (150 people) were given alternative housing in one form or another.

On October 21, more than 300 people were evicted from Le Cocoteraie, near Paris, despite the court ruling that evictions would violate their right to family life. According to local authorities, 134 people were given alternative accommodation, but more than 100 left the area before evictions began. 60 people were provided only with temporary housing in Paris. Many of these apartments were not suited for families, located far away from schools that Roma children attended.

In September, Council of Europe Commissioner for Human Rights Nils Muiznieks urged France to stop forced evictions.

In some cases, police officers are practically harassing Roma people to force them to leave the area. In April, it was reported that police received a secret instruction to systematically deport Roma residing in the prestige Sixth District of Paris.⁵

5 to 7 thousand Roma children fail to finish school, or do not attend it at all. A study by the European Centre for Roma Rights from

September 2014 revealed that less than 50% of Roma respondents said that their children are attending school. 60% of parents whose children were not in school said that local council's policies are the main obstacle. Many Roma children are put in normal classes, where they cannot catch up with fellow students.⁶

Police unwillingly investigates cases of attacks on Roma; therefore the latter in many cases were just afraid to report facts of attacks to police because of xenophobic moods.⁷

Nomads face discrimination as well. There are 350,000 such people in France (60–70 thousand are permanently migrating, the rest are settled or semi-settled). The law regarding nomadic campsites, which existed since 2000, is not being observed. 40% of municipalities do not have such sites and existing campsites are too small. As a result, nomads are forced to stop in neighbouring areas, which causes conflicts.

Nomad children are often not accepted to schools, arguing that nomads are illegally occupying land or that school has no free spaces.⁸

Muslims living in France are also discriminated against. Cases of refusal in employment and studies for women in hijabs were also registered.

Some Muslim employees were sacked because customers were not willing to deal with them. In some cases, they were passed over for promotion.⁹

On October 17, it was reported that a special police unit attacked a group of Muslims doing physical exercises in a Strasbourg park. They were suspected of training for being sent to Syria.¹⁰

On December 3, it was reported that there is a secret document of recommendations to prevent radicalisation in the society. The document was sent to school administrations across France and listed Muslim clothing, hijabs and weight loss as signs of radicalisation.¹¹

On December 12, it was reported that Mayor of Sarge-les-le-Mans, Marseille Mortro, said that from January 1, students would no longer have a choice of meals. They will either eat pork meals or remain hungry. According to him, secular schools should not cater to religions.¹²

Police often stop Roma and Muslims on the street for identity checks. Public opinion poll published in May 2014 showed that 37% of identity checks were targeted at ethnic Africans, who constitute for just 7% of the population. African and Asian migrants were detained by police 3.5 times more than French people. Physical force was used 4 times more often towards them than average.¹³ The government did not revise the abolished police protocols to increase the accountability of police and prevent racial profiling.

Religious discrimination was noted against Christians and Jews, when public sector workers were required to attend work during religious holidays.¹⁴

On February 11, private company “Paprec” banned its 4,000 employees to display symbols of religion at the workplace for the sake of “religious neutrality” of all employees.¹⁵

LGBT discrimination is also a problem in France. Transgender people face difficulties when changing their names, as they have to undergo compulsory sex-change operation and a two-year psych evaluation. Besides the cost of these procedures, they must wait several years to receive new documents, which causes problems when transgender people use their old documents after the operation.¹⁶

National Institute of Healthcare reports that quarter of LGBT youth suicides are caused by homophobia.¹⁷

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Discriminatory legislation affecting minorities residing in the country in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.	-5	-5	-5
-/×	Legislation restricting the voting rights of permanent residents of the country on the basis of ethnicity or country of origin.	0	0	-2.5
-	Presence of legal norms or other normative documentation, which legalises the ideology of radical nationalism, its attributes and practices, as well as their distribution in the mass media and mass communication.	0	0	0
×	Discriminatory practices against minorities in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.	-5	-5	-5
	Total for section 1	-10	-10	-12.5

2. Xenophobia and inflammatory statements by members of the authorities and media

Monitoring recorded several xenophobic statements by French officials and political activists.

On May 23rd the founder and honorary president of the French far-right party “National Front”, Jean-Marie Le Pen in the discussion regarding mass migration to France with the mayor of Cogolin, a representative of the NF party Marc-Etienne Lanzada offered to regulate demographic situation using Ebola.¹⁸

On June 30th the head of the “National Front” Marine Le Pen using the unrest on the streets of French cities caused by Algerians, proposed to prohibit dual citizenship in France. Speaking on the TV channel Europe 1, Marine Le Pen called the events “a demonstration of complete failure of immigration policy”. According to her many of the Algerians who have French nationality, but also retained Algerian citizenship, clearly express their unwillingness to assimilate and to obey the laws of the host country, which they have voluntarily chosen for themselves.¹⁹

Head of the far right National Front Marine Le Pen accused the government of exploiting attacks against Jews in Creteil for electoral purposes.²⁰

As is often the case, National Front’s success caused Socialists to adopt some of their popular slogans. This is especially true with Antiziganism towards the Romanian and Bulgarian Roma, the integration of which is extremely difficult. On April 22, government spokesperson Stephane Le Foll caused a massive resonance in the media with his statement that “gypsies should be returned to where they came from”. “We have to solve this problem, not pretend that it doesn’t exist.”²¹

In an interview on November 30, Thierry Alonso, Director of the Public Security Department and head of the Pas-de-Calais police, denied allegations that his men increased attacks on migrants, saying that the accusations are unfounded.

He later told Human Rights Watch that migrants were injured by other migrants, or received injuries when trying to cross the border with Great Britain.²²

There have been several anti-Muslim statements. On July 25, it was reported that Deputy Mayor of Montreuil-Juigné Jacques Renault wrote on Twitter, calling a corpse of a fallen Palestinian “Halal meat”.²³

On August 21, it was reported that the former State Secretary of Family Affairs Nadine Morano posted photos of women wearing hijabs and proposed they leave the country if they do not want to integrate into the French society.²⁴

Israel’s operations in Gaza caused a wave of anti-Semitism in France.

On July 5, it was reported that Vice Mayor of Vaulx-en-Velin, Ahmed Shehab publicly accused the head of the local sports club of preferring to “seek assistance from the Jews, and not from his co-religionist” (predecessor Shehab was a Jew).²⁵

On August 4, Vice Mayor of Reims Mario Rossi, who was elected from the party “Union of Democrats and independents” compared Gaza bombings to German bombings during the First World War.²⁶

On August 4, French politician and Senator Nathalie Goulet spread caricatures of Israeli Prime Minister Benjamin Netanyahu, Justice Min-

ister Tzipi Livni and former President Shimon Peres, in style of “blood libel”.²⁷

On July 30, it was reported that a hashtag “Palestine will survive and Israel will burn” was trending in Toulouse.²⁸

There have also been homophobic statements. On November 14, former President Nicolas Sarkozy made a speech at an event organised by the Union for a Popular Movement party. He said that the same-sex marriage law must be “rewritten from scratch”. In response, those present at the conference started shouting “Abolish! Abolish!” Sarkozy then added, “If you believe I should talk about abolishing the law, then, in essence, it’s the same thing.”²⁹

On December 29, it was reported that the elected councillor from the Christian Democratic party in Vourla, Marc-Yvan Tesser posted several homophobic tweets.³⁰

On December 24, a popular French radio RTL said that it intends to cooperate with a prominent observer Erik Zemmour despite his blatant anti-Muslim statements. “Democracy means accepting and allowing different confronting ideas,” RTL stated.³¹

Writer Alain Sorel published an article under the headline “Tribal Solidarity”, repeating anti-Semitic myths about Jews and money, dominance in finance industry, etc.³²

On December 28, one of the extreme right websites published an article entitled “The Secret Project of the Second Israel in Ukraine”. The article claimed that “certain Zionists” are preparing to build a “second Israel” in Ukraine.³³

French internet is also littered with xenophobic rhetoric. In 2014, 15,000 manifestations of hate have been reported online.³⁴ Radical Islamist websites are actively spreading anti-Semitism.³⁵

On January 20, a video threatening Jewish people was posted on YouTube. It’s author called himself “new Mera” (M. Mera was the terrorist who opened fire at Jewish students in Toulouse in 2012).

On January 22, Facebook page “Deport the Zionists” was found.

On July 25, another anti-Semitic page was set up on Facebook, calling for violence against Jews in Paris and posting their private details.

On July 20, a Twitter account named after M. Mera was posting anti-Semitic threats.³⁶

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Xenophobia and hate speech by members of the authorities and media.	-5	-5	-5
	Total for section 2	-5	-5	-5

3. Legislation and law enforcement practice preventing the development of radical nationalism

Indicators

- Presence of anti-Nazi, anti-racist and anti-extremist legislation; legislation aimed against the incitement of ethnic and religious hatred in the country.

Constitutional acts in France acknowledge equality regarding the law, equality between men and women, equality regardless of race and nationality, equal rights for labour regardless of background, views and beliefs, equal rights to education, culture, learning a profession. These rights are based on the Declaration of the Rights of Man and of the Citizen, to which the country's modern Constitution is linked and which in its preamble states that "the French nation boldly proclaims its allegiance to human rights... as they were defined by the Declaration of 1789 and the Constitution of 1946". Article 1 of the French constitution states that France "must provide for equality of all citizens before the law, regardless of origin, race or religions and respect all faiths".

In 1994, a new Penal Code came into force in France. It made penalties for any forms of racial discrimination more severe. According to it obvious notions of racism and xenophobia are to be penalized, as well as promoting racial discrimination. Criminal liability is also foreseen for "incitement of hatred and violence towards a person or group of people on the basis of their ethnical, religious or racial background". Public slander and offence based on racial and religious background are also crimes.

Committing a crime on the basis of racial or ethnical background, nationality, religion, sexual orientation and gender identity is considered as an aggravating circumstance. Apart from that the Penal code foresees separate qualifications for murders, torture, rape, violence and threat of violence based on the mentioned reasons. However not included are cases of committing crimes on the basis of disability, belonging to a migrant community or the victims' social status.

French Penal code even forbids gathering information about a person's ethnical and religious background.

All in all, France as the majority of EU countries follows EU directives. On the 29th of June 2000 the EU Council passed directive 2000/43 "Providing implementation of the equality principle between persons regardless of their racial or ethnical background". By 2003 all countries belonging to the EU at that moment including France adapted their national legislations according to the norms of this Directive. On the 3rd of February 2003 France passed an Act about "Intensifi-

cation of punishments foreseen for crimes of racial, anti-Semitic and xenophobic character”.

Six months after implementing the Directive, on the 4th of November 2000, the European Council offered to sign the 12th Protocol to The European Convention on Human Rights, significantly increasing the possibilities of Section 14 of the Convention regarding non-discrimination.

Passing these two instruments opened a way for a historic possibility to improve anti-racist and anti-discriminatory legislative standards in Europe. No less important is the fact that they also make way for creating effective structures with sufficient judicial power and resources to guarantee upholding the passed laws. These main EU documents were prepared based on the existing legislative practices and on the International Convention on the Elimination of All Forms of Racial Discrimination.

An important moment in European anti-racist legislation is that Article 5 of the Directive, Protocol N^o 12 to The European Convention on Human Rights, Article 1(4) of the International Convention on the Elimination of All Forms of Racial Discrimination makes countries implement positive actions by “doing certain things to prevent or compensate for damages connected to racial or ethnical background”.

In order to more strictly prevent any forms of racism and anti-Semitism a French legislator added such aggravating circumstances as threats, thefts and extortion to crimes committed on the basis of hatred and increased the “legal expiry dates” for actions of racial or anti-Semitic behavior connected to publications in the press (the so called Law of “Perben the 2nd” of the 9th of March, 2004 about adding corrections to the justice system in the light of new tendencies in the crime sphere).

Legislation adopted on November 13, 2014, includes xenophobic statements in the term “abuse of freedom of expression”. However, it does not take into account whether such statements incite to violence or not.³⁷

For many years France has hosted laws regarding Genocide, war crimes and crimes against humanity with written sanctions attached to them. However, only the law regarding “denial of the Holocaust” received a practical implementation. It foresees a prison sentence of one year and a fine for the amount of 45,000 Euros.

On December 8, France signed an agreement with the United States about the payment of 60 million dollars to French Jews who were deported during the Holocaust.³⁸

- Presence and development of anti-discriminatory legislation.

An anti-discriminatory legislation in France is based on the above-mentioned EU documents.

It is important that European (and therefore French³⁹) legislation for combating discrimination includes such terms as “direct” and “indirect” discrimination in the boundaries of the so called forbidden action (Article 2 of the Directive). In the EU Directive goals “direct discrimination” is defined as a situation in which “one person is treated worse than another in a similar situation based on racial or ethnical background” (Article 2(2)a of the Directive), meanwhile “indirect discrimination” according to Article 2(2)b of the Directive takes place “if a visibly neutral circumstance, criteria or practice places a person of a certain racial or ethnical background into an inconvenient situation compared to other persons, but only if this circumstance, criteria or practice aren’t objectively justified by a legal goal and the actions required to reach this goal aren’t adequate and necessary”.

French anti-discrimination legislation practically allows the government to apply certain measures in order to reach an adequate level of representation of ethnical, religious and other minorities in various spheres of social and community life. Such measures can affect employment for members of groups, that historically did not have access to equal participation, as well as an active identification and employment of such persons in the civil service sphere including but not limited to police, the public prosecution office and courts.

European anti-discriminatory legislation also includes the prohibition of “orders” to discriminate and indulge discrimination based on prohibited grounds (Article 2(4) of the Directive and Article 4(a) and (c) CEDAW). Notably, the legislation is implemented “in both public and private sectors, including state institutions” (Article 3(1) of the Directive). In such a way the legislation defines that discrimination committed by an independent entrepreneur or a restaurant owner is forbidden in the same way as discrimination committed by a policeman or social service employee.

According to the mentioned legislation discrimination is prohibited in the following areas (but not limited to them): terms of access to employment (Article 3(1)(a) of the EU Directive); assistance in the choice of profession, coaching and retraining courses (Article 3(1)(b) of the EU Directive); employment and terms for work, including issues regarding employment termination and salary (Article 3(1)(c) of the Directive); social security (Article 3(1)(e) of the Directive); health-care (Article 3(1)(e) of the Directive); social benefits (Article 3(1)(f) of the Directive); education (Article 3(1)(g) of the Directive); access to goods and delivery of goods and services available to the public (Article 3(1)(h) of the Directive); residence (Article 3(1)(h) of the Directive); provision of justice including guarantee of a person’s safety (Article 5(a) and (b) of the CEDAW and Article 6, 13, 14 of the ECHR);

political activity including the right to vote and be employed in civil service (Article 5(c) of the CEDAW and Article 14 of the ECHR and article 3 of the N° 1 Protocol to ECHR).

In 2002 the following principal changes and additions were inserted into EU Directive 76/207 by the Council and European Parliament Directive of the 23rd of October 2002:

- definitions of direct and indirect discrimination became fixed as to Directive 2000/43/ EU and Directive 2000/78/EU;
- rules of compensating damages to a person who suffered from discrimination were defined;
- criteria for differentiation of employees based on gender were broadened and higher guarantees of providing gender equality were set, including possibilities to provide leave for family reasons for both genders;
- means of protection circle broadened, including the possibility for a discriminated person to turn to the according non-governmental institutions for help and the development of collaboration between member countries and such organizations;
- state of sexual harassment added.

The legislation foresees protection from discrimination based on race in the sphere of education, access to goods and services, health-care, social security and social benefits; protection from discrimination based on other ground, including sexual orientation, age, disability, religion or beliefs is limited by the job market.

In 2000, France adopted the law requiring municipalities with population over 5,000 to establish campsites for nomads, with access to water and electricity.

In September 2012, Minister of Education issued three memos, reminding councils that municipalities must provide all children with education (including nomads, Roma and migrants), and appointing officials responsible for overseeing this.⁴⁰

On August 26, 2012, a memo was issued prohibiting evictions from informal settlements without the provision of alternative housing.⁴¹

On March 24, France issued a moratorium on eviction from informal settlements between November 1 and March 31.⁴²

In 2012 the definition of protection from discrimination on the basis of “sexual identity”, which primarily concerned LGBT, were added to the Labour Code.

On the 12th of February 2013 members of the National Assembly of France by the majority of votes legalized same gender marriage and the right of such families to raise a child. 329 of 577 members voted “For”, 299 — “Against”.⁴³ On the 18th of May French President Francois Hollande signed this act.⁴⁴

On September 29, French Court of Cassation ruled that two married women have the right to parent a child by artificial insemination. Previously this was only allowed for opposite-sex couples.⁴⁵

- Compliance of the government (central, regional, municipal), law enforcement and judiciary with anti-Nazi, anti-racist, anti-extremist, anti-discriminatory and hate crime legislation.

This legislation was well observed in 2014, but certain cases of discrimination while employing Roma (primarily from among migrants from other EU countries) and Muslims. Additionally cases of discrimination against Roma were noted during eviction from illegal villages — without consultations or provision of housing, although it is foreseen by the cross sectorial circular passed in 2012.

On January 31, Minister of Housing announced plans to provide long-term housing for residents of informal settlements. On February 28, the government and Adoma housing organisations signed an agreement providing some communities with alternative housing.

However, despite these changes, majority of evicted persons and families did not receive alternative housing in 2014.⁴⁶

The practice of racial profiling was not eliminated, despite numerous demands. New Polcie Ethics Code that came into force in January required polite treatment of suspects, but did not provide exact instructions.⁴⁷

Police has been reluctant in investigating hate crime where police officers were involved. For example, investigation against four police officers who wounded a group of Roma during forced eviction in November 2011 was still ongoing in 2014.⁴⁸

Ambiguous criteria of hate crime results in almost a third of reports not being investigated, according to the Ministry of Justice. In more than half of these cases, it is impossible to determine whether a racist crime took place.⁴⁹

Furthermore, victims themselves are often reluctant to turn to police. LGBT rights association reports that 85% of homophobic incidents remain unpunished because victims fail to report to police.⁵⁰ Roma face a similar situation, fearing police brutality.⁵¹

On the 21st of May the Organization of Sephardic Jews in France Siona published results of a survey conducted among members of the diaspora. The survey showed that only a fifth of the victims found it necessary to go to the police. According to the respondents, 27.6% of the complaints led to concrete results.⁵²

Social networks like Facebook, Twitter or YouTube do not cooperate with the law enforcement in identifying offenders.⁵³

- Struggle against hate crime (criminal cases against organizers and participants, guilty verdicts).

35 people have been sentenced on charges related to hate crime in 2014 (two times more than previous year). This increase is a result of a general increase in xenophobia. 21 people received non-custodial sentences (mostly fines), 14 — various prison terms (no more than a year) or compulsory treatment. French courts have a surprising practice of leniency towards a person who attacked a child — sentencing him to a fine or community service.

On January 9, a man was brought on charges for anti-Semitic comments on social networks. He received 75 hours of community service and a suspended prison term.⁵⁴

On January 22, Paris Court of Appeal sentenced a Muslim Paris resident to a prison term for causing grievous bodily harm to a random by-passer.⁵⁵

On February 11, author of the video promising another “Toulouse attack” was fined 800 euros and sentenced to a suspended sentence,

On February 21, prisoner in Fresnes was fined 500 euros for anti-Semitic abuse against a chaplain.

On March 3, a 28-year-old Morocco national was fined 3,000 euros by the Bordeaux City Court for demonstrating “Quesnel” — an anti-Semitic gesture — in front of the Great Synagogue.⁵⁶

On March 26, three attackers on a Jewish family in Ferrol-Ati were sentenced to 18–24 months of probation, compulsory treatment and 900 euro compensation for each victim.

On April 7, a student in Aix-en-Provence was sentenced to probation and expelled from university for writing anti-Semitic letters to a professor.

On April 15, a Lyon resident was fined 1,800 euros for calling a Jewish security guard a “dirty Jew”.

On April 17, man was sentenced to a year and six months probation for attacking a Jewish man in Thiers.

On June 26, the Supreme Court of France upheld the appeal decision in favour of the director of the kindergarten, who fired an employee when she came back to work after maternity leave wearing a headscarf (hijab) and refused to take it off at the request of her superiors.⁵⁷

On July 4, court of Toulouse sentenced a woman who attacked a courier from the Jewish school. She was admitted to a psychiatric hospital. On July 9, Correctional Court of Paris ruled that the nine members of Femen movement must pay a fine of 1.5 euros for damaging a bell in Notre Dame in 2013.⁵⁸ However, on September 10, Court of Paris dismissed the charges of nine activists of the Femen movement, who arranged a performance similar to Pussy Riot in Notre Dame. The three guards, whom the court found to have treated the activists cruelly, were sentenced to a suspended fine of 250 to 500 euros.⁵⁹

On July 12, Versailles Administrative Court quashed the decision of one of the municipalities that prohibits wearing the hijab on the beach.⁶⁰ On July 18, a resident of Rethel-S. Lekler, member of the National Front was sentenced to nine months in prison, a fine of 50 thousand euros, as well as the five-year disfranchisement, for posting a xenophobic collage online.⁶¹

On July 18, man accused of attacking a Jewish man in Créteil was sentenced to seven hours community service.

On August 13, Angers Court of Appeal ordered the Mayor of Cholet to pay a fine of 3,000 euros after he said that “Hitler did not kill enough gypsies”.⁶²

On September 16, it was reported that court of Colmar sentenced a 42 year old man to three months in prison and 1,300 euro fine for displaying an anti-Semitic gesture called “quenelle” near a local synagogue and posting the video online.⁶³

On September 22, man who attacked a Jewish family in Villeurbanne received a suspended prison sentence.

On September 29, a 21 year old woman from Strasbourg was sentenced to three months in prison for verbally abusing a Jew in a bus.⁶⁴

On October 1, resident of Saint-Maur les Fosses was sentenced to six months in prison for attacking a Jewish person.

On October 4, French court sentenced two people to 9 months in prison for desecrating a mosque.⁶⁵

On October 6, three criminals who threatened Jews in Saint-Fons synagogue were sentenced to 2,000 euro fine and 30 hours of community service.

On October 22, a man was sentenced to four years in prison for arson of a Jewish mini market in Sarcelles.⁶⁶

On October 28, French blogger Boris Le Lay was fined 5,000 euros for his anti-Semitic posts.⁶⁷

On October 28, a serial vandal, who desecrated 13 churches in Merlan was ordered to pay a fine of 25,000 euros and sentenced to a year in probation.⁶⁸

On November 3, criminal who painted swastikas on a synagogue in Bastia was sentenced to 120 hours of community service.

On November 10, Paris local was sentenced to 8 months in prison and 1,500 euros fine for attacking a Jewish person.

On November 22, Jean-Marie Le Pen was fined 5,000 euros for anti-Roma statements that he made in 2012.⁶⁹

On April 17, ECHR ruled that France must pay damages for the family of a young Roma man who was killed by police in May 2008. 50 thousand euros was paid to the wife and three children of Josef Guerdner, 10 thousand to his mother and 5 thousand to his siblings.⁷⁰

On July 1, European Court of Human Rights ruled that France has the right to prohibit women from wearing niqabs in public. At the same time, the court expressed concern over Islamophobic sentiments during parliamentary debates regarding this law.⁷¹

There was a case that can be regarded as condoning xenophobia. On June 12, former president of SOS-racism Dominik Sopo was sentenced to a fine for calling a conference of right wing MPs an “anti-Semitic ball”. He was sentenced to pay 600 euros for libel and 1,000 euros damages to Marine Le Pen herself.⁷²

- Unlawful use of anti-extremist legislation.

On December 11, it was reported that Administrative Court rejected the installation of a Christmas crypt at the Vendée General Council in La Roche-sur-Yon. In early December, a similar scandal arose in Beziers, where a Christmas crypt was allowed in Hôtel de Ville. The situation eventually resolved.⁷³

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Presence of anti-Nazi, anti-racist and anti-extremist legislation; legislation aimed against the incitement of ethnic and religious hatred in the country.	5	5	5
×	Presence and development of anti-discriminatory legislation.	5	5	5
×	Compliance of the government (central, regional, municipal), law enforcement and judiciary with anti-Nazi, anti-racist, anti-extremist, anti-discriminatory and hate crime legislation.	5	5	5
×	Struggle against hate crime (criminal cases against organisers and participants, guilty verdicts).	5	5	5
–	Unlawful use of anti-extremist legislation.	–5	0	–5
	Total for section 3	15	20	15

4. Statements of government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism

High-ranking French officials have been actively using anti-xenophobic rhetoric.

On June 1, President of France Francois Hollande said that France will do everything possible to stop the radicalisation of youth. “We will monitor these Jihadists to make sure that they cannot do any harm.”⁷⁴

On June 6, Francois Hollande stated that the people of the Soviet Union made a decisive contribution to the Allied victory in World War Two and this will never be forgotten. Speaking at the 70th anniversary of the Normandy landing, President said, “We pay tribute to the heroism of the Soviet peoples, we are grateful for what they’ve done for our own freedom, our common victory over Nazism.”⁷⁵

On July 20, President Francois Hollande supported the government’s decision to ban anti-Israel demonstrations. According to him, activists have other means to express their position.⁷⁶

Hollande also met with representatives of the Jewish and Muslim communities in the country to express his outrage with the riots. Prime Minister Manuel Valls acknowledged that anti-Semitism in his country has taken a new form — widely distributed through the internet and covering new workers’ quarters of French cities.⁷⁷

President Francois Hollande said in his New Year’s speech that the fight against racism and anti-Semitism will be one of his main goals in 2015. He also talked about the growing threats of terrorism and fundamentalism, urging the people of France not to succumb to fear.⁷⁸

On January 6, Minister of the Interior Manuel Valls recommended the mayors of cities to ban Mbala-Mbala’s performances. On January 7, he was supported by President Francois Hollande. “We cannot allow the public rostrum used for anti-Semitic provocations”.⁷⁹

On February 27, Manuel Valls stated, “France will never forget the terrible March 2012”, speaking about the murder of Jewish children in Toulouse. He also noted the threat of anti-Semitism on the internet, stressing that if xenophobic propaganda is not stopped, it will tear the society apart.⁸⁰

Minister of the Interior Manuel Valls spoke at the ceremony dedicated to the students and teachers of the Jewish school in Toulouse, who were shot by an Islamist extremist in 2012. He called anti-Zionism an “invitation to anti-Semitism”. Old anti-Semitism of right wing radicals has been renewed in France, Valls noted. “It feeds on hatred against Israel. It feeds on anti-Zionism. Because anti-Zionism is an invitation to anti-Semitism. Criticism towards Israel, founded on anti-Zionist sentiments, is the modern day anti-Semitism, it is a haven for those who do not accept the state of Israel.”⁸¹

Official representative of the French Government Stephane Le Foll called migrantophobic statements of Marine Le Pen “unacceptable”.⁸²

After Le Pen’s anti-Semitic remarks, Minister of Women’s Rights Najat Vallaud demanded the French National Front to remove Le Pen from its ranks.⁸³

On July 22, Foreign Ministers of Germany, France and Italy issued a joint statement condemning anti-Semitism, the growth of which has been noted in connection with the operation carried out by the

IDF in Gaza. Foreign Ministers promised to make every effort to put an end to this phenomenon in their countries. “Anti-Semitic rhetoric and hostility towards Jews, attacks on Jewish communities and synagogues are unacceptable in our societies,” the statement said. Ministers stressed that they respect the freedom of speech and assembly, however, they will not allow the spread of anti-Semitism, racism and xenophobia.⁸⁴

On December 7, several hundreds of people attended a rally in Creteil after the scandalous anti-Semitic attack. Minister of the Interior Bernard Cazeneuve addressed the crowd and said that France will continue to protect them. “This crime is not just a cowardly act, anti-Semitic, committed for profit. Behind this crime there is evil that corrupts our Republic, which we must eradicate by any means. The Republic will make every effort to protect you, because without you it will stop being a Republic.” He added that all administrative bodies must get involved in the fight against racism and anti-Semitism.⁸⁵

President of the National Consultative Commission on Human Rights Christine Lazerges stated on April 1, that the way to fight racist sentiments is through education — surveys expectedly show that the higher the cultural level of a person, the less he is prone to racist sentiments.⁸⁶

Some members of the French party “Union for Popular Movement” immediately reacted to the ECHR statement about the ban on niqab. Erik Siotti was happy to hear this decision, stating that it makes French citizens “stronger in combatting fundamentalism”.

Former Minister of Environment Corinne Lepage thanked the European Court of Human Rights for “affirming the principle of the French Constitution on equality between men and women”. He said that forcing a woman to wear some form of clothing restricts her freedom, contrary to the “spirit of the Republic.”⁸⁷

Interior Ministry Advisor on Police Affairs told the Human Rights Watch on December 16 that “police violence is unacceptable” and that he was unaware of police abuse towards migrants and asylum seekers in Calais. He assured that these cases will be investigated.⁸⁸

On January 5, Mayor of Paris Bertrand Delanoë called for a ban of performances by an anti-Semitic humorist Dieudonné Mbala. In an interview with radio station Europe1 mayor of the French capital, said the comedian “justifies crimes against humanity”.⁸⁹

Delanoë condemned the desecration of the Wall of Peace and called the graffiti “scandalous and insulting.”⁹⁰ He also condemned the desecration of the exhibition “The expulsion of Jewish children from the third quarter”.⁹¹

On September 29, Mayor of Paris condemned anti-Semitic graffiti at a nursery, calling them an “unacceptable act”.⁹²

On February 17, Toulouse Mayor Pierre Cohen said he was “deeply shocked” by the emergence of xenophobic graffiti and asked the police to “find those responsible as soon as possible”.⁹³ Mayor of Sarcelles promised to react to anti-Semitic attacks on Jewish teenagers.⁹⁴

On September 23, Mayor of Pontarlier demanded to find those responsible for desecrating the local mosque and bring them to justice.⁹⁵

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism.	5	5	5
	Total for section 4	5	5	5

5. Activities aimed at promoting tolerance and preventing extremism

In 2003, France established an Inter-Ministerial Committee Against Racism and Anti-Semitism (CILRA), which reports to Prime Minister.

National Commission for Human Rights, established in 2007, is engaged in combating xenophobia and discrimination. NCHR prepares reports on legislative bills, national strategies and prepares situational reports regarding xenophobia and discrimination.⁹⁶

Since 2011, the institution of the Commissioner for Human Rights is active in France. He is appointed by the President for a term of six years. One of his three deputies is responsible for the fight against discrimination. The Council for Combating Discrimination and Equality Questions is active under the Commissioner.

An active website <https://www.internet-signalement.gouv.fr> monitors and removes racist content from the Internet. Central Office for the Fight Against Crime Linked to Information Technology and Communication (OCLCTIC) is actively cooperating with the association of providers (AFA) in matters of removing such content.⁹⁷

In June 2012, Ministry of Justice issued a memo regarding investigation of hate crime. Courts across the country have special prosecutors who deal with this specific type of crime.⁹⁸

In 2012 a National Plan to Combat Racism and anti-Semitism for 2012–2014 was created.

In 2012, France launched an inter-departmental action programme against violence and discrimination based on sexual orientation and gender identity.⁹⁹

Several Roma Integration programmes have been launched in in Ivry, Orly, Andatu, Montreuil.¹⁰⁰

On February 17, it was reported that a former concentration camp Rivesaltes, where many Jews, Gypsies and Spanish refugees were held after the civil war, will be converted into a museum.¹⁰¹

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Activities aimed at promoting tolerance and preventing extremism.	5	5	5
	Total for section 5	5	5	5

6. Position of migrants and society’s attitude towards immigrants, foreigners, different ethnic groups

I n d i c a t o r s

- Presence and development of migration laws.

During the study period more than 500 million people lived in the EU, approximately 40 million of who were born outside of these countries, of which about 6.5 million lived in France during the review period.

2006 France adjusted its legislation to European migration. In particular Act N° 2006-911 was passed of 24th of July 2006 “On Migration and Integration”.¹⁰²

According to this law, the French migration policy focuses on a strategy of “selective migration” — the so-called *immigration choisie* — and is covered by three points: (1) “selective policy towards accepted migrants”, (2) the mandatory integration for those who has been in the country for a long time and/or is entering the country for a lengthy period of time, (3) “interaction/cooperation”.

The policy of selective migration is based on the introduction of migrant competence card — *carte competences et talents*. Holders of these cards according to Article 15 of the Act will carry out their career in the chosen direction. This card is designed to allow easy entry of qualified specialists, academics and professionals who are required at the “labour market” of the Republic.

The second important element of the migration policy of France is a binding contract on the integration *contract d’accueil et d’intégration*, according to Article L311-9 Act obliging the migrants, both resident in the country and those entering its territory for the first time to make every effort to integrate into the host society, become a member of any public education (church choir, football team etc.) and to learn the language required on the level required by the law.

However, the language requirements have been challenged in the European Court of Justice in June 2011,¹⁰³ which ruled that according to “Article 7 paragraph 2 of the EU Directive on family reunification does not allow to ban entrance into the territory of the Community to a family member of a citizen of a third country lawfully residing/staying on the territory of the EU to enter on the sole ground that he/she had not passed the integration and/or language test, which according to national legislation is a prerequisite for obtaining a permit to enter the country”. As a result France was forced to adjust its legislation according to this Directive.

From 2006 to 2012, the migration legislation of France was supplemented 4 times by amendments aimed at tightening it. In particular, the DNA test was introduced for those wishing to be reunited with their families, as well as a possibility of expulsion of former foreigners who were granted citizenship by naturalization. Also measures against illegal immigrants have become more severe.

Under the influence of the European Convention on Human Rights and Fundamental Freedoms (ECHR) and the European Court of Human Rights (ECtHR) France also had to transform their migration legislation to give priority to “individual interests” of persons who are long-term residents of the country before the “interests” of the state regarding expulsion/deportation from the country. Recognized as illegal is the expulsion of a “second generation” migrant from his country of residence, even in the event of serious violations of the laws of the host country¹⁰⁴

Great attention is paid by the French legislation to refugee issues. French Constitution guarantees the right to asylum to citizens of all countries, who fear persecution in their homeland. A person recognized as a refugee receives a 10-year residence permit which includes the full scope of social rights. The legal status of refugees, recognized by the French Office for the Protection of Refugees and Stateless Persons (OFPRA), in the annex to the Geneva Convention of 28th of July 1951 applies to two categories of people:

- The first category includes all persons who meet the requirements of Article 1 of the Geneva Convention of 28th of July 1951 regarding the refugee status. According to this article a refugee is a person who is subject to violence or harassment based on race, ethnicity, religion, language, as well as belonging to a particular social group or having a specific political opinion, as a result of which he/she is forced under threat of life to leave the country and immigrate;
- The second category includes all persons persecuted as a result of their activities in the fight for freedom (according to the law of 11th of May 1998, Article 29).

Annually, about 20,000 people apply for asylum in France. These are mainly immigrants from Asia and Africa. Asylum applications on average take more than two years.¹⁰⁵

France has not signed the UN Convention on the Protection of rights of migrant workers and members of their families. French legislation foresees criminal liability for helping in organizing illegal migration even if it was not intended to make a profit. In compliance with the Act of 31st of December 2012 from punishment only persons who provide humanitarian aid to illegal migrants were released from punishment, if this is not done for profit.¹⁰⁶

Migration legislation was tightened further in 2014. In July, the government introduced two new bills that allowed France to restrict the number of immigrants from EU countries “who pose a threat to fundamental interests of the society” or “abuse the law” (in practice, the law is aimed against Roma) and simplify the deportation process.¹⁰⁷ Preamble to the law states that current system supposedly “encourages to abuse the asylum application process in order to migrate”.¹⁰⁸

- Government’s compliance with such legislation (law enforcement practice).

In 2012, France established the Ministry of Immigration, Integration and National Identity.

On October 16, 2013, President Hollande said that next year France will accept 500 Syrian refugees. By the end of 2014, 300 to 350 people have been relocated.¹⁰⁹

In 2014, several cases of non-compliance with migration legislation have been noted. This was expressed in the migrant crisis, where only a third of asylum seekers in France have been provided with housing in refugee centres. Average waiting period is 12 months.

The temporary reception system was expanded as a result. In 2013, there were 14.5 thousand refugees in permanent centres and 24.6 thousand were temporary placed in hotels, increasing the cost of the whole system for the state. Nevertheless, many migrants were forced to wait in line every night to find shelter.¹¹⁰

The situation was most acute in Calais, where 2,300 migrants were attempting to pass through into the UK. Most of them had no shelter from cold and raid, no access to medicine and limited access to running water. In November-December. Hundreds of people, including women and very young children, were sleeping in tents, on mattresses outside, with little or no shelter from the cold. During Human Rights Watch’s visit, temperatures were as low as 1 degree Celsius. Until a day centre partially opened on January 15, local charities provided one daily meal to around 700 asylum seekers and migrants in the city centre. The interior minister announced in November that a day cen-

tre would be made available to provide showers, meals, and legal assistance for 1,500 asylum seekers and migrants by January. But as of January 15, only limited facilities were available on the site until April. Overnight accommodation will not be available until March and will be limited to 100 women and young children.¹¹¹

There have been reported cases of law enforcement abuse against migrants in Calais.¹¹²

Unaccompanied migrant children have been detained in airports and seaports, despite the 2009 resolution that prohibited detention of children in transit areas. Every year around 500 minors are detained for 20 days or more, under the pretext that French regulations do not extend to transit zones. At the same time, these children have 48 hours to appeal the decision.¹¹³

There have been cases of mass deportation of migrants. On March 27, police detained 85 Syrian nationals arriving from Lyon to Paris. They were not even given the chance to apply for asylum; instead, they were given a month to leave France.¹¹⁴

700 migrants and asylum seekers from Afghanistan, Ethiopia, Eritrea and Syria were evicted from temporary camps around Calais in May and July. In most cases, they were not given alternative housing.¹¹⁵

- Discriminatory practices against immigrants.

On January 28, Administrative Court of Besancon dismissed the application for a residence permit submitted by a family of a Gypsy girl, whose deportation to Kosovo in 2013 led to a wave of protests in France. The court's decision noted that in five years spent in France the Dibrani family "has not shown any desire to economic and social assimilation in the life of the French society".¹¹⁶

In March, Minister of the Interior issued a decree regarding illegal migrants, which ordered the law enforcement to deport foreign citizens who were declined by OFPRA. These deportations would not let migrants the chance to appeal these decisions.¹¹⁷

Some institutions delayed residency permissions for up to 30 days, during which refugees had no access to social services and were constantly under threat of deportation. Migrants often had only 48 hours to leave France, whereas legally this term could be up to 30 days.

Asylum applications are considered on a batch basis, without taking individual circumstances into account. Short appeal terms and massive queues often restrict access to this procedure.¹¹⁸

- Use of ethnic crime as justification for discrimination against immigrants.

The subject of ethnic crime is widely used in the rhetoric of the representatives of the "National Front"

Social assistance for migrants.

France has a series of laws that actively govern the provision of social assistance to immigrants. Those are: Act N° 2006-396 of 31st of March 2006 on equal opportunities, Act N° 2006-872 of 13th of July 2006 on the national commitments in the sphere of housing, Act N° 2006-911 of 24th of July 2006 on immigration and integration, Act N° 2007-290 of 5th of March 2007 on the right to housing with the possibility of its legal protection and about different measures to promote social cohesion plus a number of others.

However, due to the three-month residency requirement to receive access to health services, migrants cannot receive full medical care.¹¹⁹

- Negative attitude of the community towards immigrants, foreigners, various ethnic groups.

Sociological surveys indicate a high level of xenophobia in the country. This includes anti-immigrant and anti-Roma sentiments, Islamophobia and anti-Semitism.

National Human Rights Commission reports high levels of racism in France. President of the Commission said that while level of racism has fallen in the long-run — there are no more violent riots and attacks — there are hidden forms of racism, which are no longer limited to extremist groups. She added that this kind of racism “penetrates all social layers”. Tolerance index has been decreasing for the past four years. Meanwhile, BVA survey indicated that 9% of French people openly admit to being racist, while 26% consider themselves “somewhat racist”.

Anti-Roma sentiments are common. Surveys showed that 35% of French people believe that there are “too many” of them. 77% of French respondents do not associate Roma with the French society.¹²⁰ Even those who do not consider themselves racist hold anti-Roma views.¹²¹

Anti-Semitism is also a big problem in France. Despite the fact that Jews constitute for less than 1% of the population, more than half of public actions were anti-Semitic (851 out of 1,662). This figure effectively doubled since 2013.¹²²

Development of radical Islamism in France is one of the causes of this increase. On May 30th, it was reported that according to Europol France ranks first in Europe in the number of activists of radical Islam and, thus, is subject to a terrorist threat more than in other European countries. According to Europol, in most cases we are talking about the citizens of the European Union. Additionally, as a rule, these people have no connection with organized Islamist networks such as “Al-Qaeda”: young people “radicalize themselves” by reading various texts on the Internet.¹²³

On the 21st of May the Organization of Sephardic Jews in France Siona published results of a survey conducted among members of the diaspora. The survey showed that 72.4% of them are thinking about emigration, and 57.5% believe that Jews have no future in France. The main reason behind the decision to move to another country was anti-Semitism (29.9% of potential emigrants), the desire to preserve the Jewish tradition (24.4%), the desire to live abroad (12.4%) and economic reasons (7.5%). 14.5% of respondents indicated that over the past two years they have personally encountered anti-Semitism.¹²⁴

In May President of the Council of Jewish Communities of France Roger Cukierman, speaking at the French consulate in New York, said that the Jewish community in his country, which is the largest in Europe, was threatened. The main reasons for a sharp rise in anti-Semitism in his opinion are the increase in the proportion of Muslim population in France and the increase in the number of supporters of the far-right “National Front” under the leadership of Marine Le Pen. Cukierman said that being a Jew in France “is not too nice” these days. More categorical statements were made by leader of the Jewish community in Paris — dentist David Tibi. “We no longer have a place in France”, — he said. “On the streets we feel the atmosphere of anti-Semitism. My daughter was attacked in a tram, my son also suffered”, — added David Tibi.¹²⁵

Leader of the Jewish Community in Paris Serge Ben Haim said on July 14, “Yesterday we were really close to a new Holocaust and a new Kristallnacht”.¹²⁶

On August 29, president of a large Jewish organisation in France — CCIF (Consistoire Central des Israelites de France) said that the French society has overstepped the line, where anti-Semitism is not a shameful phenomenon. “Currently, France has about the same climate as before the Second World War, only now it’s not the Nazis, but Islamist Jihadists.”¹²⁷

The community is effectively “voting with their feet” and in 2014, 7,000 people left for Israel (1900 in 2012).¹²⁸

Islamophobia is another manifestation of xenophobia in France. On May 2nd French footballer Samir Nasri, who plays for English club Manchester City, expressed his concern over the situation of the Muslim community in France and discrimination of religious minorities by the state. “At the moment it has become more difficult to be a Muslim in France. Over the last 3 or 4 years people from the Muslim community feel negative about themselves and it is undeserved. Now all have become right-wing radicals”, — complained Nasri.¹²⁹

On October 3, Opera Bastille in Paris expelled a female Muslim tourist from the building during La Traviata opera.¹³⁰

During the monitored period, we noticed an increase in Islamophobia and anti-Semitism in France. Eric Zemmour, author of *The French Suicide* told Italian newspaper *Corriere della Sera* that he calls for deportation of 5,000,000 French Muslims.¹³¹

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Presence and improvement of migration laws.	5	5	5
-/×	Government's compliance with such legislation (law enforcement practice).	2.5	2.5	2.5
×	Discriminatory practices against immigrants.	-5	-5	-5
×	Use of ethnic crime as justification for discrimination against migrants.	-5	-5	-5
×	Social assistance for immigrants.	5	5	5
×	Negative attitude of the community towards immigrants, foreigners, various ethnic groups.	-5	-5	-5
	Total for section 6	-2.5	-2.5	-2.5

7. Incitement of religious and ethnic hatred

Indicators

- Calls for ethnic and religious hatred in mass media and mass communications, graffiti.

Every year there are numerous cases of recorded xenophobic graffiti. In 2014, monitoring recorded direct threats of violence. They are mostly anti-Semitic, but also Islamophobic and homophobic threats were found. Here are some examples:

On January 26, an anti-Semitic “Day of Wrath” was held in Paris under the slogan “Jews, France does not belong to you”.

On July 12, an anti-Israel demonstration was held in Paris. Some protesters shouted, “Death to Jews” and “Israel is a murderer and France is an accomplice”.

On July 13, a crowd of Islamists gathered around a synagogue, shouting “Dirty Jews” and “We will burn you”.

On July 19, pro-Palestinian demonstrators shouted “Hitler must come back”.¹³²

A number of public verbal abuse cases was recorded.

On January 14, a security guard at a Jewish school in Lyon was called a “Dirty Jew”.¹³³

On January 10, A Jewish woman was verbally abused in Paris.

On January 16, a 14-year-old student was subjected to anti-Semitic bullying in school

On February 13, a man in Villeurbanne said that “Hitler’s work must be finished”.

On March 11, Jewish organisations in Paris received several calls with anti-Semitic comments.

On April 1, intoxicated man threatened to kill all Jews.

On May 13, in Paris, an elderly woman rudely swore at a Jewish woman.¹³⁴

On June 17, a Jewish woman was verbally abused in Nice.

On June 18, five Jewish women were verbally abused in Pantine.

On July 24, Jewish chemist was verbally abused in Paris.

On July 15, Jewish family was verbally abused in Paris metro.¹³⁵

On October 4, three men were shouting insults at the people in Lyon synagogue.

- Presence and popularity of radical nationalist literature, films, music. Ultra-nationalist rock bands and their concerts.

In France comedian anti-Semite Dieudonné M’bala M’bala is quite popular. In 2013 he invented a special gesture called “Knell salute”, which is a mirror image of the Nazi greeting. At the end of the year, a special campaign erupted on the Internet, during which the participants were invited to send in their photos on which they are depicted doing the “Knell salute” on the background of one or more Jews. As particularly “bold” were considered participants of this scandalous campaign who took shots against the background of Jewish shrines and symbols, such as the Western Wall, a synagogue or a menorah.

There is at least one publishing agency, Kontre Kultutre lead by Alain Sorel, which produces anti-Semitic literature.¹³⁶

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Calls for ethnic and religious hatred in mass media and mass communications, graffiti.	-5	-5	-5
×	Presence and popularity of radical nationalist literature, films, music. Ultranationalist rock bands and their concerts.	0	-5	-5
	Total for section 7	-5	-10	-10

8. Radical nationalist groups and parties

I n d i c a t o r s

- Presence of neo-Nazi and ultra-nationalist groups, movements, political parties (both in the centre and in the localities).

There are two most prominent parties in the radical nationalist wing in France. These are the National Front led by Marine Le Pen and the National Republican Movement, which split from the former in 1998.

The National Front is the oldest nationalist party in the country (founded in 1972). Its basic requirements: the cessation of further immigration from non-European countries and more severe requirements for obtaining French citizenship; return to traditional values: restricting abortions, encourage large families, preservation of French culture; protectionist policies, support for French producers, small businesses; opposition to the European integration process, a greater degree of independence from the European Union and international organizations. The National Front also had radical projects such as tax collection from companies who gained excess profits at the expense of foreign labour and the introduction of “the principle of national preference”, which implies the dismissal of immigrants who would open up jobs for French citizens.

The party achieved the greatest success in the elections to the National Assembly in 1986 (35 seats) and the European Parliament in 1984 (10 seats). In the parliamentary elections in 2012 the party got two seats in the parliament. Another visible success of the party was during the presidential elections in 2012, at which Marine Le Pen came third.

Marine Le Pen tried to improve the image of her party. She stated that her father’s words about Ebola were “distorted” and “do not have any connection to the migration problem”.¹³⁷

After anti-Semitic statements of Jean-Marie Le Pen, Marine Le Pen preferred to distance herself from her father, stating that he made a political mistake. Vice-President of the Party Louis Alliot called Jean-Marie Le Pen’s statement “stupid”.¹³⁸ On June 11, National Front shut down J.M. Le Pen’s video-blog.¹³⁹

On June 19, Marine Le Pen was interviewed by Valeurs Actuelles where she said that her party is the best “shield for the Jewish population of France”. “There is no reason to hide that there are suspicious of anti-Semitism directed at the National Front, but I wholeheartedly deny these allegations”.¹⁴⁰

On June 25, it was reported that National Front will abandon its plans to create a coalition with the Polish Congress of the New

Right in the European Parliament, after Nazi statements by Congress' leader.¹⁴¹

The National Republican Movement split from the National Front because of differences between National Front leader Jean-Marie Le Pen and Bruno Maigret's policies. The NRM received less than 5% of the votes in the elections of 2002 and 2004.

While political observers considered the NRM as extremely right-wing, they position themselves as a classical liberal and nationalist party. NRM opposes immigration, Islamization and the European Union, but in contrast to the National Front supports the free market and neo-liberalism.

There is a number of anti-Islamic (anti-immigrant) radical groups, among which are the "French renewal" (Renouveau France) which positions itself as a nationalist, Catholic and "anti-revolutionary" (in this case, as a reactionary opposition to the principles of the French Revolution of 1789) organization, "Nationalist youth", banned in 2013 for the promotion of hatred, as well as the "Generation with a national identity" ("Génération identitaire") organization, that desecrated a mosque in Poitiers in October 2012. Worth a mention are organizations such as the "Republican resistance", "Secular resistance" (Riposte Laïque), "Community for Identity", "Third Way", "Equality and Reconciliation," "The New Rightist", "The League of the South" and others.

- Presence of discriminatory demands in the programmes of these parties and in the statements of their leaders towards the members of minorities.

In her speeches, the leader of the far-right Marine Le Pen demands the assimilation of immigrants, especially Muslims. In the programs of Islamophobic organisations, anti-Islamic requirements are also present. These organizations often position themselves as anti-fascist, believing Islamists and all Muslims to be fascist. After European Elections, Le Pen declared a course towards "France for the French".¹⁴²

- Neo-Nazi and radical nationalist influence over the civil society, including oppositional and human rights organizations.

Given the high level of Islamophobia, anti-Semitism, as well as the activity of radical Islamists in France, it can be argued that the radicals have a major impact on society.

This is confirmed by National Front's success in the local and European elections. Following the successful municipal elections into the European Parliament held on the 25th of May the National Front got 25% of the votes and 22 out of 74 seats, administered to France.¹⁴³

Meanwhile, Islamist movement is increasing influence over the Muslim population in the country.

- Neo-Nazi and radical nationalist influence over the local legislative/executive bodies.

Elections held in March 2014 were a huge success for the National Front. In the first round, the party got 472 council seats across the country. In the second round, National Front won 98 Mayoral positions across France, including in Frejus and Beziers, as well as 1,200 council seats. However, given that France has more than 36,000 constituencies, these figures are more or less symbolic.

- Neo-Nazi and radical nationalist influence over the local legislative/executive bodies.

Nationalists had 2 seats in the National Assembly in 2012, which shows that said they do not have any real influence on power. Partial elections to the Senate (Upper Chamber of the French parliament) on September 28 demonstrated a relatively strong support for the extreme right, with two members of the National Front passing into Senate.¹⁴⁴ However, these victories are insignificant — so far, nationalists do not have the number of mandates required to establish a parliamentary group (15 seats).

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Presence of neo-Nazi and ultra-nationalist groups, movements, political parties (both in the centre and in the localities).	-5	-5	-5
×	Presence of discriminatory demands in the programmes of these parties and in the statements of their leaders towards the members of minorities.	-5	-5	-5
×	Neo-Nazi and radical nationalist influence over the civil society, including oppositional and human rights organisations.	-5	-5	-5
-/×	Neo-Nazi and radical nationalist influence over the local legislative/executive bodies.	-2.5	-2.5	-2.5
-	Neo-Nazi and radical nationalist influence over the central legislative/executive bodies.	0	0	0
	Total for section 8	-17.5	-17.5	-17.5

9. Public actions of extremist and nationalist groups

Indicators

- Neo-Nazi and radical nationalist participation in mass actions prohibited by the authorities.

These were mainly anti-Semitic in nature. On July 19, an unauthorised anti-Israeli demonstration was held in Paris, gathering 3,000 people. Attempts to stop it resulted in 14 injured police officers and 38 people arrested. Protesters also burned Israeli flags. One group of a dozen men chanted about “hunting for Jews and murdering them”.¹⁴⁵

On July 23, sixteen people chanted anti-Semitic slogans at a restaurant in a Jewish quarter of Paris.¹⁴⁶

On July 26, another unsanctioned anti-Israel rally was held in Paris, gathering several thousand people. They chanted “Israel is a murderer. Holland is an accomplice” and “we are all Palestinians”.¹⁴⁷

On October 6, twenty viewers of the film “Dancing in Jaffa” stood up in the cinema and shouted anti-Israeli slogans, throwing stink bombs.

In 2014, nationalists organised street patrols in Lille, to “fight crime”.¹⁴⁸

On April 29, a group of 13 people displayed quesnel gesture on the Jewish Street in Strasbourg.

On June 12, footballer N. Anelka appeared at a press conference in Kinshasa in a shirt with a picture of anti-Semitic gesture “quenelle”, invented by comedian anti-Semite Dieudonné M’bala M’bala.¹⁴⁹

On June 22, Anelka demonstrated this gesture at an award ceremony.¹⁵⁰

- Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities.

Sanctioned actions were also mainly anti-Semitic in nature.

On July 12, an anti-Israel demonstration was held in Paris. Participants chanted slogans like “Death to Jews”.

On June 13, a crowd of Islamists gathered at a synagogue, shouting “Hitler was right”.¹⁵¹

On July 19, pro-Palestinian demonstrators shouted “Hitler must come back”.¹⁵²

On July 26, around 200 anti-Israeli demonstrators gathered in Toulouse to protest against Israel.¹⁵³

On July 26, a conference organised by an anti-Semite Dieudonné Mbala-Mbala was held in a Paris theatre, demonising Israel for the Gaza operation (it was stated that Israel has “surpassed Hitler”).¹⁵⁴

On May 1st in Paris, a meeting of the National Front was held, at which at least 6,000 people were present. Speaking at the rally was NF leader Marine Le Pen who encouraged “to restore the frontiers of France” and “to ensure the country’s exit out of the Schengen area”, and “to abandon the EU currency — the Euro”.¹⁵⁵

On January 26, a large demonstration (17,000 people) was held in Paris, protesting the law on same-sex marriage. Demonstration ended with a clash between the right-wing radicals and the police. More than 150 people were detained. 19 police officers were injured, one of whom was “seriously wounded”, according to the police.¹⁵⁶ Demonstrators also shouted anti-Semitic slogans.¹⁵⁷

On October 7, a massive protests were held against same-sex marriage, particularly adoption and artificial insemination for same-sex couples.

Large protests organised by “Manifestation for All” were held in Paris and Bordeaux under the slogan “Man — not a commodity” to show protest against surrogate motherhood. In addition, protesters are concerned with lesbian couples having access to assisted reproductive technologies.¹⁵⁸

- Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities, with the participation of representatives from the legislative or executive bodies, law enforcement and security agencies.

No such cases have been recorded in 2014.

- Presence of “football xenophobia” and racism amongst sports fans.

No such cases have been recorded in 2014.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Neo-Nazi and radical nationalist participation in mass actions prohibited by the authorities.	-5	-5	-5
×	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities.	-5	-5	-5
-	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities, with the participation of representatives from the legislative or executive bodies, law enforcement and security agencies.	0	-5	0
-	Presence of “football xenophobia” and racism amongst sports fans.	-2.5	0	0
	Total for section 9	-12.5	-15	-10

10. Racist attacks, violence and terror

I n d i c a t o r s

- Vandalism in cemeteries, attacks on religious buildings.

43 cases of xenophobic vandalism have been recorded in 2014. Unlike last year, most were anti-Semitic (23 cases), followed by anti-Christian (18) and anti-Muslim (2, ten times less than in 2013). This change can be explained with the change of public opinion, following Israel's actions in Gaza.

The following synagogues have been desecrated: Marseilles (June 9), Aulnay-sous-Bois (July 11), three synagogues in Paris (July 13), Lyon (July 19), and Sarselle and Garges-lès-Gonesse (July 20). Reims (August 7), Joinville-le-Pont (21 September), Bastia (28 September).^{159–164}

Anti-Semitic graffiti was found on the building of the Movement “Habad” in Boulogne on January 19.¹⁶⁵

On February 3, inscription: “To hell with the Jews” (NIKK LES JUIF), was sprayed nearby Jewish ORT school in the Paris suburb of Montreuil.¹⁶⁶

On May 29, anti-Semitic graffiti was found on a Jewish school building in Seine-Saint-Denis.¹⁶⁷

On July 23, participants of an anti-Israel demonstration in Paris attacked a Kosher restaurant.¹⁶⁸

On July 27, men armed with metal rods attacked two Jewish stores in Marseilles.¹⁶⁹

On November 6, a Molotov Cocktail was thrown into a Kosher restaurant in Paris.¹⁷⁰

On November 17, a Jewish cemetery in Valdivis was desecrated.¹⁷¹

On January 7, anti-Semitic graffiti appeared on the “Wall of Peace” in Paris.¹⁷²

On January 27, graffiti in the form of inscriptions “A. Hitler” was found in the memorial museum (the former Nazi camp) Récébédou in Portet-sur-Garonne.¹⁷³

On January 29, Parisian street exhibition “Expulsion of Jewish children from the third quarter” was desecrated.¹⁷⁴

On July 30, anti-Semitic graffiti was found on the monument to deported Jews in Marseilles.¹⁷⁵

In early February, a chapel Notre Dame du Haut in Ronchamp — one of the most famous works of the famous architect Le Corbusier of the twentieth century was vandalised.¹⁷⁶

The following churches have been desecrated during the monitored period: in Tourcoing (February 26), Pau and Toulouse (mid-May), Dieppe (19 May), three churches in Verdun (July 18), two churches in

Tolon-les-Bains (August 6), Church in Flanebeke (August 19), Vanves (December 1), Neshat (1 night of December 2, Sisters of Christ monastery in Tréguier (December 8), Douai (18 and 25 December), and Bellele (December 25).¹⁷⁷⁻¹⁸⁶

On December 1, Protestant Church of Villeneuve d'Ascq was seriously damaged in an arson attack.¹⁸⁷

On July 25, Saint-Just cemetery was desecrated in Lana.¹⁸⁸

On August 20, a mosque in Cognac was desecrated by vandals.¹⁸⁹

On September 23, a mosque was vandalised in Pontarlier.¹⁹⁰

- Inter-ethnic clashes instigated by xenophobia and radical nationalism.

On July 13, Muslim youth in Paris tried to attack Isaac Abravanel synagogue. The attackers were armed with bats, used street chair as weapons. As a result, three members of the Jewish community were injured along six police officers.¹⁹¹

On July 19, a gang of pro-Palestinian activists attempted to storm the apartment of a member of the local occupation therapy centre Source in Hautes-Alpes, who displayed an Israeli flag.¹⁹²

On July 20, Muslim youth smashed the windows and looted Jewish shops in Sarseilles.¹⁹³

Majority of Jewish shops were forced to shut down due to increased tensions, and police recommended Jewish citizens not to leave their homes due to mass anti-Semitic riots.¹⁹⁴

- Cases of violence, including murder on racial, ethnic and religious grounds, attack on anti-fascists.

397 cases of violence on such grounds have been noted in 2014. Of those, 241 were anti-Semitic, 55 — Islamophobic and 101 — other.¹⁹⁵

Monitoring reports 55 victims (excluding July clashes), most of whom were Jewish (46).¹⁹⁶ Six victims were ethnic Africans, one Afghani, one Roma and one nomad.

Most incidents (30 victims) occurred in Paris and the surrounding area. Such increase in anti-Semitic incidents is a result of public opinion shift during Israel's operation in Gaza.

On January 16, a 14-year-old student was subjected to anti-Semitic bullying in school

On February 2, a 28-year-old Hasidic Jew was attacked by Northern Africans in the Paris subway.¹⁹⁷

On March 10, two men attacked a rabbi in Le Marais synagogue in an old Jewish quarter of Paris.¹⁹⁸

On March 29, a father and son were attacked as they were returning from a synagogue in Sarcelles (Paris suburb).¹⁹⁹

On May 24, 2 young Jews were attacked on their way from a synagogue in Le Crestet.²⁰⁰

On May 30, a Jewish man was attacked in Creteil.

On June 1, a Jewish man was attacked in Toulouse.

On June 7, tear gas was used against 2 Jewish teenagers in the Sarcelles suburb of Paris.²⁰¹

On June 8, it became known that an unknown person attacked 2 Jewish teenagers with an axe in Romainville. The teenagers managed to escape.²⁰²

On June 10, a Jewish teenager was beaten up in Paris.²⁰³

On June 14, unknown persons threatened police officers, who were on guarding duty at a synagogue in the 20th arrondissement of Paris.²⁰⁴

On June 22, a few Jewish students wearing kippahs were attacked in a library in Paris by a group of Islamists. 2 students were injured.²⁰⁵

On June 22, Islamists attacked a rally held in support of teenagers kidnapped in Israel.²⁰⁶

On July 8, Jewish girl, 17, was attacked in Paris.²⁰⁷

On July 21, a Jewish man was attacked in Lyon.

On July 24, a Jewish man was attacked in Bologna.

On July 26, a group of Jewish people were attacked on their way to a synagogue in Paris.²⁰⁸

On July 26, a man tried to run over a group of Jewish people on a motorcycle. A 3-year-old boy was injured.

On July 27, two members of a pro-Israel demonstration were hurt by their opponents.²⁰⁹

On July 20, 100 armed Jews gathered near a Jewish building in Sarseilles, surrounded by young immigrants who chanted “kill the Jews”. The conflict was avoided.²¹⁰

On August 11, a Jewish man was attacked in Marseilles.²¹¹

On September 2, an elderly Jewish man was attacked in Paris.

On September 9, a Jewish girl was attacked in Epinay-sur-Seine

On September 9, two young Jewish men were brutally assaulted by North Africans in Val-de-Marne.²¹²

On November 4, a 17 year old girl shouted anti-Semitic abuse at a group of young Jews in Villeurbanne, she physically attacked them.²¹³

On November 10, a Jewish teenager was attacked in Paris.²¹⁴

In late November, two Jewish 19 year old twins were attacked near a synagogue in Creteil.²¹⁵

On December 3, a young Jewish couple living in Creteil became victims of a home invasion. Attackers shouted that “Jews always have money” and raped the girl.²¹⁶

On December 4, a Jewish school student in Lyon was attacked by two Muslim classmates. They later said that it is “a war between the Jews and Arabs.”²¹⁷

On December 16, a young Jewish man was beaten in Garges-lès-Gonesse.

On December 29, two Jewish teenagers were attacked in Paris.

On June 12, a man in Calais opened fire on two migrants from Sudan and Eretria.²¹⁸

On June 16, in the outskirts of Paris unknown persons caught and severely beat up a teenager from a Roma band, whom the locals had accused of robbery.²¹⁹

On September 23, member of a nomad community, 89, was injured during a police operation.²²⁰

Several attacks on migrants from Africa took place throughout November.²²¹

- Nationalist or religious terrorist attacks.

A whole number of such cases can be noted — most were based on radical Islamism.

On June 20, fire was set to the catholic school of Sainte Marie in Oban. Despite the struggle of the fire fighters, the school lost a few classrooms.²²²

On July 2, shots were fired at a synagogue in Limay-Brivane.²²³

On July 26, two Molotov Cocktails were thrown in the Jewish Cultural Centre in Toulouse.²²⁴

On August 29, a conspiracy to blow up a synagogue in Lyon was revealed.²²⁵

On December 22, a driver tried to hit pedestrians in Nantes, shouting “Allah Akbar”. 11 people were injured as a result.²²⁶

On December 23, unidentified perpetrators opened fire at David Ben-Yishai synagogue in Paris.²²⁷

On December 24, a 15kg gas cylinder was found at the gate of a Jewish cemetery in Cagnes-sur-Mer, not far from Nice.²²⁸

On December 25, shots were fired at a kosher restaurant in Paris.²²⁹

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Vandalism in cemeteries, attacks on religious buildings.	-5	-5	-5
×	Interethnic clashes instigated by xenophobia and radical nationalism.	0	-5	-5
×	Cases of violence, including murder on racial, ethnic, and religious grounds.	-5	-5	-5
-	Cases of hate-driven murders	-5	-5	0
×	Nationalist or religious terrorist attacks.	-5	-5	-5
	Total for section 10	-20	-25	-20

11. Presence, popularity and size of anti-fascist and anti-racist movements

Indicators

- Presence of anti-racist and anti-Nazi movements and parties.

Among the anti-racist and anti-fascist organizations in France one should distinguish the oldest (1926), the International League against Racism and Anti-Semitism (LICRA), the League of Human Rights (Ligue des Droits de l'Hommea), Movement against Racism and for Friendship among People (Mouvement contre le racisme et pour l'amitié entre les peuples), as well as the well-known international organization SOS-racisme that exists in France and in Spain.

There are also other organizations such as the Union of Jewish Students of France, the French association of victims of terrorism, the European Network against nationalism, racism, fascism and in support of migrants and refugees, and several others.

A number of political parties, such as the “Union for a Popular Movement” (UMP), the French Communist Party (PCF) and the French Socialist Party (PS) have strict anti-racism and anti-discrimination demands in their programs.

- Anti-racist and anti-fascist movement activities (pickets, rallies, demonstrations).

On March 19, CRIF — organisatoin of Jewish communities in France — held a commemorative action dedicated to teachers and students of a Jewish school in Toulouse, who were killed in 2012. The event was held in Paris, gathering 1000 people.²³⁰

On May 25, hundreds of people gathered at the Belgian Embassy in Paris to rally against anti-Semitism. Demonstrators protested the growing wave of anti-Semitism in Europe. Serge Klarsfeld, president of the Association of the descendants of Jews deported from France, said at the rally — “It is time Jews leave Europe for Israel or the United States. Experience of the Second World War shows that the only solution is flight, otherwise we are waiting for death”.²³¹

On June 1st founder of the far-right “National Front” party Jean-Marie Le Pen stated regarding Jewish singer P. Bruel, who was critical of the party, “the next time we will give him a stove”. The phrase was based on word play between fournée (stove) and tournée (touring), however, given the reputation of Le Pen, it can hardly be interpreted ambiguously.²³²

On September 27, Muslims held a demonstration near the main mosque in Paris, where they condemned the Islamic State, gathering several hundreds of Muslims. “This rally is a powerful and active ex-

pression of our desire for national unity,” said the head of Council of Muslims in France, Dalil Bakr.²³³

On December 7, several hundreds of people attended a rally in Creteil after the scandalous anti-Semitic attack. Minister of the Interior Bernard Cazeneuve addressed the crowd and said that France will continue to protect them. “This crime is not just a cowardly act, anti-Semitic, committed for profit. Behind this crime there is evil that corrupts our Republic, which we must eradicate by any means. The Republic will make every effort to protect you, because without you it will stop being a Republic.” He added that all administrative bodies must get involved in the fight against racism and anti-Semitism.²³⁴

- Presence of anti-racist and anti-fascist civic initiatives.

On April 27, Notre-Dame de Paris held a commemorative service dedicated to 1.5 million Armenians who were executed in the beginning of last century by the Ottoman Empire.²³⁵

On July 10, president of the European Jewish Congress Viatcheslav Kantor asked the President of France Francois Hollande to prioritise the issue of anti-Semitism in the European agenda.

Currently, European Jews are attacked from two opposite sides,” Kantor said. “Radical Islamists, some of whom brought their brand of extremism and violence from the Middle Eastern wars, are shooting Jews on the streets of Europe, while the extreme right is marching on the same streets attacking Jews and bringing back memories of fascism and Nazism”.

Kantor and his delegation of EJC leaders thanked President Hollande for condemning anti-Semitism and his position with regards to French comedian Dieudonné, and other forms of hatred and intolerance. “We hope that the whole continent will follow France,” president of EJC said. “We call on all European states to form a group to prevent and react to anti-Semitism”.²³⁶

Commenting on the statement of a former State Secretary N. Morano about women in hijabs, head of the French Bureau for Monitoring Islamophobia Abdalla Zekri noted that she calls to respect the French values, which means that the values of its citizens must also be respected — including Muslims. Muslim community in France consists of 6 million people, the largest in Europe.²³⁷

On December 11, Council of French Jewish Organisations (CRIF) condemned 20 theatres around France which plan to host a blatantly anti-Semitic comedy show by Dieudonne M'bala M'bala. CRIF urged the Minister of Culture to “remind theatres about their moral obligations”.²³⁸

On December 22, activists of the European Jewish Organisation released the first batch of “anti-antisemitism tablets”. Thus they expressed their protest to anti-Semitic sentiments in France. The packag-

ing of “Antisemitox” tablets depicts a doctor in white scrubs. Inside are three sweets, several detoxification patches and a text of the law on sanctions for public expression of anti-Semitic views. The tablets can be bought online for 5 euros, and all money go to support organisations that fight national intolerance towards Jews.²³⁹

SOS Racism and MRAP criticized Le Pen’s anti-Semitic statements.²⁴⁰

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On December 15, popular actress Muriel Robin spoke out against homophobia on a television programme.²⁴²

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Presence of antiracist and anti-Nazi movements and parties.	5	5	5
×	Antiracist and antifascist movement activities (pickets, rallies, demonstrations).	5	5	5
×	Presence of antiracist and antifascist civic initiatives.	0	5	5
Total for section 11		10	15	15

12. Glorification of German National Socialism and collaborators of Nazi Germany, historical revisionism, Holocaust denial

I n d i c a t o r s

- Glorification of German National Socialism and/or its collaborators in the media, desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition.

Eric Zemmour, author of *The French Suicide* called for the rehabilitation of pro-Hitler Vichy regime, claiming that leader Philippe Petain was actually protecting the French Jews.²⁴³

- Glorification of German National Socialism and/or its collaborators with the support of local authorities, demolition of monuments to soldiers of the anti-Hitler coalition, erection of monuments to the soldiers of Wehrmacht and Nazi butchers.

No such cases have been recorded in 2014.

- Glorification of German National Socialism and/or its collaborators in the decisions, made by the authorities.

No such cases have been recorded in 2014.

- Historical revisionism, Holocaust denial.

At a demonstration on January 26, nationalists chanted, “Gas chambers are a myth”.²⁴⁴

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
-/×	Glorification of German National Socialism and/or its collaborators in the media, desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition.	0	0	-2.5
-	Glorification of German National Socialism and/or its collaborators with the support of local authorities, demolition of monuments to soldiers of the anti-Hitler coalition, erection of monuments to the soldiers of Wehrmacht and Nazi butchers.	0	0	0
-	Glorification of German National Socialism and/or its collaborators in the decisions, made by the authorities.	0	0	0
×	Historical revisionism, Holocaust denial.	-2.5	-5	-5
	Total for section 12	-2.5	-5	-7.5

13. Persecution of veterans and partisans of the anti-Hitler coalition

Indicators

- Public calls for repression against the veterans and partisans of the anti-Hitler coalition, as well as anti-fascists.

No such cases have been recorded in 2014.

- Restrictions on human rights and anti-fascist organizations, bans to entry or exit imposed on anti-fascists, inaction of the authorities.

No such cases have been recorded in 2014.

- Criminal prosecution of veterans, partisans of the anti-Hitler coalition and anti-fascists.

No such cases have been recorded in 2014.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
–	Public calls for repression against the veterans and partisans of the anti-Hitler coalition, as well as anti-fascists.	0	0	0
–	Restrictions on human rights and anti-fascist organizations, bans to entry or exit imposed on anti-fascists, inaction of the authorities.	0	0	0
–	Criminal prosecution of veterans, partisans of the anti-Hitler coalition and antifascists.	0	0	0
	Total for section 13	0	0	0

14. International Aspect

I n d i c a t o r s

- Participation in significant international agreements on combatting racism and discrimination of ethnic minorities.

France has joined a number of international agreements on the fight against racism and discrimination. In particular, it has signed the UN Declaration on the Elimination of All Forms of Racial Discrimination in 1963 and the International Convention on the Elimination of All Forms of Racial Discrimination of 1965. France also adapted its legislation in accordance with EU Directive 2000/43/EU “On enforcement of the principle of equality of persons regardless of racial or ethnic background” (2000) and signed Protocol N°12 of the European Convention on Human Rights and Fundamental Freedoms in the same year concerning the prevention of discrimination and is now under the Lisbon Treaty to the European Union Charter of Human Rights.

Nevertheless, France has not ratified the European Charter for Regional and Minority Languages as the country’s Constitutional Council considers that it contradicts the French Constitution,²⁴⁵ and most importantly, has not joined the Framework Convention for the Protection of National Minorities, as from the point of view of the French authorities it contradicts the unification nature of the national policy.

France also has not signed the UN Convention on the Rights of Migrant Workers and Members of Their Families and the Convention on the Participation of Foreigners in Public Life at Local Level.

Furthermore, the French Republic has joined the International Covenant on Civil and Political Rights of the United Nations of 1966, based on the Universal Declaration of Human Rights, with some reservations. In particular, it stated that Article 27, which deals with the

rights of ethnic, religious and linguistic minorities “shall not be applied to the extent that it affects the Republic”.²⁴⁶

- Accession to new international agreements and resolutions of various international organizations, aimed at combating Nazism, combating discrimination, or protecting minority rights.

No such cases have been recorded in 2014.

- International statements and initiatives of the monitored countries and their leading politicians, aimed against discrimination, neo-Nazism and xenophobia.

On March 14, Paris court sentenced a former head of Rwandan counterintelligence, Pascal Simbikangva to 25 years in prison for committing genocide and crimes against humanity in 1994. This was the first trial conducted on non-territorial jurisdiction since a special department was established to investigate genocide, war crimes and crimes against humanity.

The department is currently considering more than 30 cases committed abroad.²⁴⁷

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
-/x	Participation in significant international agreements on combating racism and discrimination of ethnic minorities.	2.5	2.5	2.5
-	Accession to new international agreements and resolutions of various international organizations, aimed at combating Nazism, combating discrimination, or protecting minority rights.	0	0	0
-	International statements and initiatives of the monitored countries and their leading politicians, aimed against discrimination, neo-Nazism and xenophobia.	0	0	0
	Total for section 14	2.5	2.5	2.5

CONCLUSION

Implications for the development of the country and society, based on the analysis of factors and taking into account the aspects listed below.

The level of radical nationalism in France has remained the same for the past 3 years, in a state of critical equilibrium. Sometimes, this equilibrium is disrupted by horrific terrorist attacks, such as the attack

on a Jewish school in Toulouse in 2012 and the recent attack on Charlie Hebdo in 2015.

In general, France's problems in interethnic and interfaith relations remain the same — the unified nature of the national policy, reluctance to recognise ethnic minorities and state's reluctance to engage in religious and national education. This vacuum is often filled with extremism.

This environment often causes clashes between civilizations, which is a result of the classing European model — nation-state, based on the traditions of the titular nation. The thesis that France is inhabited only by the French, supported by the government, is currently in conflict with the values and traditions brought by members of other civilizations, many of whom now consider this country their home. They are unwilling to voluntarily assimilate, but want the government to protect their national, cultural and religious rights, forming a completely different identity.

France is reluctant to recognise this problem, and when there is no problem — it remains unsolved. So far, the state is only dealing with consequences, rather than underlying causes. French government agencies are unable to solve the gigantic problem that is the crisis of the traditional nation-state.

Level of xenophobia is growing. Anti-Semitism in particular has reached worrying levels in 2014, including the so-called “new anti-Semitism” (anti-Zionism). Radical Islamists have also been active, which is evidenced by the Charlie Hebdo attack in January 2015 that targeted the core European value of free speech.

Finally, it is worth mentioning discriminatory practices against Roma, particularly their unlawful evictions without alternative housing.

APECTS

1. Human Rights

- *Guarantees against any form of minority discrimination.*

France does not recognise the presence of ethnic minorities, although guarantees its citizens protection from all forms of racial discrimination. In conditions when 10% of the population of the country is such a minority, as well as in case of the crisis of the traditional national country in Europe, where national minorities are becoming aware of their rights and refuse to assimilate, this policy cannot protect against discrimination that minorities themselves understand not only from the viewpoint of racial equality, but also from the point of view of the country's realization of its own rights regarding the use

of minority languages, the development of educational institutions for minorities, guaranteeing their cultural and religious rights and so forth. The fact that equal rights are granted to all persons and that all people are equal in the eyes of the law does not preclude the existence of minorities in the country or their right to enjoy their own culture, to practice religious cults, or to use their language in conjunction with other members of the same group. The Human Rights Committee of the United Nations and the European Commission against Racism and Intolerance condemned France in this matter.

- *Adherence to norms of the fundamental human rights instruments (European Convention for the Protection of Human Rights and Fundamental Freedoms, European Charter on Human Rights, as well as in adherence to the Framework Convention for the Protection of National Minorities and the European Commission against Racism and Intolerance, etc.).*

France has not signed nor complied with the basic provisions of the Framework Convention for the Protection of National Minorities, which together with the refusal to ratify the European Charter for Regional Languages creates conditions for linguistic and cultural discrimination against ethnic minorities. However, it should be noted that despite the non-adherence to the Framework Convention, the Republic complies with some of its provisions, for example on the use of minority languages in place names (in particular, in Alsace). Nonalignment of France to these two fundamental documents aimed at protecting the unifying nature of their linguistic and national policy, which is largely aimed at the assimilation of minorities. However, in the context of globalization, when migration processes are sped up, this policy leads to a political stalemate, placing the issue in the corner.

- *Rights and freedoms of ethnic minorities compared to the titular nation.*

Such differentiation exists and concerns, above all, the rights of national minorities to use their native language, receive education in their native language and others, that are foreseen by the requirements of the International Covenant on Civil and Political Rights of the United Nations Framework Convention for the Protection of National Minorities and the European Charter for Regional and Minority Language, i.e. those international agreements to which France has not acceded or which it has ratified with reservations.

- *Legislation enshrining inequality of minorities.*

Such legislation does not exist in France.

- *Rulemaking in protection of minorities.*

In 2014, France adopted normative acts that widened the scope for punishing hate speech and issued a moratorium on eviction of people from informal settlements (November 1 to March 31), as well as provided same-sex couples with the right to adopt a child through artificial insemination.

- *Freedom of speech violations.*

In 2014, there have been several cases of discrimination on grounds of excessive tolerance — people denied employment or created intolerable conditions in the workplace because of the demonstration of their religious affiliation.

- *Legislation and law enforcement practices concerning migrants.*

In France, there is a very advanced legislation concerning migrants; however, it was grossly violated in the course of the campaign. Thus, terms for provision of asylum are often violated. There have been several cases of illegal detention of underage minors in transit zones. Law enforcement are often mistreat subjects of deportations.

2. State of society

- *Risk of violation or non-compliance with the acting laws aimed at protecting the rights of minorities; risk of discriminatory practices against members of minorities.*

As already mentioned, France's problem lies in the political sphere, namely the non-recognition of ethnic minorities. For this reason, there are practically no laws that guarantee their rights in the country and France has not joined the system of international agreements on the protection of national minorities.

Furthermore, in pursuit of the votes of conservative voters, leading politicians are starting to use (as they think, homeopathic doses) xenophobic rhetoric, thus widening the minds of voters beyond the limits due to xenophobia. In the future, this may result in the growth of the already significant xenophobic sentiments.

- *Self-determination — how manifestations of xenophobia and extremism affect the identity of minorities; majority's attitude towards minorities (growth of social phobias).*

Currently two xenophobic parties currently clash — the “indigenous” population and the community of Muslim migrants and their descendants. Both sides actively dislike each other. While among Muslims there are a growing number of those who under certain condi-

tions are willing to embrace the rules of Sharia instead of complying to the laws of the state. There are, however, areas in which the two forms of xenophobia are combined successfully — anti-Semitism and homophobia.

3. Socio-economic development of the country

(Do manifestations of various forms of xenophobia and extremism affect the socio-economic development of the country).

- *Standard of living.*

The standard of living in France is relatively high (20th place out of 124²⁴⁸), and economical problems are not connected with the manifestation of xenophobia.

- *Economic impacts and instability.*

Like many other developed countries in the EU, France experienced economic difficulties in 2014 (GDP growth — 0.86%, unemployment — 10.3% (23.6% youth unemployment)).²⁴⁹ Those difficulties were purely based on economic factors, however.

- *Decline in production growth, emigration of the labour force.*

In France there is no apparent emigration of the working population, although there is evidence of migration of capital due to high taxes, especially in light of the reforms of the new government. However, these facts have nothing to do with the rise of xenophobia in the country.

4. Security and geopolitical stability in the region

- *Political stability in the country.*

France belongs to the so-called “Old democracies” and has a high political stability. However, the growth of ethnic and sectarian tensions is obvious. The process of radicalization associated with errors in the government’s national policy and active migration processes, which can later be reflected on the political stability of the Republic.

The country, in fact, is experiencing a crisis of the traditional European national state, which is reflected in the fact that a significant proportion of citizens — immigrants from abroad no longer identify themselves with the French nation. Consequently, the most important principle of such a national state is the self-identification of its citizens as a single nation begins to falter. To stop this process France needs to review its policy of unification and to recognize that it has ethnic

minorities with their respective rights. On the other hand, popularity of the extreme right is rising.

- *Impact of xenophobia and extremism in the country on external security, relations with third countries and the international security in the region as a whole.*

The question regarding policies towards migrants has received special attention from the EU. In general, this problem does not seriously affect the international security issues, but it is, nevertheless, the cause of a certain tension within the EU, because some countries asked about the possibility of a temporary introduction of border controls at the borders of individual countries within the European Union. The case of the deportation of Roma from France and Italy clearly demonstrates this.

RECOMMENDATIONS

1. *General recommendations for the accession to international agreements and conventions*

To overcome the crisis of the traditional nation-state France needs to review its unifying approach regarding its national and language policies. It is recommended to join major international agreements aimed at ensuring the rights of ethnic minorities and to ratify the signed documents. We are talking about accession to the Framework Convention for the Protection of National Minorities, the ratification of the European Charter on regional languages and minority languages, as well as the withdrawal of reservations to Article 27 of the International Covenant on Civil and Political Rights of the United Nations of 1966. France also encouraged reviewing its position on non-alignment with the resolutions of the UN General Assembly, directed against the glorification of Nazism, as the data resolution is fully consistent with the policies FR aimed at the inviolability of borders and the inadmissibility of the post-war rehabilitation of Nazism.

2. *General recommendations for adjustments to the legal framework*

By joining international agreements, France has to adjust to them with its national legislation starting with the Constitution (Article 2), as well as to introduce a number of regulations aimed at the protection of minorities.

3. *General recommendations for the executive bodies in the field of enforcement of law and human rights*

To protect the Roma, it is necessary to give them guarantees against forced evictions (and stop the practice of evictions without providing

housing), to legalize the settlements, to give them access to social services, education, health care.

To protect the nomads, France should solve the issue of their access to social services and stop the practice of “tying” them to a specific municipality.

To protect the Muslims, it would be good to introduce legislation prohibiting employers from discriminating Muslims by banning the hijab.

To protect all minorities, France should put an end to racial profiling, which is a humiliating and demonising practice.

It is also desirable to simplify the procedure for obtaining documents for transgender people, adopting a special legal act about it.

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SUMMARY OF INDICATORS FOR 2012–2014

Nº	Criteria	Score in		
		2012	2013	2014
1	Legislation (central, regional, municipal) and law enforcement practices that contribute to the development of radical nationalism	-10	-10	-12.5
2	Xenophobia and inflammatory statements by members of the authorities and media	-5	-5	-5
3	Legislation and law enforcement practice preventing the development of radical nationalism	15	20	15
4	Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism	5	5	5
5	Activities aimed at promoting tolerance and preventing extremism	5	5	5
6	Position of migrants and society's attitude towards immigrants, foreigners, different ethnic groups	-2.5	-2.5	-2.5
7	Incitement of religious and ethnic hatred	-5	-10	-10
8	Radical nationalist groups and parties	-17.5	-17.5	-17.5
9	Public actions of extremist and nationalist groups	-12.5	-15	-10
10	Racist attacks, violence and terror	-20	-25	-20
11	Presence, popularity and size of anti-fascist and anti-racist movements	10	15	15
12	Glorification of German National Socialism and collaborators of Nazi Germany, historical revisionism, Holocaust denial	-2.5	-5	-7.5
13	Persecution of veterans and partisans of the anti-Hitler coalition	0	0	0
14	International Aspect	2.5	2.5	7.5
	Total	-37.5	-42.5	-37.5

GERMANY

ASSESSMENT CRITERIA FOR FACTORS OF STABILITY/INSTABILITY

1. Legislation (central, regional, municipal) and law enforcement practices that contribute to the development of radical nationalism

I n d i c a t o r s

- Discriminatory legislation affecting minorities residing in the country in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.

Three areas of German legislation have been sparking criticism of human rights organisations:

The Aliens Act, which contains restrictions for persons applying for refugee status. These persons are restricted in benefits, freedom of movement (they cannot leave the territory of the Federal Land where they are registered as asylum seekers), and their professional employment opportunities are minimal.

The Criminal Code of Germany, which despite recommendations of various international organisations, does not include racism and other hate motives in the list of aggravating circumstances in commission of a crime (although there have been cases, where local courts have regarded such motives as aggravating).

Germany's implementation of the European Framework Convention for the Protection of National Minorities. The Framework Convention does not contain the definition of "national minority". Thus, Germany declared that on its territory this Convention will be applied to Danes, Serbs (Sorbs), Frieses and German Gypsies (Sinti and Roma). Federal Constitution of Germany does not contain any special provisions regarding protection of minorities; these are contained only in the constitutions of Federal Lands. Therefore, the term "minority" in Germany does not include the so-called new minorities — groups that migrated to Germany in the past decades. Largely, these include Turks,

former Yugoslavians, and Russian-speaking Jews. These peoples are not officially recognised as minorities; however, the current German legislation provides them with rights to develop their language, culture and religion.

On the other hand, Poles who amount to about 200,000 people in Germany and who have deep historical roots in the country (until 1940, Polish community had the rights of a national minority), are not included in this category. According to the 1991 German-Polish treaty of friendship and cooperation, Germans in Poland and Poles in Germany have equal, including cultural, rights; and this issue became a source of tensions between the two countries.¹

“New” national minorities in Germany are not subject to the European Charter of Regional or Minority Languages, which Germany ratified in 1998.

Thus, Germany to a certain extent follows the European tradition of national and linguistic unification, albeit not as much as France.

Religious communities are in a similar position. German Constitution guarantees freedom of religion and the peaceful exercise of religion. Furthermore, according to Art. 140 of the Basic Law of Germany, religious communities have the right of taxation (so-called “Church Tax”), which is 8–9% of religious citizen’s income. This tax is deducted from the tax base and charged by Financial Management (*Finanzamt*) of the Federal Land, and then transferred to the community. The problem is that the right of taxation is given only to religious organisations that are a “public law corporation”. This status means that the religious community, through its statute and the number of its members, must ensure its long-term existence. Currently, this status applies to various German Christian communities, including Orthodox and Mormons, Jehovah’s Witnesses, Jews and the Union of Religious Communities, which does not belong to any official religion and including various small primarily Christian communities and sects.

At the same time, German Muslim community, which amounts to more than 4 million people (almost 5% of the general population), do not fall under the public law corporation, even though it meets all the necessary conditions.

Transgender people are unable to change their names and receive legal recognition of their gender without going through psychological and legal examination. They are often asked to get “real life experience” as a person of their desired gender (according to health insurance companies, this period should be at least 18 months) before they can change their name. Full legal recognition of a sex change requires transgender persons to confirm that they have been wanting to change their gender for at least three years and go through a sterilisation operation (the latter requirement has been recognised as unconstitutional in 2011).

This “real life experience” requirement poses a number of problems for transgender people, especially when confirming their identity.²

- Legislation restricting the voting rights of permanent residents of the country on the basis of ethnicity or country of origin.

German legislation does not contain such restrictions.

- Presence of legal norms and other regulations that legalise the radical nationalist ideology, its attributes and practices, as well as their distribution in the mass media and mass communication.

German legislation does not contain such provisions.

- Discriminatory practices against minorities in the field of registration, mobility, business, employment, education, housing, health-care, religion, etc.

Discriminatory practices are fairly common in Germany (especially towards migrants). Local police is often criticised for racial profiling (detaining people on ethnic basis).³ Victims rarely seek legal help.

In employment, even skilled immigrants are faced with artificial barriers. Compared to German nationals, they are given higher rates in accommodation. Rights of their children are grossly violated in education; and women find it much harder to find a job. Muslim and Turkish immigrants are subjected to these issues the most.

There have been reports of discrimination against Roma in education, employment, healthcare and housing.⁴

Reports also point to a high level of LGBT discrimination. Most difficult situation arose in schools, where they are consistently bullied by fellow students.

LGBT civil partners (34,000 in 2011) are prohibited from adopting children. German Medical Association restricts access to fertility services for such couples, claiming that two homosexual parents cannot legally provide for a stable relationship.⁵

On the other hand, there have been manifestations of radical Islamism. For example, on May 20th it was announced that about 25 schools in Hamburg have requested to strengthen measures to monitor the Islamic groups who are trying to impose their norms in schools, leading a “religious war” against non-Muslim students and teachers. Among students there were cases of religiously motivated violence. Threatened and subjected to regular beatings were not only students, but also non-Muslim teachers. Muslim students have divided into groups and started fighting with each other. In particular, Sunnis forced Alawi and Shiite to leave school. Even non-Muslim students were forced to follow Islamic norms. A large number of students are affected by jihadist propaganda; the image of a jihad warrior is idealised.⁶

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
-/×	Discriminatory legislation affecting minorities residing in the country in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.	-2.5	-2.5	-2.5
-	Legislation restricting the voting rights of permanent residents of the country on the basis of ethnicity or country of origin.	0	0	0
-	Presence of legal norms or other normative documentation, which legalises the ideology of radical nationalism, its attributes and practices, as well as their distribution in the mass media and mass communication.	0	0	0
×	Discriminatory practices against minorities in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.	-5	-5	-5
	Total for section 1	-7.5	-7.5	-7.5

2. Xenophobia and inflammatory statements by members of the authorities and media

A spike of xenophobia in 2014 was related to local elections in Saxony and Brandenburg, as well as the European Elections. Radicals from the National Democratic Party and the Alternative for Germany party actively used anti-migrant rhetoric. In Lower Saxony, NDP conducted a campaign under the slogan “2030 — minority in your own country”.⁷ In Hamburg, NDP campaigned for “Money for your Grandmother, not gypsies”.⁸

Mainstream parties often borrow nationalist rhetoric, seeking to attract nationalist voters. For example, on November 24, Minister of Internal Affairs in Saxony, Markus Ulbig announced the establishment of a special police department for migrant crime, trying to appeal to the followers of the popular Pegida movement.⁹ In early December, Deputy Chair of the Christian Democratic Union party, Julia Klekner proposed the ban on hijab in public places, similar to the French policy.¹⁰

On December 8, it was reported that the Christian Social Union (part of the ruling coalition) proposed “encouraging immigrants” to speak German at home.¹¹

A local newspaper in Frankfurt published an article, accusing “black people” of selling drugs in parks. The article in August was accompanied by an extensive media campaign about “migrant crime”.¹²

Anti-Semitic rhetoric has also been noted. On February 25, renowned national newspaper “Süddeutsche Zeitung” published an article about Facebook’s takeover of the messenger service “WhatsApp” accompanied by an anti-Semitic caricature in style of NS-Propaganda-Paper “Der Stürmer”, which was then discussed numerous afterwards.¹³

In September, Hagen department of the Social Democratic Party of Germany made a Facebook post about “Zionist control” over German media.¹⁴

On September 30, it was reported that member of Brandenburg parliament from Alternative for Germany party posted an anti-Semitic cartoon online.¹⁵

In October, member of the Baden-Wurttemberg parliament from SDPG posted a film about the Rothschild family on Facebook. The film, presented in 1930s Nazi propaganda style, caused a public scandal, after which she was forced to delete the film and apologise.¹⁶

In mid-September, participant in a reality show “The Big Brother” made an anti-Semitic joke. The broadcasting company aired the episode, despite multiple objections.¹⁷

A scandal erupted on the German social networks in April around racist remarks towards a black participant of the popular TV show “Germany’s Next Top Model”. The 18-year-old Aminata from Bergisch Gladbach stated that she will not remove racist comments from her Facebook page “to let everybody see what is the case with racism in Germany in 2014”.¹⁸

On July 10, a study by Markus End showed that Germany continues to have a problem of antiziganism (anti-Roma sentiments). Television and press continues to use racist themes when reporting on Roma problems in Germany.¹⁹

On August 15, it was reported that social networks have become the chief instrument for promoting the extreme right. Nationalist activists hide their posts under popular titles, attracting more views. More than 70% of 5,500 cases of incitement to hatred was found on Facebook, Twitter or YouTube.²⁰

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Xenophobia and inflammatory statements by members of the authorities and media.	-5	-5	-5
	Total for section 2	-5	-5	-5

3. Legislation and law enforcement practice preventing the development of radical nationalism

Indicators

- Presence of anti-Nazi, anti-racist and anti-extremist legislation; legislation aimed against the incitement of ethnic and religious hatred in the country.

The Constitution of the Federal Republic of Germany proclaims the equality of all before the law and prohibits discrimination on the basis of gender, kinship, race, language, nationality, origin, religion, and religious or political views.

Article 86 of the German Criminal Code criminalises the distribution of propaganda materials of anti-Constitutional organisations. Article 130 (Incitement to hatred) covers the incitement to racial hatred, and is one of the most important tools in combatting extremism and xenophobia.

Organisations promoting racist ideology, or condoning or inciting to racial hatred and discrimination, are subjected to criminal prosecution in accordance with Article 129 and 129a of the Criminal Code.

German law prohibits political parties and groups that do not meet constitutional requirements. In accordance with the Basic Law (Article 9), private civil society associations can be banned if they do not comply with the requirements of the criminal legislation, or are aimed against the constitutional order or against the concept of international understanding.

German legislation provides for criminal liability for denial of the Holocaust. It is based on the Criminal Code and the law on overcoming the consequence of crimes (1994).

Article 130 of the German Criminal Code is dedicated to incitement to hatred. Article 3, which was written in 1985 (last revision in 2005), provides criminal liability for incitement to hatred on the grounds of nationalism, religious or racial hatred, humiliation of human dignity, and public denial of the Holocaust and crimes committed during the Nazi regime. These crimes are punished with up to 5 years of imprisonment or a fine.

Article 166 of the Criminal Code, punishes defamation of religions, religious and ideological associations. Article 186 punishes defamation of the dead.²¹

Investigations and trials around the terrorist National Socialist Underground (NSU) shocked Germany in 2013. As a result, on February 26, 2014, Parliament approved a joint request of all political parties, which comprises in total 50 proposals for reform of the police, judiciary and constitutional protection. They should lead to better coopera-

tion between federal security agencies to tighter regulation of the use of the informants and a culture-sensitive training of security forces — but all are still in the planning stage. When penalties are given, “a racist, xenophobic or other inhuman” background should be given special consideration.²²

- Presence and development of anti-discrimination legislation.

In 2006, Germany adopted an Equal Treatment Act, which brought German legislation in line with EU anti-discrimination directives.

After Cologne Court imposed a ban on circumcision, many political figures put forward their initiatives to protect Muslim and Jewish rights, which resulted in the abolition of the ban in December 2012.

In recent years, Landtags (State Diet — parliament of the Federal Land) of some Federal Lands were actively eliminating gaps in federal legislation to accommodate for the rights of Islamic organisations in education and religion.

In 2013, state governments of Bremen, Hamburg and Hessen had officially recognised Islamic organisations and provided them with more rights and powers. From now on, members of any association, union or non-governmental organisation will receive free access to public institutions such as prisons, hospitals and schools. Furthermore, Islamic associations and unions will now be able to establish special theological universities and schools, diplomas of which will be legally recognised. The above-listed federal states also signed agreements to equate the status of Muslim and Christian holidays.

On February 19, 2013, Federal Constitutional Court ruled that civil partnerships (including same-sex couples) must be equally protected by law as a traditional marriage.²³

- Compliance of the government (central, regional, municipal), law enforcement and judiciary with anti-Nazi, anti-racist, anti-extremist, anti-discriminatory and hate crime legislation.

In general, this legislation is observed. To improve the effectiveness of German anti-discrimination legislation, an Anti-Discrimination Agency has been established in accordance with the Equal Treatment Act. The Agency is an independent organisation that provides assistance for the victims of discrimination.

It assists persons who have been subjected in their daily life to racist or anti-Semitic attacks, or subjected to discrimination on the grounds of nationality, ethnic origin, disability, etc.

In 2014, Germany adopted a Human Rights Action Plan for 2014–2016, which provides for extensive measures of combatting racism, xenophobia, discrimination and supporting the rights of migrants and refugees.²⁴

On July 9, parliament of North Rhine-Westphalia decided to implement a special account of crimes motivated by Islamophobia. Until now, special statistical data was only available for anti-Semitic and homophobic incidents.²⁵

Federal Bureau for the Protection of the Constitution organised two permanent exhibitions dedicated to right wing extremism, annually attended by 100,000 people. In 2011, a hotline was set up for victims of extreme right activists or threatened by them. In 2012, police and special services established a Reaction Centre against Right Wing Extremism and Terrorism.²⁶

NDP Leader in Frankfurt was dismissed in May after his extreme right-wing political views came to light. His subsequent appeal was not supported by court.²⁷

- Struggle against hate crime (criminal cases against organisers and participants, guilty verdicts).

Detection of hate crime in Germany is at approximately 60%.

European Commission Against Racism and Intolerance published a report on Germany in February 2014, where it commended its authorities for their efforts in combatting xenophobia. However, ECRI criticised German law enforcement of excessively focusing on organised extreme right forces, while other forms of racism and discrimination remain unnoticed in Germany. In particular, ECRI pointed to anti-Semitic statements in the Muslims circles and multiple cases of homophobia in public.

Currently, incitement to hatred is punished only if it poses a threat to public order. However, this is often hard to prove. This leads to “impunity” that must be eliminated.²⁸

Nevertheless, German authorities are being very active in curbing racism in its roots — particularly after the exposure of an underground neo-Nazi group in 2011. More attention is thus paid to prevent propaganda of racism online. In spring 2013, Federal Criminal Police Service shut down the largest German online forum *Thiazi-Net*, and its founders were brought on charges of “creation of a criminal group” and “incitement of hatred between peoples”. Investigations in this regard were also held in the army in 2012–2013.

In addition, authorities (especially in federal states) started focusing on the prevention of hate crime and to this end are actively cooperating with civil society organisations whose activities are aimed at combatting radical nationalism. Currently Germany has a large number of NGOs aimed against neo-Nazism. Some of them work in education, others monitor manifestations of anti-Semitism online, etc.

Some of the most notable cases are listed below.

On February 18, Frankfurt Supreme Court convicted a Rwandan national Onesphore Rwabukombe on charges of aiding and abetting genocide, sentencing him for 14 years in prison.²⁹

On March 13, court in Saarland sentenced a local neo-Nazi to 14 months suspended sentence and 100 hours of community service, for publishing xenophobic materials online.³⁰

In September, Supreme Federal Court upheld the sentence of the Magdeburg Court against a police officer who was found guilty of death by negligence of an asylum seeker.³¹

Several neo-Nazi organisations have been banned in 2014. The Interior Ministry of Mecklenburg-Western Pomerania has banned two right-wing extremist rocker clubs called „Schwarze Schar MC Wismar“ and „Schwarze Jäger MC Wismar“, because their aims and actions are „against the criminal laws“ — violence with seriously injured victims.³² Among other organisations that have been banned is the Chemnitz National Socialists, Southern Freedom Network and the Autonomous Nationalists of Goppingen.³³ Since 1990, Germany has banned 42 nationalist organisations (10 by Federal authorities and 32 — by regional) and 18 biker clubs (of which 2 were prohibited by Federal authorities).³⁴

There have been a number of court verdicts that can be considered as condoning xenophobia. Magdeburg Regional Court did not find evidence of xenophobic motives in the case of a neo-Nazi attack on a Turkish man in September 2013. Five of the nine defendants were acquitted, four received five to eight years.³⁵

Kempten Court did not find evidence of xenophobic motives in the case of a neo-Nazi murdering a Kazakhstan national.³⁶

Pirna Court issued a suspended sentence towards three neo-Nazis who attacked an Asian teenager, explaining that the reason for the fight was football rather than xenophobia.³⁷

In November, Hessen Administrative Court ordered Mayor of Hanau to remove his statement from the SDPG website, which said that there is no place for Nazis in Hanau.³⁸

Police accused the defenders of Dortmund City Hall of provocative actions and intoxication in public.³⁹

In May 2014, Council representatives criticised the police and prosecution for ignoring racism, anti-Semitism and right-wing extremism. Victims with a different skin colour were often suspected of being criminals, according to Sabin Seib from the ReachOut Berlin organisation.⁴⁰ ECRI reports that German police sometimes fail to react to hate crime, to avoid “excessive paperwork”.⁴¹

On October 30, Muslim school pupils in Offenbach were sending death threats to a Jewish students’ rights representative. City authorities distanced themselves from the problem.⁴²

- Unlawful use of anti-extremist legislation.

No such cases have been recorded in 2014.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Presence of anti-Nazi, anti-racist and anti-extremist legislation; legislation aimed against the incitement of ethnic and religious hatred in the country.	5	5	5
-/×	Presence and development of anti-discriminatory legislation.	5	5	2.5
×	Compliance of the government (central, regional, municipal), law enforcement and judiciary with anti-Nazi, anti-racist, anti-extremist, anti-discriminatory and hate crime legislation.	5	5	5
×	Struggle against hate crime (criminal cases against organisers and participants, guilty verdicts).	5	5	5
-	Unlawful use of anti-extremist legislation.	0	0	0
	Total for section 3	20	20	17.5

4. Statements of government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism

On August 9, German Chancellor Angela Merkel called for solidarity with Israel and combatting anti-Semitism.⁴³

On September 6, Chancellor Angela Merkel encouraged Germans to be vigilant to the threat of anti-Semitism during the upcoming 75th anniversary of the Kristallnacht. She said that all people in Germany should “demonstrate their civil courage and ensure that no form of anti-Semitism is tolerated.”⁴⁴

On September 14, a large rally against anti-Semitism was held in Berlin. President Joachim Gauck and Chancellor Angela Merkel led the event. “We want all Jews to feel safe in Germany,” Merkel said. “This is a terrible scandal that people in Germany today are subjected to violence if they are somehow identified as Jews, or if they stand up for the Israeli state. I will not accept this.” German Chancellor added that Jewish life is part of German identity and culture.⁴⁵ She added: “Anyone who attacks someone for wearing a kippah attacks all of use. Anyone who destroys Jewish tombstones offends our culture. Anyone who damages a synagogue damages the foundations of our free society.”⁴⁶

On December 12, German Chancellor Angela Merkel said that there is no place for hatred towards Muslims or any other minority in Germany.⁴⁷

On December 31, Merkel addressed the nation with a New Years speech, where she urged her citizens to help refugees seeking salvation from armed conflicts and turn their back to racists, full of hatred towards immigrants. German Chancellor condemned the European Patriots Against the Islamisation of the West (PEGIDA movement), which organised regular rallies against Muslims and immigrants in Dresden.⁴⁸

On May 27, Minister of Finance Wolfgang Schaeuble called the French National Front party led by Marine Le Pen “fascist”. “It’s not just our French colleagues, we also have to consider what mistakes caused a quarter of French voters to choose a fascist party”, he said.⁴⁹

Speaking at a ceremony dedicated to Roma victims in Auschwitz on August 2, Vice President of the German Parliament Claudia Roth said that such horrors must never happen again. She added that 70 years later, we can say that Sinti and Roma are an integral part of the European culture and our ethnic and cultural wealth and community, which they have been living in for many centuries.

Minister of European Affairs Michael Roth said, in turn, “Today, minorities are respected by the majority and can develop as successfully without losing their own culture and without denying their own roots.”⁵⁰

On September 6, Interior Minister Thomas de Maiziere told Bild: “Sharia laws will not be tolerated on German soil. Nobody is allowed to denigrate the good name of the German police.” Minister was referring to the recent raids of the so-called “Sharia Police” in Germany. Justice Minister Heiko Maas said, in turn, that the state is the only party responsible for the enforcement of the law. “We will not tolerate any illegal parallel justice,” he added.

Chairman of the Bundestag on internal affairs Wolfgang Bosbach said that it is a deliberate provocation by the Salafis. He added that the legal state will not put up with it.⁵¹

Minister of Justice Heiko Maas urged all parties in the ruling coalition to opposed PEGIDA. Ralf Jaeger, Interior Minister of North Rhine-Westphalia, voiced his concerns about the spread of xenophobic propaganda.⁵²

Responding to CSU’s proposal to encourage migrants to speak German at home, Secretary of the Christian Democratic Union Peter Tauber tweeted: “Politicians shouldn’t be concerned whether I talk Latin, Klingon or Hessen dialect in my home.”

Social Democratic Party of Germany leader Yasmin Fahimi called this proposal “absurd”.⁵³

On December 25, Minister for Migration, Refugees and Integration Aydan Ozoguz condemned the rallies organised by PEGIDA, saying “Muslims are German citizens and Islam is their religion.”⁵⁴

Co-chair of the German Green Party Cem Ozdemir spoke out against the demonstration in Dresden and urged Chancellor Merkel to “recognise that Germany is a country of immigrants”.⁵⁵

On December 19, Left Party MPs inquired why Germany did not support the Russian UN Resolution on the need to combat glorification of Nazism.⁵⁶

On October 17, chief of the Bavarian State Chancellery, Erwin Huber, called for an immediate suspension of the Big Brother reality show, where one participant made an anti-Semitic joke.⁵⁷

Mayor of Erfstadt Volker Erner said that anti-Semitism and xenophobia have no place in his city.⁵⁸

On November 11, Mayor of Wanne-Eickel condemned the desecration of a memorial plaque dedicated to Kristallnacht.⁵⁹

Members of SDPG condemned Sabina Wolf for posting an anti-Semitic film on Facebook.⁶⁰

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism.	5	5	5
	Total for section 4	5	5	5

5. Activities aimed at promoting tolerance and preventing extremism

German authorities pay great attention to educational aspects of antifascist activities. This includes school programmes that include mandatory visit of the Holocaust Museum in Berlin or similar museum in other cities.

No less important are the artistic, socio-political and historical exhibitions dedicated to the struggle against German Nazism in 1930s-1940s and neo-Nazism in present days. Such exhibitions are held regularly and often funded by the state. An active part in these events is played by political parties, primarily of left-wing orientation.

In 2008, the Federal government and various NGOs launched a National Action Plan Against Racism, Xenophobia, Anti-Semitism and the Related Intolerance, which is still in force. Germany also funds the Federal Target Programme “Unity Through Participation”, which focuses on organising local communities against racism through clubs, reli-

gious communities, etc. Another programme, Xenos — Integration and Diversity, focuses on promoting preventative measures against alienation and discrimination; Reinforcing the Democratic Initiative, meanwhile, focuses on preventing Islamic and left-wing extremism; Sorts Clubs Against Extremism focuses on these problems in sports. Promoting Tolerance — Strengthening Competence was a programme in force between 2011 and 2014, aimed at supporting local projects promoting tolerance. Each programme involves dozens of local projects, of which there have been 365 since 2008 (total cost of 235 million euros).⁶¹

The government also supports the Information and Documentation Centre against Racism in Dusseldorf.⁶²

Since 2006, Germany has been cooperating with the Muslim community through the German Islamic Conference.

Since 1991, the Central Council of German Sinti and Roma and the Centre of Documentation of German Sinti and Roma Culture in Heidelberg has been supported by the Federal government, which allocates around 600–650 euros per year for its projects. Several books dedicated to Roma stereotypes have been released since 2012.⁶³

In 2011, The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (BMFSFJ) and the Association of gays and lesbians in Germany (LSVD) launched a project dedicated to improve the status of homosexual parents by providing expert consultations. Results of the project have been published in March 2014. Homosexuality and Family project was launched in 2011 (www.homosexualitaet-familien.de), providing methodological materials on this subject.

On May 1–4, Cologne hosted a European Conference of Rainbow Families. Berlin, meanwhile, has an advisory centre for LGBT. Similar centres, where LGBT community can meet and discuss their issues, exist in several cities across Germany. In 2013, Rheinland-Pfalz adopted a special plan to support LGBT families, comprising about 160 events.⁶⁴

2014 was declared a year of inter- and trans-youth in Germany. Hirschfeld Foundation, established in 2011, is conducting a programme “Football for Diversity — Football on Homophobia”. Berlin Declaration “Together Against Homophobia: Diversity, Respect and Acceptance in Sports” was adopted in 2013.⁶⁵

Family Minister Manuela Schwesig presented a new federal program against right-wing extremism on June 17, which is to be launched on 01 January 2015. The new programme will be in force for five years compared to the previous three years. In addition, the new programme will seek third party funding for 20% of budget, rather than 50%. The funding will increase from 28.5 million to 30 million euros.⁶⁶

On September 12, it was reported that Germany is allocating funds for an education programme for local Muslims. Young Muslims will be taught about the Holocaust and the roots of anti-Semitism⁶⁷

On November 21, it was reported that the Federal Government of Germany instituted a scholarship programme for Muslims in order to increase the level of education among Muslim students across all disciplines and facilitate their integration into society. For the first time in German history, 65 young Muslims received various grants. In the future, the number of students will reach 500 people a year. Talented and socially active Muslim students will receive up to 970 euros per month and graduate students — 1,150 euro per month.⁶⁸

On December 2, it was reported that the German Federal Culture Foundation will provide 3.8 million euros by 2019 to fund an international project aimed at creating a digital database of the Romani culture.⁶⁹

On December 18, a number of individuals received federal awards for solidarity towards accepting refugees and helping asylum seekers.⁷⁰

On March 16, it was reported that Thuringia donates 50,000 euros to families of victims of the National Socialist Underground.⁷¹

Ministers of Justice in various German federal states stated their intention to prevent the spread of Hitler’s *Mein Kampf* after the relevant copyright (still owned by Bavaria) expires. The book is a “horrific example of a text that insults human dignity,” Ministers’ statement reads. “The whole democratic world is looking at Germany and we have to especially consider the feelings of Holocaust survivors,” Bavarian Minister of Justice said.⁷²

More than 20 thousand students of German Anne Frank schools took part in commemorative events on her birthday, June 12. School students across Germany released blue balloons with wishes into the air.⁷³

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Activities aimed at promoting tolerance and preventing extremism.	5	5	5
	Total for section 5	5	5	5

6. Position of migrants and society’s attitude towards immigrants, foreigners, different ethnic groups

I n d i c a t o r s

- Presence and development of migration laws.

Germany has a well developed immigration legislation. Migration flows are regulated with corresponding laws, including the German Basic Law, Residence Act, Displaced Persons Act, Citizenship Act, Law

on control and restriction of immigration and regulating the residence and integration of EU citizens, Law on assistance to political asylum seekers, Law on the freedom of movement of citizens.

Furthermore, in August 2012 German Residence Act was amended to bring it in line with EU Directive 2009/50/EC, introducing the Blue Card which is designed to govern the employment of skilled specialists from third countries. A new type of residence permit was introduced “Blaue Karte EU” for the highly qualified foreign workers. Amendments also concerned students. Thus, foreign students were given better opportunities for career development after graduating from a German university by increasing the time for job-seeking from 12 to 18 months.

In 2013–2014, Germany adopted several humanitarian programmes to accept 20,000 Syrian refugees. The main focus was family reunification. Three hundred refugees received the right to migrate to Germany as a result. In addition, Germany accepted 500 refugees since the start of 2015.

In 2014, Germany adopted a law according to which asylum seekers are free to move within the country after living in Germany for three months. They will also receive full employment rights after 15 months.

On the other hand, in September 2014, Serbia, Macedonia and Bosnia and Herzegovina were legally recognised as safe countries of origin, thus reducing the chances of their citizens receiving protection in Germany.⁷⁴

- Government’s compliance with such legislation (law enforcement practice).

According to the German Statistics Office, the country had almost 7.6 million immigrants, which is 9.5% of the population. Majority of them are ethnic Turks. In the first three quarters of 2014, Germany received 25,646 applications for asylum.⁷⁵

In general, immigration legislation in Germany is observed within the common EU standards. Responsible state authorities in this area are: Federal Ministry of the Interior, Federal Office for Migration and Refugees, regional Ministries of the Interior, Federal Ministry of Labour and Social Affairs, as well as the Federal Employment Service.

Germany supports large-scale integration courses for migrants (since 2005, 1.6 million euros has been spent in this field). In 2013, a familiarisation course “Life in Germany” has been launched to help migrant integration. Some courses are conducted on individual basis.

Federal Office for Migration and Refugees has special representatives, responsible for minors, LGBT, victims of torture and victims of human trafficking.

Since 2013, Germany supports the DaMigra project (www.damigra.de), aimed at promoting legal, political and social equality for migrants.⁷⁶

Unfortunately, Germany still lacks a cohesive concept of treatment of immigrants, despite multiple warnings regarding the ageing population in Germany.

Position of migrants in Germany continues to be difficult. They are often settled in remote camps resembling prisons, social assistance is paid in the form of merchandise coupons, they are not allowed to work and German language courses are lacking. Refugees wait years for a response to their application for asylum, living in territorial and social isolation, in small rooms and without the right to leave the jurisdiction of the responsible institution (so-called obligation to stay on the designated territory — for the first three months, since 2014). Many human rights activists believe that such living conditions are intentionally set up to reduce the appeal of seeking asylum in Germany.⁷⁷ Current refugee centres cannot keep up with the influx of asylum seekers this year.⁷⁸

Germany does not provide free legal help for refugees, who are forced to seek assistance from non-profit organisations or pay for private lawyers.⁷⁹

- Discriminatory practices against immigrants.

Despite the developed legislation, Germany has problems with discriminatory practices against immigrants. Restrictive policies of the ruling CDU/CSU conservative bloc has caused immigrants to feel alien in modern Germany. Moreover, this alienation is visible on all levels, from household to government; in other words — from weird glances and insults on the street to selective police checks and arbitrary justice.

Immigrants are most often faced with discrimination in housing, employment, relations with the law enforcement, family law and in everyday sphere.

Discriminatory practices have been noted in the integration policy. Persons who do not attend language courses risk facing difficulties when extending their residence permits or even have their benefits reduced.⁸⁰ In September 2014, German media reported that private guards in three temporary placement centres in Westphalia are abusing asylum seekers.⁸¹

- Use of ethnic crime as justification for discrimination against immigrants.

This topic is often exploited by the far right. The scale of anti-immigrant rhetoric is evidenced by the 155 demonstrations in 2014,

protesting the establishment of refugee centres due to the supposed “increased crime rate” that follows.⁸²

- Social assistance for immigrants.

According to German immigration legislation, refugees and immigrants legally residing on the territory of the country have the right to the same social protection as German citizens.

Asylum seekers were excluded from this rule up until July 2013. They did not have freedom of movement — i.e. they were not allowed to leave the territory of the state where they were registered as refugees. Furthermore, they had limited social benefits and were practically unable to seek employment. Their accommodation was subject to a lot of criticism — overcrowded residence centres, small rooms, social discomfort.

In July 2013, Federal Constitutional Court ruled that refugees and asylum seekers must enjoy the same protection as German citizens, ordering to pay them benefits backdated to 2011. These measures affected 130 thousand people.⁸³

New amendments to the Asylum Seekers Act, which came into force in 2015, provide for a number of human rights standards, especially in terms of healthcare.⁸⁴

Meanwhile, a new trend emerged in 2014, which can cause a new wave of intolerance — this time towards people from the Balkans. Despite the official recognition of Serbia, Macedonia and Bosnia and Herzegovina as safe countries of origin (which practically eliminates the possibility of asylum for their citizens), the number of migrants from these countries is growing. German legislation allows Balkan nationals to receive certain social guarantees, including freedom of movement within the country after three months and social benefits that are two times higher than unskilled wages in their countries. This trend may result in Germany following the United Kingdom in adopting tougher immigration policies.

- Negative attitude of the community towards immigrants, foreigners, various ethnic groups.

Certain xenophobic tendencies became more pronounced in the German society over the recent years. Forsa Institute of Sociological and Statistical Studies in Dortmund published a report on August 7, where 52% said that Islam is not part of German identity, while 44% said the opposite. However, 53% were against Islamophobia and hostility towards Muslims. German citizens aged over 60 are less tolerant, as are residents of western regions (31% and 39% respectively).⁸⁵ This can be explained by the fact that they were brought up in a more homogenous society.

Another study by Forsa, published on January 1, 2015, showed that almost a third of Germans support the anti-immigrant PEGIDA organisation.⁸⁶ Study conducted by TNS Research for the Spiegel magazine on December 10–11 showed that 34% of German citizens fear the increasing influence of Islam in the country and support the PEGIDA movement.⁸⁷

Anti-Semitism is also fairly common in Germany, including so-called “neo-anti-Semitism”, which masks behind “anti-Zionism”. The latter phenomenon is more common among the German youth. Surveys show that 23% of respondents share the classic anti-Semitic belief that Jews are controlling the world. 34% of respondents (40% of youth) compare Israeli politics towards Arabs to Nazi politics (30% in 2013). 28% said that Israeli policies made them more hostile towards Jewish people. 5% believe that Germany must support Arabs in the Israel-Palestine conflict, 15% say Germany must support Jews (9% among youth).

Anti-Semitic sentiments are common among German Muslims. On August 12, members of the Jewish community in Frankfurt were forced to leave the City Council for Religious Affairs after anti-Semitic and anti-Israeli remarks from their Muslim counterparts. Islamic Association stated that the Central Council of Jews in Germany exploits the problem of anti-Semitism in Europe to “distract from crimes committed by the Israeli government”.⁸⁸ Young Muslims in Berlin have adopted sharp anti-Israeli and anti-Semitic views after the start of the Gaza conflict in July 2014.⁸⁹

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Presence and improvement of migration laws.	5	5	5
-/×	Government’s compliance with such legislation (law enforcement practice).	2.5	2.5	5
×	Discriminatory practices against immigrants.	-5	-5	-5
×	Use of ethnic crime as justification for discrimination against migrants.	-5	-5	-5
×	Social assistance for immigrants.	5	5	5
×	Negative attitude of the community towards immigrants, foreigners, various ethnic groups.	-5	-5	-5
	Total for section 6	-2.5	-2.5	0

7. Incitement of religious and ethnic hatred

Indicators

- Calls for ethnic and religious hatred in mass media and mass communications, graffiti.

In the 1990s, Germany actively fought the extreme right by banning the establishment of such organisations. In response, a new extreme right culture and autonomous organisations emerge among the youth. Numerous new groups started appearing, calling themselves “fellowships”. They maintained contacts with neo-Nazis and skinheads and their main activities were done online.

In addition to these groups, there are numerous online platforms. One of them, *World Wide News for People of European Descent*, founded in 2002, positions itself as a respectable news website despite its clear leaning towards the extreme right. Another example of such media is the German branch of a network called “Other Media” (*Altermedia-Deutschland.info*), which copies and rewrites articles of respected publications with corresponding comments. Currently, this website is one of the most popular internet portals for extreme right activists. Altermedia is annually visited by 5 million people.

Organisation NordicTex (in Oberhof) hosts an extreme right website *Ansgararyan*. The organisation positions itself as the main defender of nationalist ideas. Similar position is occupied by *Germaniaversand* website, which cites *Altermedia* in its articles. *Politically Incorrect* website specialises in Islamophobic articles.

When it comes to neo-Nazi graffiti, these regularly appear on the streets of large German cities.

In 2014, anti-Semitic calls have been made by Islamists. On July 11, Sheikh Abu Bilal Ismail, in a sermon in Berlin’s Al-Nour mosque praised Hamas and called for the “destruction of the Zionist Jews... every single one.”⁹⁰

On July 17, an anti-Israeli demonstration was held in Berlin, where demonstrators chanted, “Jews, Jews, cowardly pigs, come out and fight!” and “Jews to the gas chambers”.⁹¹

- Presence and popularity of radical nationalist literature, films, music. Ultra-nationalist rock bands and their concerts.

Germany has strict restrictions on distribution of extremist literature. However, particularly online bookstores of Germany often sell books about Wehrmacht, SS troops, etc. as “historical literature”. These books are published by small private publishing houses and distributed largely online.

In April, a book by Akif Pirincci — an ethnic Turk — became a bestseller of the month. *Deutschland von Sinnen: Der irre Kult um Frau-*

en, *Homosexuelle und Zuwanderer* (translated as “Germany out of her Sense: The mad cult of women, homosexuals and immigrants”) is full of hatred towards all three mentioned elements of society.⁹²

The situation with music is more difficult, as it is harder to censor.

Federal Service for the Protection of the Constitution (*Bundesamt für Verfassungsschutz* or *BfV*) states, “Excluding jazz and classical music, there is not a musical genre that has not been infiltrated by extreme right organisations and that has not been used to conduct extreme right ideas”. According to BfV, music is actively used by German musicians who “glorify National Socialism, present Adolf Hitler and his allies as role models (or tragic heroes)” and try to “inspire racial hatred or incite to violence against foreign nationals, Jews and dissidents”.⁹³

There are many neo-Nazi groups, most of which are informal. Among the noteworthy ones are Burning Hate (Oberfranken), White rebel boys, Codex Frei (Kempton), Faustrecht (Mindelheim), Feldherren (München), National born haters (Neu-Ulm), Southern white punks (Augsburg), Sturmtrupp (Neuburg a.d. Donau), Untergrundwehr (Würzburg).

In 2014, neo-Nazis and radical nationalists held approximately 160 festivals and concerts.⁹⁴

In May and June there were two large Nazi rock concerts: one in Nienhagen (Sachsen-Anhalt),⁹⁵ the other one in Gera (Freistaat Thüringen).⁹⁶ In Schleswig-Holstein, the neo-Nazis opened two of their own rocker clubs “Brigade 8” and “Midgards Wächter”.⁹⁷

The popularity of neo-Nazi rock is evidenced by the distribution of CDs of this genre and the sale of “ideological” clothing, which is the main source of income of the radical nationalist parties such as the NDPG. Moreover, the lion’s share of the profits comes from music and merchandise sale abroad, particularly in Eastern Europe.⁹⁸

It is worth mentioning Islamic anti-Semitism. Most commonly, it manifested in German Turkish media. Turkish-language press often talks about Jewish conspiracy, accuses them of conducting a Nazi-like policy in Germany, etc. Turkish book fairs often contain anti-Semitic texts.

On October 14, it was reported that Frankfurt Book Fair — largest in Germany — displayed Arabic books with anti-Semitic content (including the adapted text of Protocols of the Elders of Zion), glorifying terrorism and denying the Holocaust.⁹⁹

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Calls for ethnic and religious hatred in mass media and mass communications, graffiti.	-5	-5	-5

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Presence and popularity of radical nationalist literature, films, music. Ultranationalist rock bands and their concerts.	-5	-5	-5
	Total for section 7	-10	-10	-10

8. Extreme nationalist groups and parties

Indicators

- Presence of neo-Nazi and ultra-nationalist groups, movements, political parties (both in the centre and in the localities).

Approximately 21,000 people in Germany are affiliated with the extreme right.¹⁰⁰

The leading radical nationalist party in the country is National Democratic Party of Germany (NDPG), founded in 1964. In 2013 parliamentary elections, the party received 560,660 votes (1.3%) and did not pass into parliament. In 2014, NDPG had 5,200 members.¹⁰¹

“Die Rechte” is a small movement, established in 2012 and consisting of 500 people.¹⁰²

Third Way party was established in September 2013 (200 members) by former NDPG members.¹⁰³

There is also a new party, *Die Freiheit*, (“Freedom”, 500 activists), led by former Christian Democratic Union leader Rene Stadtkewitz. The party consists of former members of the ruling party, who became disappointed in the policies of current German parties. Party’s main goal is to stop Islamisation of Germany.

Another well-known right-wing organisation is the Civil Movement for Germany, which positions itself as an “association of people who want to keep the traditional North-European image of Germany”.¹⁰⁴

Pro NRW is a nationalist organisation in North Rhine-Westphalia with around 1,000 members.¹⁰⁵

Alternative for Germany (AfD) was established in February 2013 as a National-Conservative “protest party”. In 2013, the organisation had around 10,500 members, a number of whom come from neo-Nazi backgrounds.¹⁰⁶

A number of nationalists regard themselves as “citizens of the Reich”, refusing to pay taxes and obey the current authorities, considering them illegitimate. There are about two dozen groups that follow a similar ideology and demand restoration of Germany as it was in 1937. An integral part of their ideology is anti-Semitism and the belief that

Germany fell victim to the “Jewish conspiracy”, as well as the purity of race.¹⁰⁷

In 2014, Hooligans Against Salafis (HoGeSa) united football hooligans on Islamophobic basis. The group follows the model of the English Defence League.¹⁰⁸

Another organisation that emerged in 2014 is PEGIDA (Patriotic Europeans Against Islamisation of the West), which exploit anti-immigration sentiments and use social networks to organise actions.¹⁰⁹

- Presence of discriminatory demands in the programmes of these parties and in the statements of their leaders towards the members of minorities.

All political extreme right parties occupy anti-immigration and Eurosceptic positions. For example, National Democratic Party is opposed to Germany’s membership in the European Union and demands abandoning the single currency. Its slogan is “Fight for the minds, fight for the streets, fight for seats in parliament, fight against foreign will”.

New Chairman of NDP, F. Franc, told a Polish nationalist website that Germany is facing Islamisation and “elimination of families”.¹¹⁰

Other parties have their own specialisation. For example, *Die Freiheit*, *Civil Movement for Germany*, *Pro-Deutschland*, and a number of other parties have clear Islamophobic positions.

Die Freiheit’s platform includes de-Islamisation of the country to avoid, as its leader says, “Germany turning into Algeria”.¹¹¹

Civil Movement for Germany positions itself as a pro-conservative organisation fighting against multiculturalism and Islamisation of Germany. The party advocates for a “Germany without foreigners, who do not respect its traditions and laws,” demanding strict punishment for immigrant criminals — depriving them of citizenship and deporting.¹¹²

Alternative for Germany demands reducing the number of refugees and punishing those who do not support the “traditional family”. All Muslims, according to this party, are suspected of terrorism.¹¹³

Right Party advocates for the abolition of tolerance towards foreigners and returning pre-war territories.¹¹⁴

Third Way advocates for German Socialism and restoration of Germany as it was in 1937.¹¹⁵

- Neo-Nazi and radical nationalist influence over the civil society, including oppositional and human rights organisations.

There is a layer of xenophobic voters in German society. On May 25th European Elections, NDP received 1% of votes and a seat in the European Parliament. Right-wing populist AfD received 7.1% of votes and 7 seats in the European Parliament. Pro NRW received 0.2% votes, *Republikaner* — 0.4%.¹¹⁶

Extreme right parties managed to gain significant amount of votes in the local elections (up to 15%), AfD being most successful.¹¹⁷ Thus, the number of extreme right supporters is 10–15%. However, the NDP received 25% in the additional elections for the Duisburg-Bruckhausen regional council, while Pro NRW received 8.1% additional votes.¹¹⁸

Neo-Nazi ideology is fairly popular among the youth. On October 29, it was reported that teenagers in a school in Leipzig are greeting themselves with “Heil Hitler” and text Nazi slogans to each other.¹¹⁹ Neo-Nazi have managed to penetrate the youth hipster movement, creating the term “Nipster” — Nazi hipsters.¹²⁰

On November 27, outgoing President of the Central Council of Jews in Germany Dieter Graumann told the BILD newspaper: “Some time ago I noticed that anti-Semitism is becoming increasingly public, it no longer hides. We are often receiving messages with anti-Semitic content.” Graumann explained this with the fading memory of the Holocaust. “Auschwitz is far away from here. The shock of the Nazi crimes seems to have disappeared.”¹²¹

- Neo-Nazi and radical nationalist influence over the local legislative/executive bodies.

AfD received 311 seats in municipal council following local elections on May 25 (89 in North Rhine-Westphalia, 48 in Rhineland-Palatinate, 44 in Brandenburg, 71 in Saxony, 22 in Mecklenburg-Vorpommern, 17 in Hamburg, 16 in Saxony-Anhalt and 4 in Thuringia).

NDP received 190 seats (59 in Saxony, 29 in Brandenburg, 32 in Thuringia, 17 in Mecklenburg-Western Pomerania, 8 in North Rhine-Westphalia, 34 in Saxony-Anhalt, 5 in Baden-Wuerttemberg, 5 in Rhineland-Palatinate, 1 in Saarbrücken).

Pro NRW received 24 seats in North Rhine-Westphalia. Die Rechte received 2 seats in the same region. Pro Mainz (Die Rechte) received 1 seat in Rhineland-Palatinate. Deutsche Volksunion Rheinpfalz (NDP) received 1 seat in the same region.

In some regions, such as North Rhine Westphalia and Mecklenburg-Western Pomerania, neo-Nazis are hiding in harmless-sounding lists. For example, “We’re Here” list in Ueckermünde received 14.1 votes and 3 seats. Alternative for Torgelov received 8.7% seats and 2 seats. Better Strasbourg received 15% and 3 seats.¹²²

However, given that Germany has more than 1,200 constituencies, these results are relatively insignificant.

Furthermore AfD received 12.2% of votes in Branderburg, 9.7% in Saxony, 10.6% in Turing, forming factions in regional parliaments.¹²³ NPD won 3.6% of votes in Thuringia, 4.9% in Saxony, 0.6% in Lower Saxony and Hamburg. As a result, NDP did not pass into local parliaments (except for Mecklenburg-Vorpommern, where it gained 5 seats).¹²⁴

- Neo-Nazi and radical nationalist influence over the central legislative/executive bodies.

Radical nationalists failed to pass any of their candidates to the German parliament in 2009 and 2013 elections. Therefore, radical nationalists do not have any influence in the central German government.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Presence of neo-Nazi and ultra-nationalist groups, movements, political parties (both in the centre and in the localities).	-5	-5	-5
×	Presence of discriminatory demands in the programmes of these parties and in the statements of their leaders towards the members of minorities.	-5	-5	-5
-/×	Neo-Nazi and radical nationalist influence over the civil society, including oppositional and human rights organisations.	0	0	-2.5
-/×	Neo-Nazi and radical nationalist influence over the local legislative/executive bodies.	0	0	-2.5
-	Neo-Nazi and radical nationalist influence over the central legislative/executive bodies.	0	0	0
	Total for section 8	-10	-10	-15

9. Public actions of extremist and nationalist groups

Indicators

- Neo-Nazi and radical nationalist participation in mass actions prohibited by the authorities.

In July, several men displayed Nazi salutes in Buchenwald concentration camp.¹²⁵

On August 18, three men shouted “Sieg Heil” and raised their hands in a Nazi salute to offend members of the Left Party in Erfurt.¹²⁶

Vigilante Patrols were established in Eisenhüttenstadt, where a refugee camp is situated.¹²⁷

On September 5, a video appeared online depicting a raid carried out by the self-proclaimed Sharia Police in Wuppertal. They patrolled bars, casinos and nightclubs, demanding the patrons to reject tobacco, alcohol and drugs.¹²⁸

On December 25, five Muslim hooligans (four of whom were minors) disrupted a Mass in Monchengladbach by breaking into a church and shouting insults at Christians.¹²⁹

- Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities.

Such actions were fairly common across all German states; however, they were quite low-key. There were 225 nationalist demonstrations in 2014. More than half of them were organised by NDP (123), 21 — the Right Movement, 20 — Pro Movement, 8 — Third Way Movement.¹³⁰

24 racist demonstrations against refugees were held in Germany in January-February, more than half organised by the main Neo-Nazi party in Germany, the NPD.¹³¹

On February 2, a rally against the construction of a mosque was held in Remscheid, gathering 20 people.¹³²

In March, demonstrations were held in Merseburg, Munich, Berlin, Chemnitz, Dessau, Heilbronn, Koblenz, Bautzen, Dresden, Leipzig, Döbeln, Demmin, Aachen, Wittenberg. All were targeted against immigrants and left-wing activists.¹³³

Demonstrations against refugee centres were held on April 1st in Bad Finsterwald.¹³⁴ Neo-Nazi demonstrations were also held in Dortmund (450 participants), Duisburg (100 participants), Demmin (200 participants), Rostock (300 participants), Plauen (700 participants), Dachau, Frankfurt an der Oder, Essen (50 participants).¹³⁵

On June 14, it was reported that “conspiracy theorists” held demonstrations across Germany with anti-Semitic undertones. In two months the number of activists of this movement grew to several thousand people.¹³⁶ Demonstrations continued in the second half of 2014, gathering 500 people in Dusseldorf on December 8.¹³⁷

On August 2, a neo-Nazi demonstration was held in Niedersachsen, gathering 190 participants.¹³⁸

On October 26, extreme right activists held a torchlight procession to protest the ban on their concert in Grevesmuhlen.¹³⁹

On November 6, 55 people held a demonstration against refugees in Hamburg.¹⁴⁰

On October 26, neo-Nazis and extreme right activists marched in Cologne, resulting in a clash with the law enforcement. Around 2,000 activists chanted anti-Muslim slogans and called for deportation of all foreigners from Germany. The subsequent clash resulted in 1 protester and 44 police injured; 20 people were arrested.¹⁴¹

On November 15, HoGeSa held another demonstration in Hannover, gathering 3,000 people.¹⁴² Other HoGeSa demonstrations took place in Dortmund (28 September, 300 people), Frankfurt (11 Octo-

ber, 50 people), Berlin (November 9, 400 people).¹⁴³ Several other demonstrations were prohibited by the authorities.

In addition, neo-Nazi hold “funeral marches” commemorating the allied bombings in 1945. Such events were held in January-February in Magdeburg (800 participants), Dresden (650 participants), Weimar (80 participants), Gera (15 participants), Cottbus (126 participants), Pforzheim (100 participants)¹⁴⁴

Similar marches was held in Wittenberg on April 5, gathering 200 people,¹⁴⁵ Demmin,¹⁴⁶ Saarland¹⁴⁷ and Remagen¹⁴⁸).

On November 15 neo-Nazis annually gather in Wunsiedel, which until 2011 was the burial place of Hitler’s deputy R. Hess.¹⁴⁹

There have been several anti-Semitic actions organised by Muslims and related to the Gaza conflict. On July 11, Sheikh Abu Bilal Ismail, in a sermon in Berlin’s Al-Nour mosque praised Hamas and called for the “destruction of the Zionist Jews... every single one.”¹⁵⁰

On July 13, during an anti-Israel demonstration in Frankfurt, one of its members shouted “Israel — child killer” and other similar chants though a megaphone.¹⁵¹

On July 17, an anti-Israeli demonstration was held in Berlin, where demonstrators chanted, “Jews, Jews, cowardly pigs, come out and fight!” and “Jews to the gas chambers”. Similar demonstrations were held in Frankfurt, Gelsenkirchen, Kassel and Bremen¹⁵²

On July 17, demonstrators published a short video on YouTube, where they erased the Israeli state.¹⁵³

On July 20, anti-Israeli neo-Nazi demonstrations were held in Neckarsulm, Bittighaym-Bissingen, and Pforzheim.

On July 29, neo-Nazi demonstration was held in Heilbronn.¹⁵⁴

Large-scale anti-immigration demonstrations took place across the country, organised by the PEGIDA movement. First action organised by PGIDA in October only gathered 350. However, their rally on November 10 gathered more than a thousand; on December 8 — more than 10 thousand; December 15 — 15 thousand; and December 22 — more than 17,000. Similar rallies were held in December in Kassel, Munich, and Würzburg. This increase indicates that the electorate is unhappy that the current government does not “sort out” the migration problem.¹⁵⁵

German neo-Nazis also participated in foreign nationalist actions, including the Day of Honour in Budapest,¹⁵⁶ Lukov March in Bulgaria¹⁵⁷ and demonstrations in Karlovy Vary on February 15.¹⁵⁸

Demonstrations against sexual diversity courses were held on February 1, March 1, April 5, June 28 and October 19 in Stuttgart. The last demonstration gathered 2,000 people.¹⁵⁹

- Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities, with the participation of representatives

from the legislative or executive bodies, law enforcement and security agencies.

No such cases have been recorded in 2014.

- Presence of “football xenophobia” and racism amongst sports fans.

Football xenophobia is as common in Germany as it is in many other European countries.

On July 15, members of the German football team performed a Gaucho Dance to mock the Argentinian team.¹⁶⁰

On August 10, anti-Semitic language sounded at a football match between Hannover FC and Lazio FC.¹⁶¹

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Neo-Nazi and radical nationalist participation in mass actions prohibited by the authorities.	-2.5	0	-5
×	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities.	-5	-5	-5
-	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities, with the participation of representatives from the legislative or executive bodies, law enforcement and security agencies.	0	0	0
×	Presence of “football xenophobia” and racism amongst sports fans.	-5	-5	-5
	Total for section 9	-12.5	-10	-15

10. Racist attacks, violence and terror

Indicators

- Vandalism in cemeteries, attacks on religious buildings.

229 cases of xenophobic vandalism have been recorded in 2014. Most were targeted at immigrants (172), 39 cases were anti-Semitic, 7 cases were anti-Muslim, 4 cases targeted prisoners of Nazi concentration camps, 2 cases were anti-Christian.

There have been 170 attacks on refugee centres, compared to 55 in 2013.¹⁶² On March 15, neo-Nazis set fire to a car owned by a Christian priest, who was helping refugees in Berlin.¹⁶³

On June 19, two young men set fire to a camp of protesting refugees.¹⁶⁴

Vandals also attacked mosques in Gelsenkirchen (May 15¹⁶⁵ and July 14¹⁶⁶), Dresden (July 11¹⁶⁷), Baumveg (July 14¹⁶⁸), Wuppertal (25 and 29 July¹⁶⁹), Aachen (29 July¹⁷⁰), Hanover (August 3¹⁷¹), and the monument to Holocaust victims in Wismar (4 July¹⁷²), Berlin (11 and 14 July¹⁷³), Chemnitz and Herne (July 24¹⁷⁴) Bad Nenndorf (July 28).¹⁷⁵

On November 1, a Jewish hospital in Berlin has been shot at.¹⁷⁶

Jewish cemeteries have been desecrated in Vitterberge on June 5, in Cottbus and Jamlitz on June 14,¹⁷⁷ August 10 — in Zonderhausen,¹⁷⁸ September 13 — in Düsseldorf,¹⁷⁹ 21 September — Bochum.¹⁸⁰

On November 11, the memorial plaque dedicated to Kristallnacht in Wanne-Eickel was damaged.¹⁸¹

Furthermore, on July 9, unknown vandals painted anti-Semitic and Nazi slogans near the entrance to the Anne Frank School in Frankfurt.¹⁸²

On July 23, a beer bottle was thrown into a bathroom window of a Jewish woman. Attackers called her a “Jewish pig”.¹⁸³

On May 17, swastikas were painted on a car in Mülheim.¹⁸⁴

On May 23 night, unknown vandals hung SS symbols made out of pine cones at a memorial to the victims of World War Two in Freingerstabb.¹⁸⁵

On May 27, extreme right activists painted racist and neo-Nazi graffiti on a restaurant in Berlin.¹⁸⁶ On July 9, anti-Semitic and neo-Nazi slogans were found on the building of the Anne Frank school in Frankfurt.¹⁸⁷

On August 4, anti-Semitic graffiti was found in Gelsenkirchen.¹⁸⁸

Anti-Semitic graffiti was found in Bad Buchau,¹⁸⁹ on the Lauzitser Rundschau newspaper office,¹⁹⁰ in Cottbus,¹⁹¹ Libenau,¹⁹² Berlin^{193, 194} Bad Ketzings,¹⁹⁵ University of Potsdam.¹⁹⁶

On June 12, prayer mats designed for Muslim students were set on fire several times at the University of Applied Sciences (HAW) in Hamburg.¹⁹⁷

On August 11 and 19, Korans were set on fire in a mosque in Berlin. On August 12, a new mosque in the district of Kreuzberg, Berlin, was set on fire.¹⁹⁸

On September 4, two mosques were attacked in Lower Saxony.¹⁹⁹

On October 11, a mosque in Bad Salzuflen was set on fire.²⁰⁰

On July 1, unidentified persons destroyed a memorial plaque in Nordhausen concentration camp.²⁰¹ On July 18, a memorial in Buchenwald was destroyed.²⁰² On August 31, a memorial plaque to victims of concentration camps was desecrated in Leipzig.²⁰³ On November 2,

it was reported that the sign from the gates of the Dachau concentration camp has been stolen.²⁰⁴

On September 19, an attack was made on Catholic Church of the Sacred Heart of Jesus in Berlin.²⁰⁵

On October 16, unknown vandals desecrated a Carmelite Monastery in Speyer (Rhineland-Palatinate). They damaged two organ pipes and a wall behind the altar, stealing candles, breaking vases and tearing pictures on the wall.²⁰⁶

In January, neo-Nazis threw faeces in the room for the LGBT community in Kassel.²⁰⁷

On January 7, a group of 20 Neo-Nazis attacked the left-wing autonomous center in Aachen (North-Rhine Westfalia) with wooden slats and bottles.²⁰⁸

Left Party office in Neumünster was attacked on July 5.²⁰⁹

A branch of the Association of German Sinti and Roma in Kiel was attacked in September.²¹⁰

On August 18, unknown vandals damaged the grave of Stepan Bandera — Ukrainian nationalist.²¹¹

There were 13 cases of anti-Semitic threats.

On May 27, Klaus Stottsel, deputy mayor of Hilchenbach (East Germany), received a postcard, where he was named a “Jewish pig”.²¹²

On June 12, unknown person painted on the window swastika and wrote “Jews get out” due to the fact that one of the residents put the Israeli flag in the window in Frankfurt.²¹³

On July 12, 15 right-wing activists threatened an owner of a pub in Gardelegen, when she was trying to close.²¹⁴

On July 17, it was reported that one of the Frankfurt community rabbis received a phone call from a man who called himself a Palestinian. He said that he has family in Gaza and intends to kill 30 members of the Jewish community if anything happens to his relatives.²¹⁵

On July 17 in Krugsdorf, a woman racially insulted young tourists from Berlin and threw rocks at them.²¹⁶

On July 21, all Jews living in Dusseldorf received anti-Semitic postcards in their mailboxes.²¹⁷

On July 26, 10 neo-Nazis armed with baseball bats and metal rods shouted abuse at locals in Schwarzenberg.²¹⁸

On August 3, ten neo-Nazis gathered near the home of Die Linke member in Reutlingen, shouting Nazi slogans.²¹⁹

On August 11 and 19, Korans were set on fire in a mosque in Berlin. On August 12, a new mosque in the district of Kreuzberg, Berlin, was set on fire.²²⁰

On August 16, a 25-year-old neo-Nazi insulted a Turkish national in Berlin.²²¹

On August 26, Journal Frankfurt employee was called a “child-murderer” and a “dirty Jew”.²²²

On August 31, an unidentified Dinamo Dresden FC fan displayed a Nazi salute in Buchenwald.²²³

On September 2, a local politician Ralf Buchner in Hoyerswerda found “JUDEN” (Jews) written in red letters of his house.²²⁴

On October 26, a man in Berlin shouted anti-Semitic slogans from his window.²²⁵

In late November, one of the organisers of an antifascist counter-demonstration in Dresden was threatened and insulted.²²⁶

- Inter-ethnic clashes instigated by xenophobia and radical nationalism.

On October 7, Yezidi Kurds and Muslims clashed in Hamburg and Celle. Both sides were armed with knives, brass knuckles and bats. Dozens of people were injured.²²⁷

- Cases of violence, including murder on racial, ethnic and religious grounds.

There were 17,020 politically motivated crimes in 2014 (17,042 in 2013). 16,559 were motivated by extremism (16,557 in 2013). The number of violent crime has increased by 20% (990 in 2014 compared to 801 in 2013). 572 violent incidents were motivated by racism (473 in 2013), 139 — anti-leftist (146 in 2013), 60 — against other political forces (52 in 2013), 31 attacks were motivated by anti-Semitism (45 in 2013).²²⁸

In 2014, we recorded 2 deaths and at least 101 injuries as a result of attacks motivated by hatred.²²⁹ Berlin had the most victims (15), followed by Dortmund (13 victims), Ballshadt (10 victims), Dresden and Jena (5 victims) Sure, Chemnitz and Saalfeld (4 wounded), Wuppertal, Ingolstadt and Frankfurt an der Oder (3 wounded), Aachen, Eisenberg, Weissenfels, Merseburg, Magdeburg, Potsdam, Schoenebeck (2 wounded), Brandenburg an der Havel, Braunschweig, Halle, Hannover, Gardelegen, Demmin, Cologne, Kelsterbet, Limburg, Lobau, Mainz, Marburg, Neuenkirchen, Regensburg, Tranuroyt, Furstenwalde, Hoyersveda, Shvetzians, Stadthagen, Erfurt (1 wounded).

In terms of nationality, most victims were African (14), followed by Jews (12), Roma (5), Arabs (4), Turks and Iranians (1 wounded). Nationality of two thirds of victims is unknown.

On February 1, Bundestag deputy Sven-Christian Kindler (The Green Party) is attacked by a fan of the right-populist band “Freiwild” because he engaged against the nationalism of the band.²³⁰

On February 9, a group of approximately 10 Neo-Nazis attack a party of a carnival society in Ballstädt (Thüringen). Ten persons were injured, two of them seriously.²³¹

On May 25, 25 neo-Nazis from the “Die Rechte” party attacked the mayor’s office in Dortmund, attempting to break into the building. The group was led by a member of Die Rechte Siegfried Borchardt, who was elected to the City Council on the same day. About 80 MPs from other parties were able to interfere, but 10 of them were injured.²³²

On December 8, Pegida activists threw firecrackers at the counter-demonstration in Dresden.²³³

- Nationalist or religious terrorist attacks.

Monitoring did not record any terrorist attacks motivated by hate in 2014. However, on June 27, police found a bomb in the house of neo-Nazis in Munich. Fortunately, it was found before it could be used.²³⁴

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Vandalism in cemeteries, attacks on religious buildings.	-5	-5	-5
×	Interethnic clashes instigated by xenophobia and radical nationalism.	0	0	-5
×	Cases of violence, including murder on racial, ethnic, and religious grounds.	-5	-5	-5
×	Cases of hate crimes.	0	0	-5
-	Nationalist or religious terrorist attacks.	0	0	0
	Total for section 10	-10	-10	-20

11. Presence, popularity and size of anti-fascist and anti-racist movements

Indicators

- Presence of anti-racist and anti-Nazi movements and parties.

First of all, anti-Nazi and antiracist movement includes left-wing parties, such as *Die Linke* and SDPG.

Germany has a number of non-governmental organisations aimed against neo-Nazi groups. Some of them were engaged in education, others organised protests or monitored manifestations of racism online. Antifascist activists report racist websites to police, who then initiate criminal investigations on charges of incitement to racism and anti-Semitism online.

There is more than a hundred antifascist NGOs — including autonomous mobile groups, who use social media to gather at the right time and in the right place. These include *Antifascist Action of Berlin*

(AAB), *Antifa Anarchists*, *Direkte Aktion*, *Bundnis gegen Rechts* (Alliance against Rightists), *Dresden Without Nazis*, *Group Against Genocide and for Understanding Between Peoples*, *Hrant Dink Berlin Forum*, *Berlin Refugee Forum* and many others.

Amadeu Antonio Foundation has been active in Germany since 1998, focusing on the struggle against xenophobia and racism. As of now, the foundation has supported more than 800 local initiatives in terms of democratic youth culture, school, protection of victims, community networks, etc.²³⁵

- Anti-racist and anti-fascist movement activities (pickets, rallies, demonstrations).

Activities of German antifascists are quite extensive. When it comes to public actions, these include protests against neo-Nazi and extreme right demonstrations, which almost always gather more people than nationalist actions (up to 10–15 thousand people²³⁶).

On September 19, German Muslims held a national day of prayer and a rally against Islamist extremism and Islamophobia called “Against Hatred and Injustice”. Events took place after the Friday prayer in 9 German cities, including Berlin, Hannover and Munich. Around 2,000 Muslims joined the rallies on the streets, while mosques held sermons on corresponding topics. Government officials participated in rallies in town squares. Member of the Coordinating Council of Muslims explained the aim of the event, “We have to maintain the unity of our society at the time when there is hate crime, whether it is attacks on churches, mosques, synagogues or any other places of worship.”

“These people in the Middle East use the name of Allah to justify their criminal goals, commit horrific crimes, torture and kill people,” head of the German Coordination Council of Muslims Bekir Alboga noted.

Another member of the Council, Aiman Mazek, added, “[ISIS] are terrorists and murderers, who trample Islam into the dirt and bring cause suffering, including of Muslims themselves.”²³⁷

A demonstration in support of refugees on December 6 gathered 500 people in Gustrow.²³⁸

- Presence of anti-racist and anti-fascist civic initiatives.

On February 24, Bundesliga club Borussia Dortmund punishes a fan of hard because of a right-wing interjection: 6 years stadium ban.²³⁹

In March, two prominent German human rights organisations — Amadeu Antonio Foundation and Pro Asyl — launched a campaign “Pro Menschenrechte. Contra Vorurteile” (“For human rights. Against

prejudice”). The campaign aims to assist refugees and civil society to deal with the neo-Nazi propaganda and violence.²⁴⁰

International Weeks Against Racism took place from March 10 to March 23. More than 1000 events were held in Germany, organised by more than 70 NGOs.²⁴¹

In April, the Housing Association in Berlin achieved an important victory over the extreme right tenants. Infamous pub Der Henker (“The Executioner”) that was an important gathering place for neo-Nazis in Oberschöneweide, Berlin, was forced to shut down.²⁴²

On July 8, hackers broke into NPD party’s website. Within a few hours they posted a popular German slogan against discrimination of refugees, “Kein Mensch ist illegal”,²⁴³

On July 10, YouTube and Amadeu Antonio Foundation announced the fourth video contest 361 Degrees Against Discrimination.²⁴⁴

In July Build newspaper dedicated a special issue to the struggle against the growing anti-Semitism in Europe. More than 80 prominent cultural, political and business figures expressed their negative attitude to manifestations of anti-Semitism. President of Volkswagen Martin Winterkorn wrote, “Racism and hatred has no place in Germany. We must all fight for an open and democratic society.”²⁴⁵

On October 24, Jewish Museum in Berlin held an exhibition called “SNIP IT! Stances on Ritual Circumcision” offering diverse insights into the significance of the ritual from historical, religious and cultural points of view. Among the 60 exhibits and artistic works from international collections, Jewish Museum displayed a fragment of the Nuremberg’s Tucher Altarpiece — Circumcision of Jesus (1,450).²⁴⁶

Human Rights Group proposed that residents of Wunsiedel donate money to charity for each metre that neo-Nazis walk in their commemorative march dedicated to R. Hess.²⁴⁷

Network Against Nazis (<http://www.netz-gegen-nazis.de>), funded by Amadeu Antonio Foundation, is a popular website with 142,800 monthly hits, 12,460 twitter followers and 90,000 Facebook subscribers. A YouTube channel of the same name has 1,025 subscribers. Partner projects include: Fussball-gegen-Nazis.de and no-nazi.net.²⁴⁸

Religious communities also advocated measures against xenophobia. On July 23, Chairman of the Central Muslim Council of Germany condemned anti-Semitic slogans and demonstrations against Israel.²⁴⁹

On July 30, Muslim leaders condemned the attack on a synagogue in Wuppertal. “Those who attack Houses of God, Churches or Mosques, are waging a war against our legal society, against Germany and all religions,” Maizek told the Rheinischen Post.²⁵⁰

On September 16, Berlin Cardinal Rainer Maria Wielkie told WDR, “We are not changing our attitude towards a person based on their

sexual orientation. Homosexuals belong with the Church, like everyone else".²⁵¹

On October 26, one of the primary schools in Berlin was renamed to commemorate a Muslim hero, who risked his life to save Jews in Albania during the Holocaust.²⁵²

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Presence of antiracist and anti-Nazi movements and parties.	5	5	5
×	Antiracist and antifascist movement activities (pickets, rallies, demonstrations).	5	5	5
×	Presence of antiracist and antifascist civic initiatives.	5	5	5
Total for section 11		15	15	15

12. Glorification of German National Socialism and collaborators of Nazi Germany

Indicators

- Glorification of German National Socialism and/or its collaborators in the media, desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition.

On July 1, unknown vandals destroyed a memorial plaque in Nordhausen concentration camp.²⁵³

On July 18, a memorial in Buchenwald camp was desecrated.²⁵⁴

On August 31, a memorial plaque in Leipzig camp was vandalised.²⁵⁵

On November 2, it was reported that a sign from Dachau concentration camp had been stolen.²⁵⁶

- Glorification of German National Socialism and/or its collaborators with the support of local authorities, demolition of monuments to soldiers of the anti-Hitler coalition, erection of monuments to the soldiers of Wehrmacht and Nazi butchers.

No such cases have been recorded in 2014.

- Glorification of German National Socialism and/or its collaborators in the decisions made by the authorities.

No such cases have been recorded in 2014.

- Historical revisionism, Holocaust denial.

This activity is prohibited by law in Germany. However, opinion polls indicate that German society is getting tired of the topic. Octo-

ber survey showed that 55% of respondents believe that there is no need to bring up the Holocaust 70 years after World War Two. 66% are unhappy that all Germans are accused of crimes against Jews (80% among youth).²⁵⁷

This attitude results in attempts to remove Germany’s responsibility for the Holocaust. Statement of the Left Party from December 19 mentioned that there have been attempts to equate the Nazi and Soviet regimes in Germany (often pointing to the fact that the Soviet regime reincorporated Nazi concentration camps as its own prison camps).²⁵⁸

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Glorification of German National Socialism and/or its collaborators in the media, desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition.	-5	-5	-5
-	Glorification of German National Socialism and/or its collaborators with the support of local authorities, demolition of monuments to soldiers of the anti-Hitler coalition, erection of monuments to the soldiers of Wehrmacht and Nazi butchers.	0	0	0
-	Glorification of German National Socialism and/or its collaborators in the decisions, made by the authorities.	0	0	0
×	Historical revisionism, Holocaust denial.	0	-5	0
	Total for section 12	-5	-10	-5

13. Persecution of veterans and partisans of the anti-Hitler coalition

Indicators

- Public calls for repression against the veterans and partisans of the anti-Hitler coalition, as well as anti-fascists.

No such cases have been recorded in 2014.

- Restrictions on human rights and anti-fascist organisations, bans to entry or exit imposed on anti-fascists, inaction of the authorities.

No such cases have been recorded in 2014.

- Criminal prosecution of veterans, partisans of the anti-Hitler coalition and anti-fascists.

No such cases have been recorded in 2014.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
–	Public calls for repressions against the veterans and partisans of the anti-Hitler coalition, as well as antifascists.	0	0	0
–	Restrictions on human rights and antifascist organisations imposed by the authorities, bans to entry or exit imposed on antifascists by the authorities, inaction of the authorities.	0	0	0
–	Criminal prosecution of veterans, partisans of the anti-Hitler coalition and antifascists.	0	0	0
	Total for section 13	0	0	0

14. International aspect

Indicators

- Participation in significant international agreements on combating racism and discrimination of ethnic minorities.

Germany joined all major international agreements against racism and ethnic discrimination, including Framework Convention for the Protection of National Minorities and European Charter of Regional Languages or Minority Languages.

At the same time, despite numerous recommendations of international organisations, it has not ratified protocol N° 12 of the European Convention on Human Rights, which prohibits all forms of discrimination, as well as the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

- Accession to new international agreements and resolutions of various international organisations, aimed at combating Nazism, combating discrimination, or protecting minority rights.

During the reviewed period, Germany did not join any new international agreements or resolutions of the UN or other international organisations in this field.

- International statements and initiatives of the monitored countries and their leading politicians, aimed against discrimination, neo-Nazism and xenophobia.

Germany is actively participating in international human rights institutions, allocating significant funds (approx. 15 million euros per year) to support human rights projects in various countries. Germany is also supporting the International Criminal Court (making second

largest contributions, following Japan). In 2014, Germany adopted priorities in human rights policies, identifying around twenty fields that Germany will seek to improve, including freedom of religion, LGBT tolerance, struggle against xenophobia and racism, support for migrants and refugees, and protection of minorities.²⁵⁹

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Participation in significant international agreements on combating racism and discrimination of ethnic minorities.	5	5	5
–	Accession to new international agreements and resolutions of various international organizations, aimed at combating Nazism, combating discrimination, or protecting minority rights.	0	0	0
×	International statements and initiatives of the monitored countries and their leading politicians, aimed against discrimination, neo-Nazism and xenophobia.	0	5	5
Total for section 14		5	10	10

CONCLUSION

Implications for the development of the country and society, based on the analysis of factors and taking into account the aspects listed below.

Germany has significantly worsened its position in the aggressive nationalism rating, which reflects mistakes in government policies (no changes were made to the anti-discrimination legislation in 2014) and a number of factors that led to an increase in popularity of radical nationalists.

Successes of Alternative for Germany in 2014 elections and the rise of the Pegida movement indicate a demand to “sort out the migrant problem” and widespread anti-immigrant sentiments. Some mainstream parties are using these sentiments to their political advantage, which is a dangerous tactic. The wave of “new anti-Semitism” among Muslim migrants and the case of Sharia Police in Wuppertal show that the government is failing to integrate migrants and the resulting influence of radical Islamism among these groups. This could continue to destabilise the situation.

In general, Germany in 2014 can be presented as an example of how a wealthy and stable country could within a year show an extreme rise in radical nationalist movements.

ASPEKTS

1. Human rights

- *Guarantees against any form of minority discrimination.*

German legislation guarantees against any form of discrimination. However, imperfections in national and international law allows German government to exclude ethnic and religious groups that do not have deep historical roots in the country from the list of officially recognised minorities. Local governments try to correct this contradiction with their federal state laws, but this does not solve the problem as a whole.

In one way or another, the right to preserve their language and culture, or the right to collect the so-called “Church Tax”, does not apply to ‘new’ ethnic minorities and the related religious communities, such as Islam. This is already creating certain problems — besides Muslims and peoples professing Islam, non-German Gypsies, Poles and many other people of the 16 million who arrived in Germany in the past decades are not recognised as minorities. In the future, given increasing immigration flows — primarily from EU states — this problem could become further aggravated, which would lead to confrontation between the recognised majority and unrecognised minorities.

Furthermore, racist motives are still not included as aggravating circumstance in the German law.

- *Adherence to norms of the fundamental human rights instruments (European Convention for the Protection of Human Rights and Fundamental Freedoms, European Charter on Human Rights, as well as in adherence to the Framework Convention for the Protection of National Minorities and the European Commission against Racism and Intolerance, etc.).*

Germany observes the norms of fundamental human rights documents. However, Framework Convention for the Protection of National Minorities was signed with reservations that left a lot of immigrants, including Poles, beyond the scope of a term “ethnic minority”.

Furthermore, Germany has not ratified Protocol №12 of the European Convention on Human Rights, which prohibits all forms of discrimination of groups and persons.

- *Rights and freedoms of ethnic minorities compared to the titular nation.*

These differences are not clearly pronounced, but concern above all the rights of national minorities to their native language, education in their native language, etc. Framework Convention for the Protection of National Minorities was ratified with reservations that left so-called “new” ethnic groups beyond the scope of this status.

- *Legislation enshrining inequality of minorities.*

Germany has no such legislation, except the aforementioned reservations to the Framework Convention for the Protection of National Minorities, which left Danes, Serbs (Sorbs), Frieses and German Gypsies (Sinti and Roma) beyond its scope.

- *Rulemaking in protection of minorities.*

No such cases have been recorded in 2014.

- *Freedom of speech violations.*

Germany has fairly severe freedom of speech restrictions related to propaganda of Nazi and neo-Nazi views, racism, ethnic and religious intolerance. German law also provides for a carefully designed control over the media in terms of psychological and physical health of children and teenagers. Besides these facts, Germany remains a country that observes the basic principles of freedom of speech.

- *Legislation and law enforcement practices concerning migrants.*

Germany has a well-developed immigration legislation. In 2013–2014, Germany legislated the right for asylum seekers to move freely within the country after living in Germany for three months and have full employment rights after 15 months.

Recent influx of immigrants brought new problems related to its enforcement — increased deportations of asylum seekers to countries where they may be under threat), and increased discriminatory practices towards immigrants as a whole.

This also relates to poor living conditions provided for asylum seekers, discrimination of immigrations in law enforcement, employment and education.

2. State of society

- *Risk of violation or non-compliance with the acting laws aimed at protecting the rights of minorities; risk of discriminatory practices against members of minorities.*

German society remains one of the most stable in terms of minority rights and xenophobia. The main threat lies in provisions of German legislation that exclude a significant part of immigrants from minority status. Currently, these people constitute for 19.5%, and the number of first-generation immigrants — 7.5 million people.

Ethnic minorities are already identifying themselves as separate groups with their own cultural and religious interests and rights. They are no longer satisfied with the substitution of minority rights with human rights. They demand more for themselves.

On the other hand, sharp increase in the foreign population over the last decade led to an increase in xenophobic sentiments in the German society.

Therefore, if the policies related to national and religious minorities remain at current levels, it can cause problems for the whole community in the nearest future.

- *Self-determination — how manifestations of xenophobia and extremism affect the identity of minorities; majority's attitude towards minorities (growth of social phobias).*

Successes of Alternative for Germany and Pegida indicate that a significant part of German population perceive “new minorities” as aliens who must be deported, or at least not allowed to get in. As for minorities themselves, at least part of them is starting to identify themselves not as Germans, but as Muslims living among “blasphemers”. These two conflicting points of view could cause severe tensions in Germany.

3. Socio-economic development of the country

(Do manifestations of various forms of xenophobia and extremism affect the socio-economic development of the country.)

- *Standard of living.*

Germany ranks 14th in the standard of living index. Manifestations of xenophobia have no effect on the economy.

- *Economic turmoil and instability.*

Germany remains most economically successful and stable country in the European Union. In 2014, its GDP grew by 1.1%, while unemployment was low at 4.7% (7% among youth).²⁶⁰

- *Decline in production growth, emigration of the labour force.*

Major emigration of the working population is not a problem in Germany. On the contrary, there is a significant influx of migrant workers and refugees.

4. Security and geopolitical stability in the region

- *Political stability in the country.*

Germany has a high indicator of political stability. Although some inter-ethnic and inter-religious tensions can be noticed, they are not significant enough to affect its stability.

Nevertheless, the rise of nationalism as a political trend in German society was noticed by the right-wing politicians, who began to exploit xenophobic sentiments of the electorate. In this regard, government's policy of supporting antifascist organisations is crucial in holding back radical nationalists.

- *Impact of xenophobia and extremism in the country on the issues of external security, on relations with third countries and the internal security in the region as a whole.*

For the moment, Germany's political stability raises no questions in the international community. Elements of xenophobia and extremism in the German society in 2014 had no impact on Germany's relations with individual countries and the foreign policy in general. Federal Republic of Germany continued to be a pillar of stability in the European space.

RECOMMENDATIONS

1. *General recommendations on the accession to international agreements and conventions*

Germany's refusal to join the Russian-proposed UN General Assembly resolution against glorification of Nazism raises many questions, as the Federal Republic of Germany de facto and de jure pursues a policy to suppress any statements aimed at the incitement of ethnic hatred and the glorification of National Socialism.

Adopting this resolution would only confirm the already existing approaches towards combatting neo-Nazism and Holocaust denial in the country.

In addition, Germany should extend the effect of the Framework Convention for the Protection of National Minorities over the so-called "new" minorities, which formed in Germany over the past decade through immigration.

Germany also needs to follow international recommendations and ratify Protocol 12 of the European Convention on Human Rights, which prohibits all forms of discrimination of persons and groups.

Given the high level of labour migration to Germany, it is important Germany joins the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

2. *General recommendations on adjustment to the legal framework*

Germany needs to boost the adoption of amendments to the Criminal Code in order to supplement it (paragraph 46, section 2) with the

relevant provision on hate motives as an aggravating circumstance in the commission of a crime.

Given Germany's reservations to the Framework Convention, the federal states should take advantage of their rights and provide individual ethnic groups that do not have state recognition with a special status, which would allow them to receive state support within a certain federal state.

The initiative on equating the Christian and Muslim religious holidays in Bremen, Hamburg and Hessen needs to be commended; it should serve as an example for other federal states with a significant Muslim population.

3. *General recommendations on the executive bodies in the field of law enforcement and human rights*

After the decision of the Federal Constitutional Court that refugees and asylum seekers must enjoy social protection equal to German citizens, German authorities must take measures to improve their living conditions while waiting for asylum decisions.

Furthermore, it is necessary to abandon the practice of mass deportation of asylum seekers to the countries where they may be at risk.

Tough response of the German authorities to discriminatory attitudes in the law enforcement deserves encouragement and support.

It is also necessary to establish a state programme aimed at curbing the discriminatory practices against immigrants in employment and education, with the mandatory participation of non-governmental organisations.

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SUMMARY OF INDICATORS FOR 2012–2014

Nº	Criteria	Score in		
		2012	2013	2014
1	Legislation (central, regional, municipal) and law enforcement practices that contribute to the development of radical nationalism	-7.5	-7.5	-7.5
2	Xenophobia and inflammatory statements by members of the authorities and media	-5	-5	-5
3	Legislation and law enforcement practice preventing the development of radical nationalism	20	20	17.5
4	Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism	5	5	5
5	Activities aimed at promoting tolerance and preventing extremism	5	5	5
6	Position of migrants and society's attitude towards immigrants, foreigners, different ethnic groups	-2.5	-2.5	0
7	Incitement of religious and ethnic hatred	-10	-10	-10
8	Radical nationalist groups and parties	-10	-10	-15
9	Public actions of extremist and nationalist groups	-12.5	-10	-15
10	Racist attacks, violence and terror	-10	-10	-20
11	Presence, popularity and size of anti-fascist and anti-racist movements	15	15	15
12	Glorification of German National Socialism and collaborators of Nazi Germany, historical revisionism, Holocaust denial	-5	-10	-5
13	Persecution of veterans and partisans of the anti-Hitler coalition	0	0	0
14	International Aspect	5	10	10
	Total	-10	-10	-25

GREECE

ASSESSMENT CRITERIA FOR FACTORS OF STABILITY/INSTABILITY

1. Legislation (central, regional, municipal) and law enforcement practices that contribute to the development of radical nationalism

I n d i c a t o r s

- Discriminatory legislation affecting minorities residing in Greece in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.

Greece happens to be one of those countries that do not recognise the presence of national minorities within the country. Part Two of the Greek Constitution, which covers personal and social rights, guarantees equality only to Greeks. In particular, Article 4(1) of the Fundamental Law states that all *Greeks* are equal before the law, and the second part of the same Article sets forth that the *Greek* men and women have equal rights and duties. Evidently, this part of the constitution does not refer to the citizenship per se, as subsections 3, 4, 5 and 7 of Article 4 clearly indicate that the stated points apply only to the citizens of Greece. That is, the Greek legislation deliberately treats all citizens of the country as Greeks without the appropriate recognition of the existence of the national minorities, which, in fact, is also characteristic of the French law and a number of others.

The official census does not keep record of different ethnic backgrounds of the population, which in turn is viewed as “a throwback to the times of the Ottoman Empire” by the authorities. Meanwhile, about 10% of the Greek population de facto consists of the national minorities. These groups are Albanians (5%), Macedonians (1.6%), Macedonian Romanians (1.1%), Orthodox Roma (1.8%), Armenians (0.5%), Turkish (0.5%), Serbs (0.3%), Arabs (0.3%), Pomaks (Bulgarian-speaking Slavic Muslims) (0.2%), Jews (0.05%) and a number of other smaller ethnic groups.

At the same time Greece recognises the culture and language rights of the Armenian community only, which has its own, albeit limited, culture and language autonomy.

According to the Lausanne Peace Treaty of 1923 Greece acknowledges the presence of a religious Muslim minority only in Western Thrace, home to about 110,000 Muslims (according to the official statistics there are 130,000 Muslim people resident in Greece, yet some researchers estimate the population to be at 140–150 thousand ¹), which is about 30% of the population.

As for other member of the minorities: ethnic Turks, Pomaks, Macedonians, Slavs and the Romany, their rights to ethnic identity, as well as culture and language autonomy, are not recognised. Athens officially generalise this population as “Turkised” and “Islamised” Greeks.

The practice among the courts of first instance in Macedonia and Thrace to obstinately refuse to register the associations of citizens the names of which would include “Turk” or “Turkish” was deemed illegal by the European Court of Human Rights (ECHR) in 2008. Currently, Greece is appealing this decision.²

As a result of the Treaty of Lausanne of 1923 the Muslim minority of Western Thrace has been able to retain their religion and language. In accordance to the Articles 45 and 41 of the framework, the Greek government guarantees access to public education in the “mother tongue” for the Muslims in Western Thrace in their places of compact settlement.³ Yet due to the authorities regarding the entire Muslim population of the region as Turkised, the “native” language in the Western Thrace is set to be Turkish and occasionally Arabic. Consequently, despite the individual groups speaking Slavic languages that are within the category of Muslims in the region, teaching in schools does not always correspond to the commitments undertaken by Greece. This policy has led to the strengthening of the Turkish language and culture in the region at the expense of the Slavic culture. Consequently, the large Pomak community in Western Thrace was heavily Turkised. As of the 90’s, being influence by the EU and fear of potential strengthening the Turkish influence in the region, Greece gradually began to rectify the situation by encouraging the growth of Pomak self-awareness and stimulating preservation of their language and culture.

Other Muslim population that resides in the central regions of the country is not entitled to enjoy even these privileges.

There is no legislation that would protect ethnic minorities in Greece. The country has not acceded to the major international agreements that protect their rights due to refusing to recognise the presence of the minorities.

In addition, as the Greek Orthodox Church is not separate from the state, Muslims who are resident in the country encounter administra-

tive obstacles and legal restrictions regarding their religious practices. This issue concerns the construction of places of religious institutions and the functioning of the religious schools of other religions in particular

Article 13(2) of the Constitution states that “all known religions shall be free and their rites of worship shall be performed unhindered and under the protection of the law”. Moreover, the same article of the Constitution prohibits “performing religious rites that offend public order or moral norms” (although the essence of the concept of “moral standards” is not disclosed) and proselytism.

The emphasis on the popularity of a religion can be found already in subsection 3 of the same article of the Constitution, as well as in Article 14(3a), which concerns the inadmissibility of “offence against the Christian or any other known religion”. These constitutional provisions are open to abuse, and are in fact directed against the so-called “sects”, and any alternative religion may become part of this category in Greece.

In 2010, Greece adopted the Law 3838/10 “Current provisions for Greek citizenship and political participation of repatriated Greeks and lawfully resident immigrants and other adjustments” which points directly at the inability of either active or passive participation in the elections for foreigners of “non-Greek origin” even if they are lawfully in the territory of the country.⁴

Article 347 of the Criminal Code deems underage homosexuality illegal, lifting the “age of consent” up to 17 years (for heterosexual relationships it is set to 15 years), and LGBT-prostitution is also criminalised.⁵

According to the law № 3719/2009 only heterosexual people may enter civil partnership, thus this act discriminates against LGBT. On November 7, 2013 the ECHR adopted a resolution condemning Greece for prohibiting same-sex couples from entering civil partnership.⁶

Articles 198, 199 and 201 of the Criminal are dedicated to punishment for blasphemy, because many human rights activists believe that they seriously limit freedom of speech.⁷

The law requires one to pay a fee of 100 Euros when filing a complaint against the police, which is unaffordable sum for certain groups of people.⁸

- Legislation restricting the voting rights of permanent residents of the country on the basis of ethnicity or country of origin.

On February 8, an amendment to the electoral law has been approved. According to the amendment, immigrants who have a residence permit, as well as Greeks permanently living abroad, lost their active and passive suffrage in local and regional elections.⁹

- Presence of legal norms or other normative documentation, which legalises the ideology of radical nationalism, its attributes and practices, as well as their distribution in the mass media and mass communication.

No such norms have been recorded in 2014.

- Discriminatory practices against minorities in the field of registration, mobility, business, employment, education, housing, health-care, worship, etc.

Firstly, the issue here is about the discrimination against the Roma people, who are denied access to the fundamental rights and social services. About half of the Greek Roma population live in squalid camps. Around 80% of Roma houses are not connected to electric power, 31 Roma settlements had no access to running water and 26 had no access to a sewage system.¹⁰ Due to the payment default the authorities (e.g. in Aspropyrgos and Spata) refuse to provide them with electricity and running water under the same conditions as applied to the non-Roma population.¹¹

45% of the Roma men and 57% of the Roma women are illiterate. 28% of the young Roma have never attended school. Only 6% of women and 17% of men continued their education after the age of 16. 38% of the Roma women had no health insurance (for the non-Roma women the figure is 7%). 32% of the Roma women face discrimination when looking for work¹²

Many Roma people do not have documents, and they are not included in the official civil records.¹³

The Government refused to financially assist the Roma, who could not pay the mortgage fees for the houses purchased, due to the income decline (in 2002–2008 60,000 Euro worth of mortgage were take out by 7854 Roma families¹⁴).

There have been cases of Roma evictions. In early months of 2014, 74 Roma families in Halandri (near Athens) were at risk of being evicted.¹⁵ On September 30, Romani community in Athens staged a riot, blocking the streets and setting fire to rubbish containers, in protest to attempts at their forced relocation.¹⁶ In 2013, Roma evictions in the same village was suspended only after Human Rights Council intervened.

The reluctance of the local school authorities to accept the Roma children into the schools is known, as well as their segregation into separate grades in Aspropyrgos and Sofades. When these schools were shut down under EU pressure and Roma children were transferred in ordinary schools, they were faced with racist abuse. There have been cases of violence.¹⁷ 8 out of 10 Roma children are forced to leave school before completing their education.¹⁸

In 2014, Roma were affected by new licensing requirements for merchants. Many could not bear the burden of paying out 500 euros every two months in addition to tax.¹⁹

Greece is reluctant to comply with Council for Human Rights recommendations regarding compensating Roma victims of police brutality or unlawful eviction.²⁰

There is also a problem with the registration of the Turkish and Macedonian minorities' associations.

Muslims are being discriminated in the public sector and in the military. Turkish language is restricted even in places of their dense population. Since 2013, Greece halted three education support programmes for Roma and Muslim children in Thrace.²¹ There are only two schools with bilingual education in the region. As a result, Muslim students are forced to study in Greek-language schools. Since 2011, Thessaloniki University has been unsuccessfully trying to license a Turkish-language faculty.²²

The authorities recognise only three religious denominations as public entities — the Orthodox Church, the Thracian Muslims and the Jewish community. The remaining denominations do not have this status, and therefore cannot own real estate as a religious structure. Ceremonies held in their houses of worship will be void without a special permit issued by the Ministry of Education. The most serious situation concerns the Muslims who do not have any legal mosques outside Thrace (more than 100 illegal mosques are under the threat of being shut down). The corresponding cemeteries, too, are absent. As for Thrace, the authorities appoint imams without the consent of the communities.²³

A survey conducted by the Ministry of Education, dedicated to violence and bullying in schools and published in February indicated that 33% of children were subjected to bullying from their classmates or teacher because of their ethnicity.²⁴

Another common discriminatory practice is racial profiling during ID checks — the so-called Xenios Zeus programme,²⁵ launched in 2012 by the police and continuing in 2013–2014.

LGBT community also faces discrimination. Greece remains one of the few EU member states where same-sex relations are prohibited even as a civil partnership (civil partnership law for heterosexuals has been adopted in 2008). ECRI special resolution in 2013 did not improve the situation.²⁶

On July 23, 2014, European Court of Human Rights ruled that the civil legislation of Greece violates the European Convention of Human Rights, since the laws do not provide for same-sex civil unions.²⁷

Compulsory HIV testing of alleged prostitutes, drug addicts and migrants, introduced in May 2012 and continued (with the exception

of a break in the April-June) in 2013, was followed by photographs and personal data of HIV-positive persons published in the media, under the pretext of “ the public health protection”.²⁸ In a number of cases, transgender people were fined for prostitution on the basis of their appearance.²⁹

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Discriminatory legislation affecting minorities residing in the country in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.	-5	-5	-5
-	Legislation restricting the voting rights of permanent residents of the country on the basis of ethnicity or country of origin.	0	0	-5
-	Presence of legal norms or other normative documentation, which legalises the ideology of radical nationalism, its attributes and practices, as well as their distribution in the mass media and mass communication.	0	0	0
×	Discriminatory practices against minorities in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.	-5	-5	-5
	Total for section 1	-10	-10	-15

2. Xenophobia and inflammatory statements by members of the authorities and media

Xenophobic manifestations in Greece are generally related to the parliamentary party “Golden Dawn”, yet they are not the only ones.

Press Secretary of the Golden Dawn party and Mayoral candidate in Athens Ilias Kasidiaris said on February 16, “We are citizens of Athens, and not those who came from Bangladesh. The city budget will only be used to help the citizens of Athens. Not illegal immigrants, not Pakistanis, not Afghans, no one who comes to Greece to commit crime”.³⁰

On April 15, Greek MP from the neo-Nazi Golden Dawn party Ilias Panayotaras gave an interview to Australian television programme “60 Minutes”, where he called Adolf Hitler a “great man”, noting that Dawn would solve all problems in Greece if it had the opportunity to take law in its hands.³¹ He also said that homosexuality is a disease.³²

On September 30, Golden Dawn MP Mihail Arvanitis said in Parliament that Greek Jews are avoiding tax.³³

On December 16, Panos Kammenos, leader of a small right-wing party called Independent Greeks, repeated the same statement.³⁴

In January, Nea Demokratia MP Sofia Voltepsi called refugees “un-armed invaders” and “tools in the hands of the Turks”.³⁵

On January 30, Minister of Order and Protection of Citizens of Greece Nikos Dendias made a speech, complaining about the “low quality” of immigrants arriving to the country. According to him, Greece is in a “tragic” situation in regards to immigration: “The difference is that, for example, Sweden receives immigrants from the former USSR, who have a certain level of education. In a broader sense, they can even be called Europeans. We, however, get people from Bangladesh and Pakistan.”

Minister stated that people from these countries “belong to a completely different culture, they live in a world different from ours.” At the same time, Dendias stressed that he did not mean to belittle anyone’s dignity with his words.³⁶

On December 2, Minister of Justice Charalambos Athanasiou advocated strongly against legalising same-sex marriage despite the European Court Resolution of 2013, according to which not listing same-sex marriage as a legal civil union goes against the European Convention for Human Rights. Athanasiou said, “This is a country that respects traditions, respects the human nature, according to which same-sex marriage is simply impossible.” He added that he will not even consider this issue.³⁷

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Xenophobia and inflammatory statements by members of the authorities and media.	-5	-5	-5
	Total for section 2	-5	-5	-5

3. Legislation and law enforcement practice preventing the development of radical nationalism

Indicators

- Presence of anti-Nazi, anti-racist and anti-extremist legislation; legislation aimed against the incitement of ethnic and religious hatred in the country.

Article 5(2) of the Greek Constitution states that “all persons living within the Greek territory shall enjoy full protection of their life,

honour and liberty irrespective of nationality, race or language and of religious or political beliefs”.

Regarding the fight against racism the law “On the punishing acts and activities aiming at racial discrimination” 927/1979, amended by the Law 1419/1984 (Article 24), as well as the Aliens Act 2910/2001 (section 72) are usually applied.

In accordance with the section 1.1. of the Law 927/1979 “to wilfully and publicly, either orally or by the press or by written texts or through pictures or any other means, incite to acts or activities which may result in discrimination, hatred or violence against individuals or groups of individuals on the sole grounds of the latter’s racial or national origin or [by virtue of article 24 of Law 1419/1984] religion” shall be punished with either imprisonment for a term up to two years or a fine.³⁸

Belonging to an organisation whose purpose is promotion or activities of any nature relating to racial discrimination shall also be punished in accordance with this Act with up to two years’ imprisonment or a fine.

Section 3 of Act 927/1979 states that refusal to provide services or sale of goods on the basis of racial bias are subject to a fine or 1 year in prison. The law also provides for liability for provoking or coercion to hate crimes.

The inadmissibility of racial discrimination is to some degree registered in a number of other laws and regulations in Greece, such as the Civil and Administrative Law, Labour Code, and even Resolution 1 of the Council on Television and Radio Broadcasting “On the ethics of journalism and advertising on radio and television” and a range of others.³⁹

In 2013, an amendment was made to Article 79 of the Criminal Code, which now provides that a hate crime due to race, colour, religion, national or ethnic origin, sexual orientation or gender identity is an aggravating circumstance and the sentence cannot be suspended. However, this rule can be applied only at the stage of the court’s decision on the sentence after the proof of guilt of the offender, which largely reduces its value to a minimum.

On September 9, 2014, Greek parliament passed the law that introduced tougher punishment for racism, discrimination and Holocaust denial.

Parties and organisations supporting racism would be deprived of government funding for one to six months. Minister of Justice will be able to fine people for racist statements for 10 to 100 thousand euros. Individuals guilty of racism or denial of the Holocaust or genocide can also be punished by a prison term fo three months to three years or a fine. MPs and government officials guilty of such offences can be

imprisoned for up to 5 years. The law allows for prosecution even if victim does not come forward.⁴⁰ This is a truly revolutionary law for Greece, where the main problem was leniency towards hate crime and hate speech.

- Presence and development of anti-discriminatory legislation.

In 1984 Greek authorities passed the law 1414/1984, aimed at combating discrimination, but the impact was limited to the private sector

Regarding adoption of a number of EU Directives on anti-discrimination issues in 2000–2002⁴¹ the Greek Republic passed the Law 3304/2005, which is aimed at combating discrimination in employment on the basis of sex and race or ethnicity also including the public sector. The law introduces the legal concept of direct and indirect discrimination, and prohibits discrimination on the grounds of religious belief. In accordance with the requirements of the EU, it also prohibits “instruction” to discriminate on the prohibited grounds.

However, the law adopted in September 2014 separately mentions discrimination based on race, nationality, ethnicity, religion, sexual orientation and gender identity.

For several years Western Thracian universities have had a quota of Muslim students.⁴²

- Compliance of the government (central, regional, municipal), law enforcement and judiciary with anti-Nazi, anti-racist, anti-extremist, anti-discriminatory and hate crime legislation.

Improvement of anti-racism legislation in 2014 did not lead to immediate improvement in compliance with such legislation.

In January 2013 the headquarters of the Greek police issued a statement on having a single database on crimes due to xenophobia in response to a request by Amnesty International. Twice a year, the information collected and sent to the Ministry of Justice, Transparency and Human Rights. While not being openly accessed these data are available on request.⁴³ However, ECRI reports that Greece still lacks a united hate crime database, although it is planned to be instituted in 2017.⁴⁴

Government guides and manuals regarding treatment of vulnerable groups, prepared in 2010–2011, are still to be distributed among the police. National Council for Radio and Television does not use its authority to block channels promoting xenophobia.

According to the human rights organisations (both Greek and international) police does not seek to investigate cases of incitement to hatred, attacks on the Roma, migrants, LGBT, deliberately putting them off until the cases are places in the archive. When it comes to at-

tacks on migrants the police often intervene to arrest the immigrants for illegal stay in the country, they can refuse to register a complaint, or offer migrants stay home without and “be quiet”. Racist sentiments in the police often forces victims of discrimination and hate crime to avoid reporting such crime. Furthermore, victims were asked to pay 100 euros for police to consider their complaints, which does not correspond to the Criminal Code.⁴⁵

On August 19, it was reported that police was often covering for crimes committed by members of the Golden Dawn party.⁴⁶

Investigation against a group of police officers who arrested members of the LGBT parade in 2013 has been closed.

Greek Helsinki Committee says that the Human Rights Ombudsman in Greece is extremely reluctant in investigating complaints related to national minorities. The same applies to the Labour Inspection and the Committee for Equal Treatment.⁴⁷ Human Rights Ombudsman is not allowed to investigate complaints of discrimination in the private sector.⁴⁸

- Struggle against hate crime (criminal cases against organisers and participants, guilty verdicts).

Greece is one of several countries that does not reveal hate crime statistics. Nevertheless, we noticed a significant reduction of such crime in 2014. This is largely due to tightening of anti-racism and anti-extremism legislation and recognition of racism as an aggravating circumstance. No less important were actions against the neo-Nazi Golden Dawn party, despite it being the third-largest faction in parliament.

Police is becoming more active in investigating hate crime. Although, there is still a large degree of reluctance and guilty verdicts in such cases are extremely rare. It is still easier to convict a criminal for a regular crime, than introduce hate motive to the case.

On February 24, a bus driver was sentenced to 10 months in prison (suspended sentence) and a fine of 1,000 euros for refusing to transport two Africans in Thessaloniki.⁴⁹

On March 8, Thessaloniki City Court sentenced a 57-year-old doctor to 16 months imprisonment and a 2.5 thousand euro fine for the anti-Semitic sign at the entrance to his office. However, further execution of the sentence was suspended and the doctor was released on appeal.⁵⁰

On April 15, Court of Athens sentenced two young Greeks to life in prison for the murder of a 27-year-old Pakistani citizen Luqman Shehzaan last year.⁵¹

On November 4, Mesolongi court sentenced three of nationalists who attacked Roma in 2012. They were sentenced to eight months in prison.⁵²

Golden Dawn party was extensively investigated and by August 2014, 78 of its members have been brought up on various charges.⁵³

On the other hand, Patras Court decision on July 30 to acquit owners of a strawberry plantation in Manolada, who opened fire at migrant workers who were demanding payment of wages, is odd, to say the least. Supreme Court rejected victims' appeal.⁵⁴

- Unlawful use of anti-extremist legislation.

On January 16, Court of Athens sentenced a blogger Fillipos Loizos — author of the satirical page “Pastitsio Elder” on Facebook — to 10 months in prison for insulting religions.⁵⁵

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Presence of anti-Nazi, anti-racist and anti-extremist legislation; legislation aimed against the incitement of ethnic and religious hatred in the country.	2.5	2.5	5
×	Presence and development of anti-discriminatory legislation.	5	5	5
-/×	Compliance of the government (central, regional, municipal), law enforcement and judiciary with anti-Nazi, anti-racist, anti-extremist, anti-discriminatory and hate crime legislation.	2.5	2.5	2.5
-/×	Struggle against hate crime (criminal cases against organisers and participants, guilty verdicts).	2.5	5	2.5
×	Unlawful use of anti-extremist legislation.	-5	-5	-5
	Total for section 3	7.5	10	10

4. Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism

On December 26, Vice Prime Minister and Foreign Minister Evangelos Venizelos condemned the anti-Semitic rally in Larissa as a “unacceptable criminal act that a civilised society cannot tolerate”.⁵⁶

SYRIZA, PASOK and Democratic Left MPs proposed introducing legislation for same-sex civil partnerships.⁵⁷

In January, SYRIZA and Ecological Greens parties protested against Roma evictions and discrimination, demanding measures to be taken to integrate them into the Greek society.⁵⁸

On August 17, PASOK issued a statement on the attack on the Open School for Immigrants in Piraeus. “On the day when we are celebrating the 70th anniversary of Nazi atrocities, current representatives decided to remind us about their existence here, in our country. With their actions, they once again prove that they have no relation to the homeland or history. Descendants of Nazi collaborators is their “worthy” successors”.⁵⁹

On April 4, General Secretary on Religion in the Greek Ministry of Education Giorgos Kalasis condemned Athens mayoral candidate from the New Democracy party Aris Spiliotopoulos for his proposal to hold a referendum on the construction of the first mosque in the Greek capital.⁶⁰

On May 15, former Greek Ambassador in Moscow Ilias Klis spoke in the theatre of Athens City Hall, at the even dedicated to the Victory Day. He said that peoples of Europe should resist attempts to revise history of World War Two. Mayor of Athens Fotis Provatias also spoke at the event and stressed that residents of the capital are happy that here we celebrate “this great day of Victory in memory of soldiers who fought for freedom and democracy.”⁶¹

On July 24, Mayor of Thessaloniki, Yiannis Vutaris announced at a press conference about plans to create a museum of Islamic art in the northern port city. “The Turks are our brothers, while the Europeans are our partners,” he said, stressing the need to create a place of worship for Muslims in the northern capital.⁶²

On September 2, Mayor of Thessaloniki Janis Butaris wore a yellow Star of David at an inauguration ceremony, protesting the re-election of a Golden Dawn leader Artemis Mataiopulos to the city council. Golden Dawn is one of the most radical right-wing parties in Europe.⁶³

Mayor of Chalandri, where a large Roma settlement is scheduled for demolition, said on September 30: “We consider it necessary to postpone the demolition of the settlement in order to find a more suitable solution for relocation of its residents; one that corresponds with international law and human rights.” Movement against racism and fascism organised a rally in support of Roma and condemning racist actions of the government.⁶⁴

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism.	5	5	5
	Total for section 4	5	5	5

5. Activities aimed at promoting tolerance and preventing extremism

Golden Dawn MPs lost their parliamentary immunity. On May 5, Greek parliament voted to deprive the last four Golden Dawn MPs of this privilege.⁶⁵

On July 2, Supreme Court of Greece gave a green light to the construction of a mosque in Athens, allocating 1.1 million euro. According to the court verdict, “Plans for the construction of a mosque do not in any way violate the principles of equality and freedom of religion. For Muslims living in Greece, this upholds their Constitutional rights.”⁶⁶

In May 2014, Ministry of Education shut down a Roma school in Aspropyrgos. Another instruction in June stressed the need for Roma to have unobstructed access to education. Schools were reminded about the need to support Roma students and cooperate with NGOs in Roma integration. Ministry of Education also instructed schools to take active measures against LGBT discrimination.⁶⁷

Unfortunately, human rights agencies report that some of these measures were not implemented to a significant degree, or not implemented at all. In December 2011, Greece adopted the Framework Strategy on Roma Inclusion. The Interministerial Committee on Roma issues adopted the national strategy for Roma integration in education. Their work, however, is hardly noticeable.⁶⁸ Migrant hotline, established in 2013, lacks translators, which restricted access for migrants who do not speak Greek.⁶⁹

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Activities aimed at promoting tolerance and preventing extremism.	5	5	5
	Total for section 5	5	5	5

6. Position of migrants and society’s attitude towards immigrants, foreigners, different ethnic groups

Indicators

- Presence and development of migration laws.

With the population of 10.5 million, Greece has 1.25 million immigrants, according to official sources.⁷⁰ This figure has increased by 250 thousand in just over two years. At the same time, unofficial sources report that there is at least three million illegal immigrants alone. In 2013, 43,002 people were arrested for illegal entry, in

2014 — 77,163 people.⁷¹ At the same time Greece has a negative net migration.⁷²

Up until 2005 the regulation of migration processes covered by Law 2910/L2-5-2001. The Act aimed to resolve the legal status of an increasing number of illegal migrants in the country. Another objective of the Act was to limit the flow of illegal migration into the country by establishing more stringent measures of internal and external control of migration flows. Foreign nationals were to obtain two separate authorisation documents — the residence and work permits. At the same time, employers received cumbersome regulations for employing foreign workers.

In 2005 Greece brought its national legislation on migration in accord with the requirements of the EU, i.e. the Law 3386/2005 was adopted, which includes several provisions of the Directives of the European Union, in particular the EU Directive 2003/109/EC in respect to foreign nationals holding a permanent residence permit (long-term residents, the period of 5 years of continuous residence which should be accounted for since 2001).

Furthermore, the Act included provisions of the EU Directive 2003/86/EC rules regarding family reunification. In particular, a ban on the deportation of pregnant women for up to six months after childbirth, requirements for entry-level income for families via family reunification have been increased. Procedures in relation to the integration of immigrants were simplified, it was decided to grant a single residence and work permit, with a minimum two-year period of validity issued by local authorities.

Moreover, the Act introduces the right to obtain a permit for a long-term (permanent) residence for foreign nationals. This right is granted to foreign nationals legally residing in the country continuously for at least 5 years. To obtain this permit for permanent residence, a migrant must have “a stable and regular income”, health insurance and housing of “appropriate health and hygiene standards”, as well as command of the Greek language at a sufficient level and be familiar with Greek history and culture. The Law established the Inter-Ministerial Committee to oversee and coordinate the implementation of the migration policy. This Committee includes Ministers of Interior, Public Administration and Decentralisation, economy and finance, foreign affairs, national defence, the Ministry of Labour and Social Protection, Ministry of Justice and Public Order, as well as maritime trade. Among others, the objectives of this Committee are to coordinate measures for the implementation of the Common Action Plan for the Social Integration of foreign citizens on the territory of Greece.

However, Greece does not provide free legal assistance for asylum seekers, who are forced to turn to non-profit organisations.⁷³

Some provisions of the Act 3386/2005 were changed in 2007 (Law 3536/2007 “Defining issues of migration policy and other matters within the competence of the Ministry of the Interior, Public Administration and Decentralisation”). The National Committee of Social Integration of Migrants was established under the new Act. It also included an explanation of the criteria for the legalisation of migrants living in the country up to 2004.

However, looking back at the recent years shows that this legislation does not fully solve the problem of migrants, which has been particularly evident in the economic crisis.

Greece has not joined a number of international agreements regarding provision of citizenship to foreigners and their participation in the social life of the host country. This concerns the “European Convention on Nationality” from 1997 and the “European Convention on the Participation of Foreigners in Public Life at the Local Level” from 1992. Instead Act 3838/10 “Provision of Greek citizenship and political participation of foreigners legally residing immigrants and other parameters” adopted in 2010 contains not only a number of clauses that impede the acquisition of citizenship, but also carries a certain component discriminatory on racial grounds (see below).

The Greek law provides that illegal migration is punished with either a fine or imprisonment. Aiding illegal immigration is subject to imprisonment for a term up to 10 years. Furthermore, penalty is inflicted upon those who helped migrants unconditionally, including distribution of humanitarian aid (with the exception of missions rescuing migrants drowning in the sea). Renting accommodation out to migrants is also considered illegal.⁷⁴

In February, the government made it possible to detain migrants for more than 18 months (more than EU legislation allows for). In May, Court of Athens ruled that this decision violates national and international legislation, but it was not cancelled regardless.⁷⁵

In March 2014, it was reported that the government is working on amendments to Immigration Law that would allow for deporting a migrant for false accusations against the law enforcement. Human Rights Watch urged the Greek government to abandon plans of incorporating amendments to the Immigration Act. Council of Europe Commissioner for Human Rights Nils Muiznieks stated that he was seriously concerned about the reckless steps Greece takes against immigrants. He made it clear that “such provisions clearly do not belong in the bills of a democratic state.”

Human Rights Watch and the Greece’s Racist Violence Recording Network (unites 35 human rights groups) noted that this amendment will only make abuse victims fear of being deported if their claims are not proven or accepted in trial. According to the Racist Violence Re-

ording Network, the amendment will serve as a “shield for all perjuring officials involved in racial abuse”.⁷⁶ As a result, amendments were not adopted.

On the other hand, in June 2014 Greece allowed witnesses and victims of hate crime to receive residency permits on humanitarian basis.⁷⁷

Thus, the migration legislation in Greece is considered underdeveloped. The degree of adaptation of its national law to uniform European legal norms is one of the lowest in the EU.

- Government’s compliance with such legislation (law enforcement practice).

In response to growing migration rates, Greece deployed 2000 border guards to the Turkish border and constructed a fence. This reduced the number of illegal land border crossing (12.5 thousand in 2013, 34 thousand in 2012), but increased the number of migrants arriving through the sea.⁷⁸

Border officers have been reported to mistreat migrants, threaten them and even take their belongings, before sending them back to Turkey.⁷⁹ In the Aegean Sea, migrants are transported to Turkish territorial waters by force, regardless if weather conditions. In some cases this resulted in injuries and even deaths. In 2014, 100 refugees died attempting to cross the border.⁸⁰

On January 20, 11 refugees — mostly women and children — died after their ship capsized near Farmakonissi Island. Investigation in this incident was stopped in August, as the authorities did not find any evidence of border guards provoking the accident. At the same time, refugees who did not speak Greek language were tricked into signing letters of thanks to the border control.⁸¹

There have been cases of hasty denial of asylum applications and immediate readmission without the right to appeal.⁸²

On the other hand, we noticed measures to streamline the migration system. Programme of voluntary departure of illegal migrants launched this year, supported by the International Organisation for Migrant Affairs.⁸³

On June 3, it was reported that Greek authorities started inspections for illegal workers in the fields of Achaia Ilei. Inspections were held in 24 warehouses, employing 63 people. 25 of those were taken to police departments. Three administrative fines have been imposed on companies that had uninsured workers. Police reports that ten inspections were held in foreign worker camps, which revealed many violations, including health and safety.⁸⁴

In 2014, Ministry of Internal Affairs simplified the administrative process for extending residency permits.

- Discriminatory practices against migrants.

Discriminatory practices relate mainly to illegal immigrants, although legal immigrants also encounter certain violations. For example, the same Law 3838/10 prohibits foreigners of non-Greek origin to participate in the elections. Also the issue of restoration of citizenship rights of former Greek citizens who have been deprived of it as not resident in the country for a long time has not been addressed for years. The issue regards only those of *non-Greek origin*, which was covered by the old law on migration.

In the reception centres for migrants in Iasmos, Mytilene, Phylace, Komotini, Tycherio, Metaxades, Amygdaleza and Corinth the human rights observers have taken note of complaints about the poor quality of food, poor hygiene (due to the absence of funds to pay the cleaners), lack of medical care and hot water, the difficulty obtaining access to a telephone and a lavatories, as well as fresh air. In some places children were kept with adults. ECHR criticised Greece for inhumane treatment of migrants and degrading conditions in refugee centres multiple times.⁸⁵

On October 24, human rights activists reported gross violations of rights in refugee and immigrant camps, as well as unfoundedly long detention periods — up to 18 months.⁸⁶

Member of the Ministry of Public Order and Citizen Protection, head of the Attica Regional Office on Asylum, Eleni Petraki, said that government is trying to reduce the period for consideration of applications, improve conditions in the centres and much more. “But we understand that this is not a reason for joy, there is much work to be done,” she added.⁸⁷

To apply for asylum, migrants are often forced to pay bribes to advance in the queue. Late applicants could be deported by police.⁸⁸

Greek authorities take an extremely long time to consider asylum applications. Usually, applications take longer than the three months allowed for stay in the country and migrants become illegal.⁸⁹

Syrian refugees are in such dire conditions that more than 300 of them took to the streets to protest against the horrible living conditions in front of the Greek parliament, setting up a camp that was dismantled by police several months later.⁹⁰

- Use of ethnic crime as justification for discrimination against immigrants.

Illegal existence of migrants, often without any legal source of income, facilitates increased crime rate in Greece.

Police reports indicate that the proportion of arrested foreign nationals was 36.9% from total arrests in 2014. 33.3% cases of rape was committed by migrants; 28.7% of robberies and 37.4% of theft.⁹¹

However, there are reasons to doubt the legitimacy of these statistics. Crime statistics are usually correlated with the total population, which has not been done in this case.

Nevertheless, this topic concerns Greek voters, which is exploited by radical nationalists. Ethnic crime remains the main topic in nationalist party manifestos.

- Social assistance for immigrants.

The Greek social assistance scheme is quite well developed, the assistance offered to legal immigrants is not much different from the assistance for the citizens. In accordance with current legislation foreign nationals legally residing in the country have the same rights within the national health care system as citizens of Greece. Migrants of an irregular legal status, including minors, are entitled to receive emergency medical care. HIV positive immigrants who cannot get free health care in their own country are entitled to accommodation and free medical care in Greece.⁹²

According to the International Organisation for Migration (IOM) lower secondary education (nine years) is compulsory for all children in Greece including the children of immigrants. Children have the right to attend school regardless of legitimacy of parents' residence.

Migrants legally residing in Greece also have the chance to obtain education in the so-called "second chance schools" which are open to individuals from 18 to 30 years old without secondary education. Older migrants have the opportunity to take free courses for adults which are organised by the General Secretariat for Adult Education of the Ministry of National Education. Unemployed immigrants can participate in job training organised by the Labour Organisation in collaboration with the vocational training centres which are funded by the EU.⁹³

In 2012 due to the economic crisis Greece was forced to limit all social benefits and cut the salaries of civil servants. Unemployment benefits were cut by almost 60%. Other payments were also decreased by approximately the same amount. Nevertheless, legal migrant workers are entitled to health insurance, partially paid rest leave, and the state also compensates for part of the amount spent on rent once a year. Workers lost their jobs also receive benefits and the poor are entitled to one-off payments. It is clear that legal migrant workers in Greece have to pay taxes and social security fees just as the citizens of the country.

Illegal immigrants can get access to healthcare in extreme cases. However, fearing deportation, they often avoid getting any kind of help.⁹⁴

In 2014, Greece instituted free healthcare for immigrants who received residency permits for humanitarian reasons.⁹⁵

- Negative attitude of the community towards immigrants, foreigners, various ethnic groups.

The mass influx of migrants and the authorities' failure to integrate them together with the severe economic crisis, led to the rise of xenophobia in the country. According to research conducted by the Ministry of Education in 2013 one-third of cases of school violence are hate crimes.⁹⁶

Migrants and minorities interviewed by ECRI in 2014 told about increased hate speech in recent years. Most difficult situation arose in Athens and surrounding regions, where many immigrants reside.⁹⁷

Homophobia is prevalent within the country. A survey conducted by the European Agency for Fundamental Rights in 2013 26% of LGBT representatives and 45% of transgender people have not reported threats and attacks to the police due to fear of homophobic or transphobic attitudes of the police.⁹⁸

Homophobia and xenophobia is supported by prominent figures of the Orthodox Church. Metropolitan of Thessaloniki Anfimos called homosexuality a "perversion".⁹⁹

On September 18, Metropolitan Amvrosios of Kalavryta and Aigi-aleia spoke against the anti-racism law.

"Tomorrow, when the anti-racist bill comes into force, all those who speak of homeland and patriotism risk being imprisoned. A priest who would speak against Jehovah's Witnesses and other religions can be declared a racist and locked behind bars," Metropolitan said. He added that Greeks will become slaves for Muslim and strangers on their own land."¹⁰⁰

On September 26, Metropolitan of Piraeus Serafim published an article criticising the government for adopting an anti-racism law. He said that the law changes the legal culture and values of the Greek society, while restricting free speech. He also criticised the government for protecting non-traditional sexual orientations, calling these changes "fascist".¹⁰¹

On October 20, Metropolitan Amvrosios said that Greece has been "surrendered" to foreign "conquerors", blaming it on Zionism, Freemasons and Bilderberg club.¹⁰²

On December 29, Holy Kinot of Mt. Athos opposed the opening of an Islamic centre at the Faculty of Theology in Thessaoniki. He said that this "clearly contradicts the patristic teachings" and that it is a "serious mistake". According to him, this step is aimed directly against theology and the Orthodox Church itself.¹⁰³

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
-/×	Presence and improvement of migration laws.	2.5	2.5	2.5
-/×	Government's compliance with such legislation (law enforcement practice).	2.5	2.5	2.5
×	Discriminatory practices against immigrants.	-5	-5	-5
×	Use of ethnic crime as justification for discrimination against migrants.	-5	-5	-5
×	Social assistance for immigrants.	5	5	5
×	Negative attitude of the community towards immigrants, foreigners, various ethnic groups.	-5	-5	-5
	Total for section 6	-5	-5	-5

7. Incitement of religious and ethnic hatred

Indicators

- Calls for ethnic and religious hatred in mass media and mass communications, graffiti.

The main newspaper distributing xenophobic and neo-Nazi materials is the one published the party “Golden Dawn” and is of the same name. Since 1993 the motto of the newspaper states: “Every foreign worker means an unemployed Greek citizen: the deportation of all illegal immigrants means hundreds of thousands of new jobs for the Greeks”.

Despite government actions, Golden Dawn party continued its extremist activities. In 2014, for example, the party campaigned under the slogan “Turks, get out of Thrace”. In April, its activists attacked a medical clinic for migrants in Athens, shouting “Foreigners — go home”.¹⁰⁴

- Presence and popularity of radical nationalist literature, films, music. Ultra-nationalist rock bands and their concerts.

There are several rock bands of neo-Nazi orientation in Greece. The most popular one the band with the symbolic name “Pogrom”, which includes a parliamentarian from the “Golden Dawn” party Artemis Matseopoulos.

Matseopoulos became the second Greek parliamentarian related to Nazi rock scene. The first one George Germenis became known in the

market destructions in Rafina. He was elected in May 2012 and then confirmed his status in the June elections. His stage name Kiades is a reference to the name of the place in which the Spartans killed their children if they were born with defects.

The new politician is known as the bass guitarist and vocalist in an explicitly neo-Nazi band “Πογκρόμ” (“Pogrom”). The band members consider themselves “black metal” and believe that their songs are of “national patriotic” style. The most famous song was the anti-migrant “Μίλα Ελληνικά ή Ψόφα” — “Speak Greek or die”. In particular, it has the following lines: “You came to our country / You have no job / You are hungry, you are tramps and you eat your own children / You speak Russian, speak Albanian / But now you have to speak Greek / speak Greek or die!”. In addition, the Pogrom has anti-Semitic songs, such as “Αουσβιτς” — “Auschwitz”.¹⁰⁵

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Calls for ethnic and religious hatred in mass media and mass communications, graffiti.	-5	-5	-5
×	Presence and popularity of radical nationalist literature, films, music. Ultranationalist rock bands and their concerts.	-5	-5	-5
	Total for section 7	-10	-10	-10

8. Radical nationalist groups and parties

Indicators

- Presence of neo-Nazi and ultra-nationalist groups, movements, political parties (both in the centre and in the localities).

The most influential pro-Nazi party in Greece is the “Golden Dawn” party. The radical nationalist parties include “The Popular Orthodox Rally” (“Laos”), which was in the parliament in 2011–12, and while it lost in the 2012 election it had 2 members in the European Parliament.

In addition, ultranationalist movement includes some non-governmental organisations and groups such as the “People’s patrol.”

The party’s logo has certain resemblance with swastika. Their ideology is inspired by the German Nazis.

The bases of practical ideology of “Golden Dawn” are anti-immigrant xenophobic attitude, denial of communism and liberalism, all put together with capitalism and a call for a return to traditional Christian values.

The activists of “Golden Dawn” use paramilitary form for outdoor activities, which is typical for the majority of European right-wing movements. Black t-shirts are decorated with stylised figures of the party under the localised theme of swastika. Party members greet each other with a raised fist. All this resembles the fascist Nazi rituals of the 1920’s and 1930’s.

When joining the organisation new members stated: “I belong to Golden Dawn, as we are the rebels. Let’s kill the Jew hidden within us”, while raising his hands in a Nazi salute. Party leader Nikos Michaloliakos addressed his supporters: “They say we are vicious fascists and nationalists. The truth is that they are right”.¹⁰⁶

The party managed to win votes not only by promoting xenophobia, but also through social events in Athens. The party supplies those who are in need and elderly people with food, provides them with various kinds of assistance, distributes soup, but all this is only for ethnic Greeks who have the appropriate identification. For example, the party has taken action to establish a blood bank “Only Greek blood”.

The party is engaged in advertising in the problematic areas of the city, also holds events in secondary schools, a lot of attention is paid to working with young people’s focus. “Golden Dawn” has a policy of exclusion of minorities, especially migrant workers and asylum-seekers, shared homophobic and anti-Semitic ideas, sets people against the Roma. Its armed followers attack people with different skin colour, as well as left-wing activists.

Golden Dawn uses the current situation of economic crisis and rising xenophobia to recruit followers. It appeals to security threat which in their view is represented by migrants, refugees and people illegally crossing the sea border of the country. The party has positioned itself as the representative of the interests of social dissatisfaction of the population. The theory is supported by practice: thugs in black motorcycle helmets, parades in particularly densely populated areas of Athens foreigners.

After members of “Golden Dawn” murdered left activist musician P. Fyssas authorities began active operations to crush the party (the arrests of higher ranks and several activists, the cessation of funding) and perhaps eventually its star will set. However, this did not lead to significant reduction of its supporters — in 2015 elections, Golden Dawn managed to pass 17 members into parliament, only one less than in 2012.

Prior to “Golden Dawn” the right-wing extremist circle was dominated by party “The Popular Orthodox Rally” (“LAOS”), which in contrast to the “Golden Dawn” could not exploit the idea of economic crisis. Thus the party lost votes.

Key members of the party moved to the “New Democracy”, and LAOS virtually collapsed, consequently the void was taken over by the

party “Golden Dawn.” And if LAOS is just a right-wing populist party, the “Golden Dawn” is a far-right neo-Nazi party. Unlike LAOS “Golden Dawn” uses violence as a political tool, and is a follower of the current theory of “Magna Graecia”, i.e. does not accept the current borders of the state.¹⁰⁷

- Presence of discriminatory demands in the programmes of these parties and in the statements of their leaders towards the members of minorities.

LAOS and “Golden Dawn” oppose the influence of foreigners, but “Golden Dawn” is more aggressive and uses illegal methods.

The party’s programme contains characteristics of the era of democracy in Greece, which in the opinion of the party is experiencing the sunset, as the “era of national tragedy and national betrayal.” The programme sets the requirement to get out from under the American dictate and reconsider relations with the EU, which according to the party brought to a standstill economy.

A panacea is offered to combat unemployment: “deportation of illegal immigrants and an emphasis on domestic production”. The programme states that “Golden Dawn” distinguishes Greek citizens from foreigners *legally* residing in the country and, of course, from the illegal immigrant invaders (illegal or illegally legalised). The programme compares illegal immigration with “the unofficial army, which decomposes the social structure and leads the national identity into oblivion. Illegal immigrants, being alien to the Greek society, should be immediately deported”.

The following measures are offered in order to combat illegal migration:

- Immediate arrest and deportation of all illegal immigrants. Until their final repatriation, they should be transferred to specialised detention facilities away from residential areas, where conditions are not ritzy as they are now.
- The phenomenon of illegal immigrants who are “under supervision” and live in air-conditioned rooms, receive free meals and other luxuries that cannot be accessed by many of the Greeks, is absolutely unacceptable and will be immediately eliminated.
- Any offense committed by a foreigner shall be deemed established. The penalty will not be served in jail, but in specialised detention facilities, where offenders will work for the benefit of the public.
- Fight against illicit trade of illegal aliens, remittances to their home countries to be controlled strictly financial. The huge loss of revenue for the Greek state will be stopped. The policy of “zero tolerance” will be used regarding international smuggling networks”.

Golden Dawn believes that immigrants, Roma, dissidents and mentally disabled are “sub-human”.¹⁰⁸

- Neo-Nazi and radical nationalist influence over the civil society, including oppositional and human rights organisations.

Golden Dawn managed to open 70 departments across Greece and conduct “Greek-only” charity campaigns, funded by large business.¹⁰⁹

Nationalist parties maintain significant support among the electorate. Golden Dawn received 11.1% in 2014 local elections in Attica and 16.1% in mayoral elections in Athens.¹¹⁰ In the European Elections, Golden Dawn received 9.5% of votes and three seats.¹¹¹ LAOS got 2.7% and did pass into the European Parliament.¹¹²

However, towards the end of the year, this support somewhat decreased. December 30th survey conducted by MARC for ALPHA media group showed that the Golden Dawn party maintained the support of 5.9% voters, while LAOS party has the support of 1.4%.¹¹³ Golden Dawn’s support was not affected even after it was reported that its members were involved in a murder of antifascist activists.

Parliamentary elections in January 2015 confirmed that Golden Dawn managed to solidify its support. Nationalists received 8% of votes, which is not much less than in 2012.

- Neo-Nazi and radical nationalist influence over the local legislative/executive bodies.

At the last local Greek elections on May 18th the “Golden Dawn” party received 11.1% of votes in the region of Attica,¹¹⁴ forming a significant faction.

On August 19, it was reported that police often covered for Golden Dawn activists, who committed various crimes (at least 200 police officers support the party, according to various reports.¹¹⁵

- Neo-Nazi and radical nationalist influence over the central legislative/executive bodies.

As of 2014, Golden Dawn has 18 seats out of 300 in the Greek parliament that is only 6% of the total number of seats in the highest legislative body of the country. Arrest of its MPs reduced its influence over the political situation. LAOS, meanwhile, has not been represented in parliament.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Presence of neo-Nazi and ultra-nationalist groups, movements, political parties (both in the centre and in the localities).	-5	-5	-5

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Presence of discriminatory demands in the programmes of these parties and in the statements of their leaders towards the members of minorities.	-5	-5	-5
-/×	Neo-Nazi and radical nationalist influence over the civil society, including oppositional and human rights organisations.	-5	-5	-2.5
-/×	Neo-Nazi and radical nationalist influence over the local legislative/executive bodies.	0	0	-2.5
-/×	Neo-Nazi and radical nationalist influence over the central legislative/executive bodies.	-5	-5	-2.
	Total for section 8	-20	-20	-17.5

9. Public actions of extremist and nationalist groups

Indicators

- Neo-Nazi and radical nationalist participation in mass actions prohibited by the authorities.

The authorities did not prohibit such actions.

- Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities.

As a result of government pressure, the Golden Dawn party held less public actions than usual. On January 11, Golden Dawn members organised a rally in front of the Athens Court of Appeal. On this day, three of their colleagues — former members of parliament — were accused of being a part of and managing a criminal organisation. Party's press secretary Ilias Kasidiaris stated that his colleagues were "unlawfully sent behind bars."¹¹⁶

On April 18, Golden Dawn continued the traditions of its previous actions, organising an Easter food giveaway for "Greeks only".¹¹⁷

On May 29, Golden Dawn held a march in Athens, dedicated to the fall of Constantinople in 1453¹¹⁸

On August 2, around 50 Golden Dawn supporters were distributing leaflets in Acropolis. Hand-outs contained the following text, "The party is suffering from political persecution".¹¹⁹

- Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities, with the participation of representatives

from the legislative or executive bodies, law enforcement and security agencies.

After Golden Dawn MPs were arrested on murder charges, other officials prefer to stay away from their rallies.

- Presence of “football xenophobia” and racism amongst sports fans.

The football community in Greece, fan clubs of different teams are an exaggerated reflection of the situation in the whole Greek society torn by opposing political contradictions. For example, those fans of Greek football club AEK identifying themselves as anti-fascists and anarchists united into the fan-club “Original 21”, and fans of the same club supporting “Golden Dawn” and the radical nationalists united in club “Ghetto”.

Neo-Nazi associations also include “Gate 13”, which was formed around the team “Panathinaikos”. Anti-fascist fans of “Atromitos” united into “Fentagin”. The clashes between the two sides are a regular thing, football events included.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
–	Neo-Nazi and radical nationalist participation in mass actions prohibited by the authorities.	–5	–5	–5
×	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities.	–5	–5	–5
–	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities, with the participation of representatives from the legislative or executive bodies, law enforcement and security agencies.	–5	–5	0
×	Presence of “football xenophobia” and racism amongst sports fans.	–5	–5	–5
	Total for section 9	–20	–20	–10

10. Racist attacks, violence and terror

Indicators

- Vandalism in cemeteries, attacks on religious buildings.

12 cases of xenophobic vandalism have been recorded in 2014 (4 in 2013). Most were anti-Semitic in nature, as well as anti-Muslim

and anti-fascist. Most likely this is due to government's strict positions towards Golden Dawn's actions, which made nationalists move to "safer" acts — vandalism. Several such cases are listed below:

In late May, vandals entered the Jewish cemetery of Thessaloniki and desecrated the historic necropolis, overturning and smashing several monuments and tombstones.¹²⁰

On June 27, anti-Semitic graffiti appeared on a memorial of Holocaust victims in Athens.¹²¹

On October 31, the memorial was desecrated again.¹²²

On December 8, vandals desecrated a memorial at the Jewish cemetery in Thessaloniki.¹²³

On December 12, 5 people fired 54 shots at the Israeli Embassy in Greece¹²⁴

On December 25, unidentified vandals desecrated a Jewish cemetery in Larissa, leaving behind swastikas and anti-Semitic slogans.¹²⁵

On January 25, around 100 Golden Dawn supporter attacked the social centre controlled by the Anarchists in the proletarian suburb of Piraeus in Athens. The attackers shouted fascist slogans and hurled metal objects at a building, causing damage to one of the apartments.¹²⁶

On April 4, Golden Dawn supporters attacked a clinic for poor people and migrants, shouting "Blood, Honour, Golden Dawn" and "Migrants — go home!".¹²⁷

On August 2, around 50 Golden Dawn supporters were distributing leaflets in Acropolis. Hand-outs contained the following text, "The party is suffering from political persecution". Several hours earlier, supporters of the party threw rocks at the Anarchist rally.¹²⁸

On August 16, Golden Dawn activists trashed the Open School for Immigrants in Piraeus.¹²⁹

In April, unknown vandals planted a pig's head at a Muslim family home in Avntos.¹³⁰

On October 17, unknown vandals painted the entrance and fences of a Muslim centre in Athens and laid a pig's head at the door. They also painted a Christian Cross on the entrance.

- Inter-ethnic clashes instigated by xenophobia and radical nationalism.

No such cases have been reported in 2014.

- Cases of violence, including murder on racial, ethnic and religious grounds.

In 2014, monitoring recorded 5 attacks motivated by racism (4 victims). In 2013, there have been 19 attacks, 5 dead and 91 injured.

On January 8, a 39 year old man in Volos, wearing a T-shirt with a Golden Dawn logo (a radical nationalist political party), was stopping cars and demanded passengers to prove their Greek citizenship.¹³¹

Iranian national was attacked in Athens in January.¹³²

On May 29, Golden Dawn attacked a young couple, whom then mistook for antifascist activists.

On June 14, a migrant was attacked in Athens.¹³³

On July 29, a gay couple was attacked by around ten police officers in Athens.¹³⁴

At the same time, new anti-racism and anti-extremism legislation and strict measures against Golden Dawn leadership in 2014 have resulted in a reduction in hate crime.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Vandalism in cemeteries, attacks on religious buildings.	-5	-5	-5
-	Interethnic clashes instigated by xenophobia and radical nationalism.	-5	-5	0
×	Cases of violence, including murder on racial, ethnic, and religious grounds.	-5	-5	-5
-	Cases of hate crimes.	-5	-5	0
-	Nationalist or religious terrorist attacks.	-5	-5	0
	Total for section 10	-25	-25	-10

11. Presence, popularity and size of anti-fascist and anti-racist movements

Indicators

- Presence of anti-racist and anti-Nazi movements and parties.

In Greece, there is a fairly strong anti-fascist movement represented by various anarchist and leftist groups, such as “anti-authoritarian movement”, the Assembly against fascism, the Company Municipalities, Autonomous Zone — Youth Unit — Anti-fascist fans of FC “Panathinaikos”, anti-fascist union of Arta, etc., which carry out the basic anti-fascist actions in the country and also have a determining influence on the groups of football fans. Tough anti-fascist position also taken by the Communist Party of Greece, the Coalition of the Radical Left, the Panhellenic Socialist Movement PASOK party, the “Democratic Left” and several others

- Anti-racist and anti-fascist movement activities (pickets, rallies, demonstrations).

Greek anti-fascists are capable of gathering large numbers of people at the anti-fascist demonstrations and other mass actions. At the

same time one of the most common methods of many of them are violent campaigns against their opponents. Thus both sides present an escalation of violence with serious consequences.

On March 22 — The international day against racism — Athens held three antifascist rallies and several antifascist concerts.¹³⁵

On May 9, a roundtable “May 9, 1945 — May 9, 2014: Threats of Fascism in Europe” was held in Athens. According to roundtable participants, the time of “velvet revolutions” of late 80s — early 90s have passed. Revolutions of today start under the flag of democracy and removal of tyrants bring even more radical and extremist leaders to power, plunging the country into civil war.¹³⁶

On September 10, a rally was held in Athens to express solidarity with Ukrainian antifascists. SYRIZA representatives said that the party is against the regime in Kiev, which supports neo-Nazis.¹³⁷

On September 18, antifascists marked the anniversary of a tragic death of an antifascist rapper Pavlos Fyssas with protest marches and a monument to the artist in Keratsini.¹³⁸

On September 30, Romani community in Athens staged a riot, blocking the streets and setting fire to rubbish containers, in protest to attempts at their forced relocation.¹³⁹

On November 16, the Greek Antifascist Organisation organised a rally at the Athens Polytechnic University, attended by hundreds of people, including citizens of Ukraine and Russia. The rally started with a flower laying ceremony at the memorial to the heroes of the Polytechnic, who died during the storming of the institution by fascist junta troops on November 17, 1973.¹⁴⁰

- Presence of anti-racist and anti-fascist civic initiatives.

As of October 2011 there is a network for registration of racist violence incidents, an initiative of the National Commission on Human Rights and the High Commissioner of the United Nations Commissioner for Refugees with the participation of 34 NGOs and agencies for the purpose of registration of racially motivated crimes.¹⁴¹ This is crucial initiative, given that official hate crime statistics are not published in Greece.

On January 27, parents and friends of an antifascist Pavlos Fyssas, who was murdered by the Golden Dawn activists, issued a statement where they condemned Golden Dawn supporters’ attack on the social centre in Piraeus in September 2013. The statement says that the incident was an attempt to terrorise them and the Greek society — “It is another knife against all of us and against human values”.¹⁴²

In November, the National Technical University of Athens held a photo exposition called “Ordinary Fascism in Ukraine”. The event was organised by the radical left-wing SYRIZA party and the Greek antifascists.¹⁴³

Some church officials have also made statements against xenophobia. Metropolitan Alexandroupolis — Anfimios condemned the desecration of the Muslim place of worship in Avantos.¹⁴⁴

On August 26, Permanent Holy Synod of the Greek Orthodox Church praised the recently adopted anti-racism law.¹⁴⁵

On June 30, Jewish Community of Athens published a statement regarding the desecration of Holocaust memorial. “Unfortunately, 70 years after the Second World War, which left millions of victims of fanaticism, racism, Nazism and anti-Semitism, there are still people who terrorise us, desecrating the memory of our brothers, victims of the Holocaust. They will not be able to intimidate us.”¹⁴⁶

The Central Council of Jewish Communities in Greece issued a statement denying Kammenos’ statement: “It is a shame that leader of a parliamentary party does not realise that Greek Jews are equal citizens.”¹⁴⁷

The Central Council of Jewish Communities added that anti-Semitism is not just a threat for the Jewish people, it is a threat for democracy. They urged Greek authorities to arrest and punish those responsible for desecrating Jewish cemeteries.¹⁴⁸

LGBT organisations were also active in 2014. On March 21, LGBT rights organisations sent an open letter to Greek MPs, asking they continue taking steps to legitimise same-sex civil partnership.¹⁴⁹

On April 14, Greek Helsinki committee and a number of LGBT organisations urged the government to facilitate modernisation of anti-extremism legislation and include hatred towards LGBT as an aggravating circumstance in a crime.¹⁵⁰

On June 21, it was reported that Greek Helsinki Committee helped 162 same-sex couples to appeal to ECHR and speed up the adoption of same-sex partnership law.¹⁵¹

On June 14, Athens Pride Festival was held in Athens, advocating for equality and freedoms in family life for LGBT members, as well as legal recognition of LGBT families.¹⁵²

A similar parade was held in Thessaloniki on June 20.¹⁵³

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Presence of antiracist and anti-Nazi movements and parties.	5	5	5
×	Antiracist and antifascist movement activities (pickets, rallies, demonstrations).	5	5	5
×	Presence of antiracist and antifascist civic initiatives.	5	5	5
	Total for section 11	15	15	15

12. Glorification of German National Socialism and collaborators of Nazi Germany, historical revisionism, Holocaust denial

Indicators

- Glorification of German National Socialism and/or its collaborators in the media, desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition.

No such cases have been recorded in 2014.

- Glorification of German National Socialism and/or its collaborators with the support of local authorities, demolition of monuments to soldiers of the anti-Hitler coalition, erection of monuments to the soldiers of Wehrmacht and Nazi butchers.

No such cases have been recorded in 2014.

- Glorification of German National Socialism and/or its collaborators in the decisions, made by the authorities.

Glorification of Nazi regime is an attribute of the Golden Dawn party. On September 23, a video appeared online showing a Golden Dawn MP Hristos Pappas teaching his children a Nazi salute.¹⁵⁴ One party MP described Hitler as a “great man”.¹⁵⁵

- Historical revisionism, Holocaust denial.

No such cases have been recorded in 2014.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
–	Glorification of German National Socialism and/or its collaborators in the media, desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition.	0	0	0
–	Glorification of German National Socialism and/or its collaborators with the support of local authorities, demolition of monuments to soldiers of the anti-Hitler coalition, erection of monuments to the soldiers of Wehrmacht and Nazi butchers.	0	0	0
×	Glorification of German National Socialism and/or its collaborators in the decisions, made by the authorities.	0	–2.5	–5
–	Historical revisionism, Holocaust denial.	–5	–5	0
	Total for section 12	–5	–7.5	–5

13. Persecution of veterans and partisans of the anti-Hitler coalition

Indicators

- Public calls for repression against the veterans and partisans of the anti-Hitler coalition, as well as anti-fascists.

No such cases have been recorded in 2014.

- Restrictions on human rights and anti-fascist organisations, bans to entry or exit imposed on anti-fascists, inaction of the authorities.

No such cases have been recorded in 2014.

- Criminal prosecution of veterans, partisans of the anti-Hitler coalition and anti-fascists.

No such cases have been recorded in 2014.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
–	Public calls for repression against the veterans and partisans of the anti-Hitler coalition, as well as anti-fascists.	0	0	0
–	Restrictions on human rights and anti-fascist organizations, bans to entry or exit imposed on anti-fascists, inaction of the authorities.	0	0	0
–	Criminal prosecution of veterans, partisans of the anti-Hitler coalition and antifascists.	-2.5	0	0
	Total for section 13	-2.5	0	0

14. International Aspect

Indicators

- Participation in significant international agreements on combating racism and discrimination of ethnic minorities.

Greece acceded to the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and a number of other international agreements.

Greece has not ratified the Framework Convention for the Protection of National Minorities, the European Convention of Regional

Languages and Minority Languages, and has not acceded to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

In addition, the Hellenic Republic does not participate in the European Convention on Nationality of 1997 and the European Convention on the Participation of Foreigners in Public Life at the Local Level of 1992.

Therefore, the participation of Greece in the most important international agreements to combat racism and discrimination against ethnic minorities is only partial.

- Accession to new international agreements and resolutions of various international organisations, aimed at combating Nazism, combating discrimination, or protecting minority rights.

During the observational period, Greece did not accede to any new international agreements and UN resolutions or of any other international organisations promoting the fight against Nazism, racial discrimination, and protection of minorities and others.

- International statements and initiatives of the monitored countries and their leading politicians, aimed against discrimination, neo-Nazism and xenophobia.

No such cases have been recorded in 2014.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
-/x	Participation in significant international agreements on combating racism and discrimination of ethnic minorities.	2.5	2.5	2.5
-	Accession to new international agreements and resolutions of various international organizations, aimed at combating Nazism, combating discrimination, or protecting minority rights.	0	0	0
-	International statements and initiatives of the monitored countries and their leading politicians, aimed against discrimination, neo-Nazism and xenophobia.	0	0	0
	Total for section 14	2.5	2.5	2.5

CONCLUSION

Implications for the development of the country and society, based on the analysis of factors and taking into account the aspects listed below.

After exhibiting one of the worst results in the radical nationalism rating in recent years, Greece has significantly improved its standing

in 2014. During the monitored period, we noticed a sharp decline in hate crime, no racially motivated murders and no political terrorist attacks. Greek neo-Nazis, despite the financial crisis, did not attain any more support.

These improvements are largely due to new additions to anti-extremism and anti-racism legislation, as well as effective measures against hate crime and repressions against the neo-Nazi Golden Dawn party. Greece serves as evidence of the fact that political will of the government that recognised the threat of neo-Nazism and that took measures to prevent it can prove very effective.

ASPECTS

1. Human Rights

- *Guarantees against any form of minority discrimination.*

Greece does not recognise the presence of the ethnic minorities within the country, although formally guarantees protection of citizens from all forms of racial discrimination. Out of religious minorities Greece recognises Muslims in Western Thrace, whose freedom of religion and public education in the Turkish language is legally protected, although there is a sufficient amount of the Slavs among Muslims. De facto, Greece recognises the cultural and linguistic rights of the Armenian minority. Modern discrimination against indigenous minorities is, on the one hand, in the Slav people in Western Thrace getting Turkised; and on the other hand in shutting the Turkish schools down, banning of teaching of the Koran, in the attempt to intervene in the process of controlling Muslim religious hierarchy and so on.

The Constitution of Greece also creates the conditions for discrimination of non-traditional religions, because it guarantees the equality of rights to representatives of only “known” religions, the notion of a “known religion” is not disclosed in any document.

The state does not provide for rights of migrants. Errors in the migration policy, a moratorium on granting of citizenship, residence permits without a work permit consequently criminalise immigrants’ environment. A large number of illegal immigrants significantly worsens the situation in this area.

Discrimination of Greek citizens living abroad and foreign nationals, who were deprived of the right to vote in local and regional elections, indicates that Greek legislator continues to violate minority rights.

At the same time, anti-radicalism campaign in 2013 clearly paid off. Adoption of the law that increased punishment for racism and oth-

er manifestations of hate, recognition of racism as an aggravating circumstance in a crime, actions against Golden Dawn activists and police measures against hate crime have reduced the crime rate significantly.

- *Adherence to norms of the fundamental human rights instruments (European Convention for the Protection of Human Rights and Fundamental Freedoms, European Charter on Human Rights, as well as in adherence to the Framework Convention for the Protection of National Minorities and the European Commission against Racism and Intolerance, etc.).*

Greece has not ratified and adhere to the basic provisions of the Framework Convention for the Protection of National Minorities, which together with the refusal to ratify the European Charter for Regional or Minority creates conditions for linguistic and cultural discrimination against ethnic minorities. Greece's failure to accede to these two fundamental documents aimed at protecting the unifying nature of the linguistic and national policy, which is ultimately aimed at the assimilation of minorities. However, in the context of globalisation, when migration processes get enhanced, as well as in the process of strengthening of national identity of ethnic minorities, the policy leads to a political stalemate, a driving the issue into a corner.

Greece's refusal to acceded to the European Convention on Nationality and the European Convention on the Participation of Foreigners in Public Life at the Local Level creates the conditions for discrimination against migrants in the provision of citizenship and political participation, which resulted in a moratorium on granting of citizenship and discriminatory laws 3838/10 in 2012, which allows only foreigners of Greek origin to participate in local elections.

- *Rights and freedoms of ethnic minorities compared to the titular nation.*

Such discrimination is present and also concerns, above all, the rights of national minorities to use their native language, obtaining education in it and so on, which are provided by the requirements of the International Covenant on Civil and Political Rights of the United Nations, to which Greece acceded in 1997, the Framework Convention for the Protection of National minorities and the European Charter for Regional or Minority Languages, which she has not ratified.

- *Legislation enshrining inequality of minorities.*

A problem Greece has is not primarily in the presence of discriminatory legislation, but in the absence of legislation recognising the existence of national minorities in the country and legal protection of their rights.

However, certain provisions of the Constitution clearly indicate the possibility of foreigners and non-traditional religions being discriminated by the State. Furthermore, the immigration law 3838/10 explicitly establishes the inequality of political rights between foreigners of Greek and non-Greek origin.

Amendments to election legislation in 2014 restricted voting rights of foreign nationals and Greeks living abroad, which only contributes to inequality in the country.

- *Rulemaking in protection of minorities.*

Most notable act in this field was the law adopted on September 9, 2014, which increased punishment for racism, as well as denial of the Holocaust, Armenian and Assyrian genocide. This is a revolutionary act for Greece, which put an end to abuse and impunity of neo-Nazis and extreme right forces.

- *Freedom of speech violations.*

Freedom of speech declared in the Greek Constitution is limited by a number of laws that criminalise various kinds of statements, ranging from blasphemy and ending with unflattering remarks against the top officials.

- *Legislation and law enforcement practices concerning migrants.*

There is an immigration legislation in Greece, yet it is not satisfactory as it contains a certain discriminatory component relative to non-Greek foreigners permanently and legally residing in the country. It concerns rights to active and passive suffrage, which are outlined by the current legislation stating that ethnic Greeks may vote in the elections to local authorities while foreigners of non-Greek origin cannot enjoy the same rights.

Thus, Greece does not comply with the European standards of citizenship and the EU rules on the participation of foreigners in public life at the local level.

The developed system of social assistance in Greece is worth noting, which is almost devoid of discriminatory component against foreigners, even though the country was undergoing a profound economic turmoil and had to cut most of the benefits and social benefits in 2012.

2. State of society

- *Risk of violation or non-compliance with the acting laws aimed at protecting the rights of minorities; risk of discriminatory practices against members of minorities.*

The main problem in this case is the failure to recognise the presence of a number of ethnic minorities. For this reason, there are no laws that guarantee their rights, and Greece has not acceded to the system of international agreements on the protection of national minorities.

In doing so, these minorities (such as “indigenous” and formed from recent migrants) require a compliance with their religious, cultural and linguistic rights, which in principle are not provided by any law other than the Treaty of Lausanne of 1923.

- *Self-determination — how manifestations of xenophobia and extremism affect the identity of minorities; majority’s attitude towards minorities (growth of social phobias).*

Due to the rise of xenophobia of the Greeks and mistrust among various ethnic and religious groups in recent years the process of voluntary assimilation in the country has become a major challenge. Self-identification as Greeks among members of ethnic minorities, particularly among immigrants of past ten years, has practically disappeared. This identification takes place today as no more than a means of salvation from the neo-Nazi rioters. Terror unleashed by neo-Nazis in the streets of Greek cities has led to increased social phobias of the Greeks, as well as of the minority members who actively organise a communities, societies of self-defence, etc.

Nevertheless, monitoring in 2014 showed clear improvements towards interethnic harmony in the country.

3. Socio-economic development of the country

(Do manifestations of various forms of xenophobia and extremism affect the socio-economic development of the country).

- *Standard of living.*

Formally, Greece has ranks 54th in terms of the life standard.¹⁵⁶ However, the country is still going through the economic crisis. GDP grew only by 0.2% and unemployment level remained critically high — 25.6% (49.7% among youth).¹⁵⁷ However, this is not related to xenophobia.

- *Economic impacts and instability.*

As it has already been mentioned, the economic problems are not related to xenophobia.

- *Decline in production growth, emigration of the labour force.*

Emigration of the working population is indeed present, but purely due to economic reasons.

4. Security and geopolitical stability in the region

- *Political stability in the country.*

The growing popularity of “Golden Dawn” and their sense of impunity have seriously destabilised the country. However, it should be noted that after the decision to suppress the activity of the party and clearing up the police of the most explicit supporters of Golden Dawn the degree of tension within society has declined.

- *Impact of xenophobia and extremism in the country on external security, relations with third countries and the international security in the region as a whole.*

The problems in Greek-Turkish relations could be noted, which are caused by the reluctance of Greece to meet the demands of the Muslim minority.

RECOMMENDATIONS

1. *General recommendations for the accession to international agreements and conventions*

For Greece to overcome the festering crisis of the traditional nation-state it is necessary to revise the unifying approach to the national and language policy. It is recommended to accede to major international agreements aimed at ensuring the rights of ethnic minorities, and to ratify the signed documents. This refers to the ratification of the Framework Convention for the Protection of National Minorities and the European Charter on Regional Languages and Minority Languages.

In addition, in order to bring its immigration legislation to a standard level Greece should join the European Convention on Nationality of 1997 and the European Convention on the Participation of Foreigners in Public Life at the Local Level of 1992.

2. *General recommendations for adjustments to the legal framework*

By joining international agreements, Greece should bring the national legislation in line with these agreements, in particular laws to protect the rights of national minorities ought to be adopted and immigration laws ought to be reconsidered, especially the adoption of amendments of 2012 to the immigration law 3838/10, which legalised inequality in the implementation of the electoral rights of foreign citizens in the elections to local authorities, depending on ethnic origin. Greece should also remove all provisions from the procedure for granting of citizenship to foreign nationals legally residing in the country.

It is also important to consider the amendments to the Constitution in terms of equal rights not only for the Greeks, but also for foreigners staying in the country, except for participation in parliamentary elections.

3. *General recommendations for the executive bodies in the field of enforcement of law and human rights*

It is necessary to reconsider the practice of shutting of the Turkish schools in Western Thrace and a ban on teaching of the Koran.

Greek government should abandon attempts to appoint Muslim religious leaders, and reconsider the practice to fill these positions by specialised bodies consisting of Christian religious figures, especially.

It is necessary to abandon discriminatory practices against the Roma population, i.e. to stop the practice of school segregation, as well as evictions without alternative accommodation.

Greece should cease the practice of registration of hate crimes as domestic crimes, which results in official statistics not rousing any confidence among observers. It is also necessary to strengthen the application of Article 79 of the Criminal Code of Greece, which examines racial discrimination as an aggravating circumstance in the commission of crimes, as well as the whole system of existing anti-racist laws, especially with regard to the statements, appeals and media activists of the party “Golden Dawn”. The programme of the party should also be checked for compliance with to the current anti-racist legislation and the Constitution.

It is important to remove all restrictions on granting of citizenship to foreigners who are lawfully resident in the country for the necessary period of time. The practice of issuing temporary residence permits without a work permit, which is completely contrary to the European standards, must be abandoned.

Greece should abolish amendments to the February 8th election law, which deprived foreign residents and Greeks living abroad to participate in local and regional elections.

It is also necessary to change the conditions of keeping immigrants in the temporary detention facilities, bringing them in line with the European standards, as well as to return to the same maximum term of immigrants residing in these areas.

The practice of ill-treatment of detainees should also be abandoned.

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SUMMARY OF INDICATORS FOR 2012–2014

Nº	Criteria	Score in		
		2012	2013	2014
1	Legislation (central, regional, municipal) and law enforcement practices that contribute to the development of radical nationalism	-10	-10	-15
2	Xenophobia and inflammatory statements by members of the authorities and media	-5	-5	-5
3	Legislation and law enforcement practice preventing the development of radical nationalism	7.5	10	10
4	Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism	5	5	5
5	Activities aimed at promoting tolerance and preventing extremism	5	5	5
6	Position of migrants and society's attitude towards immigrants, foreigners, different ethnic groups	-5	-5	-5
7	Incitement of religious and ethnic hatred	-10	-10	-10
8	Radical nationalist groups and parties	-20	-20	-17.5
9	Public actions of extremist and nationalist groups	-20	-20	-10
10	Racist attacks, violence and terror	-25	-25	-10
11	Presence, popularity and size of anti-fascist and anti-racist movements	15	15	15
12	Glorification of German National Socialism and collaborators of Nazi Germany, historical revisionism, Holocaust denial	-5	-7.5	-5
13	Persecution of veterans and partisans of the anti-Hitler coalition	-2.5	0	0
14	International Aspect	2.5	2.5	2.5
	Total	-67.5	-65	-40

HUNGARY

ASSESSMENT CRITERIA FOR FACTORS OF STABILITY/INSTABILITY

1. Legislation (central, regional, municipal) and law enforcement practices that contribute to the development of radical nationalism

I n d i c a t o r s

- Discriminatory legislation affecting minorities residing in the country in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.

During Viktor Orban's term as President and leader of the right-wing Fidesz party, Hungary had adopted several legislative norms that can be considered discriminatory. First of all, this concerns the new Constitution, which came into force on 1st of January 2012. Hungarian Basic Law has nationalistic overtones. The preamble to the Constitution states that Hungary lost sovereignty on March 19, 1944 (Nazi invasion into the territory of Hungarian ally), and only regained it on May 2, 1990. Thus, Hungary's responsibility for allegiance with Nazi Germany in the Second World War is glossed over, while the Nazi occupation is equated to the political regime that replaced Nazis. This can be regarded as an attempt to revise the results of World Wars and the current frontiers.

The Constitution also contains the definition of the family, which excludes lesbians, gays, bisexuals and transgender people (LGBT).¹

The Law "On the right to freedom of conscience and belief, churches, religions and religious organisations" can also be considered discriminatory. Adopted by the Hungarian Parliament on July 12, 2011, the new Law contains retroactive provisions, namely — the "deregistration" of 346 religious minority communities, registered in Hungary since the adoption of the Law on Religion in Hungary in 1990.

According to the new law, only 32 churches were to maintain their status as registered religious organisations, with the appropriate

rights and privileges. These include Catholics, Jews, Orthodox, Eastern Catholics, as well as several Protestant groups.

All other religious groups lost their status of religious organisations and had to re-register. Re-registration also led to some problems. First, it was to be considered not by the courts, but by the Parliament, based on submissions of the Minister of Social Resources (church affairs are within his competence). Secondly, according to the new law, the registered religious organisations had to have been acting in Hungary for at least 20 years, have a constitution and an elected administrative body, as well as at least 1,000 followers (previously, only 100 were required) who permanently reside in Hungary and confirm their religious affiliation in writing.

These problems were relevant to the followers of Islam, Buddhism, Mormons, Hare Krishnas, etc.

- Legislation restricting the voting rights of permanent residents of the country on the basis of ethnicity or country of origin.

Hungarian legislation contains no such restrictions.

- Presence of legal norms or other normative documentation, which legalises the ideology of radical nationalism, its attributes and practices, as well as their distribution in the mass media and mass communication.

In February 2013, Constitutional Court of Hungary lifted the ban on the use of Nazi and Communist symbols, as it “unduly restricted freedom of expression”. Thus, swastika became one of permitted symbols.²

- Discriminatory practices against minorities in the field of registration, mobility, business, employment, education, housing, health-care, religion, etc.

Hungary has a large number of national minorities. According to official figures, they amount to 6% of the total population, while unofficial data shows that their number reaches 15%. Roma is the largest ethnic minority in the country. With the total population of 10 million, the number of Roma in Hungary amounts to 700,000–800,000 people. Roma is also the most discriminated minority in the country.

Segregation of Roma in schools remains one of the problems of modern Hungary. Almost 80% of Hungarian correctional schools are filled with Roma. Authorities explain this with the weak educational background of the Roma population, but in fact, the majority of Roma children are automatically assigned to these schools. This discriminatory practice, based on long-standing prejudices, remains in spite of all court rulings. 70% of Hungarian parents do not want their children

sharing a desk with Roma. 86% of 16-year-old school pupils agree with them.³

Roma children are placed in special “gypsy” schools and classes. They are often subjected to segregation outside of the classroom as well — for example, they are not allowed to use common playgrounds or canteens.⁴

Currently, out of 400 thousand able-bodied Roma, only one in every four has income. Usually, Roma take on low-paid seasonal or part-time work. At the same time, Roma are almost always the first candidates for dismissal, and often cannot achieve reinstatement through legal means.

Mayor of Erpatak (member of the Jobbik party) introduced a community service programme for local Roma as a condition for them to receive additional social benefits.⁵

On the street, police is three times more likely to stop the Roma than other citizens. Courts often sentence them to more severe punishments.

In 2014, there was an attempt to evict 450 Roma families in Miskolc to free up space for a stadium. In May, Miskolc council offered 6.5 thousand euros in compensation if Roma families leave their homes before July, prohibiting them from selling or letting their houses for five years. No alternative housing was offered. By December 2014, 30 families have been evicted without alternative housing.⁶

On August 7, it was reported that two films depicting discrimination of Roma were not allowed for screening at CineFest International Film Festival in Miskolc. DPA agency reports that CineFest administration explained that due to the upcoming elections in Hungary, such film can have political repercussions in the country.⁷

On September 26, Minister of Human Resources Zoltan Balog met with representatives of the Association of Free Evangelical Churches and the Hungarian Evangelical Alliance, where they discussed the tight provisions of the Church law. Mr Balog said that changing status cannot be difficult for active religious communities.⁸

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Discriminatory legislation affecting minorities residing in the country in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.	-5	-5	-5
-	Legislation restricting the voting rights of permanent residents of the country on the basis of ethnicity or country of origin.	0	0	0

Table, cont.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Presence of legal norms or other normative documentation, which legalises the ideology of radical nationalism, its attributes and practices, as well as their distribution in the mass media and mass communication.	0	-5	-5
×	Discriminatory practices against minorities in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.	-5	-5	-5
	Total for section 1	-10	-15	-15

2. Xenophobia and inflammatory statements by members of the authorities and media

In February 2014, deputy chair of the Jobbik Party Martin Gyongyos told *The Budapest Times* that nationalist leaders in France and the Netherlands are “typical liberals” who use Zionists to fight Islam. “We criticise Zionism as a global phenomenon and how it manifests in the modern world,” he said.⁹

Leader of Christian Democrats Peter Harrah criticised the “propaganda of sexual minorities” in Western Europe. Speaking in Parliament on May 12, he said that a man who declares himself a woman, yet wears a beard on his face cannot be taken seriously — referring to the 2014 Eurovision contest.

Leader of the Jobbik party Gabor Vona, in turn, said — “We are for Europe, but Europe and we both see the bearded lady as the future of Europe.” He said that he advocates for Europe of nation states that can protect their sovereignty.¹⁰

In an interview to *ATV* on July 1, Vice Speaker of the Hungarian Parliament, Jobbik party MP Tamas Snaider admitted that he used to be a skinhead. He said that he does not hide it and is not ashamed of it.¹¹ On August 8, before his visit to Romania, leader of Jobbik party Gabor Vona said that he will never abandon the struggle for the Hungarian autonomy in Transylvania.¹²

On January 17, Director of the Veritas Research Institute of History, Sandor Sakali, said during an interview with *ATV* that the deportation of Jews from Kamianets-Podilskyi in August of 1941 should be seen by historians as a “fact of migration”.¹³ He was later forced to

apologise, saying that he used the wrong term. In July, however, he said that anti-Semitic laws of Horthy's regime were not as restrictive as, for example, communist deportations in 1946.¹⁴

In May, personal representative of the Prime Minister — responsible for cultural affairs — said that theatres should resist the “gay lobby”.¹⁵

In July, Minister of Human Resources Zoltan Balog denied the facts of Roma deportations from Hungary.¹⁶

On February 20, Hungarian Ambassador to Slovakia Chaba Baloga met with the leader of an extreme right party Our Slovakia. They discussed “gypsy crime, which both parties consider a crucial issue”.

On March 24, Gyula Court judge rejected the appeal to ban an extreme right organisation, saying that there is an “abnormal level of gypsy crime”.¹⁷

On February 12, member of Debrecen City Council from the Jobbik party, Tibor Agoston, called the Holocaust a “Holofraud”.¹⁸

On May 4th it became known that Istvan Laszlo, “Jobbik” representative from the city of Erzsébetváros made statements to shift the responsibility for the Holocaust from Hungarian Jews... onto native Jews.¹⁹

On August 4, it was reported that Mayor of a small town Erpatak Mihaili Orosz (Jobbik party) hung a dummy of Netanyahu and Peres, stating that Israel is preparing the “coming of Antichrist” and organises “genocide” in Gaza.²⁰

During the parliamentary elections, Jobbik used a poster depicting a “traditional Hungarian family” in front of the map of Greater Hungary (including territories it lost in 1920) and a bookshelf with anti-Semitic literature.²¹

Hungarian government has been actively issuing citizenship to Hungarians living in the neighbouring countries.

On March 5, Minister of Foreign Affairs Janos Martonyi stated that the participation of the Democratic Union of Hungarians in Romania (DUHR) in the new ruling coalition will improve the relations between Hungarians and Romanian. Minister noted that DUHR has to operate based on the interests of the Hungarian community in Transylvania.²²

On June 10, Minister Zsolt Shemen said that Hungary will change its electoral legislation to improve access to votes for ethnic Hungarians abroad.²³ Since 2010, Hungarian citizenship was given to 580 thousand ethnic Hungarians living abroad. Government's objective in this policy is increasing the number of new Hungarian citizens to 1 million people.

As part of this policy, Prime Minister Viktor Orban encouraged Hungarian communities abroad to strive for territorial autonomies. He said that ethnic Hungarians in Transcarpathia must be given the

right to receive dual citizenship and the ability to create their own autonomy.²⁴

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
-/×	Xenophobia and inflammatory statements by members of the authorities and media.	-5	-5	-5
	Total for section 2	-5	-5	-5

3. Legislation and law enforcement practice preventing the development of radical nationalism

Indicators

- Presence of anti-Nazi, anti-racist and anti-extremist legislation; legislation aimed against the incitement of ethnic and religious hatred in the country.

Article 14 of the Basic Law guarantees “fundamental freedoms for all persons, without any discrimination on the grounds of gender, race, colour, ethnic or social origin, nationality, disability, language, religious, political or other opinions, property, estate or other status”.

Article 15 of the Constitution refers to “prohibiting discrimination on racial, gender, religious, political grounds, as well as skin colour, language, social origin, property status, etc.”

One of the amendments to the new Constitution of the Republic of Hungary states that Hungary shall protect the Hungarian language; respect the languages of nationalities and ethnic groups residing in the country, as well as languages of other countries. The Constitution also protects the freedom of religion. However, the numerous amendments to the Constitution and legislative acts create confusing in the protection of ethnic minority interests. As already mentioned, the basic law of the country contains bias towards Christianity, while national minorities are represented as citizens “living alongside the Hungarian nation”.

The government reinforced its words with actions — introducing several amendments to the Criminal Code (Law 100/2012), providing punishment for “pitting one part of the people against another”. Furthermore, membership in anti-Semitic groups is considered a criminal offence as well as violence against people. Holocaust denial is criminalised in Hungary.²⁵

In 2013, sexual orientation and gender identity was included into the basis of hate crime. In accordance with Article 269 of the Criminal Code, any person who incites to hatred against (I) the Hungarian na-

tion or (II) any other national, ethnic, racial or specific group, will be sentenced to up to three years in prison. Article 332 of the Criminal Code prohibits incitement to hatred towards the society. Amendments also introduced sanctions for disruption of public order, intimidation of the public. These particular changes were a response to neo-Nazi “patrols” in Roma quarters. Holocaust denial is now punishable by law.

At the same time, Hungarian Criminal Code equates Nazi crimes and Communism, which negates the meaning of Holocaust and the Nazi genocide in Europe during 1940s.

Unlike many other countries, hate crime is considered a separate type of crime in Hungary. However, the Criminal Code does not consider racism or other prejudices as an aggravating circumstance.

- Presence and development of anti-discriminatory legislation.

Article 15 of the Constitution refers to “prohibiting discrimination on racial, gender, religious, political grounds, as well as skin colour, language, social origin, property status, etc.”

Hungary officially fulfils all European and international regulations prohibiting any form of discrimination, including Directives 2000/43/CE from 29/06/2000 and 2000/78/CE from 27/11/2000. In 2004, Hungary adopted the Law “On Equal Treatment and Equal Opportunities”, which introduced the concept of direct and indirect discrimination and prohibited discrimination on the grounds of age, sexual orientation, illness, race, ethnicity, religion or belief.

To monitor the enforcement of the Law “On Equal Treatment and Equal Opportunities”, Hungary instituted an Antidiscrimination Agency in 2005. Since 2012, minority rights are monitored by the Office of the Human Rights Ombudsman, which is considered the most important body for monitoring discrimination. However, its authority is limited, largely due to the current government’s policies that upset the balance of power between the executive, judiciary and the legislative authorities.

- Compliance of the government (central, regional, municipal), law enforcement and judiciary with anti-Nazi, anti-racist, anti-extremist, anti-discriminatory and hate crime legislation.

Unfortunately, Hungary does not record violent hate crime statistics. Police, prosecution and judiciary are reluctant to recognise racism as an aggravating circumstance in a crime and the Criminal Code does not contain corresponding provisions. There is also no information about the ethnic composition of victims of such crime. One of the main problems is the fact that Hungarian police are not trained in identifying the nature of hate crime; there are no regulations for police procedures in such cases.

On July 3, Minority Rights Group published a report on minorities and indigenous peoples of the world. MRG notes that police does not “really” effectively investigate crimes where the victims were Roma. The report indicates that refugees, immigrants, Jews, Muslims and Roma are the most vulnerable groups when it comes to hate crime. A general problem is that victims often have nowhere to turn to. Furthermore, Hungarian legislation against hate crime often punishes minorities rather than protects it.²⁶

A lot of hate crime remains unreported due to victims fearing xenophobia on the part of the police. Victims do not receive psychological or legal help.²⁷

- Responses to hate crime (criminal proceedings against organisers and participants, convictions).

Hungary has serious deficiencies in law enforcement, when it comes to hate crime. This includes the classification of hate crime as domestic violence, the high latency of hate crime due to victims’ distrust towards the police and law enforcement’s reluctance to initiate such proceedings. There is also lack of statistics that would allow judging the extent of such crime. However, the situation is developing in the positive direction.

On January 16, Budapest city court ruled that local police has been persecuting LGBT during the 2012 gay pride event. On September 18, this decision was upheld in the Court of Appeal.

In February, Debrecen Court of Appeal sentenced a man to life in prison for murdering a homosexual.

On July 2, Pest District Court sentenced a man to 2 years suspended term for Holocaust denial and denial of the crimes of the communist regime.²⁸

On October 18, Budapest Court of Appeal made a final decision to ban the Hungarian Association of Self-Defence for a Better Hungary. The court ruled the organisation illegal after its crimes against the Roma people spanning four years, 2008–2012.²⁹ Fiscal and financial claims against the liquidated organisation must be satisfied before May 16, 2015, when it will be removed from the register.

Nevertheless, there have been some court verdicts that can be considered as condoning xenophobia. On March 24, Gyula prosecutor’s office rejected the claim on the prohibition of a xenophobic organisation “Association for a Better Tomorrow”.

On June 19, the court rejected a claim of the historian Tomas Kraus made to the director of the Veritas Research Institute of History Sandor Sakali, who referred to the findings of T. Kraus and said during an interview with ATV that the deportation of Jews from Kamianets-Podilskyi in August of 1941 should be seen by historians as a fact of migration.³⁰

- Misuse of anti-extremist legislation.

On May 28, Constitutional Court ruled that content providers bear responsibility for the comments posted on their website, which can violate the law on media, whether they are moderated or not. This can discourage some websites from posting political news.³¹

Council for Media considered 29 complaints of biased coverage in 2013. Most of those were filed by the Jobbik party regarding reports on its activity.³² A lot of those complaints have been satisfied.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Presence of anti-Nazi, anti-racist and anti-extremist legislation; legislation aimed against the incitement of ethnic and religious hatred in the country.	5	5	5
×	Presence and development of anti-discriminatory legislation.	5	5	5
-/×	Compliance of the government (central, regional, municipal), law enforcement and judiciary with anti-Nazi, anti-racist, anti-extremist, anti-discriminatory and hate crime legislation.	2.5	2.5	2.5
-/×	Struggle against hate crime (criminal cases against organisers and participants, guilty verdicts).	2.5	2.5	2.5
-/×	Misuse of anti-extremist legislation.	0	0	-2.5
	Total for section 3	15	15	12.5

4. Statements of government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism

Hungarian officials have demonstrated efforts to combat xenophobia in 2014. Prime Minister Viktor Orban met with Chairman of the Central Council of German-speaking Roma Romani Rose on March 3. Minister of Labour Resources Zoltan Balog also took part in the meeting. “In the current situation in Europe, Roma and other minorities have to seek allies,” Prime Minister said, adding that they can always depend on Hungary. Mr Orban and Ms Rose identified the creation of jobs and education as the best instruments to improve the situation of Roma.³³

On October 9, Prime Minister Viktor Orban met with President of the National Romani Self-Government Florian Farkos. They discussed

the inadmissibility of segregation of Roma in Hungary and ways to provide employment rights to members of this community. Mr Orban noted that in the last 4 years the situation regarding the Roma community has stabilised. Another vector of Roma integration is the development of school and pre-school education. Prime Minister believes that Roma women should be encouraged to participate in these efforts.³⁴

On April 28, President Janos Ader spoke at the former Nazi concentration camp, Auschwitz, where he recognised Hungarian involvement in the deportation of Jews and said that these victims were a great loss for Hungary. He also spoke out against attempts to justify Hungarians' involvement in the Holocaust.³⁵

Janos Ader also made a speech on August 2, dedicated to the Roma genocide. President said that social exclusion "humiliates us, while mutual respect makes us all richer". Talking about the Roma Holocaust, President Ader said that everyone who respects human rights and freedoms and other people, must be respected.

Minister of Human Resources Zoltan Balogh noted that the destruction of Roma was a crime against humanity, a crime which will never have an acceptable explanation.

The ruling Fidesz party reported, "Our mutual obligation is to know the past and remember the Roma — victims of the Holocaust". The statement called discrimination and murder of people on the basis of any religion, race, ethnicity or skin colour is unacceptable. Socialists stated that their party commemorated the night of August 2, 1944, when almost 3 thousand Roma were executed in Auschwitz death camp, and the other tens of thousands of Roma victims. Similar statements were made by all Hungarian oppositional parties, except Jobbik.³⁶

On March 18, State Secretary of the Foreign Ministry Zsolt Nemeth spoke at the "Jews in Hungary: 20th and 21st centuries" conference at the Gaspar Karoli University. Nemeth noted that Hungarian government has stated many times that anti-Semitism is unacceptable in Hungary, it is incompatible with Christianity and harms not just the democracy, but also the Hungarian nation itself.³⁷

On March 30, Hungarian Ministry of Foreign Affairs condemned the nationalist demonstration advocating for the autonomy of Transcarpathia in Ukraine. "Hungarian Foreign Ministry decisively distances itself from the petition that does not help, but threatens the future of Hungarians in Transcarpathia and the whole region." At the same time, Foreign Ministry said it will continue advocating for the rights of Hungarians in Transcarpathia, particularly the right to use their native language.³⁸

Speaking at GLOBSEC 2014 security conference in Bratislava on May 14, Minister of Foreign Affairs Janos Martonyi said Prime Minis-

ter Orban used the term in wide context, when he called for Hungarian autonomy in Ukraine. Addressing his Slovak counterpart, Mr Martonyi said that they have different views on minority rights, but the goal is to continue the dialogue.³⁹

A Holocaust memorial was opened in Mako (Csongrád county) on September 4. Minister Janos Lazar addressed the ceremony: “Holocaust is a terrible fratricide committed against Hungarians by Hungarians. This is not a simple and true statement. There is no consensus on this issue, as it should be in a strong, free and safe society. We have a difficult task to ensure that the truth of this statement could serve as basis to bring up the future generations. Victims were Hungarian and therefore the Holocaust is a national tragedy of the Hungarian people.”

Lazar added that, unfortunately, there are people who sometimes make statements trying to exclude certain people from the Hungarian nation. “A significant part of criminals, and not just guards, but also leaders of the Hungarian state, bear full personal responsibility for the deportation of Hungarian Jews and the destruction of their own citizens.”⁴⁰

In February, members of the Jobbik party requested the Hungarian government to protect the Hungarian minority in Ukraine from the right-wing parties Svoboda and the Right Sector.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism.	5	5	5
	Total for section 4	5	5	5

5. Activities aimed at promoting tolerance and preventing extremism

In July 2014, 10,000 people attended a gay pride event in Budapest. Police provided appropriate protection.

On July 25, after numerous complaints from human rights organisations, Hungary withdrew the nomination of Peter Szabo as Ambassador to Rome.⁴¹ The reason was Szabo’s anti-Semitic statements about Jews as “Satan’s agents”.⁴²

On September 9, Hungarian parliament held a round table with members of Jewish organisations.⁴³ Janos Lazar said that government will be able to launch a professional programme to implement

the House of Fates project with support of the international and local Jewish communities and organisations. Resumption of cooperation between the government and Jewish organisations after a months-long hiatus is an important step towards developing public dialogue in Hungary.

The round table discussed such topics as the state of Jewish cemeteries and representation of the Holocaust in education. They also discussed ways to strengthen cooperation by establishing continuous consultations. However, opinions differ regarding this issue. Nevertheless, Minister of Justice is set to attend the next round table in December 2014 to discuss the implementation of monitoring of anti-Semitism. President of the Federation of Jewish Communities Andras Heysler noted the importance of resumed dialogue with the government. Jewish community values cooperation and discussion of opinions and actions regarding issues of Jewish life in Hungary. “Today, we are already drafting the agenda for the next round table. This gives hope for the development of our relations.”

Official government publication *Magyar Közlönyben* published information about state-funded events dedicated to Hungarian Holocaust remembrance (resolution 1512/2014 (IX.16) Korm.⁴⁴ Hungarian government will provide considerable support for Jewish communities in 2015 by financing the reconstruction of synagogues in Miskolc, Budapest, Szeged, and other cities and allocating funds for certain commemorative events.⁴⁵

On September 28, Prime Minister Viktor Orban told Minister of Internal Affairs Sandor Pinter to make every effort to prevent the racist conference organised by the American National Policy Institute from being held in Budapest.⁴⁶

On September 29, Minister Pinter ordered the police to take every measure to prevent the conference from taking place, including cancelling tax benefits, terminating business contracts, restricting entry and stay of possible members of the conference, etc. Minister noted that the Basic Law of Hungary guarantees freedom of expression and freedom of speech, but it does not allow degrading human dignity. He added that for Hungarian nation freedom of speech is incompatible with the humiliation of national, ethnic, racial or religious groups.⁴⁷ As a result, Jobbik party — organiser of the conference — had to distance itself from the event and racist guests arriving from abroad were arrested and deported.⁴⁸

A second round table of the Jewish organisations and the government was held on December 17. The main subject of discussion was establishing a zero tolerance policy towards manifestations of hate. The meeting was attended by Prime Minister Janos Lazar, Justice Minister Laszlo Trochani, representatives of the General Prosecutor’s Office,

the Supreme Court, the Ministry of Internal Affairs and the National Police.

After the meeting, Janos Lazar said that people who incite to hatred can rest assured that their actions will not go unpunished. According to the Minister, Hungarian laws are capable of preventing and punishing crimes motivated by anti-Semitism. However, the police and prosecution have a lot to work on in terms of law enforcement practices.

Regarding anti-Semitism, Janos Lazar noted that the number of such crimes is stagnating, but numbers are not as important as the fact that such incidents can endanger peace in the society. Deputy Secretary of State Csaba Latorkai explained that the government plans to address the issue of cemeteries. He also added that several millions of euros would be allocated for educational programmes and announced that the government is raising pensions to victims of political repressions by 9.9% from November 1, 2014 and by further 2.4% from January 1, 2015.

The government assured that it will continue to investigate manifestations of anti-Semitism and finance the reconstruction of synagogues through the Federation of Jewish Communities of Hungary.

The issue of Hungary's Presidency in the International Alliance of Holocaust victims in 2015–2016 was also discussed, but the issue of "House of Fates" was not mentioned. The government said it will not make a unilateral decision until a consensus is reached among various Jewish organisations.⁴⁹

In October, police held a number of meetings with the Roma public to destroy the barrier between the police and the Roma community.

On April 8–9, left-wing activists from the "Democratic Coalition" organised a flash mob at the construction site of a memorial to the victims of Nazi occupation in Budapest. It was also reported that the Socialist Party is initiating a local referendum on the construction.

On July 23, an action to condemn the erection of a monument to the victims of Nazism was held in Budapest. Protesters argue that the monument removes Hungarian collaborationists of their responsibility. They formed a human chain, including representatives of the Socialist Party and the Democratic Coalition. Some protesters were throwing eggs. Leader of the Democratic Coalition accused Prime Minister Viktor Orban of scewing historical facts and desecrating the memory of Jews, Roma and all victims of the Holocaust.⁵⁰

On August 3, Hungarian Socialist Party held commemorative events dedicated to the Roma genocide.⁵¹

Minister of Justice Laszlo Trochsheni visited memorial events on Lake Grabler. There, in 1945, many Roma were executed in a local death camp. In his speech, Minister stressed that the Hungarian Basic Law protects the human dignity regardless of race or nationality. Cure

for hate is historical memory, he noted.⁵² On August 4, ecumenical service was held in Budapest to commemorate the Roma genocide and the tragedy in Kislet village, where neo-Nazis killed a Roma woman five years ago. Minister of Human Resources attended the event.⁵³

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Activities aimed at promoting tolerance and preventing extremism.	5	5	5
	Total for section 5	5	5	5

6. Position of migrants and society's attitude towards immigrants, foreigners, different ethnic groups

I n d i c a t o r s

- Presence and development of migration laws.

Article 14, Paragraph 3 of the Hungarian Constitution deals with asylum seekers and refugees, who are “subjected to persecutions in the country of their origin or permanent residence on the basis of their race, nationality, religious or political beliefs.” Fundamental laws governing migration in Hungary include the Law on Refugees, Law on Entry and Stay of foreign citizens, the Hungarian Citizenship Law and Education Law. Hungary does not have a separate law on migration.

Hungarian Law on refugees defines refugees and the basic criteria for the recognition of a refugee, an asylum seeker, or a person under temporary protection. In general, Hungarian legislation on refugees corresponds to EU standards in the field of refugee reception and application procedures. The law also prescribes the procedure for refugee status recognition. The law “On Entry and Stay of foreign citizens” prescribes rights and obligations to third country citizens in terms of entry and stay on the Hungarian territory. It also allocates responsibility and authority of various government bodies on regulating the entry and stay of foreign nationals. The law corresponds to the EU Directive 2004/38/EC “on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States.”

Foreign citizens who have permanent residence permits and refugees do not have to apply for work permits in Hungary. Temporary residents and asylum seekers must apply for work permits. The latter can apply only a year after their asylum application.

The Citizenship Law was modified in 2010, entering into force in January 2011. It simplifies the procedure of obtaining Hungarian citizenship for persons of Hungarian origin. For other persons, the proce-

cedure of obtaining citizenship remains rather difficult. Formally, they can only obtain it after living in Hungary for eight years with a permanent residence status (three years for spouses of Hungarian citizens). The citizenship application can also be rejected without explanation and with no right to appeal.⁵⁴

Amendments to the Citizenship Law were adopted in 2013, according to which the Hungarian permanent residence permit can be obtained in exchange for an investment of more than 300 thousand euro.

Furthermore, the law tightened requirements towards the candidates for refugee status and the internally displaced persons — the authorities reserve the right to send them home in the event that their application was rejected once. Previously, persons belonging to this category of immigrants had the right re-submit their statement for the second time.

Illegal migrants cannot apply for asylum or any other form of protection in Hungary.

Law on Asylum LXXX (2007) contains the term “persons in need of special treatment”, which prioritises asylum for unaccompanied children.⁵⁵

In 2014, Hungary adopted a Migration Strategy for 2014–2020.

- Government compliance with such legislation (law enforcement practice).

Legislation is generally complied with, while it should be noted that the modernisation of the Citizenship Law in 2010 has resulted in a sharp increase in new citizens, mainly due to ethnic Hungarians.

By the end of 2014, 670,000 people received citizenship. 66% of new Hungarian citizens were from Transylvania, 17% — Vojvodina, 14% — Transcarpathia.⁵⁶ On the other hand, around 500 thousand Hungarians immigrated to Western Europe.

In 2013, Hungary experienced a sharp increase in immigration from developing countries. Between January and August 2013, Hungary received 15,000 applications for asylum. In 2014, this number somewhat declined (4,846 people in Q1 and Q2 of 2014 compared to 11,607 over the same period in 2013). This resulted in huge deficits in Hungary’s migration system.

Refugees in Hungary do not receive free legal assistance during their applications; it is currently financed by the EU. Asylum seeker centres are lacking in translators and medical staff.⁵⁷

- Discriminatory practices against immigrants.

Asylum seekers are often detained under guard. However, after criticism from European institutions, the term for such detention was reduced to 6 months maximum. As of July 2014, 25% of asylum seek-

ers were placed under guard. As an alternative, asylum seekers are offered to pay bail — 2,000 euros, which is often too high. Unaccompanied children and teenagers are often housed with adults.

There are three centres for asylum seekers in Bekescsaba, Nyirbator and Debrecen. Living conditions in these centres are often more dire than in deportation centres.

Discriminatory practices against migrants also include compulsory requirement for passports for people who come for family reunification. This particularly affects refugees from Somalia and the surrounding region, whose documents are not recognised in Hungary.⁵⁸

- Use of ethnic crime as justification for discrimination against immigrants.

Hungarian nationalists often use the idea of “ethnic crime”, however their target is the Roma people, rather than immigrants.

- Social assistance for immigrants.

Economic and social rights are guaranteed to everyone in Hungary, and are therefore applied to both the citizens and the foreign nationals. However, this is not the case for the asylum seekers and temporary residents.

According to the Law on Refugees, asylum seekers have the right to receive medical care, as well as an obligation to undergo medical examination and, if necessary, receive medical treatment and vaccinations, which are mandatory in accordance to the sanitary-epidemiological norms and regulations.

Other categories of foreign nationals, when entering the Hungarian territory for more than three months, are required to have health insurance or proof of income sufficient to cover the potential cost of treatment in the country. Furthermore, according to the law on refugees, asylum seekers have the right to accommodation and basic assistance in refugee reception centres. Refugees must be placed in refugee centres, or any other facility specifically designed to accommodate refugees. Government support for refugees includes housing benefits if housing costs exceed 35% of the total family income.

According to the law on general education, children of foreign nationals are required to attend education institutions upon reaching school age, with the exception of children who reside in the country for less than a year.

Since January 1, 2014, refugees and persons under international protection can sign an integration contract, after which social workers can help them find work, accommodation and arrange language courses, as well as provide financial support. The term of the contract is 2 years, with the volume of support reducing every six months.⁵⁹

- Negative attitudes towards immigrants, foreigners, different ethnic groups.

A survey conducted in August indicated that 39% of Hungarians are opposed to immigration. Only 10% stated that all immigrants should be accommodated. 51% stated that this should be decided on a case-by-case basis. An interesting situation arises around the citizenship of immigrants. 67% of respondents are against Chinese immigrants, 78% are against Arabs. 70% of respondents were against immigrants from Romania.⁶⁰

In May 2014 the Anti-Defamation League released the results of its own research and produced an anti-Semitism index of different countries. Hungary took 30th place in this ranking out of possible 102.⁶¹ In a national survey 100 Global ADL⁶² 41% of respondents in 6 of the 11 points have expressed anti-Semitic statements. Researchers have found out, among other things, whether it is true that “Jews have too much power in the business world”, “Jews talk too much about what happened to them during the Holocaust” and “Jews think they are better than others people”. In Hungary men (55%) are more prone to anti-Semitism than women (28%). In terms of age, the most negative toward the Jews are young Hungarians (18–34 years old). In terms of comparison figures are higher in Hungary than in the Czech Republic (13%), Slovenia (27%), Russia (30%), Croatia (33%), Romania (35%) and Ukraine (38%), but lower than in Serbia (42%) and Poland (45%).

According to a public opinion poll conducted in November-December 2014, 27% of respondents expressed the belief that Jews are controlling the media and culture (11% fully agreed with this thesis, 16% — somewhat agreed). 31% (14% — fully, 17% — somewhat) believed in a secret Jewish organisation ruling over political and economic processes. 24% (9% — fully, 15% — somewhat) believed that Jews have too much influence in Hungary. 25% believed that Jews crucified Jesus Christ and 17% believed that their suffering was God’s punishment. 16% believed that Jews must be restricted in choice of profession. 20% thought it would be better if Jews left altogether.

Thus, we can conclude that 10–15% of the Hungarian population have firm anti-Semitic beliefs and around the same proportion have moderate anti-Semitic beliefs.⁶³

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Presence and improvement of migration laws.	5	5	5
×	Government’s compliance with such legislation (law enforcement practice).	5	5	5

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
-/×	Discriminatory practices against immigrants.	-5	0	-2.5
-/×	Use of ethnic crime as justification for discrimination against migrants.	-5	-5	-2.5
×	Social assistance for immigrants.	5	5	5
×	Negative attitude of the community towards immigrants, foreigners, various ethnic groups.	-5	-5	-5
	Total for section 6	0	5	5

7. Incitement of religious and ethnic hatred

I n d i c a t o r s

- Calls for ethnic and religious hatred in mass media and mass communications, graffiti.

Extreme right-wing party “Jobbik” owns several websites, where it actively promotes its views. These include: <http://kuruc.info>, <http://www.jovonk.info>, <http://alfahir.hu>, <http://hazai-palya.hu>, <http://www.szentkoronaradio.com>, <http://demokrata.hu>, <http://hunhir.info>, <http://kitartas.mozgalom.org>, and <http://paxhungarica.org>.

The party is also active on the social networks, particularly on Facebook.

On June 26, neo-Nazis screamed Nazi salutes and anti-Semitic chants at a group taking part in a memorial walk along the former Budapest ghetto.⁶⁴

On July 21, it was reported that one of the parents at a kindergarten, when voluntarily rebuilding the fence, painted “Jews are rats”.⁶⁵

- Presence and popularity of radical nationalist literature, films, music. Ultra-nationalist rock bands and their concerts.

Nazi rock subculture is quite popular in Hungary. A regular festival, Magyar Sziget, was held Veroco in August 2014. The festival is not only known as a major musical event organised for Hungarian radical nationalists, but is also popular among the many European far-right organisations.⁶⁶

During the festival, the city, as always, hosted a fair that openly sold Nazi symbols of the Third Reich, souvenirs and Hitler’s Mein Kampf, translated into several languages.

On a smaller scale, but also annually, Hungary hosts a similar festival called EMI. Of the nationalist rock bands, it is worth mentioning “Carpathia”.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Calls for ethnic and religious hatred in mass media and mass communications, graffiti.	-5	-5	-5
×	Presence and popularity of radical nationalist literature, films, music. Ultranationalist rock bands and their concerts.	-5	-5	-5
	Total for section 7	-10	-10	-10

8. Radical nationalist groups and parties

Indicators

- Presence of neo-Nazi and ultra-nationalist groups, movements, political parties (both in the centre and in the localities).

The oldest Hungarian radical right-wing party is the “Party of Hungarian Justice”. Created in 1990s, the party was able to actively promote its ideas in the parliament until 2002. Founder of the party, a well-known Hungarian playwright, poet, political activist and a no less famous anti-Semite, Istvan Csurka, died in February 2012. Currently, the party is promoting its views on the internet.⁶⁷

Party “For a Better Hungary” (Jobbik) was formed in 2003 under the leadership of Gabor Vona by the former members of the “Party of Hungarian Justice” who were unhappy with its policies. The party’s name consists of a play on words — word “Jobbik” has two meanings in Hungarian — “best” and “right”. Gradually, the party became a leading radical right wing party in Hungary, beating its predecessors from the “Party of Hungarian Justice” in their radicalism.

Along with Jobbik, Hungary has several other nationalist organisations, including the Hungarian Phoenix Movement (Magyar Főnix Mozgalom), “Army of Criminals”, “64 Regions Youth Movement”, “Self Defence for a Better Future”. On May 24, the first self-defence unit of the Association for a Better Future was established in Szaskhalombatta.⁶⁸

- Presence of discriminatory demands in the programmes of these parties and in the statements of their leaders towards the members of minorities.

The main slogan of the Hungarian Justice Party, which is apparently in decline since the death of its leader, is the traditional far-right slogan “Hungary for Hungarians”. This includes moderate anti-Semitism and no less moderate anti-Roma sentiments. The party opposes “foreign domination” and is characterised by its anti-communist and anti-socialist orientation.

“For a Better Hungary” (Jobbik) defines itself as radical and national-conservative party. Independent observers classify the Jobbik party as extreme right wing. The party actively uses anti-Roma, anti-Semitic, homophobic and anti-immigrant rhetoric, even though it officially denies anti-Semitic and homophobic ideology. In its manifesto, the party calls for the recognition of the term “gypsy crime” and combating it. The leader of the party, Gabor Vona, also calls for gypsy birth control and forced transfer of Roma children “of lazy parents” to boarding schools.²

The Hungarian Phoenix Movement is also primarily anti-Roma.

Hungarian National Front aims to deport all Roma from the country, which they say they can achieve in 24 hours after coming to power.⁶⁹ 64 Region Youth Movement demands restoration of Austro-Hungarian Empire frontiers.

- Neo-Nazi and radical nationalist influence over the civil society, including oppositional and human rights organisations.

Jobbik party manages to convert xenophobic sentiments in the society into votes, currently supported by 20% of the population. On April 6 parliamentary elections, Jobbik gained 21% of votes.⁷⁰ In the European Elections, Jobbik took second place with 15% of votes and 3 seats in the European Parliament.⁷¹

- Neo-Nazi and radical nationalist influence over the local legislative/executive bodies.

Currently, Jobbik party controls eight Hungarian city councils — Hentsida, Tizavasvari, RideHodaz, Bekeshtsentandrashi, Dendespat, Miskolc, Osorio and Sekshfehervar. Thus we can conclude that nationalists have limited influence over the local governments.

- Neo-Nazi and radical nationalist influence over the central legislative and executive bodies.

Jobbik received 21% of votes on April 6 parliamentary elections. However, because parliament was elected on a mixed system and in single-seat constituencies the party was unable to elect their representatives, Jobbik only passed 23 MPs into parliament, compared to 47 in 2010.⁷²

However, Tamas Snaider, former leader of a neo-Nazi organisation in Eger was elected as a parliamentary speaker,⁷³ supported by Jobbik

and the ruling Fidesz party. Chairman of the Jobbik party Gabor Vona told ATV that he is unaware whether Mr Snaider was a skinhead or not and warned journalists to avoid false accusations.⁷⁴

The ruling Hungarian Civic Union (Fidesz) is tacitly supporting Jobbik in its radical initiatives, while openly speaking against xenophobia. In order to keep the more nationalist part of their electorate, Fidesz sometimes uses xenophobic rhetoric. Thus, we can conclude that the Jobbik party has a certain influence on the central politics in Hungary.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Presence of neo-Nazi and ultra-nationalist groups, movements, political parties (both in the centre and in the localities).	-5	-5	-5
×	Presence of discriminatory demands in the programmes of these parties and in the statements of their leaders towards the members of minorities.	-5	-5	-5
-/×	Neo-Nazi and radical nationalist influence over the civil society, including oppositional and human rights organisations.	-5	-5	-2.5
-/×	Neo-Nazi and radical nationalist influence over the local legislative/executive bodies.	-5	-5	-2.5
-/×	Neo-Nazi and radical nationalist influence over the central legislative/executive bodies.	-5	-2.5	-2.5
	Total for section 8	-25	-22.5	-17.5

9. Public actions of extremist and nationalist groups

Indicators

- Neo-Nazi and radical nationalist participation in mass actions prohibited by the authorities.

On February 13, Jobbik MP Tamas Gaudi-Nagy and MP and former Jobbik member Balazs Lenhardt ceremoniously stole and defenestrated two European Union flags from the parliamentary assembly hall to protest the sale of agricultural land to non-Hungarians.

On April 9, Tamas Gaudi-Nagy attended Council of Europe Assembly wearing a t-shirt, saying “Crimea legally belongs to Russia! Transcarpathia legally belongs to Hungary!” and said that Ukraine is an “artificial state.”⁷⁵

On June 26, neo-Nazis shouted “Sieg Heil” and “stinking Jews” towards a group who took part in a memorial walk in the former Jewish ghetto in Budapest.⁷⁶

- Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities.

On February 15, nationalists held a Day of Honour parade in Budapest, dedicated to Hungarian Waffen SS.

On March 27, 200 to 300 people gathered near Hungarian Foreign Ministry, holding banners demanding self-determination for Transcarpathia and incorporation of the region into Hungary. The demonstration was supported by the Jobbik party, which introduced a corresponding petition in parliament.⁷⁷

On June 15, Hungarian National Guard held a march in Budapest, under the slogan “God, Homeland and Freedom.”⁷⁸

There have been several armed nationalist marches in villages populated by Roma.⁷⁹

- Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities, with the participation of representatives from the legislative or executive bodies, law enforcement and security agencies.

Nationalist actions are often actively attended by Jobbik MPs.

- Presence of “football xenophobia” and racism amongst sports fans.

Racist and anti-Semitic sentiments predominate in the field of Hungarian sports.

Most notable case in 2014 occurred in September. Football coach Attila Vago made anti-Semitic statements during a football game.⁸⁰

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Neo-Nazi and radical nationalist participation in mass actions prohibited by the authorities.	-5	0	-5
×	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities.	-5	-5	-5
×	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities, with the participation of representatives from the legislative or executive bodies, law enforcement and security agencies.	-5	-5	-5
-/×	Presence of “football xenophobia” and racism amongst sports fans.	-5	-5	-2.5
	Total for section 9	-20	-15	-17.5

10. Racist attacks, violence and terror

I n d i c a t o r s

- Vandalism in cemeteries, attacks on religious buildings.

There were 15 cases of xenophobic vandalism in 2014 (4 in 2013). All were anti-Semitic in nature.

On May 9, it was reported that a Jewish cemetery in Sikso has been desecrated.⁸¹

On July 21, it was reported that one of the parents at a kindergarten, when voluntarily rebuilding the fence, painted “Jews are rats”.⁸²

On July 29 and 31, and August 16, anti-Semitic graffiti were discovered in Budapest.⁸³

On August 1, Holocaust Memorial in Budapest was desecrated.⁸⁴

On September 6, vandals desecrated a Holocaust memorial on the bank of River Danube in Budapest.⁸⁵

On September 10, an anti-Semitic sticker was found near an Israeli centre in Budapest.⁸⁶ On the same day, anti-Semitic graffiti was found at a playground in the capital.⁸⁷

On September 22, swastikas were found in public toilets in the Budapest Central Park.⁸⁸

On September 29, anti-Semitic graffiti was found on an election poster to the city council.⁸⁹

On October 26, anti-Semitic graffiti was found on the photo of a theatre director Miklos Gabor.⁹⁰

On November 25 and December 7, anti-Semitic graffiti was found in Budapest.⁹¹

On December 8, a group of vandals damaged the fence of the Small Synagogue in Budapest.⁹²

- Inter-ethnic clashes instigated by xenophobia and radical nationalism.

No such cases has been recorded in 2014.

- Cases of violence, including murder on racial, ethnic and religious grounds.

A Jewish teenager was assaulted in Budapest on June 27.⁹³

On July 5, Jobbik supporters and 64 Regions Youth Movement tried to attack a gay pride event in Budapest, but were stopped by the police.⁹⁴

- Nationalist or religious terrorist attacks.

There were four cases in 2014 that fall under this category. Luckily there were no casualties.

In May, nationalists threw Molotov Cocktails at a Roma house.⁹⁵

On July 27, unknown offender threw a smoke bomb at a pro-Israeli demonstration.⁹⁶

On November 13 and 14, shots were fired at a Jewish school in Budapest.⁹⁷

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Vandalism in cemeteries, attacks on religious buildings.	-5	-5	-5
-	Interethnic clashes instigated by xenophobia and radical nationalism.	-5	-5	0
×	Cases of violence, including murder on racial, ethnic, and religious grounds.	-5	-5	-5
-	Cases of hate-driven murders	0	0	0
×	Nationalist or religious terrorist attacks.	0	0	-5
	Total for section 10	-15	-15	-15

11. Presence, popularity and size of anti-fascist and anti-racist movements

Indicators

- Presence of anti-racist and anti-Nazi movements and parties.

One of the oldest Hungarian antifascist NGOs is the Hungarian Association of Resistance Fighters and Antifascists (MEASZ)⁹⁸ — founded on May 15th 1945, a week after the surrender of Nazi Germany.

MEASZ's objective is combating racism, anti-Semitism and any forms of hate, as well as opposing the falsification of history and glorification of Nazism

Other antifascist organisations include the Civic Movement against Fascism, the Antifascist League, the New Socialist Movement and the Left Feminist Network, who successfully coordinate their activities with each other

Antifascist position is also occupied by the anti-globalists of the Hungarian Social Forum, which mainly stands on anarchistic positions. Antifascist positions are also supported by the Hungarian Solidarity Movement, founded in October 2011 and joined the new left-wing political electoral alliance "Together 2014" in March 2012. The Party of Free Democrats, the Democratic Party, the Workers' Party of Hungary 2006, the Green Party and many others, also stand on anti-fascist positions.

- Anti-racist and anti-fascist movement activities (pickets, rallies, demonstrations).

On February 15, antifascists blocked the fascist Day of Honour, dedicated to Hungarian Waffen SS, in Budapest.

On July 23, an action to condemn the erection of a monument to the victims of Nazism was held in Budapest. Protesters argue that the monument removes Hungarian collaborationists of their responsibility. They formed a human chain, including representatives of the Socialist Party and the Democratic Coalition. Some protesters were throwing eggs. Leader of the Democratic Coalition accused Prime Minister Viktor Orban of skewing historical facts and desecrating the memory of Jews, Roma and all victims of the Holocaust.⁹⁹

- Anti-racist and anti-fascist movement activities (pickets, rallies, demonstrations).

On May 9, the European Roma Rights Centre (ERRC) sent a letter to ECRI and CoE Commissioner for Human Rights to draw attention to judge Erika Musa, who said that Roma crime is a real anomaly.¹⁰⁰

On June 2, the Council on Ethics of the Hungarian Association of Judges found the actions of Judge E. Musi, who said that “an anomaly of Roma crime existed”, go beyond professional ethics, since it was made part of a value judgment, which was reflected in the sentence. The resolution calls on the employer to possibly suspend the judge.¹⁰¹

In 2014, a film called “Justice in Hungary” (Ester Haidu, 2013) was screened across the country. The film focuses on trials over criminals who attacked Romani people.¹⁰²

In January, Association of Hungarian Jewish Organisations (Mazsihisz) published a statement that said: “We are shocked and outraged by government’s support for Veritas. We believe that falsification of history must result in the resignation of the director of the institute.” They urged not to use the 70th anniversary since the Holocaust for election purposes.¹⁰³

On May 28, the President of Catholic Bishops’ Conference of Hungary, Cardinal Peter Erdo stated that a “special” friendship was established between Judaism and Christianity¹⁰⁴

On July 27, several thousand residents of Budapest came to the Great Synagogue to express solidarity with Israel. The demonstration of solidarity was organised by the Jewish Federation and several Christian organisations.¹⁰⁵

On October 7, it was reported that coach of women’s football team Attila Vago was disqualified for making anti-Semitic remarks.¹⁰⁶

On July 5, a gay pride event was held in Budapest, attended by approximately 10,000 people and supported by more than 700 NGOs.¹⁰⁷

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Presence of antiracist and anti-Nazi movements and parties.	5	5	5
×	Antiracist and antifascist movement activities (pickets, rallies, demonstrations).	5	5	5
×	Presence of antiracist and antifascist civic initiatives.	0	5	5
	Total for section 11	10	15	15

12. Glorification of German National Socialism and collaborators of Nazi Germany, historical revisionism, Holocaust denial

I n d i c a t o r s

- Glorification of German National Socialism and/or its collaborators in the media, desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition.

Hungary glorifies Admiral Horthy — Hitler’s ally, dictator, responsible for the Holocaust and murders of civilians in Serbia and other countries. Meanwhile, Hungary’s role in the Second World War and its responsibility for war crimes are usually glossed over. The Hungarian nation, in this media, is presented as a victim forced to pay debts for the crimes of Nazi Germany.

After Latvia and Estonia, Hungary is another European country — member of the EU and NATO — that holds events in honour of Waffen SS soldiers

In January, new neo-Nazi party — Hungarian Dawn — presented an initiative to erect a monument to WW2-era Hungarian fascists in Budapest.

On February 15, nationalists organised a Day of Honour parade in Budapest, dedicated to Hungarian Waffen SS.

- Glorification of German National Socialism and/or its collaborators with the support of local authorities, demolition of monuments to soldiers of the anti-Hitler coalition, erection of monuments to the soldiers of Wehrmacht and Nazi butchers.

No such cases have been recorded in 2014.

- Glorification of German National Socialism and/or its collaborators in the decisions made by the authorities.

No such cases have been recorded in 2014.

- Historical revisionism, Holocaust denial.

On January 17, new director of the Veritas institute of Historical Studies Sandor Szakali described the events in Kamenets-Podolsk in 1941, where almost 20 thousand Hungarian Jews have been executed, called it an “administrative measure towards illegal immigrants.¹⁰⁸ He was later forced to apologise, saying that he used the wrong term. In July, however, he said that anti-Semitic laws of Horthy’s regime were not as restrictive as, for example, communist deportations in 1946.¹⁰⁹

A common theory in Hungary is the portrayal of the country as a victim, when all responsibility for the destruction of Jews is laid on Nazi Germany, while the role of collaborationists is downplayed. Thus, Holocaust memorial in Budapest makes no mention of Hungary’s involvement in the Holocaust, which sparked heavy criticism from Jewish organisations,

“The government is deliberately trying to remove the responsibility for the death of Hungarian Jews from Horthy’s fascist regime. Hungarian Nazis were actively involved in mass executions of the Jewish population and in deportations of Jews to death camps. These facts should be noted on every monument to the victims of Nazism,” stated the President of the Hungarian Jewish Community Andras Heysler on January 13.¹¹⁰

On April 8, a flash mob was staged in Budapest to protest against the monument.

On May 22, the President of the International Council of Jewish Parliamentarians Eliot L. Engel urged the Hungarian Prime Minister Viktor Orban to reconsider the plans to build a controversial monument dedicated to the memory of the victims of the Nazi occupation of Hungary in Budapest.¹¹¹

Federation of Hungarian Jewish Communities decided not to take part in the official events dedicated to the 70th anniversary of the Nazi occupation. In response, Minister Benc Retvai said on April 9 that “extremists” must stop disrupting public order, because the government’s position was supported by the people in the elections.¹¹²

On June 4, the Prime Minister Viktor Orban, in response to a letter from the International Council of Jewish Parliamentarians, stated: “It was decided in Hungary to pay a moral and spiritual tribute to the members of the Jewish community, who lived with us throughout history and have become an integral part of the Hungarian nation. We have created the Holocaust Museum, we have introduced the Holocaust Memorial Day and we have declared zero tolerance for anti-Semitism... The monument you mentioned that we are building for the 70th anniversary of the German occupation of Hungary, marks the tragedy of the loss of state sovereignty and is not a memorial to the Holocaust... The inscription on the monument clearly says: “The

German occupation of Hungary, 19 March 1944, in memory of the victims.”¹¹³

On July 20, the monument was set up at the Freedom Square in Budapest, which sparked a new wave of protests.¹¹⁴

Revisionism of the Holocaust has wide support among the public in Hungary. According to the December 2014 survey, 60% of people agreed that Hungarians suffered as much as Jews in the Second World War. 12% did not believe there were gas chambers in Nazi concentration camps. 59% believed that compensations to Jewish victims are unjustified. 36% believed that Jews are trying to profit from their suffering. 38% believed that the Hungarian state should not be held responsible for the mass execution of Jews and 23% believed that the number of victims was grossly exaggerated.¹¹⁵

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Glorification of German National Socialism and/or its collaborators in the media, desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition.	-5	-5	-5
-	Glorification of German National Socialism and/or its collaborators with the support of local authorities, demolition of monuments to soldiers of the anti-Hitler coalition, erection of monuments to the soldiers of Wehrmacht and Nazi butchers.	-5	-5	0
-	Glorification of German National Socialism and/or its collaborators in the decisions, made by the authorities.	0	0	0
×	Historical revisionism, Holocaust denial.	-2.5	-5	-5
	Total for section 12	-12.5	-15	-10

13. Persecution of veterans and partisans of the anti-Hitler coalition

Indicators

- Public calls for repression against the veterans and partisans of the anti-Hitler coalition, as well as anti-fascists.

No such cases have been recorded in 2014.

- Restrictions on human rights and anti-fascist organisations, bans to entry or exit imposed on anti-fascists, inaction of the authorities.

No such cases have been recorded in 2014.

- Criminal prosecution of veterans, partisans of the anti-Hitler coalition and anti-fascists.

No such cases have been recorded in 2014.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
–	Public calls for repression against the veterans and partisans of the anti-Hitler coalition, as well as anti-fascists.	0	0	0
–	Restrictions on human rights and anti-fascist organizations, bans to entry or exit imposed on anti-fascists, inaction of the authorities.	0	0	0
–	Criminal prosecution of veterans, partisans of the anti-Hitler coalition and antifascists.	0	0	0
	Total for section 13	0	0	0

14. International Aspect

Indicators

- Participation of the monitored countries in the most significant international agreements on combating racism and discrimination against ethnic minorities.

Hungary acceded to all important agreements on combating racism and discrimination, except the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

- Accession to new international agreements and resolutions of various international organisations, aimed at combating Nazism, combating discrimination, or protecting minority rights.

Hungary had not joined any such agreements in 2014.

- International statements and initiatives against discrimination, neo-Nazism and xenophobia made by the monitored countries and their leading politicians.

No such cases have been recorded in 2014.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Participation in significant international agreements on combating racism and discrimination of ethnic minorities.	5	5	5

Table, cont.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
–	Accession to new international agreements and resolutions of various international organizations, aimed at combating Nazism, combating discrimination, or protecting minority rights.	0	0	0
–	International statements and initiatives of the monitored countries and their leading politicians, aimed against discrimination, neo-Nazism and xenophobia.	5	5	0
	Total for section 14	10	10	5

CONCLUSION

Implications for the development of the country and society, based on the analysis of factors and taking into account the aspects listed below.

Hungary's position in the radical nationalism rating has not changed since 2013. Nevertheless, it is worth noting the reduction in radical nationalist influence over the civil society and the local government, as a result of government's efforts to combat xenophobia and hate speech.

At the same time radical nationalist parties maintain high levels of support; discrimination of Roma continues; and xenophobic vandalism is on the rise. This and several cases of violent hate attacks indicate that the situation remains very tense. Glorification of pro-Nazi collaborationists and revision of the Holocaust history continues to be a large issue in the country.

1. Human Rights

- *Guarantees against any form of discrimination towards minorities.*

Formally, the Hungarian law guarantees minority rights. Hungarian Constitution, the Criminal Code, and the Law on Equal Treatment and Equal Opportunities are the components of the anti-discrimination legislation, which contain the basic rules aimed at protection of minority rights. Therefore, the Hungarian anti-discrimination and anti-racist legislation complies with European standards.

At the same time, Hungarian authorities are passive towards the discrimination of Roma. Police exhibited an impermissible tolerance towards the members of neo-Nazi and radical nationalist groups, who slighted Roma on the streets of Hungarian cities, held anti-Roma marches accompanied by insults and vandalising Roma property. The segregation of Roma in Hungarian education system, which has only worsened under Fidesz's government, also contradicts both Hungarian legislation and European standards.

- *Adherence to norms of the fundamental human rights instruments (European Convention for the Protection of Human Rights and Fundamental Freedoms, European Charter on Human Rights, as well as in adherence to the Framework Convention for the Protection of National Minorities and the European Commission against Racism and Intolerance, etc.).*

Hungary acceded to the main international agreements aimed at protecting minority rights, and generally follows their provisions. However, in practice, discrimination of minorities, especially Roma, in the field of employment and education, contradicts the country's international commitments.

- *Rights and freedoms of ethnic minorities compared to the titular nation.*

Such differences do not exist on the legislative level, but it does take place in the law enforcement practices. This primarily concerns the Roma minority, who are subjected to discrimination in employment and education and the aggressive actions of nationalist groups such as the parliamentary party Jobbik.

- *Legislation enshrining inequality of minorities.*

Hungary lacks legislation providing responsibility for racist and neo-Nazi activities. The law "On freedom of conscience and belief, church, religion and religious organisations" is blatantly discriminatory.

- *Rulemaking in protection of minorities.*

No such cases have been recorded in 2014.

- *Freedom of speech violations.*

Mass Media Law poses a clear violation of the freedom of speech, as it provides for the establishment of a state supervisory body with the authority to impose fines on media outlets for violating the "po-

litical balance”. The law is criticised as an instrument to pursue free press.

Decision of the Constitutional Court on the responsibility of content providers for the comments on their websites, regardless of moderation, discourages websites from publishing controversial news.

- *Legislation and law enforcement practices concerning immigrants.*

Hungarian immigration legislation complies with the European norms; however, it its own specifics. After the adoption of the new Citizenship Law in 2010, the government immigration policy was aimed at attracting the ethnic Hungarians living abroad, at the expense of non-Hungarian immigrants. The procedure for obtaining Hungarian citizenship was simplified for the ethnic Hungarians, which resulted in Hungary becoming an ethnocentric state, gathering its people like Israel or Germany.

However, Hungary does not insist on relocation of new citizens into the country (currently 0.5 million new citizens live abroad). This causes some tensions with the neighbouring counties, particularly with Romania and Ukraine.

Unlike many other countries, Hungary provides these citizens with rights to vote from abroad. Given that majority of them hold right wing and moderately nationalistic views, this policy is clearly designed to expand the ruling Fidesz party’s electorate.

2. State of society

- *Risk of violation or non-compliance with the acting laws aimed at protecting the rights of minorities; risk of discriminatory practices against minorities.*

Discriminatory practices against the Roma and frequent cases of anti-Semitism, encouraged by the radical right-wing politicians and neo-Nazi groups, gradually lead to the fact that several hundreds of thousands Hungarian citizens begin to feel alienated from the society. In fact, this policy is aimed at “squeezing out” the Roma and Jewish minority from the country. This undermines the stability of the society and creates preconditions for escalated conflicts between the majority and the minority, as well as emigration from the country.

- *Self-determination — how manifestations of xenophobia and extremism affect the identity of minorities; majority’s attitude towards minorities (growth of social phobias).*

The two most discriminated groups in Hungary are the Roma and Jewish minorities. These two ethnic groups are the targets of radical nationalists' attacks. Hungarian society perceives Roma and Jews as undesirable, criminal communities who are leeching of Hungarian people.

3. Socio-economic development of the country

(Do manifestations of various forms of xenophobia and extremism affect the socio-economic development of the country).

- *Standard of living.*

In terms of standard of living, Hungary ranks at a fairly high 41st.¹¹⁶ GDP growth in 2014 was 3.5%, while unemployment was relatively low at 7.1% (17% among youth).¹¹⁷ During the monitored period, xenophobic sentiments had no influence on the economy.

- *Economic turmoil and instability.*

Hungarian economic problems and economic instability were unrelated to xenophobia and intolerance in the country.

- *Decline in production growth, emigration of the labour force.*

Hungary's already difficult economic situation was aggravated by the 2008 financial crisis. The overall production decline during 2008–2013 caused many employable residents to leave the country

4. Security and geopolitical stability in the region

- *Political stability in the country.*

The split of Hungarian society, exacerbated by radical right-wing parties, has already led to a breach of inter-ethnic peace in Hungary. Protests of the Roma and Jewish communities clearly indicate that relationship between the titular majority and ethnic minorities are far from ideal. This undermines the political stability in the country and creates conditions for the aggravation of conflicts in the society.

- *Impact of xenophobia and extremism in the country on external security, relations with third countries and the international security in the region as a whole.*

Policy of awarding citizenship to ethnic Hungarians living abroad, along with some statements about the need for Hungarian autonomies, cannot but cause concern in the neighbouring countries, who fear for their territorial integrity.

RECOMMENDATIONS

1. *General recommendations for the accession to international agreements and conventions*

Hungary has issues with revision of World War Two history, which affect not only the Hungarian society, but also the international community. In this regard, Hungary should support the UN General Assembly Resolution A/RES/67/154 “Glorification of Nazism: the inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance”, as it will have a positive impact on the international image of the country.

2. *General recommendations for adjustments to the legal framework*

Hungary is recommended to adopt further amendments to the Criminal Code, which would classify racist motives as aggravating circumstances in the commission of any crime. In addition, the country needs a law providing responsibility for neo-Nazi activities, as well as a law aimed against the denial of war crimes. This would allow to effectively combat neo-Nazi organisations seeking to glorify Waffen SS and Horthy’s fascist regime.

3. *General recommendations for the executive bodies in the field of enforcement of law and human rights*

Hungary needs to substantially adjust its law enforcement practice towards manifestations of xenophobia and radical nationalism. First, the country needs to have full and publicly available statistics on hate crime. It is necessary to abandon the practice of classifying such crime as domestic. Based on the experience of other countries, this only drives the problem deeper. Public statistics would allow to combat hate crime and general intolerance more effectively.

It is necessary to intensify the preventative community outreach to counter ethnic tensions and prevent hate crime. It is also important to develop a system of law enforcement training, aimed at immediate identification and response to hate crime.

Development of a system to counter indirect discrimination of national minorities in education and employment is also necessary to end the Roma segregation in secondary education and employment in Hungary. It is also useful to study the experience of other countries to improve representation of minorities in government bodies.

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SUMMARY OF INDICATORS FOR 2012–2014

Nº	Criteria	Score in		
		2012	2013	2014
1	Legislation (central, regional, municipal) and law enforcement practices that contribute to the development of radical nationalism	-10	-15	-15
2	Xenophobia and inflammatory statements by members of the authorities and media	-5	-5	-5
3	Legislation and law enforcement practice preventing the development of radical nationalism	15	15	12.5
4	Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism	5	5	5
5	Activities aimed at promoting tolerance and preventing extremism	5	5	5
6	Position of migrants and society's attitude towards immigrants, foreigners, different ethnic groups	0	5	5
7	Incitement of religious and ethnic hatred	-10	-10	-10
8	Radical nationalist groups and parties	-25	-22.5	-17.5
9	Public actions of extremist and nationalist groups	-20	-15	-17.5
10	Racist attacks, violence and terror	-15	-15	-15
11	Presence, popularity and size of anti-fascist and anti-racist movements	10	15	15
12	Glorification of German National Socialism and collaborators of Nazi Germany, historical revisionism, Holocaust denial	-12.5	-15	-10
13	Persecution of veterans and partisans of the anti-Hitler coalition	0	0	0
14	International Aspect	10	10	5
	Total	-47.5	-42.5	-42.5

REPUBLIC OF IRELAND

ASSESSMENT CRITERIA FOR FACTORS OF STABILITY/INSTABILITY

1. Legislation (central, regional, municipal) and law enforcement practices that contribute to the development of radical nationalism

I n d i c a t o r s

- Discriminatory legislation affecting minorities residing in the country in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.

Defamation Act (2009) includes blasphemy as a punishable offence.¹ Such offence is punishable by a fine of up to 25,000 euros.²

- Legislation restricting the voting rights of permanent residents of the country on the basis of ethnicity or country of origin.

Ireland had no such legislation in 2014.

- Presence of legal norms and other regulations that legalize the radical nationalist ideology, its attributes and practices, as well as their distribution in the mass media and mass communication.

Ireland had no such legislation in 2014.

- Discriminatory practices against minorities in the field of registration, mobility, business, employment, education, housing, healthcare, religion, etc.

There is a relatively high level of intolerance towards Roma. They often face discrimination in employment, access to housing, education, healthcare and social welfare.³ Most notable case occurred in 2013, when the authorities tried to take away two girls from a Roma family, suspecting them being kidnapped due to their “white” appearance. Police acted without preliminary investigation, guided by an anonymous tip.⁴

The so-called Traveller community (travelling Roma) face similar problems. In January, it was reported that police had entered 40 Traveller families into the PULSE police database, including a 16-year-old minor.⁵

LGBT discrimination has also been noted. A report by GLEN (Gay and Lesbian Equality Network), published in late February 2014 has revealed that almost one-in-three lesbian, gay and bisexual workers in Ireland are faced with harassment at their workplace.⁶ 10% of LGBT employees in Ireland reported they had already left a job due to homophobic or transphobic discrimination.⁷

Transgender people are able to change their names and gender in passports, but are unable to receive a corresponding birth certificate or other official documents. To receive a new passport, they must provide evidence of gender-reassignment operation. They also face problems when some of their documents are obsolete and cannot be updated after gender reassignment, resulting in difficulties with access to employment, education and social welfare. According to the Basic Rights Agency report, published in 2012, 58% of transgender people have faced discrimination in 12 months.⁸

Presence of Criteria	Indicator	Score
×	Discriminatory legislation affecting minorities residing in the country in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.	-5
-	Legislation restricting the voting rights of permanent residents of the country on the basis of ethnicity or country of origin.	0
-	Presence of legal norms or other normative documentation, which legalises the ideology of radical nationalism, its attributes and practices, as well as their distribution in the mass media and mass communication.	0
×	Discriminatory practices against minorities in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.	-5
	Total for section 1	-10

2. Xenophobia and inflammatory statements of the government and the media

Widespread xenophobic sentiments have been noted among the Irish police.

A report published on August 1st reveals that victims of racism are reluctant to notify the police of the crimes they suffered, and, that a

majority of those victims interviewed characterised their encounter with the police as negative. Negative responses by Gardai to reports of racist crimes have been found to include the misidentification of racist incidents, to Garda actively refusing to take statements from victims of racism.⁹

One of Irish political parties also made xenophobic statements. During local Irish elections, the radical nationalist party “Fianna Fail” was heavily criticized for issuing racist pamphlets opposing the placement of nomads in the Dun Laoghaire Rathdown.^{10, 11}

Candidates from the Fine Gael party made calls against Roma and other Travellers during their electoral campaign to the European Parliament.¹²

There have been xenophobic statements on the social media. A Facebook group was created to expel “gypsy criminals”, proposing to “burn the cockroaches”.^{13, 14}

Presence of Criteria	Indicator	Score
×	Xenophobia and inflammatory statements of the government and the media.	-5
	Total for section 2	-5

3. Legislation and law enforcement practice preventing the development of radical nationalism

Indicators

- Presence of anti-Nazi, anti-racist and anti-extremist legislation; legislation aimed against the incitement of ethnic and religious hatred in the country.

According to Article 44 of the Constitution of Republic of Ireland, the state shall not patronise any religion, there shall be no discrimination based on religious affiliation, faith or position (including discrimination of schools). It notes that every religion has the right to manage its own affairs, own, purchase and manage assets and organise religious and charity organisations.¹⁵

On July 20, 2010, Ireland legalised same-sex civil partnerships.¹⁶

In 2013, Ireland signed a resolution that instructed schools to combat racism among students.¹⁷

On July 27, 2014, Ireland instituted a Commission for Human Rights and Equality. The Commission will constitute of 12–15 people appointed by the president for the term of no more than 5 years. Human Rights and Equality Commission will engage in facilitating respect towards human rights and equality, organise corresponding promo-

tional events, anti-discrimination projects and facilitate integration. It will also consider cases of discrimination of various groups and will have the right to appeal to court on their behalf. The Commission will prepare reports and recommendations for the government and advise the Supreme Court.¹⁸

On the other hand, Ireland practically lacks criminal legislation regarding hate crime. On June 18th, the Transgender Equality Network Ireland (TENI) also deplored the lack of hate crime legislation in the country, which had given Irish society a “permission to hate”. The warning came as TENI released a new report which documented 32 incidents of violence or discrimination against transgender persons.¹⁹

- Presence and development of anti-discriminatory legislation.

Discrimination in the workplace is covered by the Equality in Employment Act (1998) and Equal Status Act (2000). Both punish direct and indirect discrimination based on race, ethnicity, gender, nationality, age, sexual orientation, religion (excluding religious educational institutions), and disability.²⁰

- Compliance of the government (central, regional, municipal), law enforcement and judiciary with anti-Nazi, anti-racist, anti-extremist, anti-discriminatory and hate crime legislation.

In 2014, Ireland instituted a Human Rights and Equality Commission, which will ensure protection for various vulnerable groups of people. The Commission is a response to previous UNHRC comments.²¹

Ministry of Justice and Equality is engaged in protecting the rights of vulnerable groups.

Cases related to discrimination are considered by the Tribunal for Equality in the Workplace, the decisions of which are compulsory. Statute of limitations for such cases is 12 months. The decision of the court could be appealed in a regional court. Victims of discrimination may be compensated with up to two year’s worth of wage. In addition, the accused party may be fined for up to 25,000 euros, or imprisoned for up to 2 years.²²

In 2000, Irish police set up a department for national and cultural diversity, which is responsible for coordinating and advising in all aspects of police work. Since 2002, police started appointing special liaisons with minority communities to gather information about hate crime and discrimination and support victims of such crime.²³

However, due to negative attitudes among the police officers towards minorities, victims of hate crime rarely report such offences to the authorities. In addition, police sometimes misidentifies racist incidents and is reluctant to consider victims’ reports.²⁴ For example, po-

lice are not considering reports of attacks on the Travellers community as hate crimes.²⁵

iReport.ie says that 5 out of 6 witnesses of xenophobic incidents are reluctant to appeal to the police or other authorities. One of the reasons is the excessively bureaucratic system of application.²⁶

According to ENAR, police received only 87 reports of xenophobic incidents (out of approximately 400). Only 19 cases have been given a positive response; 42 — negative and 16 — neutral. Another 10 cases got no response at all.²⁷

Police is not treating race crime in accordance to the normative acts. Department for Race Crime is not fully set up.²⁸

It has been revealed on July 21 that ethnic minority applications to join the police force in Ireland are down to 2.3%, compared with almost 15% 9 years ago. Critics say this suggests a deterioration in the relationship between Garda and some ethnic minority communities, which means people from those communities are less willing to apply.²⁹

Minorities remain underrepresented in the executive bodies — less than 1% (given that 15% of the population are ethnic minorities). Out of 1627 seats in regional parliaments, only 4 are occupied by ethnic minorities.³⁰

- Hate crime (criminal cases against organisers and participants, guilty verdicts).

On January 21, two Irishmen have been found guilty of racial abuse of the former professional football player Andy Cole during a Manchester-bound flight from Dublin.³¹

Also on January 21, a Lithuanian worker who had been fired from her workplace for reporting racist abuse by a costumer, has been awarded a compensation of 34,000 Euros by the Employment Equality Tribunal. While working at a supermarket, Kristina Kukstaite had been verbally abused twice by a customer, whom she reported to the Gardai. Her employer fired her for notifying the police.³²

- Misuse of anti-extremism legislation.

No such cases have been recorded in 2014.

Presence of Criteria	Indicator	Score in
×	Presence of anti-Nazi, anti-racist and anti-extremist legislation; legislation aimed against the incitement of ethnic and religious hatred in the country.	5
×	Presence and development of anti-discriminatory legislation.	5

Presence of Criteria	Indicator	Score in
-/×	Compliance of the government (central, regional, municipal), law enforcement and judiciary with anti-Nazi, anti-racist, anti-extremist, anti-discriminatory and hate crime legislation.	2.5
-/×	Struggle against hate crime (criminal cases against organisers and participants, guilty verdicts).	2.5
-	Unlawful use of anti-extremist legislation.	0
	Total for section 3	15

4. Statements of government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism

On January 27, Irish Justice Minister Alan Shatter, in a speech marking National Holocaust Memorial Day, condemned the rise of parties of the extreme political right, observing that “Holocaust Denial is the favourite sport for some”.³³

On March 23, Sinn Fein party dismissed K. O’Reily for posting anti-Travellers posts on Facebook.³⁴

Members of the Fianna Fail party, including their leader Michael Martin, condemned racist remarks of the party agitator.³⁵

On June 4, Irish Senate held debates on the problems of racism and noted the lack of basic legislation on hate crime. Senator Mac Conghail brought in a motion which aimed at dealing racist crimes more thoroughly. The lack of any centralised mechanism for recording racist incidents was also highlighted. The motion proposed the establishment of a centralised database, a review of the Prohibition of Incitement to Hatred Act (1989) to introduce provisions to deal with racist crimes, to ratify the European Convention on Cybercrime and the Additional Protocol on online racism and to develop a new National Action Plan to combat racism. However the motion failed to be passed, while the Irish government brought in a counter-motion which, while also aimed at tackling racism, eschewed placing any demands on new pieces of legislature to be passed.³⁶

On August 11th, the Irish Minister of State for Equality, New Communities and Culture, Aodhán Ó Ríordáin, went on record calling the heavily criticised direct provision system “not humane”. He went on to declare that he would not “stand over a system of people living in limbo for years on end.” He went on to stress the need for reforms to

the system, which asylum seekers see as an evidence for institutional racism in Ireland”.³⁷

Authorities had a tough reaction to the events in Waterford on October 29, when nationalists attacked a group of travellers. Minister of State for Equality Aodhán Ó Ríordáin called them “cowardly, prejudiced and racist.” Leader of the local Labour party Ciara Conway said: “There are many nationalities involved in street crime in Ireland — the major one is Irish.”

Member of the local city council David Cullinane (Sinn Fein party) said that events in Waterford were completely unacceptable. He said that there is no place in society for rough justice, adding that if anyone has information relating to allegations of criminality they should bring it forward to the appropriate authorities.³⁸

On December 2, at the parliamentary debates around integration of immigrants MP Thomas Pringle asked the Minister of Justice and Equality whether the Office for Promotion of Migrant Integration will continue its functions in 2015.

Minister Francis Fitzgerald said that the government’s programme contains a commitment to promote integration of ethnic minorities in Ireland and promote social integration, equality, diversity and participation of immigrants in the economic, social, political and cultural life of their communities.” He noted that the Office continued to monitor racist incidents and publish corresponding reports.³⁹

Presence of Criteria	Indicator	Score in
×	Statements of government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism.	5
	Total for section 4	5

5. Activities aimed at promoting tolerance and preventing extremism

At the end of June, the Irish Government has apologised to two Roma families who both had a child put into care over unfounded fears the youngsters had been abducted. The two kids, both fair-haired and with blue eyes were taken away from their families for two days as police officers thought them to have been kidnapped.⁴⁰

On October 28, the trial over L. Foy, a transgender person, had ended with government promising to introduce a bill on gender identity that would official recognise transgender people and ensure their ability to obtain relevant documents. L. Foy was compensated after the court proceedings.⁴¹

Ireland has a National Strategy for Integration of Roma and Travellers, adopted in 2007 and designed to eliminate poverty and social isolation among these groups of people. The strategy is focused on the actions of local authorities across the country.⁴²

Since 1998, local governments are required by law to build housing for Travellers. The first three stages of this programme took place between 2000 and 2013. The programme costed 272 million euros between 2000 and 2008. Local governments formed committees for traveller relocation, consisting of officials and representatives of the travellers community.

National Strategy for Intercultural Healthcare launched in 2008, ensuring access to healthcare for all vulnerable groups (including Roma and Travellers), given their cultural needs. Similar programmes have been designed for employment.

An arbitration programme has been set up in 2009 to deal with possible conflicts between the Travellers and local communities.⁴³

Presence of Criteria	Indicator	Score in
×	Activities aimed at promoting tolerance and preventing extremism.	5
	Total for section 5	5

6. Position of migrants and society's attitude towards immigrants, foreigners, different ethnic groups

Indicators

- Presence and development of migration laws.

Migration policy is regulated by the Immigration Act (2004), which also deals with asylum seekers and temporary protection. The latter is provided for the term of one year and can be extended for another year. A foreign national cannot be deported if there is reason to believe that his life and freedom are in danger.

Decisions on deportation of a foreign national are considered taking into account humanitarian factors, public safety, public order, subject's age and length of stay in Ireland, his personal situation, employment status and employability, etc.⁴⁴

Illegal stay in Ireland, or failing to leave the country when instructed, is punishable by a fine or imprisonment for up to five years.

To receive citizenship of the Republic of Ireland, a foreign national must be permanent resident in the country for at least 8 years (having spent at least more than half of his/her stay in the country). Spouses of

Irish citizens can receive citizenship after 3 years living in the country, given that they lived with their partners. Citizenship applications are considered for 18 months. Should any conditions for naturalisation be violated or faked, the certificate of naturalisation may be void. Provision of false information in applications for naturalisation are punishable by a fine of up to 3000 euros, or imprisonment for one year. In special cases, President of the Republic of Ireland may award citizenship if a person has distinguished themselves before the country.⁴⁵

According to the Irish Nationality and Citizenship Bill (2004), citizenship is automatically given to all persons born in Ireland, if their parents have been living in the country for at least three years (applicable only to those born after 2004). Those who do not fall under these conditions can apply for citizenship after reaching the age of 18.⁴⁶

Temporary residence permit is issued for qualified workers, investors, students, persons married to Irish or EU nationals and people arriving for family unification, where one person has the right to stay in Ireland or in one of the EU member states. Workers must receive a formal invitation from their employer, before they can receive a temporary residence permit. If a foreign national wants to change his/her place of work, a new permit must be issued. Investors must invest at least 0.5 million euros into an Irish company, or a million in bonds, to receive a residence permit. After a three-year stay, foreign nationals can extend their residence permits for another two years. Those arriving for family unification must have no convictions and have a stable source of income.⁴⁷

A long-term residence permit is given to persons who have lived in Ireland for at least 5 years prior to applying for a residence permit, who are taxpayers with no convictions and proficient in the official language of Republic of Ireland. Skilled workers are issued so-called “qualified long-term permits”.⁴⁸

All non-EU/EEA/Switzerland nationals must register themselves in Ireland and receive a corresponding ID card, which they must have on their person at all times. The ID card costs 300 euros.

On July 16, Irish Parliament adopted an amendment to the Employment Permit legislation, which will allow undocumented workers who previously held a work permit and became undocumented through no fault of their own — due to exploitation, deception, fraud or lack of knowledge — to get a new work permit.⁴⁹

- Government’s compliance with such legislation (law enforcement practice).

In the past 20 years, Republic of Ireland have had a large influx of immigrants (previously the country had negative net migration). Since 1992, Ireland received 89,647 asylum applications (peaked in

2000–2002, at 11,000 applications per year).⁵⁰ In 2014, Ireland considered 1,448 asylum applications (946 in 2013). Most refugees in 2014 originated from Pakistan (20.2%), followed by Nigeria (9.8%), Albania (6.8%), Bangladesh (6.8%) and Zimbabwe (5.9%).⁵¹

Furthermore, many foreign nationals entered to stay in the country for work, family, etc. Currently, approximately 15% of the Irish population consists of immigrants and their descendants. Most of those are EU nationals from Poland, Great Britain, Lithuania, Latvia and non-EU nationals from Nigeria.⁵²

Applications for asylum are considered by the Office of the Refugee Applications Commissioner (ORAC). Applications must be submitted within five days before arrival and can be considered for up to six months (average in 2013 was 8.6 weeks). Priority is given to people from the Russian Federation, Croatia and South Africa. Decisions may be appealed in the Court of Appeal for Refugees, established in 2000. The same applies to temporary protection. Appeal process takes on average 15.3 weeks (12 weeks in 2013).⁵³ Decisions by this court can be appealed in the Ministry of Justice or the Supreme Court.⁵⁴

Refugees were first settled in the Baleskin refugee centre in Dublin, and subsequently relocated to refugee camps in the provinces. As of February 2014, 34 refugee centres housed 4,355 residents (with the total capacity being 5,309 people). Average stay in one of such camps was 48 months as of December 2013.⁵⁵

Naturalisation of immigrants is handled by the Irish Naturalisation and Immigration Service, subordinate to the Ministry of Justice and Equality. Housing of refugees is handled by the Reception and Integration Agency. National Bureau for Immigration Affairs is responsible for border control, registration of foreign nationals and their deportation. All authorities have been actively supporting integration initiatives.

In 2007, Republic of Ireland established an Office of the Minister for Integration (OMI), which was renamed in 2011 to Office for the Promotion of the Integration of Migrants (OPMI). According to the Integration Centre, 20 out of 34 counties (between 2005 and 2013) consistently supported integration programmes; 28 received appropriate funding from the central government; 25 developed specific integration strategies; another five developed second stages of integration strategies. 15 counties established monitoring committees to observe the implementation of these strategies.⁵⁶

On October 3, 2014, a new refugee and migrant support centre was opened in Dublin. The opening ceremony was attended by President Michael D. Higgins.⁵⁷

The system of allocating asylum seekers — so-called direct service — is heavily criticised by human rights activists and refugees themselves. The system was developed as a temporary solution to deal with

the rapid influx of refugees in early 2000s. It was designed for a short-term stay of refugees, subsidised by the government. As a result, the system lacks procedures for complaints and inspections, or any measures to improve the socialisation of migrants. Ireland is one of two EU member states that do not allow asylum seekers to seek employment without losing social benefits. The same applies to education. In addition, more than a third of refugees have been living in camps for more than 5 years, 9% — more than 7 years.⁵⁸ Out of 34 refugee centres, only 3 were specifically built for that purpose. Other centres are repurposed hotels, hostels, halls, etc.⁵⁹

In October 2014, Ministry of Justice and Equality created a work group to assess the situation in refugee centres, led by a retired judge B. MacMagon.⁶⁰

Ireland lacks a cohesive procedure of assessing a person's right to asylum or international protection. The primary focus is on personal dangers an individual faces, rather than groups subjected to certain dangers.⁶¹ Asylum seekers spend on average 45 months waiting for their application. There have been cases, when a response came after 9 whole years.⁶²

Migrants have no access to free legal assistance. Thus, they have to pay or rely on NPOs for help.⁶³

- Discriminatory practices against immigrants.

As was already noted, asylum seekers waiting for their applications are housed in extremely dissatisfying conditions. Social benefits for asylum seekers amount to 19.10 euros for adults and 9.60 per child per week. These amounts remained unchanged since 2000, despite inflation. As a result, refugees who are not allowed to work have no money for basic subsistence. Thus we see a case of institutionalised poverty.⁶⁴ Catering in refugee centres does not take into account national and religious needs of their residents. Overpopulation of such centres is another problem, with whole families living in a single room.⁶⁵

In August, refugees in Mount Trenchardt House went on a hunger strike to protest the length of their detention in prison-like conditions and the overpopulation of the centre (with up to 8 people placed in one room). The centre is considered the worst out of 34 in Ireland.⁶⁶

On August 1, residents of a centre in Athlone complained about the quality of food and behaviour of catering staff (who said, "You're in Ireland and must eat Irish food. If you don't like it, you can go where you came from.") When their complaints remained unanswered, refugees went on hunger strike. Five days later, on September 8, the hunger strike was called off following a meeting with government officials.⁶⁷

Asylum seekers may be detained for 21 days. In 2013, 396 people have been sent to prison on related charges.⁶⁸

Immigrants are also being discriminated in the housing market. Refugees complain about high rent prices for foreign nationals, which are too high given the social benefits. Landlords often demand high deposits for rent.⁶⁹

In 2014, it was reported that Irish authorities refused to grant citizenship for immigrants' children born in Ireland, since their parents' formal stay was less than the 4-year minimum (in some cases, the stay was more than 4 years, but was illegal). This restriction does not account for days that a foreign national had a work permit, but did not register it, or when his application was taking too long. Eventually, however, citizenships have been issued in appropriate cases.⁷⁰

A study conducted by the Economic and Social Research Institute and published on June 30th regarding the integration in Ireland revealed that immigrants continue to face discrimination in the country. Despite the higher levels of education immigrant mothers are less likely to be employed, compared to Irish mothers. In addition, research has shown that immigrants are more affected by the financial crisis and their unemployment rate is higher than that of the Irish (unemployment among young immigrants aged 15–24 is at 33%).⁷¹

- Use of ethnic crime as justification for discrimination against immigrants.

Civil unrest in Waterford was accompanied by constant portrayal of Roma as criminals.

Social assistance for immigrants.

Migrants and members of their families who are legally resident in Ireland have access to healthcare and social welfare equal to those of an Irish citizen.⁷²

Dublin City Council on Education prepared and implemented an education programme for refugee children, including English language courses and integration programmes. Asylum seekers living in refugee camps have access to free healthcare. Specialised trauma and torture treatment is accessible through SPIRASI NGO, which works with asylum seekers, refugees and other vulnerable groups.⁷³

- Negative attitude of the community towards immigrants, foreigners, various ethnic groups.

There are strong signs of anti-Roma, anti-immigrant and anti-Muslim sentiments in the Irish society.

A study among immigrant teenagers (aged 10–17) conducted in 2010 revealed that 6% of them are often subjected to abuse and bullying.⁷⁴

In June 2014, the “Hate and Hostility Research Group” and the “Irish Research Council” published a report which highlighted the

anti-Muslim racism in Ireland. 58% of Muslim respondents had experienced racism in the past 4 years. 36% of respondents believe that they have been subjected to racism because they were identified as Muslims, and 22% reported that they were victims of years of physical attacks. These attacks ranged from punches and jolts to tearing the hijab off and spitting.⁷⁵

On the other hand, on August 20, a sociological survey was published by The Sunday Times, which revealed that 86% of Irish people support homosexual relations, and 75% believe that same-sex couples must have the right to adopt children.⁷⁶

Presence of Criteria	Indicator	Score in
×	Presence and improvement of migration laws.	5
×	Government's compliance with such legislation (law enforcement practice).	5
×	Discriminatory practices against immigrants.	-5
×	Use of ethnic crime as justification for discrimination against migrants.	-5
×	Social assistance for immigrants.	5
×	Negative attitude of the community towards immigrants, foreigners, various ethnic groups.	-5
	Total for section 6	0

7. Incitement of ethnic and religious enmity

Indicators

- Calls for ethnic and religious hatred in mass media and mass communications, graffiti.

On April 3, Minister of Justice Alan Shatter's house was sprayed with anti-Semitic graffiti.⁷⁷

On July 4, racist graffiti were discovered outside the Convention Centre in Dublin.⁷⁸

On July 19, it was reported that a racist message was spray painted on the shutters of an ethnic food store in Carlow Town.⁷⁹

On July 31, anti-Semitic graffiti was found in Dublin.⁸⁰

Racist graffiti was also found in Dublin in late December.⁸¹

Homophobic leaflets have been distributed in Dublin in late December, saying that there will be "horrible consequences if homosexuals get access to the sanctity of marriage".⁸²

There have been several xenophobic calls on the internet (particularly during the Waterford conflict).

- Presence and popularity of radical nationalist literature, films, music. Ultra-nationalist rock bands and their concerts.

No such cases have been recorded in 2014.

Presence of Criteria	Indicator	Score
×	Calls for ethnic and religious hatred in mass media and mass communications, graffiti.	-5
-	Presence and popularity of radical nationalist literature, films, music. Ultranationalist rock bands and their concerts.	0
	Total for section 7	-5

8. Radical nationalist groups and parties

Indicators

- Presence of neo-Nazi and ultra-nationalist groups, movements, political parties (both in the centre and in the localities).

There are no far right organisations of particular significance in Republic of Ireland, except for several small skinhead groups. Migration from Eastern Europe, however, has led to an emergence of neo-Nazi immigrants. For example, a Slovak neo-Nazi organisation in Dublin is promoting a creation of a “Facebook for white people” called “Aryanspace”.⁸³

- Presence of discriminatory demands in the programmes of these parties and in the statements of their leaders towards the members of minorities.

No such cases have been recorded in 2014.

- Neo-Nazi and radical nationalist influence over the civil society, including oppositional and human rights organisations.

No such cases have been recorded in 2014.

- Neo-Nazi and radical nationalist influence over the local legislative/executive bodies.

No such cases have been recorded in 2014.

- Neo-Nazi and radical nationalist influence over the central legislative/executive bodies.

No such cases have been recorded in 2014.

Presence of Criteria	Indicator	Score
-/×	Presence of neo-Nazi and ultra-nationalist groups, movements, political parties (both in the centre and in the localities).	-2.5
-	Presence of discriminatory demands in the programmes of these parties and in the statements of their leaders towards the members of minorities.	0
×	Neo-Nazi and radical nationalist influence over the civil society, including oppositional and human rights organisations.	0
-	Neo-Nazi and radical nationalist influence over the local legislative/executive bodies.	0
-	Neo-Nazi and radical nationalist influence over the central legislative/executive bodies.	0
	Total for section 8	-2.5

9. Public actions of extremist and nationalist groups

I n d i c a t o r s

- Neo-Nazi and radical nationalist participation in mass actions prohibited by the authorities.

On October 25 and 26, Waterford had anti-Roma demonstrations, gathering up to 100 people chanting “Gypsies — out!” They accused Roma of the increased crime rate in the city; some protesters threw rocks at Roma houses.⁸⁴

- Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities.

No such cases have been recorded in 2014.

- Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities, with the participation of representatives from the legislative or executive bodies, law enforcement and security agencies.

No such cases have been recorded in 2014.

- Presence of “football xenophobia” and racism amongst sports fans.

On March 1, a 14-year-old black football player was subjected to racist abuse from the fans of a rival team during a cup game.⁸⁵

On August 16, Bray Wanderers player Ismail Akinade was subjected to racial abuse by a rival player.⁸⁶

Presence of Criteria	Indicator	Score in
×	Neo-Nazi and radical nationalist participation in mass actions prohibited by the authorities.	-5
-	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities.	0
-	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities, with the participation of representatives from the legislative or executive bodies, law enforcement and security agencies.	0
×	Presence of “football xenophobia” and racism amongst sports fans.	-5
	Total for section 9	-10

10. Racial attacks, violence and terror

Republic of Ireland does not have a system of recording hate crime.⁸⁷ As a result, information provided by police and various non-governmental organisations varies greatly. In the first half of 2014, police recorded 41 xenophobic incidents.⁸⁸ According to the Council for Refugee Affairs, there have been 217 racist incidents in 2014 (144 in 2013, 78 in 2012). 10% of those involved violence.⁸⁹ It is unclear whether this data indicates a significant growth in racism or improved data gathering.

ENAR reports 389 incidents (mostly committed online). 46 cases involved violence in some form. Most victims were Muslim, African, Roma or Traveller. Large numbers of such cases are reported in Dublin and Cork (49% in Q1, 47% in Q2, 55% in Q3 and Q4) and Limerick (5–8%).⁹⁰

According to the Racist Incident Referral and Support Service, 112 racist incidents have been recorded in Sligo between July 2013 and July 2014. 68 of those involved Travellers.⁹¹

Indicators

- Vandalism in cemeteries, attacks on religious buildings.

On November 22, vandals collapsed a 16-foot metal cross that stood at the highest point in Ireland.⁹²

There were five cases of xenophobic graffiti. On April 3, Minister of Justice Alan Shatter's house was sprayed with anti-Semitic graffiti.⁹³

On July 4th, racist graffiti were discovered outside the Convention Centre in Dublin.⁹⁴

On July 19, it was reported that a racist message was spray painted on the shutters of an ethnic food store in Carlow Town.⁹⁵

Anti-Semitic graffiti have been found in Dublin on May 1 and July 31.⁹⁶

Racist graffiti was found in Dublin in December.⁹⁷

- Inter-ethnic clashes instigated by xenophobia and radical nationalism.

A group of Roma was attacked by nationalists in Waterford on October 29. The three Roma families were forced to flee.⁹⁸

- Cases of violence, including murder on racial, ethnic and religious grounds.

Council for Refugee Affairs reports 20 violent racist incidents in 2014.⁹⁹

ENAR reports 46 such cases.¹⁰⁰

On January 7, Immigration Council of Ireland has publicised the racial abuse of a 13-year-old girl.¹⁰¹

On March 17, a father and son — natives of Chechnya — have been attacked near Dublin. Father managed to flee and son received several injuries. The attackers tried to drown him, but he managed to escape by pretending to be dead.¹⁰²

In March and April, three men in Dublin attacked an Irish citizen — an ethnic Pakistani.¹⁰³

On April 16, native of Nigeria was subjected to racist abuse and was assaulted on a bus from Kilkenny to Dublin. Other passengers intervened to stop the violence and the unidentified assailant fled the scene.¹⁰⁴

On May 16, it became known that a black woman with 2 young children suffered racist abuse and harassment while walking down the street in Dublin. A group of teenagers shouted racist insults and threw eggs in them.¹⁰⁵

- Nationalist or religious terrorist attacks.

A black taxi driver, a resident of Dublin, fell victim to several racist attacks on June 8 and 9. A firebomb was thrown into his house. Although the victim's house did not catch fire, a garden shed burned down. The victim was also exposed to racist insults and threats, as well as his window smashed.¹⁰⁶

Presence of Criteria	Indicator	Score in
×	Vandalism in cemeteries, attacks on religious buildings.	-5
×	Interethnic clashes instigated by xenophobia and radical nationalism.	-5
×	Cases of violence, including murder on racial, ethnic, and religious grounds.	-5
-	Cases of hate crimes.	0
×	Nationalist or religious terrorist attacks.	-5
	Total for section 10	-20

11. Presence, popularity and size of anti-fascist and anti-racist movements

Indicators

- Presence of anti-racist and anti-Nazi movements and parties.

There is a number of non-governmental organisations engaged in supporting migrants, including the Irish Council for Refugee Affairs and Doras Luimni association in Limerick. Integration Centre has been fairly active before it was shut down in December 2014.¹⁰⁷

There is also the Irish Network Against Racism (iReport.ie), which monitors manifestations of xenophobia as part of the European Network Against Racism (ENAR). The project provides quarterly reports on racist incidents, accepting witness or victim reports online.¹⁰⁸

It is worth mentioning the Irish Antifascist Movement with its Facebook page (<https://www.facebook.com/afaireland>).

- Anti-racist and anti-fascist movement activities (pickets, rallies, demonstrations).

On January 4, Dublin had a demonstration in solidarity with an imprisoned Swedish antifascist J. Almgren.¹⁰⁹

On March 27, several events were held to mark the European Week Against Racism (March 15 — March 23). A central rally was held on March 22 in Cork attended by several hundred people. Other events were held in Dublin.¹¹⁰

A number Dublin coffee shops held photo exhibitions dedicated to refugees and their life in refugee centres.¹¹¹

An anti-racism rally was held in Dublin on June 19, following the attack on the black taxi driver.¹¹²

On August 22, a demonstration was held in Limerick, with demands to close the Mount Trenchardt House refugee camp, infamous for the dire living conditions.¹¹³

On September 14, Limerick opened a monument to soldiers who fought against F. Franco in Spain (1937–1938).¹¹⁴

On September 18, Dublin and Cork held antifascist rallies to commemorate Greek antifascist P. Fissase.¹¹⁵

- Presence of anti-racist and anti-fascist civic initiatives.

On March 20, all Irish political parties signed a pledge not to use xenophobic rhetoric during European Parliamentary Elections.¹¹⁶

On January 16, a delegation from the Canal Intercultural network representing communities of the “Dublin 8” area have visited the Islamic Foundation of Ireland at Dublin Mosque to proclaim their solidarity with Irish Muslim after Muslim communities had become a target of racist and Islamophobic letters. The hate mail had threatened violence against Muslims in mosques, schools, workplaces and streets.¹¹⁷

On February 19, Archbishop of Ireland, Diarmuid Martin, has spoken out against racism and xenophobia, saying the Irish society must be alert to the first signs of such ideologies. He also described Ireland’s asylum policy as too long and restrictive.¹¹⁸

On February 22, Gaelic Athletics Association, at its assembly in Croke Park, has decided on a “zero tolerance” policy with regards to racism. Offenders will instant dismissal during a game, followed by a minimum eight-week ban. The rules will come into practice pending approval at another congress to be held shortly. Then, they will be in place for the provincial and All-Ireland championships.¹¹⁹

The Irish Justice Minister Alan Shatter, in a speech marking National Holocaust Memorial Day, condemned the rise of parties of the extreme political right, observing that “Holocaust Denial is the favourite sport for some”.¹²⁰

In May, the Integration Centre partnered with a European project aimed at integration of young immigrants.¹²¹

The Immigrant Council of Ireland in June announced it had joined an Europe-wide campaign to secure better protection for stateless persons. In a statement, the council declared that “is joining more than 50 groups from across Europe in demanding action to regularise and support an estimated 600,000 people forced to live in the shadows of European societies.

In Ireland campaigners want the Government to introduce clear, transparent and accessible determination procedures to allow the swift identification of stateless persons followed by a clear pathway for them to regularise their position and to access citizenship.¹²²

On September 19, Irish Council for Refugee Affairs and Doras Lumni association published a joint statement on the need for real changes in the refugee system.¹²³

On November 20, Irish Council for Refugee Affairs repeated its statement.¹²⁴

On December 17, acting director of the Irish Council for Immigration Denis Charlton expressed concern with the increasing number of racist incidents. “It is unacceptable that people face discrimination and abuse at work, while they can’t sleep at night fearing a brick through the window,” she said.¹²⁵

On November 20, President of the Union of Students in Ireland Lora Harmon said that active youth is joining the struggle against racism.¹²⁶

Immigrant Support Centre in Cork organised two police training courses dedicated to dealing with the Roma community.¹²⁷

An independent racism reporting programme has been set up in the area of the town of Sligo in mid 2013, revealing quite a high degree of everyday racism in the area. The Sligo Family Resource Centre is running the programme, which gets around 10 reports of racist incidents each month.¹²⁸

Presence of Criteria	Indicator	Score
×	Presence of antiracist and anti-Nazi movements and parties.	5
-/×	Antiracist and antifascist movement activities (pickets, rallies, demonstrations).	5
×	Presence of antiracist and antifascist civic initiatives.	5
	Total for section 11	15

12. Glorification of German National Socialism and collaborators of Nazi Germany

Indicators

- Glorification of German National Socialism and/or its collaborators in the media, desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition.

No such cases have been recorded in 2014.

- Glorification of German National Socialism and/or its collaborators with the support of local authorities, demolition of monu-

ments to soldiers of the anti-Hitler coalition, erection of monuments to the soldiers of Wehrmacht and Nazi butchers.

No such cases have been recorded in 2014.

- Glorification of German National Socialism and/or its collaborators in the decisions made by the authorities.

No such cases have been recorded in 2014.

- Historical revisionism, Holocaust denial.

No such cases have been recorded in 2014.

Presence of Criteria	Indicator	Score
–	Glorification of German National Socialism and/or its collaborators in the media, desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition.	0
–	Glorification of German National Socialism and/or its collaborators with the support of local authorities, demolition of monuments to soldiers of the anti-Hitler coalition, erection of monuments to the soldiers of Wehrmacht and Nazi butchers.	0
–	Glorification of German National Socialism and/or its collaborators in the decisions, made by the authorities.	0
–	Historical revisionism, Holocaust denial.	0
	Total for section 12	0

13. Persecution of antifascists, veterans and partisans of the anti-Hitler coalition

Indicators

- Public calls for repression against the veterans and partisans of the anti-Hitler coalition, as well as anti-fascists.

No such cases have been recorded in 2014.

- Restrictions on human rights and anti-fascist organisations, bans to entry or exit imposed on anti-fascists, inaction of the authorities.

No such cases have been recorded in 2014.

- Criminal prosecution of veterans, partisans of the anti-Hitler coalition and anti-fascists.

No such cases have been recorded in 2014.

Presence of Criteria	Indicator	Score
–	Public calls for repression against the veterans and partisans of the anti-Hitler coalition, as well as anti-fascists.	0
–	Restrictions on human rights and anti-fascist organizations, bans to entry or exit imposed on anti-fascists, inaction of the authorities.	0
–	Criminal prosecution of veterans, partisans of the anti-Hitler coalition and antifascists.	0
	Total for section 13	0

14. International aspect

Indicators

- Participation in significant international agreements on combating racism and discrimination of ethnic minorities.

Ireland signed the basic international documents in this field, including the Framework Convention for the Protection of National Minorities. However, it has not signed the European Charter for Regional or Minority Languages and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Convention on the Participation of Foreigners in Public Life at Local Level.

- Accession to new international agreements and resolutions of various international organisations, aimed at combating Nazism, combating discrimination, or protecting minority rights.

During the monitored period, Ireland did not join any new international agreements or resolutions aimed at protecting minorities, combating Nazism or racial discrimination.

- International statements and initiatives of the monitored countries and their leading politicians, aimed against discrimination, neo-Nazism and xenophobia.

In 2014, Irish politicians made no international statements aimed against discrimination, xenophobia or neo-Nazism.

Presence of Criteria	Indicator	Score
×	Participation in significant international agreements on combating racism and discrimination of ethnic minorities.	5

Presence of Criteria	Indicator	Score
–	Accession to new international agreements and resolutions of various international organizations, aimed at combating Nazism, combating discrimination, or protecting minority rights.	0
–	International statements and initiatives of the monitored countries and their leading politicians, aimed against discrimination, neo-Nazism and xenophobia.	0
	Total for section 14	5

CONCLUSION

Implications for the development of the country and society, based on the analysis of factors and taking into account the aspects listed below.

Ireland is in an interesting situation — while there are manifestations of hatred, including violent hate crime, there is also a fairly prominent antifascist movement. At the same time, there are virtually no extreme right political organisations. In other words, despite their prominence in the society, no political force has used nationalist sentiments to their advantage.

On the one hand, this is largely due to efforts of the Irish government. However, there is still a risk that emergence of an extreme right party is just a question of time.

ASPECTS

1. Human Rights

- *Guarantees against any form of minority discrimination.*

Irish legislation is effective in protecting minorities, from the Constitution to the Equal Treatment Acts to government regulations. On the other hand, Ireland virtually lacks criminal legislation regarding hate crime.

- *Adherence to norms of the fundamental human rights instruments (European Convention for the Protection of Human Rights and Fundamental Freedoms, European Charter on Human Rights, as well as in adherence to the Framework Convention for the Protection of National Minorities and the European Commission against Racism and Intolerance, etc.).*

There is a whole range of institutions whose task is to ensure protection of minorities, including the Human Rights and Equality Commission, Ministry of Justice and Equality, Tribunal for Equality in the Workplace and the police Office for National and Cultural Diversity. However, police often have negative attitude towards minorities, misidentifying racist crime and sometimes refusing to accept statements from victims of racist abuse.

- *Rights and freedoms of ethnic minorities compared to the titular nation.*

There are no formal differences between national minorities and the titular nation. In practice, however, there have been some cases where minorities have been discriminated in the labour market, housing and access to social services.

- *Legislation enshrining inequality of minorities.*

No such cases were recorded in 2014.

- *Rulemaking in protection of minorities.*

On July 27, 2014, Ireland adopted a law establishing the Irish Human Rights and Equality Commission.

- *Freedom of speech violations.*

No such cases were recorded in 2014.

- *Legislation and law enforcement practices concerning migrants.*

Republic of Ireland has a well-developed migration legislation and a whole network of institutions engaged in migrant affairs, including the Naturalisation and Immigration Department, the Reception and Integration Agency, the National Police Office for Immigration, and the Office for the Promotion of the Integration of Migrants. Local authorities are actively supporting integration programmes. However, the system of housing asylum seekers, known as direct service, is heavily criticised by human rights organisations and refugees themselves. There are also significant delays in asylum applications.

2. State of society

- *Risk of violation or non-compliance with the acting laws aimed at protecting the rights of minorities; risk of discriminatory practices against members of minorities.*

Judging by available information, there are problems with implementing anti-discrimination legislation in practice. In Ireland, it is par-

ticularly evident in the struggle against hate crime, when almost half of victims encounter negative attitudes from the law enforcement. As a result, victims are reluctant to turn to authorities for help.

- *Self-determination — how manifestations of xenophobia and extremism affect the identity of minorities; majority's attitude towards minorities (growth of social phobias).*

While there are cases of anti-Roma and anti-Muslim sentiments in the society, minorities themselves are willing to integrate, and so far there is no reason for this situation to change.

3. Socio-economic development

(Do manifestations of various forms of xenophobia and extremism affect the socio-economic development of the country)

- *Standard of living.*

Legatum Institute places Ireland on the 12th place in the world index for standard of living.¹²⁹ In 2014, Ireland's GDP grew by 4.1%, though unemployment levels remain high at 9.7% (20% among youth).¹³⁰

- *Economic impacts and instability.*

Irish economy is fairly stable as of 2014. Xenophobia has no influence on the economy in the country.

- *Decline in production growth, emigration of the labour force.*

Ireland is experiencing growth in production in recent years, with migration flows flowing inwards rather than outwards. 15% of the Irish population are foreign nationals.

4. Security and geopolitical stability in the region

- *Political stability in the country.*

Irish political system is fairly stable. There are no extreme right parties in the political scene.

- *Impact of xenophobia and extremism in the country on external security, relations with third countries and the international security in the region as a whole.*

The rare cases of xenophobia in Ireland have no impact on the neighbouring countries.

RECOMMENDATIONS

1. *General recommendations for the accession to international agreements and conventions*

Ireland is recommended to sign the European Charter for Regional or Minority Languages, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Convention on the Participation of Foreigners in Public Life at Local Level.

2. *General recommendations for adjustments to the legal framework*

Ireland is also recommended to adopt a law that would regulate punishments for hate crime and facilitate transgender people in receiving the right documentation.

3. *General recommendations for the executive bodies in the field of enforcement of law and human rights*

There are several measures Ireland could take to improve the situation with xenophobia. First, adopt a programme of training courses for police in order to improve police officers' attitude towards hate crime. Second, reform that system of housing asylum seekers and, more importantly, consideration of asylum applications. Living conditions of refugees need to be improved.

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SUMMARY OF INDICATORS FOR 2014

Nº	Criteria	Score
1	Legislation (central, regional, municipal) and law enforcement practices that contribute to the development of radical nationalism	-10
2	Xenophobia and inflammatory statements by members of the authorities and media	-5
3	Legislation and law enforcement practice preventing the development of radical nationalism	15
4	Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism	5
5	Activities aimed at promoting tolerance and preventing extremism	5
6	Position of migrants and society's attitude towards immigrants, foreigners, different ethnic groups	0
7	Incitement of religious and ethnic hatred	-5
8	Radical nationalist groups and parties	-2.5
9	Public actions of extremist and nationalist groups	-10
10	Racist attacks, violence and terror	-20
11	Presence, popularity and size of anti-fascist and anti-racist movements	15
12	Glorification of German National Socialism and collaborators of Nazi Germany, historical revisionism, Holocaust denial	0
13	Persecution of veterans and partisans of the anti-Hitler coalition	0
14	International Aspect	5
	Total	-7.5

ITALY

ASSESSMENT CRITERIA FOR FACTORS OF STABILITY/INSTABILITY

1. Legislation (central, regional, and municipal) and law enforcement practices that contribute to the development of radical nationalism

Indicators

- Discriminatory legislation affecting minorities residing in the country in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.

Italy does not have any discriminating legislation that would target the local minorities. At the time the study was conducted, Italian legislation had articles prohibiting prejudice-based acts of discrimination and physical abuse incitement against specific race, ethnic origin, or religious beliefs of the victim. Italian Criminal Code also outlines that when crimes are committed due to prejudice against race, ethnic origin, or religious beliefs of the victim — it is to be treated as aggravating circumstances. In October 2013 Italian Parliament introduced a new law that added committing a crime due to sexual prejudice to the list of circumstances that are considered aggravating. A corresponding section was added to article 61 of the Criminal Code.¹

Nevertheless, the 2006 amendments to the Criminal Code (Law No.85/2006) reduced the standard prison sentence for hate crime from three to one and a half years and established that fine for discrimination and inciting racial hatred cannot exceed 6,000 Euro, which is considered a major setback for the development of proper discrimination preventing law enforcement practices.

Moreover, people found guilty of the aforementioned crimes are only considered criminally liable in cases when crimes were committed in an attempt to influence a large group of people, thus “changing their behavioural patterns”.²

These amendments have indirectly improved the position of neo-Nazis and nationalist far-right politicians who spread anti-immigrant and xenophobic rhetoric.

- Legislation, limiting the voting rights of the permanent residents of the country based on their ethnic background or country of origin.

Italy was one of the few countries that signed and ratified the Equal Opportunities for Civic Participation for Foreigners Agreement (2005). However, section “C” of this agreement contradicts the Italian Constitution, which clearly states that only Italian citizens have voting rights, thus making that section of the agreement void.

European Commission has on multiple occasions urged Italy to amend section “C” in such a way that would make it consistent with the state legislation, yet at the present time any progress on the matter has only been achieved on a regional level, where local legislative institutions had introduced Constitutional Court approved laws that legalise such practices.

- Presence of the norms in the legislation or other normative documentation that legalises the ideology of radical nationalism, its attributes and practices, as well as public propagation in media and mass communication.

No such norms were present in Italy during the observed period.

- Discriminatory legislation affecting minorities residing in the country in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.

Romani people are most often subjected to discrimination. Thousands of families live in poor living conditions in segregation camps and centres, including more than 4,000 in Rome alone. In these camps, Roma are completely isolated from social and educational services. The government was unable to implement the National Strategy for Roma Integration and failed to provide them with appropriate housing. There have been reports of forced eviction of Roma across the country.

On January 29, a group of 60 Roma was evicted from their shacks in Somaini. On July 9, 40 Roma were evicted from Val Ala Park and their homes were destroyed. The only alternative proposed by the authorities was settlement in a local boarding house, which was already at capacity. Roma have been denied access to social housing. In January 2013, Rome housing administration was distributing a guide that discriminated Roma in housing.³

On March 20, a sign on the door of a bakery in Rome, which reads “Entrance prohibited for gypsies” was discovered.⁴ In November, city of Borgaro announced special “Roma buses”.⁵

European Commission initiated enforcement action against Italy due to its treatment of Roma.⁶

Religious communities that have not reached an agreement with Italian government are more likely to find themselves a target of discrimination. Islam is one of such communities. So, unlike for the “registered” religious confessions, employers are not legally required to provide their Islam practicing employees with conditions that allow them to carry out their religious rituals (i.e. prayers), or provide days off on their religious holidays.

On July 22, it became known that the Italian Muslims are struggling with finding a suitable place to worship. They are forced to pray in garages, gyms and shops, as the country has only 8 mosques and nearly half million Muslims.⁷

The LGBT community was also subjected to discrimination in 2014. Interior Minister Angelino Alfano ordered to remove all records of same-sex marriages registered outside Italy from Italy’s register of civil status. Speaking on October 9, he said, “It is impossible to register a same-sex marriage in Italy. Thus, these marriages (registered abroad) cannot be entered into the official register of civil status. This is against the law,” said the Minister and leader of the New Right Centre.⁸

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
–	Discriminatory legislation affecting minorities residing in the country in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.	0	0	0
–/×	Legislation restricting the voting rights of permanent residents of the country on the basis of ethnicity or country of origin.	–2.5	–2.5	–2.5
–	Presence of legal norms or other normative documentation, which legalises the ideology of radical nationalism, its attributes and practices, as well as their distribution in the mass media and mass communication.	0	0	0
×	Discriminatory practices against minorities in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.	–5	–5	–5
	Total for section 1	–7.5	–7.5	–7.5

2. Xenophobia and hate inciting statements made by members of the authorities and media

There have been cases of anti-Roma, anti-Muslim and homophobic statements. Unlike in previous years, most statements came from Lega Nord. Thought, there have been some exceptions.

On July 23 former Italian MEP Gianni Vattimo said Israel was “worse than the Nazis” and called to “shoot the bastard Zionists.” Vattimo said that he would like to murder Israelis personally.⁹

On November 12, Lega Nord leader Matteo Salvini said that riots in Tor Sapienza were a result of “stupid policies of the state” that allowed “uncontrolled migration” and supported manifestations of “racism against Italians”. Another Lega Nord member, MEP Mario Morgezio said that he would personally visit the area and support Italians “who feel under siege in their own homes”.¹⁰

In a statement, Massimo Bitonci, Chairman of “Lega Nord” parliamentary group, claimed that Kyenge “was chosen just because she is black. And this is bad, because a minister should be chosen, because she is competent”.¹¹

A Museum of Islam is planned to be built in Venice. Massimo Bitonci commented on this, “We don’t want no Museum of Islam at Venice. Letta should concentrate on the economic crisis instead of thinking about how to favour and defend Islam. The Veneto has bigger problems at the moment.” He added that “if they start building this museum, we will be there every day and night to blockade the building lot.”¹²

On June 25th Mayor of Italian Padua Massimo Bitonchi announced that the Crucifix should be placed on all public buildings of the city.¹³

On September 4, he asked the police to intervene in the eviction of several illegal immigrants, saying, “They [immigrants] are living there, owning expensive cars and designer clothes.”¹⁴

On July 9, Borgosesia mayor from Lega Nord, MEP Gianluca Bonanno suggested the introduction of a fine of 500 euros for gays for public display of affection.¹⁵

On August 5, activist of Lega Nord Fabio Rolfi insisted on “forced quarantine” of every immigrant in Milan, due to Ebola epidemic.¹⁶

On August 22, Verona authorities cancelled the concert of a left-wing Neapolitan reggae band 99 Posse, stating that it politicises the festival.¹⁷

On October 31, it was reported that member of Motta Visconti City Council posted a call to burn Roma in furnaces on Facebook.¹⁸

Radio 24 regularly airs a programme called “Mosquitos” with guests who hold xenophobic views (including glorifying Hitler), hindering behind free speech laws.¹⁹

Visto magazine published a collection of homophobic jokes in August.²⁰

On August 25, multiple racist comments were made online after an African woman was elected Miss Livorno.²¹

On October 26, a neo-Nazi website called Holy War published an article accusing chief rabbi of Merano in provoking racial hatred against Christians.²²

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Xenophobia and hate speech by members of the authorities and media.	-5	-5	-5
	Total for section 2	-5	-5	-5

3. Legislation and law enforcement practices preventing the development of radical nationalism

Indicators

- Presence of anti-Nazi, antiracist and anti-extremist legislation, and legislation directed against incitement of ethnic and religious hatred in the country.

Italian anti-racism and anti-extremism legislation is based on the contents of Italian Constitution. Article 3 of the Constitution guarantees all citizens equal treatment and social value without gender, race, language, religion, political views, and personal or social status related bias. In addition to that, article 6 of the “General Law” states that “Italy protects its linguistic minorities.”

Modern anti-racism and anti-extremism legislation started to develop in Italy in the 1990s. In June 1993 Italian Senate implemented a law designed to help fight racism (Legge Mancino, decreto-legge Nr. 205/1993). This law introduces a punishment of up to 3 years of imprisonment for religious, ethnic, and racial intolerance. The aforementioned law also prohibits the creation of any unions attempting to provoke discrimination against foreigners and nonconformists. This law is an updated and improved version of the 1975 law against racial discrimination, which was never used.²³

On February 24th 2006 the Law N.85 (“Legge Castelli”) was accepted, which introduced legal repercussions for abusing the basic human right to free speech. Legge Castelli law introduced the concept of “incitement” replaced with “influencing an individual to take action”. Such phrasing ensures that it is taken into consideration if a person is not simply inciting racial hatred, but is also trying to influence another person to commit a hate crime. The new law has also reduced

the prison sentence for hate crime from 3 years to 18 months. The new law was widely criticised for its rather subjective views on the right to freedom of speech.²⁴

Restrictive wording of the law, which talks about aims and not motives, as well as its failure to recognise mixed motives, narrowed the interpretation of the courts, posing limited applicability in practice.²⁵

Protection of linguistic minorities is regulated by the legislation passed on December 15th 1999. According to this piece of legislation, all languages, spoken by large groups of people residing in Italy, fall under the protection of the law. These languages are: Albanian, German, Slovenian and Croatian, Greek, French, and Franco-Provençal. Local authorities have the power to officially recognise a territory as largely inhabited by linguistic minorities, but this can only be done if it is requested by more than 15% of local electorate. If such recognition takes effect, the local schools, kindergartens, and city councils have to use the mother tongue of the recognised minority group as well as the State language.

Ministry of Education, as well as regional authorities, has the power to fund projects dedicated to ensuring that members of linguistic minorities have access to education and services in their mother tongue in places where they reside in large groups. Members of minorities also have the right to restore their name to its original format after “Italianisation”.²⁶ Congruent laws have been passed in Friulian-Julia (2007) regarding Friulian and Slovenian languages,²⁷ and in Sardinia (1997) regarding Sardinian language.²⁸

- Presence and improvement of anti-discriminatory legislation.

Italian anti-discrimination legislation is also based on the Constitution. As was already mentioned, Article 3 of the Constitution guarantees all citizens equal treatment and social value, while Article 6 of the “General Law” promises government protection to linguistic minorities.

Article 8 guarantees equality before the law to all religious. According to this article all non-Catholic religions have the right to establish organisations in accordance with their own regulations for as long as their actions do not threaten the Italian legal order. Articles 19 and 20 declare the right to freedom of worship and absence of restrictions for religious organisations.²⁹

Legislation, explicitly outlawing any form of racial, religious, and origin-based discrimination, was passed in 1998. This legislation also contained regulations on discrimination prevention. Two new laws based on corresponding EU directives were introduced in 2003. These laws banned any forms of discrimination based on race, ethnic origin, religious beliefs, sexual orientation, disability, or age.³⁰

In 2011, new trial regulations for discrimination cases were introduced, which shifted the necessity to provide the burden of proof from plaintiff to the defendant. If the defendant was found guilty, the court now also had the right to not only invoke a fine, but also take measures ensuring that the offence would not happen again.³¹

In 2005 segregated areas of Italia started legalising same-sex civil partnerships. Since then, same-sex civil partnerships have been made legal in the following regions: Tuscany, Umbria, Emilia-Romagna, Campania, Marche, Puglia, Lazio, Liguria, and Abruzzo. In 2011 Italian Supreme Court ruled that same-sex couples have the right to a family life, including (in certain cases) being treated the same as heterosexual married couples. However, at the same time Supreme Court also ruled that Italian legal system will not recognise same-sex marriages registered abroad.

- Compliance with anti-Nazi, antiracist, and anti-extremist legislation by the authorities (central, regional, municipal), law enforcement and judiciary, as well as their compliance with legislation directed against incitement of ethnic and religious hate and compliance with anti-discriminatory legislation.

Generally, Italian authorities tend to adhere to such legislation. Moreover, in 2004 the National Office against Racial Discrimination (UNAR) was established. Its duties include aiding victims of discrimination, investigating discrimination complaints, promoting introduction of specific measures and regulations that could help compensate victims of ethnic and racial discrimination for their moral, financial, and physical damages, providing consulting on issues related to racial discrimination, ethnic discrimination, and equal rights, and, finally, evaluating existing anti-discrimination legislation and suggesting new legal projects.

UNRAR provides annual reports containing recommendations for further advancement of the anti-discrimination and anti-xenophobia fight. In 2011, UNAR was also granted authority over cases involving discrimination against specific sexual orientation, gender identity, age, disability, or religious beliefs. However, it has no authority to incite legal proceedings, only provide consultative recommendations.³²

On August 6, Interior Minister Angelino Alfano ordered the immediate expulsion of a fundamentalist Imam Raud Abdelbara. Police said that the imam is a threat to national security.³³

Some extreme right demonstrations have been prohibited by local authorities (Vincenz, March 6³⁴; Venice, March 25³⁵). These bans, however, were most likely caused by threat of clashes with antifascists, rather than nationalist slogans themselves. On November 29, police

in Milan officially warned organisers of Hammerfest rally that racist statements and actions are prohibited.³⁶

On the other hand, it was reported in 2014 that funds allocated to Roma integration in Rome were distributed among corrupt officials and mafia.³⁷

- Hate crime (criminal cases against organisers and participants, convictions).

Italy still has problems in registering hate crime. There is practically no database that would allow for assessing hate crime rate, police detection rate and compensation for victims.³⁸ There is also no information about trials on hate crime cases.³⁹ Such crime is often misidentified and misreported by police. Therefore, accurate information about such incidents is almost impossible to attain.

On January 9, three Casa Pound activists were sentenced to 1.5 years in prison for attacking an antifascist in Lecce.⁴⁰

On January 31, the Court of Appeal in Bologna delivered its verdict in the case of eight Parma police officers, who mistakenly arrested and African student on charges of drug trafficking in September 2008. They were sentenced to 2 to 5 years in prison and 135,000 euros fine for police brutality during interrogations.⁴¹

On June 19, a man who was sending pig heads to Rome synagogues and the Israeli Embassy was sentenced to 10 months in prison.⁴²

On July 11, a neo-Nazi who attacked a student in 2013 was sentenced to 10 years in prison.⁴³

On February 22, it was reported that a new trial has started on the case of Brescia terrorist attack in 1974.⁴⁴

In several cases, court compensated for unlawful actions of the police. On April 1, Tivoli court released antifascists who painted the monument of a fascist general.^{45, 46}

On July 10, 60 antifascists who were protesting near the new office of Forza Nuova in 2009 have been acquitted.⁴⁷

Law enforcement agencies have made several actions that can be seen as condoning xenophobia. On November 18, Rome Court of Appeal reduced the sentence for neo-Nazis from Stormfront Italia, saying that their website only contains propaganda.

On December 9, Varese City Court acquitted 22 “Nazi apologists”, who were accused of singing Nazi anthems on Hitler’s birthday. Court ruled that singing of Nazi songs is not justification of Nazism and does not provoke racial hatred.

- Unlawful use of anti-extremist legislation.

On May 14, the court in Messina fined 3 women who came to a private beach wearing bikini for... “insulting Muslims with their appearance”.⁴⁸

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Presence of anti-Nazi, antiracist and anti-extremist legislation, and legislation directed against incitement of ethnic and religious hatred in the country.	5	5	5
-/×	Presence and improvement of anti-discriminatory legislation.	5	5	2.5
×	Compliance with anti-Nazi, antiracist, and anti-extremist legislation by the authorities (central, regional, municipal), law enforcement and judiciary, as well as their compliance with legislation directed against incitement of ethnic and religious hate and compliance with anti-discriminatory legislation.	5	5	5
-/×	Hate crime (criminal cases against organisers and participants, convictions).	2.5	5	2.5
-	Unlawful use of anti-extremist legislation.	-5	0	-2.5
	Total for section 3	12.5	20	12.5

4. Statements made by government representatives, members of the ruling party, and influential politicians against xenophobia and radical nationalism

Italy's President Giorgio Napolitano, the (former-) prime minister of the country, Enrico Letta and the mayor of the Italian capital, Ignazio Marino, condemned the incidents with the three pig's heads at Rome. Napolitano called them "a provocation against all of us".⁴⁹

The ongoing attacks against minister Kyenge were also condemned by several politicians and representatives. Valeria Fedeli (Pd), Vice-president of the Senate, called them "acts of violence and of defamation", that have its roots in "a climate of intolerance, racism and sexism".⁵⁰ At the municipal parliament of Milan, a declaration of solidarity with minister Kyenge was supported by the "Lega Nord" as well.⁵¹

Former chairman of the Cabinet of Ministers and current leader of Forza Italia Silvio Berlusconi said on June 29, "The struggle for gay and lesbian rights in a modern democratic country is an obligation for all".⁵²

Head of the National Police, Alessandro Pansa along with several deputies, paid a visit to Prati on July 31 to reassure local residents that measures will be taken to find those responsible for the creation of anti-Semitic graffiti.⁵³

On August 31, Italian politician of Congolese descent, Cecile Kyenge, urged to prohibit Lega Nord and Forza Nuova as fascist parties. She said that “we must not allow parties that promote hatred and hate speech to exist”.⁵⁴

In response, Lega Nord stated that it was created to oppose centralism and therefore does not comply with nationalism, which is based on centralism. He added that the movement was created as “antifascist”.⁵⁵

Mayor of Rom Marino condemned the “pig head” incidents as “insults to the Jewish community and the whole city”.⁵⁶

From May 12 to May 18, Rome displayed rainbow flags in solidarity with the LGBT Movement. Mayor Marino said that he wants to turn Rome into an open and tolerant city.⁵⁷ On June 6, he took part in a gay pride event and promised to introduce a resolution regarding same-sex civil unions in the city.⁵⁸

Marino called anti-Semitic rhetoric in late July an insult to the face of the city and each of its residents. He expressed solidarity with the Jewish community, noting that Rome should not become a barbaric city.⁵⁹

On November 10, Ignacio Marino said that the safety of Rome should not be endangered because of a group of extremists, calling their actions “unacceptable”.⁶⁰

On February 11, Parma province court condemned Italy’s war crimes during World War Two and proposed forming a commission of historians to investigate these crimes.⁶¹

Mayor of Scafati condemned the attacks on teenage immigrants in the city.⁶²

On May 31, at a meeting with a pro-LGBT group Arcigay, mayor of Napoli said that the city council is prepared to recognise gay marriage that was concluded abroad.⁶³

On July 6, Mayor of Napoli took part in solemn funeral of a football fan who was murdered by neo-Nazis.⁶⁴

On July 14, the first gay marriage was officially registered in Napoli. The ceremony was attended by Mayor Luigi de Magistris.⁶⁵

On July 7, Mayor of Bologna Virginio Merola, announced that the city will be ready to register the same-sex marriage of Italian citizens who got married abroad in September.⁶⁶

President of Tuscany, Enrico Rossi supported the election of a black woman as “Miss Livorno”.⁶⁷

On October 9, heads of several municipal institutions reported that they do not intend to adhere to the exclusion of same-sex marriage registered abroad from the civil status register. Mayor of Bologna called this document “stupid”, noting that reacting in such a manner to “problems that affect real lives of many people is not just bureaucratic,

it's tragicomic". Mayor Virginio Merola added that there is no legal ground to exclude such entries in the register. "If they want to annul them — let them do it themselves. I will not abandon my signature. I will not submit to this."⁶⁸

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism.	5	5	5
	Total for section 4	5	5	5

5. Activities aimed at promoting tolerance and preventing extremism

Since 2012, Italy has a National Strategy for Roma Integration and since 2013 — National Strategy for Preventing and Combatting Discrimination Based on Sexual Orientation and Gender Identity.⁶⁹ As a part of the national strategy designed to improve integration of Roma (Roma) people in such fields as education, employment, healthcare, and housing, many local city councils have developed programmes making it easier for children from Roma families to receive education (i.e. by providing them free access to school buses, etc.).⁷⁰ Such a simple action as providing Roma children with free school bus services can help solve the segregation problem on multiple levels, as it would make children from Roma families interact with children with other ethnic backgrounds on a regular basis, thus catalysing the social assimilation process. UNRAR (National Office against Racial Discrimination) is currently working on implementing its plan to “encourage any activity from NGOs and other non-profit organisations that would support the fight against racial and ethnic discrimination”.

In addition to that, UNRAR, together with the Italian Football Federation (Federazione Italiana Giuoco Calcio) and Italian Sports Federation (UISP), is currently implementing a programme that will help battle racism at sports venues.

Italian Chamber of Deputies founded an “observatory”, the primary goal of which is to help prevent xenophobia and racism. Fiamma Nirenstein’s initiative helped create an Interdepartmental Committee against Anti-Semitism.

Some municipal authorities are working on developing and implementing programmes that would help integrate Roma people into Italian society. The measures suggested so far include: “simplified” condi-

tions upon which children from Roma families are to be accepted into schools, unobstructed access to the job market, and medical services in Romanian language. A series of such initiatives was implemented in several Italian regions in order to ease the immigrants' adaptation to Italian housing market and health services.

Administration of Rome will use the term "Sinti" and "Roma" instead of "Travellers". This was stated by Mayor Ignazio Marino in a circular letter.⁷¹

On July 11, Rome City Council organised a Gay Help Line, to help victims of witnesses of homophobic violence and discrimination.⁷²

Mayor of Rome Ignazio Marino visited Tor Sapienza area, that recently had riots, and held a speech dedicated to problems of anti-Semitism.⁷³

On April 1, it was reported that Turin authorities removed Mussolini from the list of honourable residents.⁷⁴

On June 1, it was reported that a factory near Turin, where writer and Holocaust survivor Primo Levi used to work, was converted into a Museum of Holocaust Studies.⁷⁵

In November, municipality of Senigallia started recognising same-sex marriage registered abroad.⁷⁶

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Activities aimed at promoting tolerance and preventing extremism.	5	5	5
	Total for section 5	5	5	5

6. Status of migrants and society's attitude towards immigrants, foreigners, different ethnic groups

Indicators

- Presence and improvement of migration laws.

The main document regulating migration is the 1998 "Law on Immigration". According to Article 2 of this law, a foreigner living in Italy has the same rights as an Italian citizen, unless it is decided otherwise by specific legislation or international agreement. Foreigners have the right to participate in the social life. According to section 1 of the third Article of the Law on Immigration, every three years Parliament has to develop an immigration strategy. Section 5 of Article 3 makes it compulsory for the local authorities to take any necessary measures that are needed to facilitate the immigrants' social assimilation process. Aiding illegal immigration is punishable by up to 5 years in prison

and a 15,000 Euro fine for each illegal immigrant aided. If the motive is financial gain, then the prison sentence can vary from 4 to 15 years. Fines are increased if a group consisting of more than 5 illegal immigrants was aided to enter the country. Same applies if immigrants were put under threat by the person responsible or mistreated/abused by him or her in any way, as well as if the illegal operation was performed by a group consisting of three or more people. If immigrants were brought into the country to be used in sex industry, or if child labour was involved, then the prison sentence is increased by 30–50% and fines go up to 25,000 Euro for each person imported. An employer that hires illegal immigrants is punishable by a 3–12 months prison sentence and a 5,000 Euro fine for every illegal immigrant employee.

Article 19 prohibits readmission of immigrants if they were under threat of persecution in their home country due to their race, gender, language, citizenship, religious beliefs, political views, etc.⁷⁷

Legislation also prohibits children staying in refugee centres without their parents. Such children are appointed a guardian within 48 hours.⁷⁸

The “Bossi-Fini Law”, introduced in 2002, reduced the duration of a standard work permit from 4 to 2 years, increased the period of time citizens of non-EU countries need to live in Italy before being able to apply for permanent residence from 5 to 6 years, implemented immediate deportation of illegal immigrants system; and, finally, cancelled the possibility for immigrants to reunite with their non-direct family members. In addition to that, from 21 reasons for applying for an Italian visa only the following 5 are seen as valid for immigration and give the right to later apply for permanent residence (after having lived in the country for 6 years) and citizenship:

- Reuniting with the family (family member must either already have an immigration status, or be an Italian citizen);
- Adoption of an underage foreigner by a person who either already has an immigration status, or is an Italian citizen;
- Employment (in case the potential immigrant has a work contract for an undetermined time period); in such case staying in Italy after having lost the job that was used to obtain the immigration status in the first place is considered a crime;
- Private entrepreneurship (after receiving a permit for such activity) of various types (commerce, trade, sport, art);
- Seeking to reside in Italy while having large stable income located in applicant’s original country of residence (not in Italy).

As was noted in 2006 by a UN rapporteur in Italy, the “Bossi-Fini Law” has the direct opposite effect from the one initially intended — instead of integration and international dialogue it leads to criminalisation of Italian immigrant communities.⁷⁹

Refugees in Italy have a right to employment, as well as free access to the state healthcare and education systems. After five years of permanent residence and employment in Italy they have the right to apply for Italian citizenship.

In July 2012, Italy adopted a Resolution N109, known as Rozarno Law, which introduced protection for migrant victims of exploitation. Law punishes exploitation of migrants, deprivation of government and EU subsidies and deprivation of licenses. Victims who cooperate with authorities during the trial can be provided with citizenship on humanitarian basis.⁸⁰

In 2013 Italian government introduced a series of measures implementing stricter regulations for employment-related immigration into the country. Specifically, on June 26th 2013 government issued a decree, according to which an employer must provide evidence that he was unable to find a suitable employee in Italy before hiring one from abroad.⁸¹

In April 2014, Italy decriminalised illegal migration, making it an administrative offence.⁸²

A number of resolutions have been adopted that streamlined the migration process:

Resolution N° 717 — opens up opportunities for employment for foreign nationals.

Resolution N° 718 — Ministry of Education, University and Research establishes a National Observatory for inter-cultural integration of foreign students, designed to promote a better integration of foreign students in Italian schools on every level (nurseries, elementary, middle and secondary) and to promote intercultural exchange.

Resolution, nN°286/98 — establishes that foreign nationals can be registered in their local city council, providing that they can submit VISA certification, an entry permit, and a photocopy of their passport.

Resolution of the Council of Ministers (October 7, 2014) regulates the entry of athletes who are non-EU nationals.

October 20th Resolution regulates the Centres of Identification and Expulsion of illegal immigrants (commonly known as CIE). Those centres are often criticised and scrutinised by various International Human Rights organisations, due to frequent abuse and human rights violations. The decree is aimed at improving conditions in these centres, and one of the measures taken includes a “Chart of the Rights and Duties of the Foreign National”, which is distributed to all foreign nationals in CIEs. The Chart informs foreign nationals about their right to be informed, the right to communicate in their native language, the right to communicate with the outside world via telephone or letter and finally, the right to practice their religious beliefs.

In October 2014, Italy adopted a law that reduced the maximum detention period of illegal migrants from 18 months to 90 days.⁸³

- Authorities' compliance with such legislation (law enforcement practice).

Italy accepts a major part of European immigrants onto its territory; their numbers only increased after the events of the "Arab Spring" in North Africa and Middle East.

At the start of 2013 4.4 million foreign citizens were registered in Italian councils; that constitutes 7.4% of the total Italian population. At least another 500,000 people reside in Italy illegally. The largest immigrant communities in Italy are the following: Moroccans (513,374), Albanians (497,761), China (304,768), Ukraine (224,588), and Philippines (158,308).⁸⁴

Between January and November 2014, more than 155,000 migrants arrived in Italy. Of them, 44,000 applied for asylum in the country.⁸⁵ Most of these people were saved at sea during the Mare Nostrum operation. Despite these efforts, more than 3,400 refugees drowned attempting to cross the Mediterranean Sea.⁸⁶

Immigration issues in Italy are handled by the Ministry of Interior, which, in turn, commands the Immigration Bureau and the Border Police. Local immigration councils are also present in certain regions. Those councils include members of local authorities, labour unions, organisations, and employers. They monitor the situation on immigration and evaluate the country's "capacity" to accept new immigrants.⁸⁷

However, the law enforcement practice in this area leaves a lot to be desired. First, migrants are kept in unacceptable living conditions. Large refugee camps can contain more than 4000 migrants.⁸⁸ These are closed properties, which are not designed for long-term living, with varying degrees of access to recreational activities, healthcare and legal assistance.⁸⁹ Currently, all centres are overcrowded. Refugees face medicine shortages, lack of medical staff and poor psychological assistance. Children traveling alone are often appointed guardians several weeks after their arrival. As a result, minors cannot defend their rights in court.⁹⁰ In November 2014, ECHR ruled against the return of an Afghani family from Switzerland to Italy due to poor reception mechanism in the country.

On October 21, ECHR ruled against Italy for its practice of returning migrants to Greece without individual screening for needs and protection or inhumane treatment upon their return.⁹¹

Around a hundred refugees protested against their living conditions on June 14 and blocked a street in Rome. "Treat us like people", nearby refugee camp residents demanded. Police cleared the street in an hour.⁹²

Migrants in Italy have no access to free legal assistance. As a result, they must pay legal fees or hope for support from non-profit organisations.⁹³

Ministry of Internal Affairs allowed the police to use force when taking finger prints during ID checks.⁹⁴

- Discriminatory practices against immigrants.

Immigrant workers often become a target of discrimination. It is quite common for them to receive salaries that are 20–30% less than the salaries of Italian workers occupying the same position (in Basilicata and Calabria salary gap can reach up to 40%). Most immigrants occupy low-skill jobs and find it difficult to advance in their careers even if they possess necessary knowledge and skills. Statistically, immigrants have better average education level than indigenous Italians. 12.1% of immigrants have a university or a college degree, whereas the same can be said about only 7% of Italians. This clearly showcases the problem of immigrants' education level being inconsistent with the positions they occupy. Just like in other European countries, in Italy immigrants are used to fill the jobs that are not wanted by the Italian citizens — un-prestigious, hard, and low-paid.

When it comes to Rozario Law, Amnesty International reports that this normative act was unable to provide sufficient protection for migrant workers. Illegal migrants are afraid to turn to police for help. Many of them were unable to cooperate with the investigation. Furthermore, definition of exploitation was too lenient towards employers.⁹⁵

In a number of cases, poor working conditions were accompanied by insults. On May 19, 50 workers of Carpigiana Service went on strike to protest against the continuous racist behaviour of their boss.⁹⁶

Another problem is statelessness of Roma migrants from former Yugoslavia. Having arrived in Italy in the 1990s, they settled in Italy, but did not naturalise. Out of 239 Roma people interviewed by Open Society Foundation, 139 were stateless persons and 105 said that they would like to apply for citizenship. 23 said they wish to remain stateless.⁹⁷

According to Italian legislation, people without citizenship, as well as their children, do not have the same rights as Italian citizens. More worryingly, this segment of the Roma population frequently does not possess any official documents whatsoever — identification-related or otherwise, which makes them especially vulnerable to such actions as forceful eviction and limits their access to basic rights and services.

- Use of the “ethnic crime” in order to discriminate against immigrants.

The “ethnic crime” issue occupies a very viable position in the ideology of the Italian far-right activists. For example, Forza Nuova was

intending to hold a protest in Vicenza, against migrants who are supposedly harming the city.⁹⁸ Italian media (particularly online) raises this subject every time a crime is committed by a foreign national.

- Social assistance for immigrants.

According to legislation introduced in 1998, the responsibility for helping legal immigrants integrate into Italian society lies upon the shoulders of the Ministry of Social Development. The main targets of the aforementioned integration are, as follows: improving the collaboration between the indigenous Italian citizens and members of ethnic minorities residing in the country, as well as providing equal rights and opportunities to legal immigrants. One of the tasks delegated to regional immigration councils is planning and implementing regulations that would ensure that immigrants receive the necessary social integration aid.⁹⁹ Based on Articles 20 and 25 of the “Law on Immigration” working immigrants (including seasonal workers) are entitled to social insurance and social security. Articles 34–35 of the same law regulate the access immigrants have to medical aid. Article 40 declares that immigrants can be provided state housing as a part of general quota (the “Bossi-Fini Law”, however, introduced a 5% limit to the amount of state houses that can be occupied by immigrants).

Article 41 states that foreigners that have received a residence permit are entitled to the same social aid as Italian citizens. However, due to the nuances of the local legislation, full pension can be received only by those who have been paying taxes to the Pension Fund for a period of 42 years, which far from all immigrants can claim to have done. Otherwise pension is mere 429 Euro a month.¹⁰⁰ According to Article 42, authorities of all levels must do everything within their capabilities to help the integration of immigrants (i.e. establish special learning courses for them). Article 46 specifies that the Council of Ministers has to have a special commission that would resolve integration-related issues.¹⁰¹ A foreign citizen that resides in Italy has a right to maintain features of his or her culture and religion.¹⁰²

A web portal called “Immigrant Integration” was created by the Immigration Office and by the Ministry of Labour and Social Policy using funds provided by the European Integration Fund. This portal contains information that can help immigrants integrate into Italian society. Website has the following subsections: education and learning, work, housing, access to main services, and teenagers and children born in Italy.¹⁰³

In practice, the situation with integration is poor. Refugee assistance programmes are often focusing on subsistence rather than integration.¹⁰⁴ In 2014, it was reported that funds intended for refugee

integration in Roma have been distributed amongst corrupt officials and mafia — at least 50% of the budget (20 million euros).¹⁰⁵

- Negative attitude of the community towards immigrants, foreigners, and various ethnic groups.

According to the results of the published in May 2014 poll conducted by the “Pew Research Center”, xenophobia-wise Italy takes on of the first places in Europe.

80% of Italians think that immediate measures must be taken in order to stop immigration; 79% argue that immigrants do not want to assimilate and integrate into Italian society; 69% see immigrants as stealing jobs and social benefits from Italian citizens; 45% are convinced that immigrants are to blame for increased crime rate. 85% of Italians do not like Roma, 63% do not like Muslims, and 24% do not like Jews.¹⁰⁶

Locals often perceive refugees as “leeches”, taking their money. As a result, news about new refugee centres are often met with protests, which is exploited by radical nationalists.¹⁰⁷

On August 12 Italian artist Peppe Barra said in an interview: “Immigrants spoil, contaminate and devalue Naples. They misbehave, they are arrogant and evil. This is not xenophobia, but fear. Immigrants bring only harm”.¹⁰⁸

On September 1, owner of a shop in Sicily, member of the DECO-Gruppo Amadori started a programme against the Romani called Decorum and Live-ability, which quickly spread across Italy.

The campaign states, “From Monday 1st of September, Confercenti¹⁰⁹ invites its members to display the following on their windows — Don’t give money to the poor, give it to Caritas.”¹¹⁰

November 3. In the small village of Monserrato (Cagliari, Sardegna), parents of children attending the local elementary school, have expressed strong opposition to the employment as ancillary staff, of two women of Roma ethnicity. The employment was part of a European plan of integration of minorities.¹¹¹

Sociological surveys indicate that Italian Jews are feeling the growth of anti-Semitism in their daily life. 30% avoid wearing a kippah and another 30% avoid nailing a mezuzah to their door (a piece of parchment with a prayer written on it).¹¹²

Homophobia is also common in Italian society. On July 11, Forza Nuova was distributing posters against gay marriage around the city of Ravenna.¹¹³

On August 26, activist of a Sicilian separatist movement “Movimento per l’Autonomia” (Independence Movement) explained that in his view, homosexuality arises from the “trauma” after the sexual assault.¹¹⁴ In December, Forza Nuova launched a call centre in Milan, in

order to gather information about “attacks on the traditional family and health of our children”.¹¹⁵

Sociological survey by Ipsos PA, published on October 21, showed that 56% of practicing Italian Catholics support the recognition of same-sex union. 24% of them supported same-sex marriage, while 32% supported same-sex civil partnership.¹¹⁶

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Presence and improvement of migration laws.	5	5	5
-/×	Government’s compliance with such legislation (law enforcement practice).	2.5	2.5	2.5
×	Discriminatory practices against immigrants.	-5	-5	-5
×	Use of ethnic crime as justification for discrimination against migrants.	-5	-5	-5
×	Social assistance for immigrants.	5	5	5
×	Negative attitude of the community towards immigrants, foreigners, various ethnic groups.	-5	-5	-5
	Total for section 6	-2.5	-2.5	-2.5

7. Incitement of religious and ethnic hatred

Indicators

- Calls for ethnic and religious hatred in mass media, mass communications, and graffiti.

Monitoring recorded several cases of radical anti-Semitism. In late July, imam of San Dona di Piave, Raud Abdelbar, in his public prayer asked Allah to kill all the Jews for the happiness of Muslims. “Allah, bring them something that will make us happy. Recalculate all their polls, and kill them all to the last. Do not spare any of them.”¹¹⁷

On October 1, a recently converted Muslim Italian rapper Vito R. posted a call to “murder all Zionists, including children, rabbis, etc.” on Facebook. He added that when an enemy runs, “he must be caught and destroyed.”¹¹⁸

Anti-Semitic graffiti and swastikas have been found in Rome on May 3 and 27.¹¹⁹

On July 7, anti-Semitic graffiti was found on a bridge over Foglia river.¹²⁰

On July 30 and 31, graffiti was put on a synagogue in Rome, saying “Fire for synagogues”.¹²¹ On August 5, graffiti “Jewish pigs, we will kill you all” appeared on the wall of a synagogue in Gorizia.¹²²

On August 8, several posters calling for boycott against Israel and any “Jewish products and merchants” were found across Rome. Posters were signed by “Militia”, which is a right-wing extremist group.¹²³

9 On September 9, Islamophobic graffiti was found near ACLI in Padua, reading, “Muslim killers. Enough! Enough! Muslim Bedouins!”¹²⁴

On September 27, anti-immigrant graffiti was found in Padua.¹²⁵

On May 11, it was reported that a potato shop displayed a poster, saying “Don’t be a faggot, eat potatoes.”¹²⁶

- Presence and popularity of radical nationalist literature, films, music. Ultranationalist rock bands and their concerts.

Since 1963 a neo-Nazi publishing agency called “Edizioni di Ar” has been regularly publishing many anti-Semite authors. It has published works of a Fascist theorist Julius Evola, German race researcher and eugenicist Hans F. K. Günther, Romanian anti-Semite Michael Erzengel, “Iron Guard” (Garda de Fier) member Corneliu Zelea Codreanu, Muammar Gaddafi, and holocaust denier Claudio Mutti who supported the leader of Livia in the Israeli conflict and made many racist statements. “Edizioni di Ar” spreads its publications through the internet and also has its own book store in Avellino/Campania.¹²⁷

“Casa Pound” faction founded a culture centre called “Fascists of the Third Millennium” and a book store named “Futuristic Circle”.

There are several Italian extreme right musical bands, most popular being ZetaZeroAlfa — Casa Pound’s official band.¹²⁸ Besides ZetaZeroAlfa, there are multiple smaller neo-Nazi bands, such as “Civico 88”, “Garrota”, “Legittima Offesa” and “Linea Ostile”. Usually, these bands are tightly related to various neo-Nazi organisations. For example, according to police reports, Garrota is tied with a neo-fascist organisation “Twelve Rays” and was recently subject to police search.¹²⁹

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Calls for ethnic and religious hatred in mass media and mass communications, graffiti.	-5	-5	-5
×	Presence and popularity of radical nationalist literature, films, music. Ultranationalist rock bands and their concerts.	-5	-5	-5
	Total for section 7	-10	-10	-10

8. Radical nationalist groups and parties

Indicators

- Presence of neo-Nazi and ultra-nationalist groups, movements, political parties (both in the centre and in the localities).

The main ultra-right organisations of Italy are the parties Forza Nuova (New force) and “Tricolour Flame”.

New force” was established in 1997 in London by members of the former neo-Nazi party “Italian social movement” Roberto Fiore and Massimo Marcello. It recruits not only in ultra-right and neo-fascist circles, but also in ultra-conservative catholic circles.

New force” actively uses internet resources and also closely collaborates with Greek right extremists “Golden dawn”, French “National Front”, “British “British national party”, German “National Democrat party” and Belgian “Flemish block”. Radical nationalists held an international conference in Pineta Palace hotel in Rome on March 1.¹³⁰

The “Tricolour Flame” party was established in 1995 by Pino Rauti and is a follower of the former neo-fascist party “Italian social movement”, which at the time has already transformed into “National alliance” and opted out of extremism. The current party leader Luca Romagnoli represents a party, which underlines its spiritual link with the “Nazi era” and pursues a pro-Palestinian policy. In 2014, the party incorporated the Italian branch of the Greek Golden Dawn party.¹³¹

In 2003 the nationalistic fascist fraction “Casa Pound” was created, which positioned itself as an “association of extremism followers” and “fascists of the third millenium”. It was named in honor of American poet Ezra Pound who lived in Italy and was a fan of Mussolini. During World War Two he actively propogandized anti-Semitic ideas on the Roman radio. The party headquarters are located in Rome. The party keeps contact with musicians, who support national-socialistic views.¹³²

It is worth also noting the National Socialist Workers Movement, which is operating in Lombardy since 2002.¹³³

National Brotherhood of Black Wolves is a militant organisatoin formed from former police and army officers in 2013.¹³⁴

- Presence of discriminatory demands in the programmes of these parties and in the statements of their leaders towards the members of minorities.

Forza Nuova in its programme proclaimed the necessity of combating masonry. It also highlights combating immigration as its priority, characterizing it as a “full-fledged Muslim aggression towards Europe ”, endangering the fate of Italians as a nation. That said the

party accused the Italian authorities of depriving Italians of housing and jobs in favour of migrants. As a solution to the problem they suggested deporting all migrants.¹³⁵

“Tricolour Flame” in its declaration states that it can be defined by the legacy of Mussolini. It is a classic fascist party, whose ideal is Mussolini’s social policy.¹³⁶

“Casa Pound” positions itself as a fascist party, borrowing nationalistic ideas from the right and social views from the left. It advocates for the abolition of open borders in the EU and deportation of “undesirable” foreigners. The party also wants to abolish anti-racism legislation to “decriminalise ideological opinions”.¹³⁷

- Neo-Nazi and radical nationalist influence over the civil society, including oppositional and human rights organisations.

Neo-Nazis have a partial influence over the civil society in Italy.

At the last elections to the European Parliament on May 25th “Lega Nord” received 6.2% (5 seats in the European Parliament). “Fratelli d’Italia/Alleanza Nazionale” got 3.7% of the vote and did not get into the European Parliament.¹³⁸ But the favorite of the election turned out to be the movement “Five Stars” led by Beppe Grillo, which received 21.1% of votes and 17 parliamentary seats. Grillo founded the Nationalist parliamentary group with UKIP.¹³⁹ These figures indicate a large demand for extreme right views amongst the electorate.

On July 25, a video was published on YouTube, depicting a group of Italian soldiers singing a fascist hymn.¹⁴⁰

The increase of the radical-nationalist party and group influence in Italy has its objective and subjective reasons. On one hand, this is a sharp increase in migration flows and obvious economical difficulties, on the other hand, an effective use of new technologies by the nationalist-radicals, the Internet above all. For example, “Casa Pound” has an active presence on the Internet and allows effectively using the social media to circulate their messages and recruit new members.¹⁴¹ The organization, in particular, has a 24-hour Internet radio “Bandiera Nera” and a weekly webcast Tortuga-TV.

- Neo-Nazi and radical nationalist influence over the local legislative/executive bodies.

During local elections in 2012 the right and the nationalists suffered a crushing defeat: they were able to push their candidates only in several election districts. As experts think, the voter voted against the regime of economy and corruption scandals, which engulfed the rights.

- Neo-Nazi and radical nationalist influence over the central legislative/executive bodies.

Extreme right parties did not receive any seats in the 2013 parliamentary elections. However, a Eurosceptic Five Stars party was relatively successful, which indicates that Italian electorate is slowly turning towards nationalism.

Five Stars party itself has been borrowing from the extreme right ideology. On February 1, the party invited one of the more known far right terrorists from the 1970s, F. Zani, as an honourable guest to their conference “Global Crisis and Local Reactions”. Invitation was later receded due to public criticism.¹⁴²

Lega Nord used heavy anti-immigrant rhetoric in its promotions, borrowing from the French National Front.¹⁴³

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Presence of neo-Nazi and ultra-nationalist groups, movements, political parties (both in the centre and in the localities).	-5	-5	-5
×	Presence of discriminatory demands in the programmes of these parties and in the statements of their leaders towards the members of minorities.	-5	-5	-5
-/×	Neo-Nazi and radical nationalist influence over the civil society, including oppositional and human rights organisations.	-2.5	-2.5	-2.5
-	Neo-Nazi and radical nationalist influence over the local legislative/executive bodies.	0	0	0
-	Neo-Nazi and radical nationalist influence over the central legislative/executive bodies.	0	0	0
	Total for section 8	-12.5	-12.5	-12.5

9. Public actions of extremist and nationalist groups

Indicators

- Neo-Nazi and radical nationalist participation in mass actions prohibited by the authorities.

On February 26, Forza Nuova organised a demonstration and clashed with Prime Minister’s security during his visit to Treviso.¹⁴⁴

On September 15, Forza Nuova activists broke into a Day of Jewish Culture ceremony in Crotone and displayed a banner, saying “Israel is a bastard state. Freedom for Palestine”. They started handing out pictures of dead Palestinian children.¹⁴⁵

In December 2014, the party organised street patrols against migrant crime in Brescia.¹⁴⁶

- Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities.

On January 15, Lega Nord held several torchlight processions in the region of Veneto with altogether 1000 participants. The motto of these demonstrations: “No to wild immigration, for employment and security” (No all’immigrazione selvaggia, per l’occupazione e la sicurezza).¹⁴⁷

In Milan, around 200 persons participated in a similar torchlight procession under a slogan “Right of habitation, right to work — People of Milan first, never the illegal immigrants.

On January 24, 10 members of “Forza Nuova” in Bologna tried to meet near a market but were blocked by 30 anti-fascists. Members of the right-wing-extremist group first collected and afterwards distributed free food to people, hit by the economic crisis, stressing that “FN” cares only about Italian families.¹⁴⁸

On February 10, Casa Pound held a demonstration in Cremona.¹⁴⁹

On April 9, Forza Nuova held a demonstration against Mayor of Verona (member of Lega Nord), suspected of corruption.¹⁵⁰

On April 29, neo-Nazis held a traditional annual demonstration in Susa, commemorating Sergio Ramelli — a neo-Nazi who was killed in 1976.¹⁵¹

On May 10, radical nationalists organised a demonstration in Roma, demanding eviction of Roma families. However, locals mostly boycotted the action, which only gathered 100 members.¹⁵²

In the morning of May 25th a “Forza Nuova” supporter threw leaflets from his car in front of an anti-fascist group office and was attacked by members of this group.¹⁵³

On July 12, Casa Pound held a demonstration against Roma and refugee centres in Rome.¹⁵⁴

On August 9, about 90 people held a demonstration in front of refugee accommodation in Montagnana to show their disagreement with the decision of the placement of people from North Africa who are seeking asylum in Montagnana.¹⁵⁵

On August 10–11, demonstrations in honour of fascist volunteers in 1944 was held in Florence.¹⁵⁶

On August 22, members of CasaPound Italia occupied the car parking at the hospital in Parma in protest against scams that make the visitors pay for the use of the car park. “We will not allow fraudsters — unemployed immigrants — to extort money for free parking.”¹⁵⁷

Supporters of a man who murdered a Pakistani national organised a campaign for his release, claiming that he was provoked by victim’s insults.¹⁵⁸

On October 23, Forza Nuova held a demonstration at Vimercate city hall.¹⁵⁹ Another Forza Nuova demonstration was held in Verona on November 1.¹⁶⁰

On December 2, the party held a demonstration in Senigallia, protesting against local council's decision to legalise same-sex marriage.¹⁶¹

On December 12, protests organized by the far-right group "Alpha-Fronte Universitario" to put a stop to the presence of Roma Gypsies took place at the Central University of Milan.

On December 25, Casa Pound held a rally near Viterbo prison in solidarity with their comrades, arrested for attacking football fans in Magliano.¹⁶²

- Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities, with the participation of representatives from the legislative or executive bodies, law enforcement and security agencies.

No such cases have been recorded in 2014.

- Presence of "football xenophobia" and racism amongst sports fans.

Italy remains one of the countries where racism is most widespread in football.

According to police reports in 2013, Italy has around 41,000 football ultras, spread across 388 different groups. 60 of them have clear political undertones, particularly in group "A". Despite government's and football union's definitive measures (e.g. introduction of "tifozi" classification), ultras are a "time bomb", according to the police.¹⁶³ Fans organised in extreme right groups (ultras) can become an effective weapon in the hands of radical politicians.

During the match against "SSC Napoli" fans of Verona insulted the Colombian player Pablo Armero of "Napoli" imitating the sounds of a monkey.¹⁶⁴ Fans of "Cagliari Calcio" insulted Mario Ballotelli during a match against "AC Milan".¹⁶⁵

On March 10, an 18 year old player from Atalanta Bergamo youth team was banned for ten games, after insulting an opponent with the term "vù cumprà" during the match against Verona Calcio.¹⁶⁶

On March 8, during the football-match between Juventus Turin and AC Firenze, supporters of the former chanted: "Fiorentini are not Italians, but a crowd of Jews."¹⁶⁷

On March 26, it was reported that football player Bernard Owusu was insulted by his opponent from Grigano FC, who called him a "Banana" and a "Bloody nigger" during an amateur league match. Owusu struck his opponent and was removed from the field as a result.¹⁶⁸

On May 11th during soccer match in Bergamo between Atalanta Bergamo and AC Milan a fan threw a banana at a black player of AC Milan Kevin Constant. “Milan” player Nigel De Long immediately picked up the banana and threw it out.¹⁶⁹

On May 21st in Florence during a training game of the Italian team in preparation for the World Cup in 2014, Mario Balotelli was offended by several fans, who called him “a bloody Negro”.¹⁷⁰

On July 25, Carlo Tavekko, presidential candidate of the Italian Football Association (Figc), said in his pre-election speech: “In the UK they check the players for professionalism. We approach in a different way. As they say, any Opti Poba [fictional name] who used to eat bananas can play for Lazio and win the championship.¹⁷¹ While the statement was deemed racist and resulted in FIFA inquiry, Tavekko was still elected president of Figc.¹⁷²

On July 18, tennis player Fabio Fognini made racist statements against Roma.¹⁷³

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Neo-Nazi and radical nationalist participation in mass actions prohibited by the authorities.	-5	-5	-5
×	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities.	-5	-5	-5
-	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities, with the participation of representatives from the legislative or executive bodies, law enforcement and security agencies.	0	0	0
×	Presence of “football xenophobia” and racism amongst sports fans.	-5	-5	-5
	Total for section 9	-15	-15	-15

10. Racist attacks, violence and terror

Indicators

- Vandalism in cemeteries, attacks on religious buildings.

As was already mentioned, Italy does not publish official statistics on hate crime. Most cases recorded in the monitoring were anti-Semitic, which was related to Israeli operations in Gaza. Synagogues in

several Italian cities have been vandalised: Vercelli (July 18¹⁷⁴), Rome (30 and 31 July¹⁷⁵), Gorizia (August 5¹⁷⁶).

On January 24, Israeli Embassy, a synagogue in Roma and a Museum holding a Holocaust exposition received parcels containing severed pig heads.¹⁷⁷

On January 24, in Rome, a slogan against Ariel Sharon and Riccardo Pacifici, head of the roman jewish community, saying “Sharon bandit, Pacifici bandit, Juden bandit“ (“Sharon boia, Pacifici boia e juden boia”) and signed with the name of a right-wing-extremist-group called “Militia” were found.¹⁷⁸

On July 28, more than 70 posters with Nazi symbols and anti-Israel rhetoric appeared across Rome.¹⁷⁹

On July 16, Israeli flag at EXPO exhibition in Milan was desecrated.¹⁸⁰

On August 8, several posters calling for boycott against Israel and any “Jewish products and merchants” were found across Rome. Posters were signed by “Militia”, which is a right-wing extremist group.¹⁸¹

On August 8, it was reported that an anti-Israel poster has been hanging in Livorno, despite complaints of the Jewish community.¹⁸²

On August 20, anti-Semitic “anti-Zionist” leaflets were posted in Turin.¹⁸³

On August 27, an anti-Semitic poster depicting the Star of David over a curled snake was found in Montserrat. The poster was accompanied by a swastika and subtitle “Masters of the World”.¹⁸⁴

On August 29, anti-Semitic posters were displayed in a coffee shop in Genoa.¹⁸⁵

On September 2, a memorial plaque dedicated to the Jewish brigade that liberated the city in 1944 was desecrated in Pesaro.¹⁸⁶

On September 15, anti-Semitic posters were found near a synagogue in Milan.¹⁸⁷

On December 16, it was reported that an anti-Semitic leaflet was sent to Mayor of Pontebba Ivano Buzzi after he announced his intentions to accept a group of refugees in the city.¹⁸⁸

On March 16, Casa Pound members threw red paint in a fountain in Senigallia, as a symbol of “blood of Italian victims of the economic crisis and the EU”.¹⁸⁹

On July 11, members right extremist group Forza Nuova spread some posters against gay marriage in the city centre of Ravenna.¹⁹⁰

On August 9, someone threw eggs at a house for asylum seekers in Montagnana.¹⁹¹

On March 16, paint was thrown at cars belonging to Casa Pound members, who arrived for a conference in Milan.¹⁹²

On August 11, hooligans verbally abused a Jewish woman, 76, promising her that all Jews will die.¹⁹³

On September 7, it was reported that a Muslim member of the Rovereto City Council Aisha Mesrar was forced to resign and leave the country due to constant abuse and threats.¹⁹⁴

- Inter-ethnic clashes instigated by xenophobia and radical nationalism.

On November 11, 200 people protested against the refugee centre in Rome's Tor Sapienza area, claiming increased crime rate due to African migrants. The protest turned into a full blown riot of the centre and clash with the police that resulted in 14 people injured.¹⁹⁵ The clash continued on the next day, one refugee was injured.¹⁹⁶

- Cases of violence, including murder on racial, ethnic and religious grounds.

Attacks that have been recorded (not taking into account the Tor Sapienza incident) resulted in 2 dead and 35 injured. Most victims (20 people) were participants in clashes between neofascists and antifascists. Lack of official data and reluctance of victims to report such crime means that many incidents remain unreported. For example, members of the Jewish community say that only a third of all attacks are reported to the police, because victims believe that police will not take any action.¹⁹⁷ It is likely that other minorities are in a similar situation.

Italian government recognises this problem. UNAR believes that 1400 cases of discrimination reported in 2014 (70% of which were on racial/ethnic grounds) is just a "tip of the iceberg".¹⁹⁸

On January 13, two men attacked a gay couple in Rome.¹⁹⁹

On January 24, four homeless immigrants were attacked in Genoa.²⁰⁰

On February 8 and March 2, Casa Pound activists attacked their rivals in San Benedetto del Tronto. 6 people were injured.²⁰¹

On March 18, a 14-year-old teenager from Nigeria was racially assaulted by two of his peers in Casal di Principe (Region of Caserta). The victim was taken to hospital with severe injuries.²⁰²

On May 3, Napoli FC fans were attacked in Rome. One man died.²⁰³

On May 17, skinheads injured an antifascist activist.²⁰⁴

On May 23, due to the fact that the library did not possess any copies of the Koran a 24-year-old migrant from Senegal assaulted 2 workers of a public library and destroyed the library in Busalla (Genoa province).²⁰⁵

On the night from May 28 to 29, a gang of teenagers attacked a group of African immigrants in Scafati.²⁰⁶

On June 1, a 27-year-old antifascist activist was attacked in Turin.²⁰⁷

On August 23, an Arab man spat in the face of a Jewish man.²⁰⁸

On September 5, Casa Pound activists clashed with antifascists in Lecce.²⁰⁹

On September 18, a Pakistani man, 28, was murdered in Rome.²¹⁰

On October 11, Forza Nuova headquarters in Bari were raided. Four people were injured.²¹¹

On November 16, neo-Nazis in Magliano attacked Ardita FC fans, injuring 7 people.²¹²

On November 28, four Romani people were attacked in Bologna.²¹³

- Hate crime, nationalist or religious terrorist attacks.

On September 7, a Molotov Cocktail was thrown into the refugee centre in Mercogliano.²¹⁴

On November 29, Minister of Justice received a letter with white powder and a death threat.²¹⁵

In December 2014, a neo-fascist group, planning mass terrorist attacks across Italy, was exposed.²¹⁶

Neo-fascists have also been victims of such attacks. On March 26, an explosion occurred in Casa Pound office in Trento,²¹⁷ on July 1 — in Bologna,²¹⁸ on December 23 — in Parma.²¹⁹

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Vandalism in cemeteries, attacks on religious buildings.	-5	-5	-5
×	Interethnic clashes instigated by xenophobia and radical nationalism.	0	0	-5
×	Cases of violence, including murder on racial, ethnic, and religious grounds.	-5	-5	-5
×	Cases of hate crimes.	0	0	-5
×	Nationalist or religious terrorist attacks.	0	0	-5
	Total for section 10	-10	-10	-25

11. Presence, popularity and size of anti-fascist and anti-racist movements

Indicators

Presence of anti-racist and anti-Nazi movements and parties.

There are numerous active anti-fascist and anti-racist organisations in Italy. The following parties consider themselves anti-fascist: “Alliance of Red and Anarchist Skinheads (R.A.S.H.)”, anarchic movement “Autonomous action”, the Italian Communist Party, Communist Renaissance party, “Italy of Values” (Italia Dei Valori), the Democratic

party, the National alliance of Italian partisans, the National association of the politically repressed of Italy, the National association of Italian political exiles and prisoners of Nazi concentration camps, Association of Freedom Volunteers and others. The total number of non-governmental organisations which deal with combating fascism and racial discrimination amounted to around 500.

They are active in Rome, Milano, Napoli, Padua, Palermo, Parma, Florence and other cities.²²⁰

- Anti-racist and anti-fascist movement activities (pickets, rallies, demonstrations).

Anti-fascists regularly organize protests against activities of radical-nationalist organisations. Antifascists often meet nationalist demonstrations with counter-protests, which often forces the organisers of pro-fascist events to hide their venues.²²¹ Some antifascist actions are quite exotic. For example, on February 27 a group of antifascists in Rome brought horse manure and a dozen of live mice to the venue of a nationalist conference.²²²

On May 24, a demonstration was held in Bologna, demanding the local Casa Pound office to be shut down.²²³

In March, antifascists painted graffiti over the mausoleum of fascist General Graciani in Affile.²²⁴

- Presence of anti-racist and anti-fascist civic initiatives.

ASGI (Association of immigration law studies) annually, starting from 1995 organizes Global Anti-Racism Conferences, a week of initiatives, when government authorities and private organisations combating racism and estrangement throughout Europe, can meet and exchange ideas and opinions, share information regarding the proper practices and organizing of training seminars.

Since 2010, Associazione 21 Luglio has been advocating for the rights of Sinti and Roma in Italy.

This organisation and several other anti-discrimination movements held a joint campaign “For rights, Against xenophobia”, teaching Italian electoral candidates measures the can take to prevent discrimination of Roma, migrants and prisoners.²²⁵

On February 3, President of the National Association of Italian Partisans, Jacopo Notari, announced his intention to prevent Forza Nuova from participating in local elections.²²⁶

On March 9, a hotel refused to hold a conference called “Homophobia or Heterophobia?” and police prevented a rally under the same name.²²⁷

After the incident with Juventus FC, president of the Union of the Italian Jewish Communities Renzo Gattegna stated, “Once again the

stupidity of some fans manifests itself during a football-match. The anti-Semitic chants of sine Juve fans is a sad affirmation of how much still is to do to wipe out hate and prejudices where should be loyalty, passion and love for sports”.²²⁸

In April, Associazione 21 Luglio organised a 3-day conference in Rome to assess the implementation of the Roma Integration Programme. The event involved 250 delegates, presenting 40 reports.²²⁹

On May 8, a number of left-wing organisations in Friuli appealed to the authorities, asking them to shut down local offices of right-wing parties.²³⁰

On August 12, leaders of the Jewish and Muslim communities of Florence, as well as its municipal authorities, held a joint discussion on the conflict in the Middle East and its influence in the city. Chief Rabbi of Florence Joseph Levi, Imam Izzedin Elzir and Mayor Dario Nardelli discussed the current situation and published a joint statement, calling for an end to propaganda of hatred.²³¹

On September 2, Pope Francis arranged a football match at the Olympic Stadium in Rome, which was attended by players of different faiths.²³²

On September 17, Union of Italian Jewish Communities launched an anti-Semitism hotline.²³³

On March 10, an 18 year old player from Atalanta Bergamo youth team was banned for ten games, after insulting an opponent with the term “vù cumprà” during the match against Verona Calcio. The term “vù cumprà” was originally used for travelling hawkers from Africa, imitating their pronunciation of the sentence “vouì comprare” (“would you like to buy?”).²³⁴

Clarence Seedorf, AC Milan coach, said: “The reaction of the players, who continued to play, was very professional. I hope that the fans that are responsible for this incident will be found and will no longer be admitted to the stadium”.²³⁵

The Judicial Disciplinary Committee fined “Atalanta Bergamo” 40,000 euros and ordered the closure of the stadium for one game.²³⁶

On July 18, tennis player Fabio Fognini apologised for his racist statements he made previously.²³⁷

In 1997, Emilia-Romagna association of football fans in collaboration with Istoreco organised an Anti-Racism World Cup, which grew significantly since. In 2014, 190 football teams take part in the cup, along with 24 basketball, 20 volleyball, 6 rugby and 3 cricket teams.²³⁸

Spartak Lecce is a football club in Puglia that promotes antifascist views. In 2009, Lecce held an annual tournament called Football Without Borders, organised by Bfake cultural organisation.²³⁹ A similar club, RFC Lions Ska Football Club is operating in Caserta since 2011.²⁴⁰

LGBT community was also fairly active in 2014. On May 31, at a meeting with a pro-LGBT group Arcigay, mayor of Napoli said that the city council is prepared to recognise gay marriage that was concluded abroad.²⁴¹

Events against homophobia were held in May in Rome,²⁴² Genoa,²⁴³ Naples²⁴⁴ and Vicenza.²⁴⁵

On June 6, a gay parade was held in Rome, dedicated to legalisation of same sex marriage and gathering 200,000 people.²⁴⁶

On August 19, Visto magazine editor Roberto Alessi said that he had no idea about homophobic jokes in the attachment. “This is disgusting and has nothing in common with the view of the magazine,” he said.²⁴⁷

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Presence of antiracist and anti-Nazi movements and parties.	5	5	5
×	Antiracist and antifascist movement activities (pickets, rallies, demonstrations).	5	5	5
×	Presence of antiracist and antifascist civic initiatives.	5	5	5
	Total for section 11	15	15	15

12. Glorification of German National Socialism and collaborators of Nazi Germany, historical revisionism, Holocaust denial

I n d i c a t o r s

- Glorification of German National Socialism and/or its collaborators in the media, desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition.

On the night of April 19, members of the far-right group Movimento Nazionalsocialista dei Lavoratori (“Labour National Socialist Movement”) distributed Adolf Hitler’s birthday cards.²⁴⁸

In Rome, three minors were arrested on April 25 near the Olympic-Stadium, where a banner saying “History will show, that you (Mussolini) were right” (“La storia di darà ragione”) was put on the Mussolini-Obelisk. The obelisk is part of “Foro Italico”, a sports complex that was built during Mussolini’s dictatorship. On April 25, Italy officially celebrates the liberation from fascism and Nazi-occupation.²⁴⁹

On October 15, a white cardboard swastika was found in Tivoli, marking an anniversary of the of an SS officer Priebke, responsible for the Ardeatine massacre in 1944.²⁵⁰

- Glorification of German National Socialism and/or its collaborators with the support of local authorities, demolition of monuments to soldiers of the anti-Hitler coalition, erection of monuments to the soldiers of Wehrmacht and Nazi butchers.

There is a museum and mausoleum of the fascist General Graziani in the town of Affile (Lazio).

- Glorification of German National Socialism and/or its collaborators in the decisions made by the authorities.

No such cases have been recorded in 2014.

- Historical revisionism, Holocaust denial.

Members of extreme right organisations made several such statements. In January, Erneste Morni — who was sending the pig head parcels — said that Nazism was funded by Zionist Jews to eventually facilitate their return to Israel.²⁵¹

On January 25, in Milan a swastika and anti-Semitic slogans calling the Holocaust “a lie“ were painted on a sidewalk respectively on a wall near to a Jewish school that took part in the “Holocaust Memorial Day“ with several activities.²⁵²

On January 27, someone displayed a banner saying “Holocaust did not happen” in Leno.²⁵³

On September 13, a conference on revision of history was held in Kant, organised by Forza Nuova²⁵⁴

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Glorification of German National Socialism and/or its collaborators in the media, desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition.	0	-5	-5
×	Glorification of German National Socialism and/or its collaborators with the support of local authorities, demolition of monuments to soldiers of the anti-Hitler coalition, erection of monuments to the soldiers of Wehrmacht and Nazi butchers.	-5	-5	-5
-	Glorification of German National Socialism and/or its collaborators in the decisions, made by the authorities.	0	0	0
×	Historical revisionism, Holocaust denial.	-5	0	-5
	Total for section 12	-10	-10	-15

13. Persecution of veterans and partisans of the anti-Hitler coalition and antifascists

Indicators

- Public calls for repression against the veterans and partisans of the anti-Hitler coalition, as well as anti-fascists.

No such cases have been recorded in 2014.

- Restrictions on human rights and anti-fascist organisations, bans to entry or exit imposed on anti-fascists, inaction of the authorities.

No such cases have been recorded in 2014.

- Criminal prosecution of veterans, partisans of the anti-Hitler coalition and anti-fascists.

No such cases have been recorded in 2014; however, there have been instances where antifascists claimed as persecution.

On April 9, six antifascists were fined in Urbino for verbally offending the local leader of Forza Nuova in 2011.²⁵⁵

On September 24, Advisor to the Mayor of Rome from the Communist party was arrested for attacking a police officer during an anti-fascist demonstration.²⁵⁶

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
–	Public calls for repression against the veterans and partisans of the anti-Hitler coalition, as well as anti-fascists.	0	0	0
–	Restrictions on human rights and anti-fascist organizations, bans to entry or exit imposed on anti-fascists, inaction of the authorities.	0	0	0
×	Criminal prosecution of veterans, partisans of the anti-Hitler coalition and antifascists.	–5	0	–2.5
	Total for section 13	–5	0	–2.5

14. International Aspect

Indicators

- Participation in significant international agreements on combating racism and discrimination of ethnic minorities.

Italy has ratified the Global convention on the liquidation of all forms of racial discrimination (1966), Convention on the liquida-

tion of all forms of discrimination against women (1979), Convention of foreigner integration into social life on the local level (1994), Framework convention regarding the rights of national minorities (1997).

Italy also signed, but has not ratified the European Charter of regional languages and minority languages (2000), regardless of a direct plea from PACE in 2007; Additional protocol to the Convention on Cybercrime regarding criminalization of racist and xenophobic acts committed through computer systems (2011); protocol N° 12 to the European Convention on Human Rights, which includes an overall ban on discrimination; the European Convention on Citizenship; International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Italy did not adopt chapter “C” of the Convention on integration of foreigners into social life on the local level to national legislation, which guarantees foreigners, who permanently reside in the country, the right to take part in elections to local authorities.

- Accession to new international agreements and resolutions of various international organisations, aimed at combating Nazism, combating discrimination, or protecting minority rights.

No such cases have been recorded in 2014.

- International statements and initiatives of the monitored countries and their leading politicians, aimed against discrimination, neo-Nazism and xenophobia.

No such cases have been recorded in 2014.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Participation in significant international agreements on combating racism and discrimination of ethnic minorities.	5	5	5
–	Accession to new international agreements and resolutions of various international organizations, aimed at combating Nazism, combating discrimination, or protecting minority rights.	0	0	0
–	International statements and initiatives of the monitored countries and their leading politicians, aimed against discrimination, neo-Nazism and xenophobia.	0	0	0
	Total for section 14	5	5	5

CONCLUSION

Implications for the development of the country and society, based on the analysis of factors and taking into account the aspects listed below.

Italy's position in the aggressive nationalism rating have worsened significantly. The causes lie in poor effectiveness of the law enforcement in combating hate crime, as well as the sharp increase in such crime — two cases resulted in deaths. This year was also marked by interethnic clashes (with refugees) and terrorist acts.

Currently, the situation in Italy is twofold. On the one hand, the government seeks to combat extremism; there is a powerful antifascist movement. On the other hand, economic difficulties and influx of migrants gave rise to xenophobic sentiments in the country, aggravated by poor performance of the migration system.

Meanwhile, Lega Nord is borrowing from the French National Front. Neo-fascist organisations are continuing their activities, while police is reluctant to act (sometimes intentionally). 2014 has demonstrated the need to reconsider Italian legislation regarding hate crime and law enforcement towards antifascist organisations. Otherwise, the situation may deteriorate rapidly.

ASPEKTS

1. Human Rights

- *Guarantees against any form of minority discrimination.*

Minorities in Italy are protected from discrimination by separate articles of the Constitution, as well as by laws passed in 1998 and 2003 about combating discrimination and the law of 1999 regarding rights of linguistic minorities. In 2013, homophobia became an aggravating circumstance in commission of crime.

Nevertheless, amendments to the Penal Code in 2006 excluded a list of hate crime felonies from it and shortened the possible sentence term for such crimes to the minimum, which one can regard as critical.

- *Adherence to norms of the fundamental human rights instruments (European Convention for the Protection of Human Rights and Fundamental Freedoms, European Charter on Human Rights, as well as in adherence to the Framework Convention for the Protection of National Minorities and the European Commission against Racism and Intolerance, etc.).*

Italy has not ratified the European charter on the protection of regional languages and languages of national minorities. The official

cause is the fact that the authorities cannot come up with a list of languages, which must be protected, because in the last decades representatives of nations, untraditional for the country, have made Italy their home and now make up a substantial part of the population.

Chapter “C” of the Convention on integrating foreigners into social life on a local level was not adopted by Italian national legislation because it contradicts the Constitution of the country, which guarantees the right to vote to Italian citizens only

The issue that remains is Italy’s refusal to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. The official stated cause is the inability to distinct permanently working migrants from seasonally working migrants, however it then means that Italy has a conflict with international standards in the sphere of working migrant rights.

As for other signed, non-ratified international agreements, Italy de facto complies with their terms.

- *Rights and freedoms of ethnic minorities compared to the titular nation.*

Such differentiation, even though unpronounced, exists and above all relates to rights of the Roma (Roma), as well as immigrants from Asian and African countries in the question of housing, equal pay and discrimination from the police.

- *Legislation enshrining inequality of minorities.*

Such legislation does not exist in Italy.

- *Rulemaking in protection of minorities.*

No such cases have been recorded in 2014.

- *Freedom of speech violations.*

In Italy, even with all the disadvantages of the anti-racist legislation quite strict cases of restricting the freedom of speech exist regarding to propaganda of Nazi and neo-Nazi views, racism, ethnical and religious intolerance which includes in the mass media and mass communications.

- *Legislation and law enforcement practices concerning migrants.*

Italy has harsh immigration legislation, which basically leads to criminalization of the immigrant environment, instead of leading to its regulation (Law of Bossi-Fini 2002). Law enforcement practice in refugee centres has been repeatedly criticised by human rights activists.

Influx of migrants in 2013 and 2014 deteriorated the situation, due to lack of funds accompanied by massive corruption.

2. State of society

- *Risk of violation or non-compliance with the acting laws aimed at protecting the rights of minorities; risk of discriminatory practices against members of minorities.*

Neo-Nazi threat in Italy is not as significant as in neighbouring countries, but the level of xenophobia in the society is high enough for this issue to receive a more serious treatment. Successes of Lega Nord and Five Stars in European Elections demonstrated that there is a demand of far right politics. The same is evidenced by the increasing hate crime rate.

The danger lies in the underestimation of the fact of racism and neo-fascism by authorities. The country lacks any sort of statistics of hate crimes, does not have any serious programs of governmental support of non-governmental organisations that oppose the rightist radicals. The amendments to the Penal Code of 2006 objectively assist the activity of neo-Nazi organisations. All of this can create certain problems in the future. Today, when neo-fascist parties are still moderately weak and preoccupied with attracting new members, this issue cannot be topical. Only the local authorities of certain residential places are de facto associate themselves with rightist radicals and pass certain local laws and regulations aimed at discrimination of Roma and migrants. However, the situation can change and then the danger of a fracture in the society, the threat of a power shift in favour of neo-Nazis can become a reality, as evidenced by the Greek scenario.

- *Self-determination — how manifestations of xenophobia and extremism affect the identity of minorities; majority's attitude towards minorities (growth of social phobias).*

In Italy, social phobias against Roma and Sinti, as well as immigrants from Asia, are actively evolving. The mass immigration of the Roma from Eastern European countries, propaganda of rightist radical organisations, as well as some official figures, including representatives of the government and the mass media increase xenophobia in Italian society.

3. Socio-economic development of the country

(Do manifestations of various forms of xenophobia and extremism affect the socio-economic development of the country).

- *Standard of living.*

According to Legatum Institute's "prosperity index", Italy is in the 32nd place out of 142.²⁵⁷ Nevertheless it is obvious that the develop-

ment of the recession, job cuts and introduction of harsh means of economy will directly or circumstantially lead to worse standards of living and to an increase in migrantophobia, to an ambition to eliminate the competition on the job market, which causes devaluation of the work force

- *Economic impacts and instability.*

In 2014, Italian GDP barely increased (0.1%), while unemployment was at 12.7% (44% among youth).²⁵⁸ In these conditions, statements against Roma and migrants “leeching” off Italian taxpayers or taking their jobs sound appealing to many people.

- *Decline in production growth, emigration of the labour force.*

The recession caused an abrupt decrease in manufacturing, which hit the working migrants hard, because they were the first to be fired. Considering the fact that in Italy after the loss of a job the immigrant loses the right to stay in the country, they are forced to accept the worst conditions and transfer to the category of illegals. Emigration of the employable population mostly occurs to more appealing countries, such as Germany or Great Britain, however it is overlapped by immigration from the developing countries.

4. Security and geopolitical stability in the region

- *Political stability in the country.*

Italy has a high index of political stability. Meanwhile, infusion of xenophobia in respect to the fact that national minorities make up almost 10% of the population is bound to lead to the increase of tensions within the society.

- *Impact of xenophobia and extremism in the country on external security, relations with third countries and the international security in the region as a whole.*

For the time being the political stability of Italy does not raise any doubts in the international community and the level of xenophobia stays low enough not to impact that stability.

RECOMMENDATIONS

1. *General recommendations for the accession to international agreements and conventions*

Italy should ratify the European charter on regional languages and languages of linguistic minorities without any major provisions regard-

ing the list of protected languages, Additional protocol to the Convention on Cybercrime regarding criminalization of racist and xenophobic acts committed through computer systems (2011); protocol N° 12 to the European Convention on Human Rights, which includes an overall ban on discrimination; the European Convention on Citizenship; International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Italy should consider the adaptation of Chapter “C” of the Convention of integrating foreigners into social life on the local level.

2. *General recommendations for adjustments to the legal framework*

Italy has to reconsider amendments to the Penal Code of 2006 in order to generalize the effect of anti-racist articles for all acts of discrimination, racism and xenophobia and not only those, which can lead to changes in public predispositions. Apart from that it is necessary to make the legislation more rigorous in the department of liability for racist crimes, including hate motives in the commission of crimes.

3. *General recommendations for the executive bodies in the field of enforcement of law and human rights*

Italy should reconsider its practices in the immigration sphere and abandon illegal return of asylum seekers to their countries of origins.

It is crucial to implement a strict statistical count of incidents and crimes based on hate, which is the first step to combating such crimes

In addition, active measures in the area of eradicating consequences of the “emergency state” in favour of the Roma should be taken. Additionally, authorities should broaden the staff of UNAR, so that the authority given to this administration could be realized more effectively.

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²⁴¹ http://napoli.repubblica.it/cronaca/2014/05/11/foto/publicit_omofoba_in_vai_toledo_il_web_s_indigna-85877117/1/#1

²⁴² http://roma.repubblica.it/cronaca/2014/05/10/news/gay_esposta_la_bandiera_arcobaleno_in_campidoglio-85763689/

²⁴³ http://genova.repubblica.it/cronaca/2014/05/17/foto/de_ferrari_arcobaleno_lamore_ha_tutti_i_colori-86418545/1/#1

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²⁴⁵ <http://corrieredelveneto.corriere.it/vicenza/notizie/cronaca/2014/17-maggio-2014/no-omofobia-quattrocento-abbracciano-basilica-palladiana-223242432100.shtml>

²⁴⁶ <http://www.gay.ru/news/rainbow/2014/06/15-29071.htm>

²⁴⁷ <http://www.gay.ru/news/rainbow/2014/08/20-29498.htm>

²⁴⁸ http://milano.repubblica.it/cronaca/2014/04/21/foto/milano_volantini_nazisti_per_il_compleanno_di_hitler-84136409/1/?ref=HREC1-30#1

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SUMMARY OF INDICATORS FOR 2012–2014

Nº	Criteria	Score in		
		2012	2013	2014
1	Legislation (central, regional, municipal) and law enforcement practices that contribute to the development of radical nationalism	-7.5	-7.5	-7.5
2	Xenophobia and inflammatory statements by members of the authorities and media	-5	-5	-5
3	Legislation and law enforcement practice preventing the development of radical nationalism	12.5	20	12.5
4	Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism	5	5	5
5	Activities aimed at promoting tolerance and preventing extremism	5	5	5
6	Position of migrants and society's attitude towards immigrants, foreigners, different ethnic groups	-2.5	-2.5	-2.5
7	Incitement of religious and ethnic hatred	-10	-10	-10
8	Radical nationalist groups and parties	-12.5	-12.5	-12.5
9	Public actions of extremist and nationalist groups	-15	-15	-15
10	Racist attacks, violence and terror	-10	-10	-25
11	Presence, popularity and size of anti-fascist and anti-racist movements	15	15	15
12	Glorification of German National Socialism and collaborators of Nazi Germany, historical revisionism, Holocaust denial	-10	-10	-15
13	Persecution of veterans and partisans of the anti-Hitler coalition	-5	0	-2.5
14	International Aspect	5	5	5
	Total	-35	-22.5	-52.5

LATVIA

ASSESSMENT CRITERIA FOR FACTORS OF STABILITY/INSTABILITY

1. Legislation (central, regional, municipal) and law enforcement practices that contribute to the development of radical nationalism

I n d i c a t o r s

- Discriminatory legislation affecting minorities residing in the country in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.

Latvia has had discriminatory requirements for obtaining citizenship since 1990s. In 1991, citizenship had been granted only to citizens of pre-1940 Latvia and their descendants.

Persons who moved to Latvia from other Soviet republics between 1940 and 1989 and their descendants became “non-citizens” in 1990s.

Non-citizens do not have voting rights, though they can donate to and be members of Latvian political parties. They cannot serve in the military or the law enforcement, or work as prison guards, government officials, attorneys, notaries, pharmacists, and be employed by the State Revenue Service, Registry Office, etc. Purchase of land by non-citizens must be considered by municipal authorities. At the same time, they are subject to diplomatic protection of the Latvian Republic and have the right to live in Latvia without a residence permit.

In total, there are 80 differences between the rights of citizens and non-citizens of Latvia.¹

Naturalisation of non-citizens has been extremely slow in recent years (no more than 2,000 people per year). This was largely due to the existing restrictions (Latvian citizenship is prohibited for pro-Soviet activists, former KGB and former soldiers of the Soviet Army and USSR (Russian) internal troops) and the extreme difficulty of naturalisation exams.

Until recently, criteria of assessment of Latvian citizenship exams has been unknown to the public. On November 9, 2012, this information was published by the Office of Citizenship and Migration Affairs of Latvia, after the request of Party of Reforms deputy chairman Vjačeslavs Dombrovskis.² This procedure is humiliating for people who were born in the country.

By late 2014, Latvia had 262,622 non-citizens (13.1% of the population).³ This figure is nonsensical for an EU member state.

In addition to restrictions in citizenship, there are language restrictions. The 1999 State Language Law introduced a list of occupations in private and public sector that require a certain level of Latvian language proficiency — from the basic A1 level to the highest C2. In 2008, this list was greatly expanded, and in 2009 and 2011 — fines for violating these language restrictions were increased. Section 14c of the Code of Administrative Offences describes twelve violations of use of the state language. Most often, the State Language Centre applies article on insufficient state language proficiency for performance of professional duties.

The 2010 Electronic Media Law provides restrictions for broadcasts in a non-state language for both public and private channels. Article 4 of the Municipal Deputies Law and Article 18 of the Saeima (Latvian parliament) Rules provide lack of sufficient Latvian language proficiency as grounds for dismissal of deputies (MPs).

In addition, residents who are not fluent in the Latvian language cannot file documents in another language. This is particularly discriminatory towards elderly people, who did not learn the language during the Soviet period.

The 2010 Electronic Media Law provides restrictions for broadcasts in a non-state language for both public and private channels. Article 4 of the Municipal Deputies Law and Article 18 of the Saeima (Latvian parliament) Rules provide lack of sufficient Latvian language proficiency as grounds for dismissal of deputies (MPs).

A series of discriminative Acts have been adopted in recent years. On February 9, 2012, Latvian parliament rejected a draft law on ratification of the European Convention on Nationality, signed by Latvia in 2001, which does not allow denial of naturalisation for political reasons. 30 deputies voted in favour, the whole Harmony Centre faction, 60 voted against and three MPs abstained.⁴

In 2012 Saeima adopted several amendments to the Law on Labour, proposed by the ruling National Alliance and Unity along with the Union of Greens and Farmers in the opposition. These amendments prohibited employers from requiring a “foreign language” proficiency (any language other than Latvian and Livonian), if it is not required to fulfil job duties, or posting such requirements in job adverts, if it is not

“reasonably necessary”. Deputies voted in favour of the amendments, regardless of sharp criticism of the Ministry of Economics, employer unions and others.⁵

On April 1, 2013, Article 149, of the Criminal Law was drastically changed. The first half of the article — repeated violation of the prohibition of discrimination in the course of the year without aggravating circumstances — was cancelled (the violation became an administrative offence, rather than criminal). The second half (violation of the prohibition of discrimination with aggravating circumstances) has been expanded by removing the ‘repeated’ tag. On the other hand, the maximum punishment was reduced from two to one year imprisonment.

On May 9, 2013, amendments to the Law on Citizenship were adopted, tightening the residency requirement for naturalisation and expanding grounds for denying citizenship. It is also worth noting that the same amendments package (for the first time in Latvian legislation) introduced the definition of Latvians as a “state nation”.⁶

These amendments also introduced inequality in obtaining dual citizenship. As a general rule, Latvian citizenship can only be combined with citizenship of EU, NATO, EFTA members and Australia, Brazil and New Zealand. Two of the three most numerous groups of foreign nationals in Latvia, citizens of Russia and Belarus, are thus being subjected to discrimination.

Latvian citizens — ethnic Jews and Armenians, for example — are at a disadvantage as well, since they are not able to qualify for dual citizenship of Armenia or Israel.

Finally, all persons who do not belong to the Latvian people or the nearly extinct indigenous Livs can only apply for dual citizenship with the above-listed countries if they or their citizen ancestors have been deported or fled from Latvia.

In December 2013, the Law on Civil Process was amended with restrictions on non-governmental organisations ability to provide legal assistance to victims of human rights violations. Since 2014, a natural person in civil court of appeal can only be represented by a sworn advocate.

On August 12, the Cabinet adopted regulations N° 468⁷ on the standards of general education (year 1 to 9). Appendix 25 includes several models for national minority schools. Paragraph 10.2 of this Appendix provides that if school develops its own model, at least 60% of classes must be taught in Latvian language in years 7–9. Schools must bring their curriculums in compliance with the new requirements before September 2015. It is worth noting that in 2004, the same requirement was introduced for years 10–12.⁸

On September 25, Article 75 of the Criminal Code of Latvia (“Incitement to racial, ethnic or national hatred”) was amended to de-

crease responsibility for such actions committed using information technology. Maximum punishment was changed from 10 to 5 years in prison.⁹

Changes to Article 149.1 (“Violation of the prohibition of discrimination”) introduced tougher sanctions for committing acts of discrimination — up to 3 years in prison. On the other hand, such acts are only recognised as criminal offence if substantial damage was inflicted.

Amendments to the Latvian Labour Law adopted on October 23 require that contracts and agreements are written in Latvian language (foreign nationals must be provided with written terms of agreement in a language they understand). They also prohibit employers from requiring foreign language skills, unless “reasonably necessary.”¹⁰ The main focus of this provision is Russian, which is a native language of 40% of the Latvian population and 58% of people in Riga.

Amendments to the Law on Digital Media will require private radio stations with 50% of broadcasts in a foreign language to fully convert to Latvian language, providing translation of foreign segments. National Council on Digital Media reports that the new requirements will affect 7 radio stations; some of them intend to appeal these provision in court.¹¹

On October 30, the Administrative Code was amended to increase sanctions imposed on digital media for violating broadcast regulations (maximum fine was increased from 2,100 EUR to 10,000 EUR). Press release mentioned an example when a media outlet does not fulfil Latvian language quota in its broadcasts.¹²

- Legislation restricting the voting rights of permanent residents of the country on the basis of ethnicity or country of origin.

Law on Citizenship dictates that Latvian “non-citizens” have no voting rights to central or local authorities. As mentioned above, non-citizens are permanent residents of Latvia who have moved from other Soviet republics in 1940–1989 and their descendants.

Thus, majority of non-citizens are ethnic non-Latvians, whose native tongue is Russian. After June 2013 municipal elections, Article 4 of the Law on the Status of Deputy of city or regional дума¹³ came into force. Its provisions allow for depriving MP of his mandate if his Latvian language proficiency is unsatisfactory. Given the high requirements (category C1), these provisions lead to indirect discrimination of non-Latvians, particularly in south-western regions where many do not speak Latvian at such level. In November, Constitutional Court upheld the provisions on language requirements for municipal deputies.¹⁴

- Presence of legal norms and other regulations that legalise the radical nationalist ideology, its attributes and practices, as well as their distribution in the mass media and mass communication.

Latvian Law on Citizenship and Law on State Language virtually legalise the radical nationalist ideology, since they are aimed at depriving a large group of permanent residents — majority of whom were born in the country — of basic civil right, and discriminates minority languages — particularly Russian, which is a native tongue of more than 40% of the population.

Legislative discriminatory practices have also been noted in 2014. For example, On June 19, parliament adopted a detailed draft preamble to the Constitution. Draft preamble declares Latvia a “nation state” and its basis — the will of Latvian people and its right to self-determination. The reason for its existence — existence and development of the Latvian nation and its language and culture. Latvian language is declared the basis of cohesive society. Preamble also mentions respect towards national minorities, but naming only the endangered Liv ethnicity, despite the fact that there are more Russians, Germans and Jews.¹⁵ According to member of the National Alliance Janis Iesalnieks, “What Latvian nationalists failed in 1920–1922, we achieved today. Now, nationalist ideology is enshrined in the Latvian constitution”.¹⁶

- Discriminatory practices against minorities in the field of registration, mobility, business, employment, education, housing, health-care, religion, etc.

Political discrimination of the Russian-speaking residents is prevalent in Latvia. Majority of these people (263 thousand as of the monitored period) did not receive Latvian citizenship and were thus excluded from the political process.¹⁷ In the public sector, Russian-speakers constitute for just 10%, despite the fact that they represent 40% of the population.¹⁸

Despite being a comparable in numbers community, Russian language remains foreign. Poor knowledge and use of Latvian language is punished by significant fines even in the Business Law.

In the first half of 2014, State Language Centre imposed administrative sanctions on 443 persons, mainly for insufficient Latvian language proficiency for a specific job.¹⁹

On November 18, it was reported that in the 10 months of 2014, 55 minority school teachers had been fined for “insufficient Latvian language proficiency” — two times more than in previous year.²⁰

On September 4, State Language Centre issued a warning to the chairman of the Salaspils regional council for displaying a banner welcoming Ukrainian guests in Ukrainian language.²¹

On September 4, State Language Centre issued a warning to the chairman of the Salaspils regional council for displaying a banner welcoming Ukrainian guests in Ukrainian language.²²

On September 19, it was reported that Riga Department of Transport intends to appeal the fine imposed by the State Language Centre imposed after the horizontal line over the letter ‘ī’ (macron in the Latvian alphabet) in the “Riga” city sign was replaced with a heart.²³

On September 22, State Language Centre denied Rezekne council to print their municipal newspaper, *Rezeknes Vestnesis*, in two languages (Latvian and Russian). According to the language watchdog, official information cannot be “imposed” in a foreign language.²⁴

On August 29, Aizkraukli Regional Council refused to open 10th grade in a (Russian) middle school N1, despite requests of parents and headmaster. Official reason — 20 students are required to open a class, but there were only 15 requests.²⁵

ECRI monitoring revealed that Latvian authorities have been allocating minimal funds for minority integration, relying mostly on EU grants.²⁶

On March 25, 2014, UN Human Rights Committee expressed concern with the situation regarding Latvian linguistic minorities. UN-HRC report particularly criticised the influence of the state language policy on the linguistic minority rights that are enshrined in the Pact, including the right to choose and change one’s name and the right to effective means of legal protection. The Committee also expressed concern with the requirement of state language proficiency in employment.²⁷

On January 6, a survey by a human rights activist Vladimir Buzaev was published. The results indicated that the standardisation of the final Latvian language exam in Russian and Latvian schools caused the grades to significantly drop. These results affect university admissions.²⁸

UN Human Rights Committee also noted that conversion of schools to the Latvian language has mostly negative effects.²⁹

Discrimination in education took on unique forms this year. While a large number of Roma classes have been eliminated (some remain in Ventspils, however), more Roma children are now sent to “special needs” schools (increase from 10% to 16%).³⁰

On November 4, Speaker at the new parliament (Saeima) Solvita Aboltina (Unity party) rejected MP Juris Vilums’ oath, because he said it in the Latgalian language (according to the Law on State Language, written Latgalian is recognised as a form of the Latvian language). However, Vilums’ parliamentary mandate was soon approved nevertheless.³¹

In early May, it was reported that 24% of foreign students encountered discrimination at some point.³²

Latvian language policy worries local national minorities. A survey conducted by SKD in 2014 focused on minority integration and

revealed that more than a third of such people have negative feelings towards the Latvian state. 80% said they have no intention of applying for citizenship in the next 12 months, 11.3% said the opposite and 8.1% did not answer. The main obstacles to citizenship, as respondents identify, is lack of motivation, age, poor Latvian language proficiency and other reasons.

On August 26, Ministries were ordered to prepare a number of policies for social cohesion. This includes free Latvian language education and encouraging motivation for obtaining citizenship.³³

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Discriminatory legislation affecting minorities residing in the country in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.	-5	-5	-5
-	Legislation restricting the voting rights of permanent residents of the country on the basis of ethnicity or country of origin.	-5	-5	-5
×	Presence of legal norms or other normative documentation, which legalises the ideology of radical nationalism, its attributes and practices, as well as their distribution in the mass media and mass communication.	-5	-5	-5
×	Discriminatory practices against minorities in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.	-5	-5	-5
	Total for section 1	-20	-20	-20

2. Xenophobia and inflammatory statements by members of the authorities and media

Xenophobia plays an important role in modern Latvia's domestic and foreign policy. While there is almost no xenophobia in everyday life, political organisations exploit certain phobias to mobilise voters in a particular direction.

Most manifestations in Latvia fall under two categories: Russophobia (anti-Russian rhetoric) and homophobia.

Incitement of ethnic intolerance largely originated from the National Alliance and the daily *Latvijas Avīze*, whose main competition in this field is the Unity party and *Neatkarīga* newspaper. Remarkable

calls to abolish public education in minority languages originated not just from politicians, but also from the office of Latvian Human Rights Ombudsman.

On May 2, Minister of Foreign Affairs Edgar Rinkevics urged state officials to avoid informal celebrations of May 9th Victory Day.³⁴ On May 6, a similar call towards municipal heads was made by Prime Minister Strajuma.³⁵

On May 8, Janis Dombrova urged to suppress the use of St. George Ribbons on May 9th (tradition originating in Russia) as a “symbol of the aggressor”.³⁶

On May 8, Deputy Chief Editor of the daily *Neatkarīga Elita Veidmane* said that those celebrating the Victory Day are “Colorado Worms”, who allegedly support Great Russian chauvinism.³⁷

On May 9, *kasjauns.lv* reported on the informal Victory Day in Riga in the article called “At the Freedom Monument, Latvia is gone — Victory Day celebrations taking place”. Article read, “There isn’t even a trace of Latvia there — official language is heard only from a few Latvians, who admit that they came to look at this farce with their own eyes”.³⁸ For information — Victory Day gathers several thousand people of different nationalities at the Freedom Monument.

In January, the school reform was outlined in Minister of Education Ina Druviete’s statement. She pointed out that even without changing the legislation it is possible to increase the proportion of Latvian-language education to 80%, which would allow the national minority children to “grow up as citizens”.³⁹

On January 8, MEP Karlis Sadurkis (Unity) gave an interview to “*Latvijas Avīze*” where he called the Russian residents of Latvia “immigrants” (even though the majority of them were born in Latvia) and expressed his dissatisfaction with the growth in the number of first-grade students studying in Russian-language schools.⁴⁰

On February 26, Didzis Senbergs, Adviser to the Ministry of Education, reproached Russia for its proposal to create a network of Russian-language schools in Latvia. He went further and urged to prohibit the establishment of foreign university branches in Latvia. Currently, Latvia has a number of municipal schools with partial (40%) education in Russian language, as well as schools with full education in English, German and French.

Responding to the claim that knowledge of Russian language is essential to Latvian children in a de-facto bilingual country, Senbergs stated that “bilingualism is also important for Latvians — some school subjects have to be taught in EU languages: English, French, German, Spanish, Italian (...), but there will be no Russian bilingualism in Latvian schools, because despite individual benefits, it would compromise national goals”.⁴¹

On May 9, MEP Inese Vaidere and Arturs Krisjanis Karins (Unity) called for education in just Latvian language in state-funded schools.⁴²

On May 12, Prime Minister Laimdota Strajuma (Unity) was interviewed by the daily *Latvijas Avize*, where she stated, “Subjects related to language, culture and history will remain in their language. But other [subjects] have to be increasingly taught in Latvia.” Talking about opponents of school reform, she said, “Until they do something illegal, let them live here. But I have a proposal — if they don’t like Latvia so much, there are other places to live.”⁴³

On May 25, Edmunds Jurevics (Party of Reforms) insulted participants of the freedom of speech and pro-Russian schools demonstration. He said that those people do not understand what they are protesting against and possible don’t understand what is written on their banners in Latvian.⁴⁴

On June 6, MEP Karlis Sadurskis (Unity) appeared in the daily *Latvijas Avize*, calling for a full Latvianisation of school education. “We already started talking about national security, but education is very close to it. The issue is, does our system partially produce Zdanok’s electorate [leader of the oppositional Russian Union of Latvia]? Latvian education should be in Latvian!”⁴⁵

On June 11, National Alliance stated that if it wins the parliamentary elections, its main goal would be the conversion of all Latvian schools to Latvian language.

Commenting on this statement Riga Council deputy Sarmite Elerte (Unity) said, “We should work in that direction. Why do we have to artificially maintain ethnic segregation and isolation in Latvia?” She promised new proposals in educational reforms from the Ministry of Education (controlled by Unity party).⁴⁶

Thus, the ruling coalition supported the rejection of minority schools and continued to force integration, which in Latvia is synonymous with assimilation.

It is worth mentioning that the campaign against the Russian language in the media took place at the same time as the events in Ukraine, which doubled the efforts of Latvian politicians in this area.

On August 5, one of the authors of the Preamble to the Constitution — judge of the European Court Egils Levits told *Latvijas Avize* that “conversion to Latvian language does not affect human rights in any way”. He talked about education in minority languages as a form of “segregation”.⁴⁷

On August 14, MP Janis Dombrava (National Alliance) told the daily *Latvijas Avize* about his vision of ethnic minorities in schools. “Lithuanian schools are great, because they have additional courses in

Lithuanian language. Russians schools must not be an exception. They need to join the unified education system for national minorities”.⁴⁸

On August 22, MEP Artis Pabriks posted on Twitter, “In Zemesards [Armed Forces], only Latvian citizens can join, because only patriots can be trusted with arms. In that case, can we trust teachers who are not Latvian citizens to teach our children?”.⁴⁹ Thus, the MEP questioned the loyalty of 13% of the population.⁵⁰

On September 1, Ministry of Education and Science described their vision of minority schools in the *Diena* newspaper, where 80% of courses were taught in Latvian language.⁵¹

On September 9, Minister of Education and Science Ina Druviete (ruling Unity party) told the *Latvijas Avize* that government should not finance additional Latvian language courses — if someone wants to learn Latvian, they can do it without additional encouragement.⁵²

On November 12, former Minister of Education Ina Druviete (Unity party) said that the idea of compulsory Russian language education in Latvian schools contradicts the policy of single state language. She added that “In Latvian schools [...] a third of children select German language, and another third — Russian. This third of students will be more than capable to satisfy the future demand for the Russian language in the society.”

According to Druviete, there is no need to impose one minority language on everyone and there is no scientific or practical basis for requiring students to know three languages. “Languages other than Latvian are not a priority,” she added.⁵³

On September 21, leader of the For Latvia from the Heart party (*Latvian: No sirds Latvijai*) Inguna Sudraba told *Ves.lv* that the conversion to education in Latvian language must be conducted “without undermining the quality of education”. “There are subjects related to national culture that are taught in children’s native language,” she said, adding that subjects like maths and physics must be taught in Latvian.⁵⁴

On January 6, Human Rights Ombudsman Juris Jansons gave an interview to Latvian Radio, where he stated that bilingual education in schools should be cancelled, so that Latvia forms a more homogenous society. Responding to the claim that non-Latvians have the right to state education in their mother tongue since they are paying Latvian taxes, Jansons stated that this is contrary to the interests of children themselves.⁵⁵ On January 14, Jansons urged the President to “provide secondary education in minority schools just in the official language (if students have studied in Latvia for five or six years). At the same time, minority languages would still be used to study the language, literature and culture”.⁵⁶ The actual quote from the OSCE website contains the word “gradual” instead of “significant”. Furthermore, the

same paragraph 13 of the recommendations starts with a statement — “In secondary school, a substantial part of the curriculum should be taught through the medium of the minority language”, which Jansons does not mention.⁵⁷

On May 7, Ombudsman Juris Jansons criticised non-governmental organisations that protest the curtailment of minority languages in schools, saying that they “split the society”. He noted that minority schools are not being shut down, but just converted to Latvian language of education, with the exception of subjects related to minority’s culture. He added that government is not obliged to provide full education in minority languages. Although, protests are aimed to achieve real bilingualism in schools.⁵⁸

On May 7, daily *Latvijas Avīze* promoted an initiative for national security, which proposed prohibiting residence permits for citizens of “unfriendly” countries and increasing Latvian language education in minority schools.⁵⁹

On October 6, *Ir* magazine published an article by the Adviser to the Minister of Education and Science Didzis Senbergs, where he claimed that Russian language cannot be allowed in public universities “for the sake of united Latvia”.⁶⁰

On January 10, MEP Robert Zile (National Alliance), speaking against the current policy of issuing residence permits to investors, expressed his concern with the fact that anyone flying to Latvia could have an impression that everyone there speaks Russian, because all real estate advertisement in the in-flight magazine is written in this language.⁶¹

On February 16, MP Vineta Porina (National Alliance) negatively assessed the “growth of use of Russian language in public, growth of population’s bilingualism”. According to her, “Speaking Russian in Latvia is a symbolical evidence of subordination to another linguistic community”. MEP Inese Vaidere (Unity) condemned the individual facts of state and municipal organisations using other languages in addition to Latvian, calling it an “incomprehensible servitude” towards foreigners. She also urged to stop spending state and municipal resources on State language courses, despite various international organisations recommending exactly the opposite. “This can only be done if the country has political refugees,” she explained.⁶²

On August 22, leader of Zemgale Regional National Alliance List Edvins Snore told *Sestdiena* magazine, “It’s no secret that it is difficult to integrate 50% of Russian-speakers into Latvian society, when turning on the TV, you can live with just Russian. (...) There was this idea, that we need Russians who live here, that they are all friends of Latvia and always advocated for its independence. I think, it’s a lie. (...) Russia has repatriation programmes. (...) Why not develop this

idea? Let them leave. What will we lose? There is nothing tragic here. Our goal is not naked demographics. Latvia is a nation-state and interests of the titular nation are important.”⁶³ On August 22, leader of Zemgale Regional National Alliance List Edvins Snore told *Sestdiena* magazine, “It’s no secret that it is difficult to integrate 50% of Russian-speakers into Latvian society, when turning on the TV, you can live with just Russian. (...) There was this idea, that we need Russians who live here, that they are all friends of Latvia and always advocated for its independence. I think, it’s a lie. (...) Russia has repatriation programmes. (...) Why not develop this idea? Let them leave. What will we lose? There is nothing tragic here. Our goal is not naked demographics. Latvia is a nation-state and interests of the titular nation are important.”⁶⁴

On November 20, Edvins Snore (National Alliance) said that selling residence permits to Russian citizens not only threatens Latvia’s security, but also destroys Latvia as a Latvian state.⁶⁵ On December 7, Snore tweeted about his recent interview, where he spoke Russian. Host of the programme asked whether the Orthodox Christmas would be made a national holiday, since that would show respect for the religion. Snore tweeted: “[She] Didn’t have enough respect to learn Latvian”.⁶⁶

On May 15, *Latvijas Avize* published Agris Liepins’ call to “take pre-war Latvia’s experience in integration”. He proposed to fully convert public schools to state language and organise “assistance to return to ethnic homeland” for majority of Russians.⁶⁷ On the same day, publicist Egils Licitis supported the idea of creating a special media monitoring service, which would “monitor the anti-state materials published in local Russian newspapers”.⁶⁸

On March 20, speaking in *Latvijas Avize* newspaper and Apollo online portal, candidate to the European Parliament from the National alliance Edvins Snore urged “the Latvian government and parliament (...) with help of Western partners work towards ensuring that Russian-speaking immigrants from USSR who were unable to settle down in Latvia and feel discriminated because of language or nationality leave Latvia. Another possibility — wait until these people call for Putin’s help.”⁶⁹ In the issue of National Alliance’s party newspaper, MP Imants Paradnieks stated, “Latvians are chosen people. It is not my idea; this was said by the most brilliant men of our people.”⁷⁰

In June 2014, head of the parliamentary commission on social cohesion Ilmars Latkovskis (National Alliance) supported the French National Front and said, regarding the statement “the French want to be masters on their own land”, that he is prepared to change the word “French” to “Latvians”.⁷¹

On June 25, Iveta Grifule (Union of Greens and Farmers) said that she is looking for an “ethnic Latvian” as her new Advisor.⁷²

A number of xenophobic statements have been made during parliamentary electoral campaigns. National Alliance (NA) protested against providing residence permits to Russian citizens in exchange for investment. On October 2, this proposal was accepted for consideration in parliament.⁷³

On September 26, *DDD* newspaper published interviews with candidates from the National Alliance Edvins Snore and Aleksandrs Kirsteins (both were elected to parliament shortly afterwards). Snore agreed that soon “it will be more possible to rid ourselves from crowds of occupiers and colonists.” He also said that “colonists are setting up a referendum for a second state language”, eluding to the 2012 referendum.⁷⁴ Kirsteins said that bilingual education or any steps towards the Russian language “will not change imperialists’ way of thinking”. “Latvia ignored international conventions that encourage assimilation of foreign nationals (refugees), and not please them with bilingual education,” he added. Aleksandrs Kirsteins went on to claim that 70–80% of former Soviet citizens cannot be integrated or assimilated, and that Latvia did not rid itself of the consequences of colonialism, because a large amount of aliens prevent the development of a Latvian nation.⁷⁵

On September 29, candidate Liene Cipule (For Latvia from the Heart) tweeted a graph on Russian citizens living in Latvia (not mentioning that majority of them have lived in Latvia for decades and whom Latvia refused to accept as its citizens after 1991). She commented, “The graph represents Latvian tragedy — the growing numbers of Russian citizens.”⁷⁶

On October 1, National Alliance MP Janis Dombrava described the situation before the elections, “There are only two ways — Latvia will be Latvian or Russian. The decision is yours!”⁷⁷

On January 29, speaking in an interview to “*Latvijas Avīze*”, Ombudsman expressed his disagreement with the proposals to simplify naturalisation. He also rejected the idea that “integration is a movement in both directions”, i.e. “Latvians also need to integrate into a bi-communal society”, stating that it is harmful. According to him, these proposals do not correspond with the Latvian history, “This is a western, liberal political direction.”⁷⁸

On July 21, Human Rights Ombudsman Juris Jansons, citing lack of complains on ethnic discrimination, said that “the allegations we heard in international institutions — that Latvia has gross violations of human rights towards some ethnic groups — is a lie”.⁷⁹

On August 15, Juris Jansons was interviewed by *LNT* television company. He claimed that more than 12% of population — non-cit-

izens — are in this situation at their own will, to provide themselves with benefits from both Latvia and Russia.⁸⁰

On October 16, Human Rights Ombudsman Juris Jansons complained about “radical left-wing non-governmental organisations” that spread “lies about minority issues”, after the visit of the OSCE High Commissioner on National Minorities Astrid Thors.⁸¹

On April 22, Chairman of the Balva District Council Andris Kazinovskis urged to nationalise all lands up to 30 km from the eastern border that are directly or indirectly owned by foreign individuals or legal entities, citing security concerns.⁸²

On April 28, Latvia’s Ambassador to the OSCE Bahtijors Hasans gave an interview to *Latvijas Avize*, where he said that he is spreading information that the only difference for almost three hundred thousand Latvian non-citizens is that they cannot vote or be elected.⁸³ In truth, there are 80 differences between the rights of citizens and non-citizens, including bans on certain trade.

On March 25, head of the Control Department of the State Language Centre Antons Kursitis deemed it unacceptable that a video dedicated to national reconciliation contained a caption “LATVIЯ” that used a Cyrillic letter. “This video can be interpreted as a hidden call to bilingualism in this political situation.”⁸⁴

On March 31, commenting on the UN Committee on Human Rights recommendation to reconsider the Latvian State Language Act and its application as potentially discriminatory, representative of the State Language Centre Agris Timuska stated that language requirements could only increase. Head of the State Language Centre Maris Baltins explained his colleague’s position, “As soon as we show willingness to make any concessions, new — more ambitious — demands will follow. That is why it is absolutely unacceptable. Minister of Education and Science Ina Druviete (Unity party) assured her political supporters, “I will try to convince them that the Language Act is adequate to the current situation and in no way should it be mitigated.”⁸⁵

On June 19, head of the Control Department of the State Language Centre Anton Kursitis wrote in *Latvijas Avize* about his outrage with a number of municipalities that send out information in both Latvian and Russian. He stated that this is an unjustified privilege for the Russian language and warned against concessions for “aggressive minority”.⁸⁶

On September 1, head of the control department (so-called “language inspection”) of the State Language Centre, Antons Kursitis (National Alliance), told the *Latvijas Avize* that if things remain as they are, times when the majority of government were Russian-speakers could come back. “Of course, people who work in civil service will be fluent in Latvia, but they will never ensure that the public sector is as Latvian as it has to be. This is problematic.” Kursitis considers claims

that Latvia has Russian and Latvian communities as “humiliating” to Latvians.⁸⁷

On April 8, Latvian state television LTV1 broadcasted a news report on how “Russian-speakers are keen to use UN’s criticism to provoke the situation.”⁸⁸

On July 1, journalist from LTV channel Guntis Bojars said, “A large share of non-citizens and a large underground economy, I think, these are very related.”⁸⁹

A big sponsor of the National Alliance bloc Aivars Slucis wrote in *Latvijas Avīze* on August 22, urging the government to reduce the number of Russian-speaking residents.⁹⁰

LGBT community was also subjected to xenophobic rhetoric.

On May 12, MEP candidate from Sovereignty Party Dainis Grabovskis equated homosexuality with paedophilia.⁹¹

On May 30, Editor of *Rīgas Vilni* magazine Ieva Valtere spoke against “propaganda of homosexuality”, writing that “if we don’t do anything, [...] legalisation of paedophilia is a matter of few years”.⁹²

On December 1, member of the Unity party Inga Priede responded to the comments about emigration of homosexuals — “Thank God! Germans used to shoot them. Birth rate will improve.” She later deleted her comments, after her statement was criticised by her party.⁹³

On December 19, far right newspaper *DDD* published an article by Biruta Gereisa, entitled “Who do we trust with foreign affairs?” She alluded to the non-traditional sexuality of the Minister of Foreign Affairs Eduards Rinkevics, also equating homosexuality to paedophilia and necrophilia.⁹⁴

On May 9, Minister of Internal Affairs Rihards Kozlovskis commented on the arrest of a national-Bolshevik, black Latvian citizen Benes Ajo, in Ukraine. “Unfortunately, if Ajo has just the Latvian passport, we cannot deprive him of citizenship. If he had another passport of Tobago, we would deport him there.” Minister later apologised.⁹⁵

On June 9, Cabinet of Ministers accepted a report on national security, which claimed that “informational space will continue to have Russian myths and stereotypes about violation of non-citizen and minority rights, about restrictions on Russian language and revival of fascism in Latvia.”⁹⁶

On September 16, *Neatkarīga* newspaper published an interview with Raivis Dzintars, leader of the National Alliance. He said that his colleague Gaidis Berzins resigned as Minister of Justice in 2012, because he “didn’t want one nationality highlighted over another”. Berzins did not agree with a bill on the restitution of Jewish property.⁹⁷

On May 19, she called national minority and antifascist organisations “anti-state stinkers, sponsored and directed by Russia” and “aliens”.⁹⁸

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Xenophobia and inflammatory statements by members of the authorities and media.	-5	-5	-5
	Total for section 2	-5	-5	-5

3. Legislation and law enforcement practice preventing the development of radical nationalism

Indicators

- Presence of anti-Nazi, anti-racist and anti-extremist legislation; legislation aimed against the incitement of ethnic and religious hatred in the country.

Article 114 of the Constitution of Latvia (*Satversme*) provides that national minorities have the right to maintain and develop their language and cultural identity. At the same time, traditionally only citizens of the country can be considered as national minorities. Non-citizens are left beyond the official statistics. In 2005, Latvia ratified the Framework Convention on the Protection of National Minorities, which it signed in 1995, though with reservations that practically gutted all its contents (see Section 14).

Latvian Criminal Code dedicates Article 78 and 79 to combating xenophobia and extremism (“Violation of national and racial equality, restriction of human rights” and “Destruction of cultural and national heritage”).

Currently, Article 78 punishes actions deliberately aimed at inciting national, ethnic or racial hatred or enmity with imprisonment of up to 3 years, compulsory labour or a fine of up to 60 minimum wages (12,000 LVL or 24,000 USD).

For similar actions aggravated with violence, extortion or threats, or committed by a group of people, official or organisation, or with the use of automated data collection systems, the punishment is up to 10 years of imprisonment. This law is also applied to publishing illegal information online aimed at inciting national, ethnic or racial hatred or enmity.

In 2013, Latvia introduced changes to Article 74, which mitigated the punishment for corresponding actions committed through IT by an official or a group of people. Maximum sentence for such offence is five years in prison (ten previously).⁹⁹

In 2014, Latvia amended Article 150 “Incitement to Religious Hatred”, now — “Incitement of Social Hatred and Enmity”, which now also includes gender, disability, age and any other grounds. On the

other hand, such acts are considered a criminal offence if “significant” damage was inflicted. Offences committed by officials or a group of people are punished by 3 years in prison; offences committed by an organisation or with the use of violence — 4 years in prison.

At the same time, intolerance towards different sexual orientations and gender identities are not considered an aggravating circumstance in the Criminal Code of Latvia.¹⁰⁰

Article 10 of the Law on Rallies, Processions and Pickets includes a ban on inciting national and racial hatred, as well as propaganda of Nazism, fascism or communism. Article 11, in turn, prohibits the display of flags, emblems, anthems and symbols of the USSR, Latvian SSR and Nazi Germany, as well as their stylised images.

Article 99 of the Constitution and the Law on Religious Organisations enshrines the separation of church and state, and provides for the right to profess any religion and establish religious organisations. No religion is considered unofficial in Latvia.

Despite the entry into force of the EU Directive 2000/43/EC — implementing the principle of equal treatment between persons irrespective of racial or ethnic origin — Latvia, unlike Lithuania and Estonia, did not adopt a separate law on equal opportunity or equal treatment.

Latvia preferred to introduce provisions prohibiting discrimination in a number of old legislative acts — separately in each field (Law on Labour, Law on Consumer Rights, etc.)

After the 2012 court verdict, the Office of Citizenship and Migration agreed to indicate the original form of full name on the 3rd page of passports, including patronymic.¹⁰¹ However, this concerns only those who can prove their patronymic with an official document. Therefore, young people who were born in independent Latvia and who received documents in Latvian language will not be affected by this decision.

- Presence and development of anti-discrimination legislation.

Latvia is a European Union member state and its anti-discrimination acts comply with European standards.

It is worth reiterating that despite the EU Directive 2000/43/EC on implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, Latvia, unlike Lithuania and Estonia, did not adopt a separate law on equal opportunity or equal treatment.

Article 91 of the Constitution contains a general provision on equality, stipulating that all persons in Latvia are equal before the law and human rights must be observed without any form of discrimination. This principle is mentioned in a number of laws. Law on Free Development and Rights to Cultural Autonomy of Latvian National

and Ethnic Groups guarantees various rights to all residents of Latvia, regardless of their ethnic origin.

Article 4, Paragraph 2 of the Law on Judiciary provides that all decisions of the court must be made regardless of subject's origin, ethnic, religious or other affiliations.

Article 7 of the Law on Labour provides that every person has equal right to employment and fair remuneration. The Article prohibits direct or indirect discrimination on the grounds of race, ethnic origin, religious affiliation, political beliefs, sex, age, disability, etc. The same principle is contained in the Law on State Civil Service. Besides prohibiting direct and indirect discrimination, Latvian Law on Labour also prohibits *instruction* to discriminate and insults to human dignity.

Law on Social Security contains provisions that prohibit discrimination on the grounds of racial and ethnic origin.

Article 3 of the Law on Education guarantees all residents of the country the right to receive education, including non-citizens.

Anti-discrimination provisions are also contained in the Law "On Advertisement" and "On Protection of Consumer Rights". Latvian legislation does not have a clear prohibition on language discrimination; however, as was noted by the Constitutional Court in 2005, language is one of the "other grounds" on which discrimination is prohibited.¹⁰²

At the same time, Latvian legislation does not provide criminal liability for insulting remarks aimed at specific groups.

On November 29, 2012, a new law prohibiting discrimination against individuals conducting entrepreneurial activities was introduced to satisfy EU requirements. The law prohibited discrimination on the grounds of religion, age, disability and sexual orientation.¹⁰³

Nevertheless, the main shortcoming of Latvian legislation, despite various declarations, is the essential absence of prohibitions on discrimination on the grounds of nationality.

On 2013 Article 149.1 of the Criminal Law was drastically changed. The second half of the Article (violation of the prohibition of discrimination with aggravating circumstances) has been expanded by removing the 'repeated' tag. On the other hand, the maximum punishment was reduced from two to one year of imprisonment. In 2014, new provision introduced 3 years imprisonment for discrimination by government officials or a group of people.

European Social Charter was also ratified (with reservations),¹⁰⁴ reinforcing the prohibition on discrimination in a series of social situations (previously this was referred to only in the Constitution).

- Compliance of the government (central, regional, municipal), law enforcement and judiciary with anti-Nazi, anti-racist, anti-extremist, anti-discriminatory and hate crime legislation.

Latvia's compliance with this legislation remained conflicting in 2014. On the one hand, authorities were actively suppressing any attempts to incite ethnic conflicts towards Latvians, but often ignored such calls against Russian-speakers.

The government is reluctant to adopt a law that would make Orthodox Christmas a national holiday. On the other hand, this remains possible on the municipal level. For example, Riga city council allowed municipal workers to take a day off on that day.¹⁰⁵

In June 2013, the Law on Public Safety in Entertainment and Festival Events¹⁰⁶ was supplemented with a prohibition of Nazi symbols. However, it is worth noting that Nazi symbols in this case were equated to Soviet symbols.

On January 24, Supreme Court refused to consider the complaint that a boy's name, Miron, was written as Mironis in the registrar (Lat.: *mironis* — dead). His parents insist that his name should be written without an 's' (which is typical for Latvian names).¹⁰⁷

On February 12, Supreme Court issued a final judgement on the bill on granting citizenship to the willing "non-citizens", forbidding to take this bill to referendum because of its "anti-constitutional nature". The basis for this decision was the thesis that the proposed procedure for granting citizenship would be an "unconditional recognition of former USSR citizens as part of the Latvian people".

- Struggle against hate crime (criminal cases against organisers and participants, guilty verdicts).

Latvia combats hate crime on a selective basis. For example, not a single case of hate speech mentioned in Section 2 reached trial in 2014.

On July 10, Security Police reported that it opened 8 criminal cases on the incitement of national, ethnic or racial hatred online (20 in 2013, 17 in 2012).¹⁰⁸

On February 14, Riga District Court ordered the former Minister of Justice Janis Bordans (previously a member of the National Alliance) to formally apologise to the leaders of ZaRYa party, whom he previously described as anti-state minded individuals and instigators of hatred, criticising the establishment of their party.¹⁰⁹

On December 17, Kurzeme District Court of Riga sentenced Andrejs Kitaevs to a year on parole for comments posted online inciting hatred against Latvians.¹¹⁰

UN Human Rights Committee expressed concern with Latvia's improper application of legislation that prohibits hate crime against the LGBT community. Furthermore, UNHRC criticised the insufficient detection, identification and investigation rate of such crime. Latvia was recommended to strengthen its strategies in combatting hate

crime and racism in politics and media; it was advised to comply with criminal legislation aimed against hate crime and prosecute offenders, as well as encourage police reports on such crime and recognise hate speech on grounds of sexual orientation and gender identity as a criminal offence.¹¹¹

There have been cases of authorities condoning xenophobia. On October 2, Latvian Security Police refused to incite criminal investigation against Antons Rancans, who said that Russians have a “barbaric gene”.¹¹² All xenophobic statements mentioned in Section 2 remained unchecked by the authorities.

On the other hand, there have been decisions that corrected incorrect rulings made previously. For example, on May 27, Security Police did not initiate criminal investigation into the statements of MEP Tatjana Zdanoka (Russian Union of Latvia), who was accused of “trying to restore the Soviet Union” by Karlis Sadurskis (Unity party). However, the special service politically assessed Zdanoka’s opinion, agreeing that the oppositional MP spreads “tendentious, deliberately distorted information” that does not stimulate social cohesion.¹¹³

A criminal case against Alfreds Rubiks (Harmony Centre, MEP before June 2014) was closed on July 13.¹¹⁴

Criminal case against publicist A. Gilman has been suspended, as reported on September 22. Gilman was accused of justifying Stalinist repressions in his article in 2012, despite the fact that he himself was born in exile.¹¹⁵

- Unlawful use of anti-extremist legislation.

A number of such cases have been recorded in 2014.

On January 13, Security Police called the activity of “Russian World” fund in Rezekne “unacceptable”. Russian World helped to establish an office of Russian language and literature in one of the schools. Police states that “from the national security standpoint, there is a risk that under an influence of ‘soft power’, in the long term part of the society would have loyalty towards the ideology, history and political culture of another country.”¹¹⁶

On February 11, it was reported that the Security police has resumed criminal proceedings against MEP Alfreds Rubiks for his statements that many repression victims in 1949 — collaborationists — got what they deserved.¹¹⁷ Previously, the Security Police dropped the case, but someone named Martins Kaprans appealed this decision.¹¹⁸

On March 10, Advisory Board of the National Electronic Media Council urged to stop the broadcast of TV channels regulated by the Russian state. The Council explained that these channels are disseminating biased, misleading information, which should be assessed as purposeful intervention into Latvia’s informational space.¹¹⁹

On April 5, National Electronic Media Council (NEMC) made a decision to suspend the retransmission of Russia RTR TV Channel, which supposedly incites ethnic hatred. Expert of the Diena newspaper pointed to NEMC's violation of the corresponding EU Directive.¹²⁰

On April 24, following the recommendation of the Latvian Security Police, Riga City Council banned the conduction of "We Want Change" concert in Riga, which was organised by NPO Congress of Non-Citizens. The justification for the ban was highly questionable — according to the police report, the persons taking part in the event have confrontational motives.¹²¹

On May 7, following Security Police recommendations, Riga Duma banned the "March of the Russian Latvia" planned for May 9. According to the special service, this activity is aimed at "splitting the society" and "indirectly denies Latvian nation and language".¹²² On May 17, it was reported that Security Police launched a criminal investigation into public calls to participate in the procession.¹²³

On May 9, police filed an administrative report at one of the Victory Day celebrations that uses the legally banned Soviet symbols.¹²⁴

On August 1, Latvian Security Police handed over the case of a radical activist Jevgenis Osipovs (For Native Language) to the Prosecution. His demonstration of contempt for the ribbon coloured with Latvian tricolour is considered as an insult to the flag.¹²⁵

On August 15, it was reported that Security Police summoned five parliamentary candidates from the Russian Union of Latvia party.¹²⁶

On September 2, Minister of Education and Science Ina Druviete instructed to conduct a relevant inquiry after Russian Ambassador to Latvia gifted a book about the Second World War to a school in Rezekne,¹²⁷ which had a version of history different to the officially recognised.

On September 4, Minister of Justice Gaidis Berzins (National Alliance) asked the Security Police to investigate the Russian Union of Latvia for loyalty and prevent their provocative actions in the future.¹²⁸

On November 7, it was reported that Register of Enterprises (subordinate to the Ministry of Justice) rejected the Riga pastafarian community. According to the Register, pastafarian teachings may be perceived as "belittling and ridiculing the other already existing denominations" and its registration could have led to "incitement of hatred".¹²⁹

The Government Declaration was signed on November 5, containing the order to restrict rebroadcasted programmes that are "hostile to Latvian statehood".¹³⁰

On November 12, it was reported that education quality assurance service conducted an inspection in Kraslava schools due to "pro-Rus-

sian sentiments and activities”. Chairman of the regional council Gunars Upenieks said that he has no information about any violations.¹³¹

On December 10, Latvian Security Police initiated criminal proceedings against Illarions Girs for denial of genocide of Latvians during the Soviet rule and giving positive assessment of the Soviet period in Latvia.¹³²

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Presence of anti-Nazi, anti-racist and anti-extremist legislation; legislation aimed against the incitement of ethnic and religious hatred in the country.	5	5	5
×	Presence and development of anti-discriminatory legislation.	2.5	5	5
×	Compliance of the government (central, regional, municipal), law enforcement and judiciary with anti-Nazi, anti-racist, anti-extremist, anti-discriminatory and hate crime legislation.	5	5	2.5
×	Struggle against hate crime (criminal cases against organisers and participants, guilty verdicts).	5	2.5	2.5
×	Unlawful use of anti-extremist legislation.	-5	-5	-5
	Total for section 3	12.5	12.5	10

4. Statements of government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism

Some officials have made multiple statements against xenophobia and discrimination.

On March 26, President Andris Berzins, Prime Minister Laimdota Strajuma and Parliamentary Speaker Solvita Aboltina (Unity party) made a joint statement to the Latvian people. They stated that “Latvia should always be a home of many nationalities. Every resident is important to Latvia. We all — regardless of ethnicity, language, religious views and beliefs — are one Latvian nation. Latvia is and will continue to be a democratic European state, which values and protects the diverse culture and languages of both Latvians and other nationalities.”¹³³

On April 30, President Andris Berzins commented the significant part of Russian-speaking population’s support for the Russian policy

towards Ukraine. He noted, “I do not consider those supporting Russia enemies. I believe that they are loyal to Latvia.”¹³⁴

On June 26, President Berzins said that non-citizenship issue needs to be solved.¹³⁵

On February 14, Edgars Rinkevics (Party of Reforms) wrote a letter to the Judiciary Commission, where he expressed his concern over provisions punishing “denial of occupation”. Head of Foreign Affairs believes that it contradicts the Constitution, as well as the Convention of Human Rights. He noted that norms in the bill are too ambiguous, as well as restrictive in term of freedom of speech.¹³⁶

On October 10, Foreign Minister Edgar Rinkevics condemned the glorification of Herberts Cukurs — a Nazi collaborationist.¹³⁷

On May 17, Speaker Solvita Aboltina, speaking on radio, rejected the idea that Russian-speakers who support the annexation of Crimean cannot be loyal to Latvia. She assured that she does not judge people by their nationality.¹³⁸

On February 13, Harmony Centre party published a statement protesting the forced “Latvianisation” of schools, which they said would lead to a “split in society”. Harmony Centre also noted that abandoning bilingual education would make Latvians less competitive on the European market.¹³⁹

On May 24, Harmony Centre leader Janis Urbanovics said that fears of “Russian rebellion” are caused by years of anti-Russian persecutions.¹⁴⁰

On June 11, MP Andrejs Judins (Unity) urged the Security Police to investigate the sale of swastika bracelets online.¹⁴¹

Member of the Unity party Inga Priede deleted her homophobic tweet and announced her resignation.¹⁴²

On 9 January and 5 February, President of the Constitutional Court Gunars Kurtis criticised the attempt to introduce the concept of “state nation” to the preamble of the Constitution, stating that in the 1920s the Constitutional Assembly would not agree to this text, because it wasn’t just Latvians who represented the Latvian people in the Parliament.¹⁴³

On February 6, Mayor of Ventspils Aivars Lembergs said that the coalition agreement does not contain anything about the conversion of Russian school to Latvian language until 2018. He also spoke against the Latvian school reform, saying that when it comes to international documents, Latvian politicians do not bother translating to Latvian and sign everything in English.¹⁴⁴

On January 21, former Vice-Prime Minister Ainars Slesers, heading the new party “United for Latvia” talked about his ideas on national reconciliation in Latvijas Avize, called for introducing the Harmony Centre into the government as representatives of “a third of the popu-

lation”, and elimination of radicals (mentioning ZaRYa and National Alliance) from the political system. He also stated that he does not support the “destruction of bilingual education system and forced conversion of all state schools to just Latvian language”.¹⁴⁵

On April 25, leader of the United for Latvia party Ainars Slesers gave an interview to the daily newspaper *Neatkarīga*, where he stated, “We cannot force the 30% of residents to feel as a foreign body in Latvia, as second class citizens. We in Latvia can no longer fight with people because they are not Latvians. This is the first thing that has to change.” He criticised the 2018 school reform plan as an attempt to assimilation that would cause hatred towards the state. Slesers urged to change the Education Act and ensure that by fifth grade all students were fluent in Latvian, Russian and English languages, regardless of the school they attend — Latvian, Russian, Ukrainian.¹⁴⁶

On November 10, former Deputy Prime Minister Ainars Slesers told *Vesti Segodnya* that Russian language in Latvian schools should be treated the same as Latvian in Russian schools.¹⁴⁷

On January 31, the recently retired former Prime Minister Valdis Dombrovskis (Unity) gave an interview to an Estonian newspaper *Eesti Ekspress*, where he stated that Latvia needs immigrants and defended the idea of providing residence permits to investors.¹⁴⁸

On March 23, former Minister of Education Robert Kilis stated that he understands why ethnic minorities take to the streets. “The attitude towards minority schools in our country can be characterised as neutral-ignorant”. The so far small scale of protests he explains with the fact that protests are against the general idea, but there are no concrete plans.¹⁴⁹

On July 25, former director of the Office for the Protection of the Constitution Janis Kazokins pointed out the need to not just “communicate with our Russian-speaking citizens”, but also “solve the non-citizenship problem”.¹⁵⁰

On August 8, former parliamentary speaker Janis Straume (United for Latvia) was interviewed by *Sestdiena* magazine, where he proposed to include Unity party in the ruling coalition, as a representative of the Russian-speaking population.¹⁵¹

On February 19, Head of the Committee for Education, Culture and Sports in the Riga Council said that “Latvianisation” of schools by 2018 is impossible due to lack of teachers and funds. Ms Aldermane added that forced process would split the society, noting that politicians who lobby these reforms are doing so to earn votes.¹⁵²

On August 3, CoE Commissioner for Human Rights Nils Muiznieks expressed his concern with the lack of analysis in the conversion to exclusively Latvian language of education in terms of human rights — how this relates to the Constitution and Latvian obligations within the

Convention for the Protection of National Minorities. He also spoke in favour of non-citizens' children receiving citizenship for being born in Latvia.¹⁵³

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism.	5	5	5
	Total for section 4	5	5	5

5. Activities aimed at promoting tolerance and preventing extremism

A number of such actions can be noted:

On May 23, President Andris Berzins sent his greetings to the opening of the Days of Russian Culture.¹⁵⁴

On July 4, President Andris Berzins, Parliamentary Speaker Solvita Aboltina (Unity) and a number of other officials took part in a Holocaust Remembrance event.¹⁵⁵

On March 11, Latvian government made a decision that its members should not participate in March 16th events.¹⁵⁶ On March 14, Latvian Prime Minister Laimdota Strajuma (Unity Party) dismissed the Minister of Environmental Protection and Regional Development Einars Cilinskis (National Alliance) due to his intentions to participate in the procession honouring Waffen SS legionnaires on March 16.¹⁵⁷

On May 6, Cabinet of Ministers decided to allocate additional 682 thousand euro for state television broadcasts in Russian language.¹⁵⁸

On June 9, government approved the 245 million euro budget for integration measures of “citizens of third countries” (i.e. non-EU citizens).¹⁵⁹

On June 17, Latvian government approved the Ministry of Justice report on improving the Criminal Law. In particular, it is proposed to include xenophobia as an aggravating circumstance.¹⁶⁰

On August 26, Ministries were ordered to prepare a number of policies for social cohesion. This includes free Latvian language education and encouraging motivation for obtaining citizenship.¹⁶¹

Cabinet of Ministers was instructed to monitor the implementation of the policy guidelines regarding social integration. A special council was established to implement the Action Plan on implementing the policy guidelines.

ECRI reports that state-funded Latvian language courses were attended by 18,000 people in 2013–2014. Their budget is approximately 11 million euros.¹⁶²

On May 8, Museum of Riga ghetto opened a commemorative wall to Western European Jews and an exhibition of Jewish deportations from Theresienstadt ghetto to Riga in 1942.¹⁶³

On May 15, Latvian parliament rejected Janis Dombrova’s proposal to prohibit citizens of EU states where farmers’ wages are higher than in Latvia from purchasing farmland.¹⁶⁴

On January 20, MEP Tatyana Zdanok (Russian Union of Latvia) held an exhibition and a roundtable about the rehabilitation of Nazism in the Baltics in the European Parliament.¹⁶⁵

On March 14, the State Society Integration Foundation and the Latvian Human Rights Centre launched anti-discrimination campaign “Today you, tomorrow against you.”¹⁶⁶

On March 24, the State Social Integration Fund announced a youth video competition “No Hate Speech on the Internet.”¹⁶⁷

On August 29, Latvian State Television announced a number of new programmes in Russian language.¹⁶⁸

On July 27 — August 2, Jelgava and Daugavpils held events dedicated to the 70th anniversary of liberation from Nazi occupation.¹⁶⁹

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Activities aimed at promoting tolerance and preventing extremism.	5	5	5
	Total for section 5	5	5	5

6. Position of migrants and society’s attitude towards immigrants, foreigners, different ethnic groups

Indicators

- Presence and development of migration laws.

Latvia has a negative net migration. 238 thousand people left Latvia between 2000 and 2014. Since 2011, emigration rate started to decline, but only 20% of emigrants returned to Latvia. Opinion poll conducted amongst 14 thousand people from 118 countries showed that three-quarters of them are happy with their personal and financial life abroad.¹⁷⁰ At the same time, Latvia is a so-called “transit country” for migrants trying to get into the EU. Since the start of the Ukrainian crisis, Latvia received 95 new refugees.¹⁷¹

The foundation of migration legislation in Latvia is enshrined in the Law on Immigration. According to this law, non-citizens are not considered foreign nationals and they are not required to possess any permits (such as visa, residence permit, etc.) to stay in the country indefinitely.

Like in all EU states, foreign nationals (of countries outside of the visa-free regime) must obtain a visa and residence permit for temporary or permanent stay.

Spouses and pension-aged parents of Latvian residents (citizens and non-citizens) have the right to a residence permit.

In 2010, Latvia adopted amendments that allowed temporary residence permit to be granted to investors who purchased real estate for a certain sum or who are investing into the Latvian bank or own a business in Latvia and pay a certain amount of taxes.

In 1997, Latvia adopted a Law “On Asylum Seekers and Refugees in the Republic of Latvia”, which defined the procedure for granting refugee status and their rights

Latvian migration legislation is poorly designed in terms of social assistance for foreign nationals if they do not have a permanent residence permit.

On December 5, 2013, the Law on Immigration was amended¹⁷² with some easing¹⁷³ and some tightening¹⁷⁴ of residence permit requirements. It is worth mentioning that most significant tightening changes were adopted in October, but returned for reconsideration by President Berzins.¹⁷⁵

In October, Law on Asylum has been amended to implement EU Directives 2011/95/ES and 2011/51/ES.¹⁷⁶

- Government’s compliance with such legislation (law enforcement practice).

Due to the low level of social welfare for immigrants, as well as low standards of living in Latvia, the problem of labour immigration is not a significant problem. Therefore, migration legislation is applied clearly.

In 2010–2014, Latvia received 14,679 applications for permanent residence as part of the “Residence Permit for Investment” programme. More than 10 thousand of those came from Russian nationals, followed by citizens of China, Ukraine, Uzbekistan, Kazakhstan, Belarus and others. 94.7% were accepted.

In 2014, National Alliance campaigned against the “Residence for Investment” programme, specifically for Russian nationals. As a result, the real estate threshold price grew from 143 thousand euro to 250 thousand, which significantly decreased market participation (up to 50 times, according to some sources).¹⁷⁷

- Discriminatory practices against immigrants.

Refugees complain that their application take months, while some are offered temporary residence permits (which would remove them from the care of the state).¹⁷⁸

In April 2014, UNHRC criticised Latvia's practice of detaining asylum seekers, including, in some cases, 14-year-old children.¹⁷⁹

UNHRC also reported that Latvian authorities have been arresting asylum seekers without reasonable explanations; refugees were kept in poor conditions. In some border areas, access to asylum application procedures is difficult. Some asylum seekers and refugees have been deported on Article 3 of the Law on Asylum, before they could appeal the decision.¹⁸⁰

- Use of ethnic crime as justification for discrimination against immigrants.

No such cases have been recorded in 2014.

- Social assistance for immigrants.

Foreign nationals who arrive in Latvia from non-EU or EEA countries with a temporary residence permit have only partial access to Latvia's social welfare system. Legally, working foreigners have partial access to benefits depending on their national insurance contributions. Foreign nationals do not have access to benefits that do not depend on national insurance, or social services and social or legal assistance. Most of all, this is relevant for healthcare, unemployment benefits, child benefits, state social security and others.

On April 22, 2014, Cabinet of Ministers adopted new regulations on state benefits for refugees. Those who have no income or whose income is below the minimum wage will receive 256 euros per month.

According to the Law on Social Services and Social Assistance, temporarily residing foreign nationals do not have access to state social services and social assistance (such as social support and rehabilitation, ability to stay at the shelter or a crisis centre, benefits to low-income families, etc.)

According to the Law on Legal Assistance Provided by the State, foreigners with temporary residence permit do not have access to free legal assistance of the state.

Temporary resident of the country receives the right to employment; however, there are problems here as well. Law on State Language requires all employees, even those not directly engaged with the population, to be proficient in Latvian language at a certain level. Therefore, chances of migrant workers exercising the right to employment are slim — they would first have to learn the official language. Although,

so far the problem of labour immigration is not relevant in Latvia and therefore, there is no issue with employment of immigrants.

In general, we can conclude that social assistance for immigrants temporarily residing in Latvia is virtually absent. In 2009 — 2011, the European Committee on Social Rights assessed this situation as a violation of the European Social Charter — Articles 13, 14 and 16.

- Negative attitude of the community towards immigrants, foreigners, various ethnic groups.

It is no secret that Latvian society is split along ethnic lines. All political parties are informally divided into “Russian” and “Latvian”, and not a single party has managed to overcome this categorisation since Latvia’s independence.

The fact that Latvia so far does not have a united political nation is evidence by the existence of non-citizens and modern parties of the Latvian community, as well as the cultural discrimination of the Russian-speaking population. Naturally, the two communities have a negative perception towards each other.

Russian Latvians, a group that can be considered an irredenta, do not consider themselves a national minority and are reluctant to use Latvian language to full extent, which is the underlying cause of the conflict.

Latvians, in turn, do not identify themselves as a majority because of the large Russian-speaking community in the country. Reluctance to accept the real situation is contributing to tensions between the two groups and could lead to a “social explosion” in the future. This is further explored in the study, “Diverse and Variable Latvian Identities”, presented in Riga in December 2014.

The study identifies the most important factors in the Latvian identity, which are “belonging to the rural environment” and “opposition to Russians in Latvia”.¹⁸¹ Most Latvians support the assimilation policy proposed by the government, advocating for such actions as closure of Russian nurseries.¹⁸²

However, there is a subject that unites Latvians and Russians in the country — poor attitude to refugees and migrants from developing countries. More than 70% of the population support this view.¹⁸³ Meanwhile, some Russian-speakers express hope that with the arrival of Asian and African immigrants, focus of the conflict will naturally shift from Russian-speakers to immigrants.

On April 22, a wave of hostile comparisons swept the headlines after the Cabinet adopted new regulations to increase refugee allowance: “Refugees over pensioners” (daily Diena, in an article about “social injustice”), “Refugees in Latvia get more than mothers and pensioners (Kasjauns.lv).¹⁸⁴

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Presence and improvement of migration laws.	5	5	5
×	Government's compliance with such legislation (law enforcement practice).	5	5	5
-/×	Discriminatory practices against immigrants.	0	0	-2.5
-	Use of ethnic crime as justification for discrimination against migrants.	0	0	0
×	Social assistance for immigrants.	0	0	2.5
×	Negative attitude of the community towards immigrants, foreigners, various ethnic groups.	-5	-5	-5
	Total for section 6	5	5	5

7. Incitement of ethnic and religious enmity

I n d i c a t o r s

- Calls for ethnic and religious hatred in mass media and mass communications, graffiti.

Most calls for ethnic enmity originated in the media (see Section 2).

On March 28, a popular publicist Jurgis Liepnieks published an article on puaro.lv, titled “What kind of integration policy we need” (the article was then translated to Russian language and published on freecity.lv). Liepnieks states, “Russians in Latvia are constantly called to conflict, they are constantly told that this is not their home, that their views on language, education, holidays will not just be disrespected, they will be fought. Their electoral rights are superficial, since no one would take their politicians to the government. Every day, Russians of Latvia face such epithets as “occupants”, “fifth column”, calls to take responsibility for Stalin’s crimes. Latvian political elite simply refuses to understand that a Russian person born and raised in Latvia cannot be told, “If you don’t like it here — leave”. You cannot point out that ‘you are disloyal to Latvia, because you vote for the Harmony Centre and wish your children to study in your mother tongue. 13% of Latvian residents are Russian-speaking non-citizens, who are also constantly accused and called occupants, fifth column, etc.” Liepnieks encourages to “throw away all existing documents on integration policy, the real aim of which is assimilation of Latvian Russians”.¹⁸⁵

These observations are confirmed by incidents recorded by the monitoring and published in Section 2. Some additional cases are listed below:

On April 14, staff writer of the daily newspaper *Latvijas Avīze* Egils Licitis urged to “revoke citizenship and deport those who defame Latvia, Latvian lifestyle and undermines the foundations of the state. Licitis praised the authorities, “security services have somewhat gathered themselves — before March 16th, German antifascists were subjected to humiliating inspections during a seven-hour detention at the border”.

On May 8, Deputy Chief Editor of the daily *Neatkarīga Elita* Veidmane said that those celebrating the Victory Day are “Colorado Worms”, who allegedly support Great Russian chauvinism.¹⁸⁶

On May 15, *Latvijas Avīze* published Agris Liepins’ call to “take pre-war Latvia’s experience in integration”. He proposed to fully convert public schools to state language and organise “assistance to return to ethnic homeland” for majority of Russians.¹⁸⁷

On July 25, a gathering of former Soviet political prisoners, a lot of whom are former Waffen SS soldiers, was held in Vaidava. Veterans adopted a resolution, calling for “correcting the injustice and mistakes that were made after the adoption of Declaration of Occupation”, referring to de-occupation that had to be carried out and criticising naturalisation and integration. Veterans asked to appeal to the UN, asking for help in de-occupation.¹⁸⁸

On August 25, author Antons Rancans was interviewed by the daily *Neatkarīga* after the release of his new book, *Krievināšana* (Russification). He claimed that “Russian mentality, unfortunately, has a gene of thieves and everything else is just empty words”.¹⁸⁹

On November 26, a popular actor Arnis Licitis said that the Russian-speaking minority is the “fifth column” in Latvia.¹⁹⁰

On March 1, a rally was held in Riga to criticise Russian foreign policy, where a Russophobic placard was noted — “Love Russia — Go to Russia”.¹⁹¹

- Presence and popularity of radical nationalist literature, films, music. Ultra-nationalist rock bands and their concerts.

Latvian Newspaper, or *Latvijas Avīze* — a popular conservative nationalist publication — regularly printed Russophobic articles (see above) alongside radical nationalist DDD (Deokupācija. Dekolonizācija. Deboļševizācija) that promotes the idea of deporting Russian-speaking residents to Russia.

On January 22, it was reported that publisher Astlandia released another calendar containing Nazi poster from the World War Two era. Publisher specialises in this niche for several years.¹⁹²

There has been an attempt to rehabilitate Nazi collaborationists. Musical play “Cukurs, Herberts Cukurs” premiered across Latvia in October, showing a story about a well-known pilot during the Second World War who was involved in the Arajs unit — responsible for the Holocaust in Latvia.¹⁹³

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Calls for ethnic and religious hatred in mass media and mass communications, graffiti.	-5	-5	-5
×	Presence and popularity of radical nationalist literature, films, music. Ultranationalist rock bands and their concerts.	-5	-5	-5
	Total for section 7	-10	-10	-10

8. Radical nationalist groups and parties

Indicators

- Presence of neo-Nazi and ultra-nationalist groups, movements, political parties (both in the centre and in the localities).

The main nationalist organisation in Latvia is the National Alliance bloc, created in 2010 and based on the party “For Fatherland and Freedom/LNNK” (Latvian: *Tēvzemei un Brīvībai/LNNK*, abbreviated to *TB/LNNK*). The party has 14 seats in the parliament (17 after the autumn 2014 elections) and is part of the ruling coalition with some of its members in the Cabinet.

In addition, there is the Gustav Celmins Centre — organisation of Latvian radical nationalists, whose aim is to “promote Celmins’ ideals”. Celmins was the leader of Latvian radical nationalists in the interwar period.

Latvian National Front is headed by the chief editor of the aforementioned *DDD* newspaper Aivars Gards. However, besides publishing of this newspaper, the organisation was not particularly active during the monitored period.

In addition, Latvia has the following radical nationalist organisations: *Aizsargi*, *Perkonkrusts*, *Club of Latvian Nationalists*, *Tevija Sargi*, and several others.

Aizsargi (<http://www.aizsargi.lv/>) is a militarised radical nationalist organisation. They openly advocate the “Latvian Latvia”, and deportation of “occupants” and their descendants. In 2012, this or-

ganisation initiated a petition for the demolition of the monument to Liberators — soldiers of the Red Army in Victory Park.¹⁹⁴

Perkonkrusts is an illegal wing of the Gustav Celmins Centre — a neo-Nazi organisation advocating for liberating Latvia from foreigners. The organisation adheres to terrorist methods in the struggle for ethnically clean society, including three attempts to blow up a monument to Liberators in Victory Park.¹⁹⁵

Latvietis Society (<http://www.latvietis.lv/index.cgi>) — promotes the idea of Latvians' ethnic superiority over other peoples, conducting active propaganda campaigns in this field.¹⁹⁶

Club of Latvian Nationalists (<http://www.nacionalisti.lv/>) — organisation promoting radical nationalist ideology and organising numerous events to support this idea. Coordinates other radical nationalist groups.

Tevija Sargi (<http://tevijassargs.com/>) — engaged in military training of people adhering to the idea of “Latvian Latvia”. The organisation only accepts ethnic Latvians. Tevija Sargi has an extensive network of departments across the republic, as well as training camps. It also cooperates with the Ministry of Defence.

New Conservative Party was founded on May 17, under the leadership of ex-Minister Janis Bordans. Party manifesto demands a “single school system in state language”, conceding to minority language and culture lessons.¹⁹⁷

- Presence of discriminatory demands in the programmes of these parties and in the statements of their leaders towards the members of minorities.

The ideological foundation of all extreme right parties in Latvia is the same — Latvian nationalism. National Alliance's main political slogan is “For a Latvian Latvia!” This essentially implies assimilation of non-Latvians and “voluntary” resettlement beyond the country of those who do not want to assimilate. Leaders of the Alliance are known for making xenophobic statements in public (see above). Leaders of the party also take part in March 16th Waffen SS processions in Riga city centre.

All nationalist parties advocate against propaganda of homosexuality and gay-pride events in Latvia.

- Neo-Nazi and radical nationalist influence over the civil society, including oppositional and human rights organisations.

In post-Soviet Latvia, nationalist ideas and slogans have always had prevalent influence. In 2011, National Alliance managed to identify with the main Latvian nationalist electorate and achieve good results in the elections.

At the same time, mainstream parties — including the national-conservative Unity party, which has been leading the coalition for many years — have been borrowing political slogans from the National Alliance, injecting liberal rhetoric and following EU policies. Unity party has been complying with EU demands concerning refugees (while the Alliance is strictly opposed to this idea). The party also supports nationalists in the Latvian school reform, but is reluctant to start the process, fearing backlash from the EU and OSCE. Like National Alliance, Unity supports restrictions imposed on non-citizens and have been behind repressions against antifascists this year.

2014 European Elections (May 24th) had a record low turnout of just 30.24%. Nevertheless, Unity party was decisively victorious, receiving 46.19% votes (4 seats out of 8). National Alliance received 1 seat in the European Parliament (same as in 2009; however, their votes share had increased from 10.26% in 2009 to 14.25%).

In general elections, National Alliance won 16.61% votes and 18 seats in the Latvian parliament (out of 100), which is higher than in 2011 (13.88% and 14 seats). The New Conservative Party received 0.7% of votes and did not pass into parliament.

Unity party once again led the ruling coalition, which still includes radical nationalists from the National Alliance.

- Neo-Nazi and radical nationalist influence over the local legislative/executive bodies.

National Alliance holds 154 seats in municipal council (including 12 in Riga).

- Neo-Nazi and radical nationalist influence over the central legislative/executive bodies.

Since 2011, National Alliance has maintained a large faction in Latvian parliament (18 seats after October 2014 elections) and has been part of the ruling coalition.

Coalition agreement, signed in January, contained National Alliance's demand to convert all schools in Latvia to Latvian language. After October elections, the new agreement stated that National Alliance's attempts to pass this motion in parliament will not be regarded as breaking the agreement.

On August 21, Latvian parliament approved Gaidis Berzins as the Minister of Justice (National Alliance). He occupied this post previously, known for his resistance to restitution of Jewish property, which eventually resulted in his resignation in 2012. Returning to the post, Berzins appointed his fellow National Alliance member Janis Iesalnieks as Parliamentary Secretary, who in 2011 made statements blaming Breivik's terrorist attack in Norway on multiculturalism.¹⁹⁸

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Presence of neo-Nazi and ultra-nationalist groups, movements, political parties (both in the centre and in the localities).	-5	-5	-5
×	Presence of discriminatory demands in the programmes of these parties and in the statements of their leaders towards the members of minorities.	-5	-5	-5
×	Neo-Nazi and radical nationalist influence over the civil society, including oppositional and human rights organisations.	-5	-5	-5
×	Neo-Nazi and radical nationalist influence over the local legislative/executive bodies.	-2.5	-5	-2.5
×	Neo-Nazi and radical nationalist influence over the central legislative/executive bodies.	-5	-5	-5
	Total for section 8	-22.5	-25	-22.5

9. Public actions of extremist and nationalist groups

Indicators

- Neo-Nazi and radical nationalist participation in mass actions prohibited by the authorities.

No such cases have been recorded in 2014.

- Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities.

On March 16, the annual procession of Latvian Waffen SS veterans was held in Riga, with the participation of MPs from the National Alliance (according to various estimates, the parade gathered 1–2 thousand people). Banners of march participants talked about honouring “freedom fighters”. One of the flags depicted a popular among neo-Nazis rune of “Volfsangel”.¹⁹⁹

On May 9, Riga held a small rally for “deoccupation”. Posters read, “Memorial to occupant’s victory destroys the Latvian spirit!”, “Liberators of Riga murdered, raped, mugged and robbed”.²⁰⁰

On May 15, National Alliance held a rally to commemorate Karlis Ulmanis and his contribution towards the “Latvian Latvia”.²⁰¹

On July 28, a rally was held at the National Opera House, under the slogan “Latvian National Opera — not Kremlin’s guest house”. The

gathered people protested the rent of Opera facilities for the celebration of Russian composer Igor Krutoi's birthday on July 29.²⁰²

- Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities, with the participation of representatives from the legislative or executive bodies, law enforcement and security agencies.

Radical nationalists organised a large-scale action on March 16th — the annual procession of Waffen SS veterans and their sympathisers in Riga. The event was attended by members of the government, including MPs from National Alliance, which is part of the ruling coalition.²⁰³

- Presence of “football xenophobia” and racism amongst sports fans.

No such cases have been recorded in 2014.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
–	Neo-Nazi and radical nationalist participation in mass actions prohibited by the authorities.	0	0	0
×	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities.	–5	–5	–5
×	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities, with the participation of representatives from the legislative or executive bodies, law enforcement and security agencies.	–5	–5	–5
–	Presence of “football xenophobia” and racism amongst sports fans.	0	–5	0
	Total for section 9	–10	–15	–10

10. Racial attacks, violence and terror

Indicators

- Vandalism in cemeteries, attacks on religious buildings.

On May 6, it was reported that the Red Army cemetery was desecrated.²⁰⁴ On May 28, swastikas were found on one of children's playgrounds in Riga.²⁰⁵

On December 26, someone shattered a window of the office of the Liepaja Russian community.²⁰⁶

- Inter-ethnic clashes instigated by xenophobia and radical nationalism.

No such cases have been recorded in 2014.

- Cases of violence, including murder on racial, ethnic and religious grounds.

Monitoring recorded an increase in such incidents compared to previous year (six in 2014, one in 2013). However, this is not indicative of increasing xenophobia; rather, it is the fact that such cases have been covered by the media to a higher extent.

On January 7, it was reported that police is investigating the incident in a Riga store. According to a woman who appealed to the police, another customer attacked her for speaking Russian with a teller.²⁰⁷

At the rally of the Russian Union in Latvia on March 10, the event's opponent attacked the picketers and broke the Russian flag.²⁰⁸

One of the leaders of the Association Against Nazism Janis Kuzins was assaulted on March 16.²⁰⁹

In early May, a foreign student was beaten in the capital. According to the Riga Stradina University, such incidents happen at least 4 times per year. 24% of foreign students encountered discrimination at some point.²¹⁰

On September 24, a sixth year school pupil was assaulted in Jelgava. The girl from a family of Ukrainian refugees was bullied by senior students because of her strong Ukrainian accent when she spoke Russian.²¹¹

On September 4, Russian Union of Latvia party held a concert to support Russian schools in Riga (a similar event was held on September 29 in Daugavpils, despite police refusing to protect the event from hooligans).²¹²

- Nationalist or religious terrorist attacks.

No such cases have been recorded in 2014. However, on May 6, a suicide bombing threat was reported. The target was the Freedom Monument in Riga on May 9.²¹³

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Vandalism in cemeteries, attacks on religious buildings.	-5	-5	-5
-	Interethnic clashes instigated by xenophobia and radical nationalism.	0	-2.5	0

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Cases of violence, including murder on racial, ethnic, and religious grounds.	0	-2.5	-5
–	Cases of hate crimes.	0	0	0
–	Nationalist or religious terrorist attacks.	0	0	0
	Total for section 10	-5	-10	-10

11. Presence, popularity and size of anti-fascist and anti-racist movements

Indicators

- Presence of anti-racist and anti-Nazi movements and parties.

Latvia has a number of anti-Nazi non-governmental organisations. Most notable are the Latvian Antifascist Committee (founded in 2005, leaders Joseph Koren and Eduard Goncharov) and the Association Against Nazism (founded in 2010, leader Janis Kuzins), both of which are part of the international human rights movement “World Without Nazism” (active in Latvia through its subsidiary — Latvia Without Nazism).

Congress of Non-Citizens of Latvia represents the interests of this part of the population and fighting for their rights and against manifestations of radical nationalism in the country.

Society “For Fairness and Justice” also advocates for non-citizens’ rights along with “For Equal Rights” movement, which was the initiator of the referendum on “zero-option” citizenship in 2012.

Among other antifascist organisations, it is worth mentioning the Baltic Centre of Historical and Socio-Political Studies, the Latvian Association of Anti-Hitler Coalition Warriors and the Latvian Human Rights Committee.

When it comes to political parties, antifascist positions are only held by one party — Russian Union in Latvia. Harmony Centre became concerned with attracting Latvian voters and tried to distance itself from antifascist initiatives, which alienated some of their former supporters.

- Anti-racist and anti-fascist movement activities (pickets, rallies, demonstrations).

Antifascist activities were noticeable, albeit not large, as is normal for Latvia. Most significant events was the antifascist protest against

the procession of Waffen SS legionnaires, HRM World Without Nazism conference on March 16th in Riga.

Numerous protests against the conversion of minority schools to Latvian language have been held in Riga in February, March and April 2014. Four actions were held by the Russian Union in Latvia party, three were organised by the Congress of Non-Citizens.

On April 8, Riga held a commemorative event dedicated to the Roma genocide.²¹⁴

On May 15, Russian Union in Latvia held a rally for freedom of speech and Russian schools.²¹⁵

On September 4, Russian Union of Latvia party held a concert to support Russian schools in Riga (a similar event was held on September 29 in Daugavpils).²¹⁶

On October 11 and 16, Latvian Antifascist Committee and the Russian Dawn society organised protests against the musical play “Cukurs, Herberts Cukurs” in Liepaja and Riga. However, protesters dressed in striped prison robes were not allowed in the hall.²¹⁷

On November 28, co-chair of the Latvian antifascist committee Joseph Koren commented on the statements about the need to abolish antifascist organisations that are financed by Russia. “Unfortunately, we are not sponsored by the Kremlin. Even more unfortunate is that the Latvian state does not sponsor us as well. As long as there are people like Dombrova in the country, the state should finance the antifascists.”²¹⁸

- Presence of anti-racist and anti-fascist civic initiatives.

On January 17, Latvian Basketball Union imposed sanctions on “Barona Kvartals” club for the behaviour of their fans, who were waving around bananas. The club will play the next three games without spectators. Details of the case were submitted to police.²¹⁹

On February 28, Congress of Non-Citizens urged to fight for Russian schools. By February 28, the Russian School Defence Headquarters was reassembled (coalition that fought a similar “reform-2004” in 2003–2004, with partial success). Many Russian media outlets and NGOs also criticised the reform.²²⁰

On August 23, the 7th conference of Russian Compatriot Organisations was held in Latvia, gathering more than 200 delegates. One of the many resolutions adopted at the conference focused on the protection of Russian schools and the ban to entry imposed on human rights activist Igor Penevkin. The conference criticised the institute of non-citizenship and a new nationalist preamble to the Constitution.

On December 6, Latvian Human Rights Committee hosted an international conference dedicated to the 25th anniversary of the Convention on the Rights of the Child. Several topics have been discussed,

including the right to use one’s native language (in education and in public), right to a name and citizenship. The conference was attended by MEP Tatjana Zdanoka (Russian Union of Latvia) and member of PACE Boris Cilevics (Harmony Party).

On March 12, Latvian composer and former MP Imants Kalnins gave an interview to RuBaltik portal, where he stated that “the cessation of Russian TV channel broadcasts and the reform of Russian schools is the continuation of anti-Russian policy which adds tensions to relations between our countries. I would not call it chauvinism, but a cheap political theatre.”²²¹

On March 20, Andra Manfelde — author of the upcoming musical about the famous Holocaust participant, pilot Herbert Cukurs — stated that she is terminating the cooperation with the producer and encouraged him to stop working on the production, “not to contribute to even more profound, incurable disagreements between nations”.²²²

On May 6, Catholic bishops issued a joint letter, stating that “nationalism, which recognises only what is beneficial for its people and ignores the rights of other people, is a threat to united Europe’s future. Real integration is only possible when other nationalities are allowed to maintain their identity, simultaneously becoming patriots of Latvia.”²²³

On May 8, Latvian Old Believers made officially criticised the draft preamble to the Constitution that focuses on Latvians and not “people of Latvia” as it was previously.²²⁴

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Presence of antiracist and anti-Nazi movements and parties.	5	5	5
×	Antiracist and antifascist movement activities (pickets, rallies, demonstrations).	5	5	5
×	Presence of antiracist and antifascist civic initiatives.	5	5	5
	Total for section 11	15	15	15

12. Glorification of German National Socialism and collaborators of Nazi Germany, historical revisionism, Holocaust denial

I n d i c a t o r s

- Glorification of German National Socialism and/or its collaborators in the media, desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition.

On January 13, it was reported that one of the offices of Riga Humanitarian Middle School was decorated with symbols resembling a swastika.²²⁵

On January 22, it was reported that publisher Astlandia released another calendar containing Nazi poster from the World War Two era. Publisher specialises in this niche for several years.²²⁶

On January 27, it was reported that the Latvijas dzelzceļš (Latvian Railway) official website published a story about 120th anniversary of Riga-Valka line in Latvian and English languages, which openly talked about the importance of this railway line to supply Wehrmacht that was blockading Leningrad. Russian translation omits all references to German troops.²²⁷ Later, the full story was removed from the company's website.

On January 31, Latvijas Avize decided to choose Laima's Cross — a modified swastika — as its symbol of February.²²⁸

On February 26, it was reported that this autumn Latvian public will be shown a musical about a pilot Herberts Cukurs, known for participating in the Holocaust — for which he was executed in South America, allegedly by Mossad. Author of libretto Andra Manfelde stated that she “never heard about any evidence that he was really ‘shooting Jews’”. Nevertheless, the musical will feature Cukurs' participation in “Arajs Team” which committed genocide.²²⁹ Musical premiered in October 2014.²³⁰

On October 9, two days before the premiere, main actor in the play Juris Jope told *Latvijas Avize*, “Allegations against Cukurs are based on unverified information.” He believes that his case was exaggerated and based on hearsay. “Everything that I've read about him rather proves his innocence, but such matters must be settled in court”.²³¹

On May 3, poet Liana Langa urged the Security Police to prevent the “hostile” march in Riga on May 9.²³²

On May 9, head of the National Alliance youth wing Raivis Zeltits published an article called “Day of Victory for Russian Fascism”, where he said that the day symbolises “Stalin's fascist victory”.²³³

On December 11, Lutheran priest Guntis Kalme told *Latvijas Avize*: “Lesson of the legion in the Latvian history is such — Latvians are always patriots and warriors, in good or bad or impossible situations.”

According to the public opinion poll conducted in February and published in March, 24% of respondents fully agree with glorification of Latvian legionnaires (veterans of Waffen SS), 25% are inclined to agree. 20% of respondents completely disagree with this point of view, while 13% somewhat disagree.²³⁴

There have been several cases of vandalism against Soviet monuments. On February 3, unidentified persons installed wooden gallows near the monument to the Liberators of Riga.²³⁵

On May 6, a suicide bombing threat became known. The target was the Freedom Monument in Riga on May 9.²³⁶ On the same day, it was reported that the Red Army cemetery was desecrated.²³⁷

- Glorification of German National Socialism and/or its collaborators with the support of local authorities, demolition of monuments to soldiers of the anti-Hitler coalition, erection of monuments to the soldiers of Wehrmacht and Nazi butchers.

Almost all events aimed at glorifying Nazism in Latvia are held with a tacit agreement, and sometimes — open participation — of the authorities. This includes the procession of Waffen SS veterans and erection of monuments to the SS.

At the same time, municipal authorities are not affected by this. For example, members of the Riga council, led by the social-democratic Harmony party, do not participate in the March 16th procession in Riga. Many other city councils adhere to the same policy.

In 2014, there were only a few initiatives aimed against the Victory Day (May 9th) and celebrations of liberation of Latvian cities from Nazis in World War Two.

In late July, Jelgava's municipal newspaper attacked those celebrating the 70th anniversary of liberation from Nazism²³⁸; however, city administration did not express any position in this regard.

On January 2, results of the November-December public opinion poll in Riga were published, showing that 78% of respondents (including 56% Latvian-speaking and 93% Russian-speaking) oppose the demolition of the Victory monument (also known as Monument to the Liberators of Riga). Only 12% are in favour of this decision.²³⁹

- Glorification of German National Socialism and/or its collaborators in the decisions made by the authorities.

Majority of SS veterans are considered politically repressed in accordance with the 1995 Law on the Status of Politically Repressed Person for the Victims of Communist and Nazi Regimes”, because majority of them were sentenced by the Soviet court for collaboration with the Nazi invaders and have served their sentences. They are provided with preferential pensions, free healthcare, subsidised public transport and taxes.

There was an attempt to equate Nazism and communism on a legislative level.

On February 6, Parliamentary subcommittee on criminal policy proposed to criminalise “public denial, justification, glorification or malicious, rude or offensive questioning of the Soviet aggression against the Latvian Republic” (and Nazi Germany).²⁴⁰

OSCE representative on Freedom of the Media Dunja Miatovic criticised these proposals for clearly violating the freedom of expres-

sion.²⁴¹ Nevertheless, on February 26 the Parliamentary Judiciary Commission had approved the initiative, replacing the term “questioning” (or “challenging”) with “gross trivialisation”.²⁴²

On May 15, parliament adopted changes to the Criminal Law, amending Article 74¹ (prohibition of praise, denial and justification of genocide against peace, humanity and war crimes) with a provision — “including the genocide, crimes against peace, humanity and war crimes committed by the USSR or Nazi Germany against the Latvian Republic and its residents”.²⁴³

On January 17, LTV1 state channel screened a documentary called “Soviet History”, which had a lot of false information aimed at equating communist and Nazism²⁴⁴

On August 22, Minister of Regional Development Roman Naujins (National Alliance) urged Rezekne Council not to provide funds to a book about Soviet soldiers who liberated Latvia from Nazism. He stated that the law prohibits municipalities from financing ideological publications and the book’s interpretation of history differs from the official Latvian position.²⁴⁵ On August 25, Latvian Security Police stated that Rezekne City Council’s support for the publication of the book about Soviet heroes is unacceptable. According to the agency, the proposed interpretation of history “casts doubts and questions on Latvia’s statehood, facilitates pro-Russian public opinion and negatively affects social cohesion”.²⁴⁶

On December 13, co-chair of the National Alliance Raivis Dzintars talked about March 16th Waffen SS processions as “commemoration of national heroes”.²⁴⁷ National Alliance welcomed former Waffen SS legionnaire Oskars Baltunis as a honourable member of the party, boasting his two Iron Crosses that he received in the Nazi army.²⁴⁸

On September 3, it was reported that Facebook deleted photos of Sarlote Lorence (presumably, a State Revenue Service official) wearing a Nazi uniform.²⁴⁹

- Historical revisionism, Holocaust denial.

No such cases have been recorded in 2014. However, historical revisionism is one of the main objectives of Latvian nationalist parties and its government. The official interpretation of 20th century history is based primarily on the thesis of “Soviet occupation” and the consequent conclusion about glorification of Waffen SS soldiers and auxiliary police units that fought on the side of Nazi Germany and participated in the Holocaust.

Riga only recognised a part of collaborationists, particularly the so-called “Arais’ team”, which formed the voluntary division of the auxiliary police.

Latvian authorities prefer not to talk about Latvians' participation in Riga ghetto, participation of Latvian Waffen SS legionnaires in civilian executions, despite the evidence.

Riga Museum of Occupation has expositions that are aimed at persuading its visitors that 1940 and 1949 deportations to Siberia are correctly equated to the Holocaust.

Latvian authorities do not deny the Holocaust itself. It is considered a tragic event in the history of Latvian people and officials make sure to visit the Museum of Riga Ghetto and participate in annual commemorative events held by the Jewish community.

All in all, Latvia's official doctrine that also underpins school curriculums perceives Latvians as victims of the events in the 20th century, who did not have any influence in the Holocaust or other Nazi crimes.

At the same time, Stalinist repressions are regarded as equal to the Holocaust, which allows Latvian leaders to build the Latvian state as Jews build the Israeli state.

This approach, tied to historical revisionism and denial of their participating in the Holocaust, is underpinning Latvia's domestic and foreign policies.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Glorification of German National Socialism and/or its collaborators in the media, desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition.	-5	-5	-5
×	Glorification of German National Socialism and/or its collaborators with the support of local authorities, demolition of monuments to soldiers of the anti-Hitler coalition, erection of monuments to the soldiers of Wehrmacht and Nazi butchers.	-5	-5	0
×	Glorification of German National Socialism and/or its collaborators in the decisions, made by the authorities.	-5	-5	-5
×	Historical revisionism, Holocaust denial.	-5	-5	-2.5
	Total for section 12	-20	-20	-12.5

13. Persecution of veterans and partisans of the anti-Hitler coalition

Indicators

- Public calls for repression against the veterans and partisans of the anti-Hitler coalition, as well as anti-fascists.

On November 28, MP Janis Dombrova tweeted that antifascist organisations “financed by Russia” must be shut down. He was supported by his party colleague Einars Cilinskis, who wrote that Russian fascist and antifascist organisations are the same thing when it comes to the Eastern neighbour.²⁵⁰

Otherwise, there have not been any such calls in 2014. However, an intolerant atmosphere was established over Latvian antifascists and people who celebrate the Victory Day on May 9th.

On May 7, Didzis Senbergs wrote in *Latvijas Avīze* advocating for prohibiting the St. George ribbon (symbol of victory over fascism) as a “symbol of Stalinism and international terrorism”.²⁵¹ On May 8, Janis Dombrova urged to suppress the use of St. George Ribbons on May 9th (tradition originating in Russia) as a “symbol of the aggressor”.²⁵²

On May 8, Deputy Chief Editor of the daily *Neatkarīga Elita Veidmāne* said that those celebrating the Victory Day are “Colorado Worms”, who allegedly support Great Russian chauvinism.²⁵³ On May 19, she called national minority and antifascist organisations “anti-state stinkers, sponsored and directed by Russia” and “aliens”.²⁵⁴

On December 3, leader of the Unity party and chairman of the parliamentary committee on national security Solvita Aboltina told the daily *Latvijas Avīze* that “congress of non-citizens” exploits the democratic freedoms in Latvia to fight against the country that gave them these freedoms.²⁵⁵

- Restrictions on human rights and anti-fascist organisations, bans to entry or exit imposed on anti-fascists, inaction of the authorities.

It is worth noting the obstacles encountered by the organisers of the protest counter-action — a number of hotels refused to provide space for an international conference organised by the international human rights movement World Without Nazism on March 15–16. Even though the movement was able to hold the conference, all companies providing interpretation services refused to cooperate. Delegations of antifascists from Estonia were banned from crossing the Latvian border.²⁵⁶ According to unofficial sources, this was instructed by the Latvian Security Police. The bus transporting members of German antifascist organisations was stopped twice by the law enforcement, and was delayed by several hours as a result.²⁵⁷

On February 27, it was made public that a former Interior Minister Linda Abu Meri (as a minister — Murniece) refused the Latvian branch of World Without Nazism to rent premises for March 16th in Riga’s Royal Hotel, which she currently manages. Former Minister stated, “it is these people who create the large riots on March 16th. Previously, they

used hotels as centres and headquarters in order to organise various provocations against the government.”²⁵⁸

Security Police (subordinate to the Interior Ministry) stated on March 10th, that actions of antifascist organisations on March 16th will be aimed at splitting society under the guise of combatting the myth of glorification of fascism, which is cultivated by antifascists themselves.²⁵⁹ Thus, Latvian security services violated several constitutional rights and freedoms, as well as interfered with the activities of civil society institutions.

Riga City Council prohibited the use of amplification equipment during the antifascist rally. “Association Against Nazism” appealed this decision to court, which mitigated the decision, allowing the use of audio equipment until the expected approach of SS supporters.²⁶⁰ Deputy Director of the daily newspaper *Neatkarīga Elita Veidemane* was outraged by Riga Council’s decision to allow the protest — “supporters of opposing views should not be allowed to be in the same confined space simultaneously. The moving of “antifascists” towards *Bastejkalns* does not seem quite effective against professional provocateurs.”²⁶¹

Before March 16th, a number of antifascist activists living in Latvia, including Viktor Gushchin (Council of Latvian NGOs, Baltic Centre for Historical and Socio-Political Studies) and Valery Engel (World Without Nazism) have been listed by Latvian authorities as persons “subject to extensive inspections”, which instructs Latvian customs to conduct additional searches at the borders. This action can be regarded as repression against human rights activists and as a warning that their activity is unwelcome in the country.

Valery Engel said in this regard, “If the authorities are so sensitive to any criticism, considering it defamation, then this only shows that the country is very ill. Of course, we will not put our members in danger and won’t hold events de-facto prohibited by special services. If Latvian government believes that there should be only one state ideology, only one interpretation of history and only one resulting policy, then we can only sympathise.”

On April 14, staff writer of the daily newspaper *Latvijas Avīze* Egils Licitis urged to “revoke citizenship and deport those who defame Latvia, Latvian lifestyle and undermines the foundations of the state. Licitis praised the authorities, “security services have somewhat gathered themselves — before March 16th, German antifascists were subjected to humiliating inspections during a seven-hour detention at the border.”²⁶²

On April 7, Office for the Protection of the Constitution stated that Latvian Human Rights Committee (LHRC), which submitted an alternative report on the situation in Latvia to the UNHRC, is financed by the Russian Fund for the Support of Russian Compatriots Abroad.

The Office claims, “The Fund is paying Latvian organisations and its activists to create false evidence about the infringement on minority rights in Latvia”. At the same time, following the practice of Latvian special services, the Office for the Protection of the Constitution does not point to any mistakes or libel in LHRC’s reports.²⁶³

On May 19, Latvian Security Police published a report that contained unfounded attacks on a number of organisations and antifascist and human rights activists (Council of Latvian NGOs, Congress of Non-Citizens, World Without Nazism, Latvian Human Rights Committee, etc.). These organisations were named in the section “Manifestations of Russia’s Compatriot Policy”. World Without Nazism was accused of “discrediting and denigrating” Latvia.²⁶⁴ In some cases, no evidence was supplied.

On June 9, Office for the Protection of the Constitution published a report for 2013, where it claimed that the Russian Compatriots Programme is paying Latvian NGOs for “misleading evidence that Latvia restricts ethnic minority rights and that there is a need to fight for these rights”. World Without Nazism, according to this report, “prepares the monitoring about Nazism and xenophobia imitating evidence required for Russian accusations”.²⁶⁵

On June 17, Latvian border guards did not allow entry for a Lithuanian human rights activist from Lithuania Without Nazism (Latvian by nationality) Karlis Bilans. He and his associates were heading to Riga on invitation of their Latvian colleagues to participate in a roundtable dedicated to Ukrainian crisis. As it turned out, Bilans was prohibited from entering Latvia for three years, as he allegedly poses a threat to national security.²⁶⁶

On August 22, Igor Panevkin, head of the foundation to protect the rights of compatriots living abroad, was banned from entering Latvia, where he was intending to participate in a conference organised by Russian compatriots.²⁶⁷

On November 14, Valery Engel was rejected in extending his residence permit, which he was given several years ago due to his wife and child being Latvian citizens.

Office for Citizenship and Migration said that it received instructions from a “competent organisation” regarding Mr Engel. Meanwhile, tax audits were launched into Valery Engel and his wife’s properties.

- Criminal prosecution of veterans, partisans of the anti-Hitler coalition and anti-fascists.

On December 10, Latvian Security Police initiated criminal proceedings against Illarions Girs for denial of genocide of Latvians during the Soviet rule and giving positive assessment of the Soviet period in Latvia.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Public calls for repression against the veterans and partisans of the anti-Hitler coalition, as well as anti-fascists.	0	-5	-5
×	Restrictions on human rights and anti-fascist organizations, bans to entry or exit imposed on anti-fascists, inaction of the authorities.	-5	-5	-5
×	Criminal prosecution of veterans, partisans of the anti-Hitler coalition and antifascists.	-5	0	-5
	Total for section 13	-10	-10	-15

14. International Aspect

Indicators

- Participation in significant international agreements on combatting racism and discrimination of ethnic minorities.

Latvia acceded to all major international conventions against racism and discrimination, and the European Charter for Regional or Minority Languages.

Latvia is also a party to the International Convention on the Elimination of Racial Discrimination, even though it does not allow submitting individual complaints of violations of the Convention to the appropriate committee of the UN.

On May 26, 2005, Latvia ratified the Framework Convention for the Protection of National Minorities, albeit with reservations, repealing certain provisions of the Convention.

Latvia has refused to comply with two articles of this Convention:

Art. 10, P. 2 “In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if those persons so request and where such a request corresponds to a real need, the Parties shall endeavour to ensure, as far as possible, the conditions which would make it possible to use the minority language in relations between those persons and the administrative authorities

Art. 11, P. 3 “In areas traditionally inhabited by substantial numbers of persons belonging to a national minority, the Parties shall endeavour, in the framework of their legal system, including, where appropriate, agreements with other States, and taking into account their specific conditions, to display traditional local names, street names and other topographical indications intended for the public also in the minority language when there is a sufficient demand for such indications.”

The Committee of Ministers of the Council of Europe criticised Latvia for these reservations, but it did not affect the position of the Latvian government.

Furthermore, the additional declaration adopted by Latvian parliament during the ratification clarified that non-citizens are not subject to the aforementioned Convention. Therefore, 300,000 people were excluded from Latvia’s obligations on national minority issues.

On February 9, 2012, Latvian Saeima (parliament) rejected a bill on the ratification of the European Convention on Nationality (signed by Latvia in 2001), which prohibits rejecting naturalisation for political reasons.

Therefore, we can conclude that Latvia joined the most important international documents aimed against ethnic discrimination; however, reservations to the Framework Convention, reluctance to join the European Charter on Regional and Minority Languages and ratify the European Charter on Nationality, in many ways nullifies its efforts to combat racism and discrimination. Therefore, we can say that Latvia joined these agreements only partially

- Accession to new international agreements and resolutions of various international organisations, aimed at combating Nazism, combating discrimination, or protecting minority rights.

No such cases have been recorded in 2014. Moreover, On November 22, Latvian delegation (along with other EU states) abstained from voting on a Resolution against glorification of Nazism at the Third Committee (and the UN General Assembly on December 18). The motivating point in the regard was that many European states were not liberated at the end of the Second World War, but found themselves oppressed by another criminal regime.²⁶⁸

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Participation in significant international agreements on combating racism and discrimination of ethnic minorities.	2.5	2.5	2.5
–	Accession to new international agreements and resolutions of various international organizations, aimed at combating Nazism, combating discrimination, or protecting minority rights.	0	5	0
×	International statements and initiatives of the monitored countries and their leading politicians, aimed against discrimination, neo-Nazism and xenophobia.	0	0	0
	Total for section 14	2.5	7.5	2.5

CONCLUSION

Implications for the development of the country and society, based on the analysis of factors and taking into account the aspects listed below.

Level of radical nationalism in Latvia remains virtually the same as last year, with some improvements. This year, no new monuments to Latvian SS and auxiliary police have been erected; there were also no cases of Holocaust denial, which is of course a positive factor.

At the same time, nationalist parties reinforced their positions in the government. Inara Murniece from the National Alliance has been selected to the post of Parliamentary Speaker. Level of xenophobia remains high in the society.

Increased support for radical nationalists in 2014 is worrying, as is the increased number of xenophobic attacks.

Low level of tolerance in the public sector in general is no less concerning. Even Human Rights Ombudsman Juris Jansons was among officials who spoke against minority rights, particularly the right to study in their native language. Latvian media has been increasingly influenced by these sentiments.

In this regard, the activity of Latvian intelligence services raises a lot of questions. For many years, these institutions have positioned antifascists and their organisations as hostile to the state.

In 2014, Latvian society continued to split along ethnic lines; this division is only increasing with time.

1. Human Rights

- *Guarantees against any form of minority discrimination.*

Article 91 of the Latvian Constitution contains the provision of equal treatment. Article 78 of the Criminal Code (Violation of national and racial equality, restriction of human rights) along with multiple other provisions of anti-discrimination legislation are essentially in conflict with the law on State Language, Law “On the status of former Soviet citizens who are not citizens of Latvia or another state”, Law on Citizenship, Law on Electronic Media, Law on Status of Municipal Deputies and 2012 amendments to the Law on Labour. Latvia’s rejection to ratify the Framework Convention on the Protection of National Minorities without reservations effectively removes this country from obligations to combat discrimination.

The application of anti-discrimination legislation in Latvia is thus fairly limited. Latvian writing of names in identity documents is not considered discrimination; nor is the prohibition to use minority lan-

guages in communication with the authorities, large-scale statelessness and 80 differences²⁶⁹ between the rights of citizens and “non-citizens”, high requirements for state language proficiency in employment.

Definition of national minorities made²⁷⁰ during the ratification of the Framework Convention for the Protection of National Minorities excludes around 290 thousand non-citizens and more than 50 thousand foreign nationals with just a *permanent* residence permit.

Thus, ethnic minorities in Latvia are not provided with their rights and freedoms, guaranteed by the basic international agreements

- *Adherence to norms of the fundamental human rights instruments (European Convention for the Protection of Human Rights and Fundamental Freedoms, European Charter on Human Rights, as well as in adherence to the Framework Convention for the Protection of National Minorities and the European Commission against Racism and Intolerance, etc.).*

Adherence to these norms is very selective in Latvia. The Republic does not comply with the basic provisions of the Framework Convention for the Protection of National Minorities, which together with the contradictions in the Latvian anti-discrimination legislation, creates the conditions for discrimination. Latvia’s reluctance to join the European Charter for Regional or Minority Languages facilitates the process of assimilation, supported by the government.

One of the most striking negative examples concerning the rights of minorities is the failure to perform the measures prescribed by the UN Committee on Human Rights (adopted in 2010) on violations of the right to private life, due to forced Latvian stylisation of names in identity documents (*Raihman v. Latvia*).

In 2014, Latvia has been consistently ignoring ECRI recommendations.

- *Rights and freedoms of ethnic minorities compared to the titular nation.*

The main difference in rights concerns ethnic minorities’ right to native language, which are provided by the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages — the two international agreements which Latvia did not accede to which it ratified with reservations.

This is hidden behind the provisions on the use of the official language in certain fields or in the legal status of non-citizens (majority of Belarusians, Ukrainians and significant number of Russians, Poles, Jews and other national minorities remain so-called “non-citizens”).

In 2013, Latvian legislation first included the term “state nation” when referring to Latvians, who are entitled to new privileges in dual

citizenship (Law on Citizenship). This term is also present in the draft preamble to the Constitution of Latvia.²⁷¹

- *Legislation enshrining inequality of minorities.*

Inequality of minorities is primarily embodied in the following Latvian laws:

- Law on Citizenship, which establishes the “non-citizen” category and prioritises the process of naturalisation. When adopted in 1994, the law limited the circle of citizens in a way that provided citizenship to most of ethnic Latvian residents, and just a few non-Latvians. It provides for a naturalisation system, which demonstrated its ineffectiveness in eliminating statelessness, and since 2013, it includes direct privileges for Latvian nationals in obtaining dual citizenship.
- Law “On the status of former Soviet citizens who are not citizens of Latvia or another state”, which defines the status of a Latvian “non-citizen” and identifies the main discriminatory differences in the rights of citizens and non-citizens.
- Law on State Language, which provides for the official spelling of names in the Latvian form. Except in emergencies, the law prohibits Latvian residents from appealing to public authorities in a non-official language. It also grants government the authority to establish requirements for the state language proficiency in various fields of work in both private and public sector.
- Law on Education, which practically eliminates the use of languages that are not official in the EU (primarily Russian) as languages of education in state universities. The law also limits education in non-Latvian language to 40% of hours in public schools (grades 10 to 12).
- Law on Electronic Media, which provides special restrictions on broadcasting in a non-official language on both public and private channels.
- Law “On the status of city дума deputy and the regional council”, where Article 4 deprives a deputy of his/her mandate due to lack of Latvian language proficiency.
- Law “On elections to city дума and regional council”, which restricts the circle of candidates and voters to EU citizens only. Thus, Latvian non-citizens were deprived of even passive suffrage.
- Law on Labour (2012 Revision), which prohibits the employer from requiring employees to be proficient in a specific “foreign language” (Law on State Language identifies “foreign language” as any language except Latvian and Livonian), if its use is not required to fulfil employment duties. It is also prohibited to post

such requirement in job advertisements, if it is not “reasonably necessary”.

- Law “On State Pensions” and “On Unemployment Insurance”, which limit pensions and benefits to accrued by “non-citizens” outside Latvia.
- *Rulemaking in protection of minorities.*

No such cases have been recorded in 2014.

- *Freedom of speech violations.*

In the meantime, it seems that freedom of speech is applied selectively in Latvia. The ruling coalition, intelligence services and courts are actively defending the rights of neo-Nazis and Waffen SS veterans to March 16th processions, and oppose organisations and political activists who make unflattering remarks against glorification of Nazism and violation of non-citizens’ rights. Latvian authorities are actively curbing attempts to hold antifascist events by any means possible.

This is accompanied by the belief that antifascist and human rights organisations that protect national minorities in the country (which, coincidentally are mostly Russian-speakers) are acting as Kremlin’s agents in order to discredit Latvia and destabilise the situation in the country.

For example, on March 10, Advisory Board of the National Electronic Media Council urged to stop the broadcast of TV channels regulated by the Russian state. The Council explained that these channels are disseminating biased, misleading information, which should be assessed as purposeful intervention into Latvia’s informational space.²⁷²

On April 5, National Electronic Media Council (NEMC) made a decision to suspend the retransmission of Russia RTR TV Channel, which supposedly incites ethnic hatred. Expert of the Diena newspaper pointed to NEMC’s violation of the corresponding EU Directive.²⁷³

The Government Declaration was signed on November 5. In paragraphs 133–135 it promises to support non-governmental organisations representing minorities, but also “reinforce the role of the state language” in the media and labour market. There have been concerns about misuse of anti-extremist legislation since certain rebroadcasted programmes in Latvia have been deemed “hostile to its statehood”.²⁷⁴

- *Legislation and law enforcement practices concerning migrants.*

The topic of immigrants, despite the high level of migrantophobia in society, is not relevant to Latvia. Due to high unemployment levels and virtual absence of any social assistance for immigrants, Latvia is not an attractive country for migrant workers. On the contrary, the country became a donor of labour migration to other countries.

Nevertheless, lack of social assistance for foreign temporary residents creates problems for business-migration, student exchange, and most of all — refugees, though Latvia is not eager to accept them.

Nationalist supported by the government attempted to cancel the amendments to the Law on Immigration, which provide residence permits in exchange for investment. This creates a negative investment climate in the country and prevents the inflow of capital. In addition, these proposals have a negative impact on the construction sector of Latvian economy, which is just beginning to emerge from recession due to the amendments adopted in 2010.

2. State of Society

- *Risk of violation or non-compliance with the acting laws aimed at protecting the rights of minorities; risk of discriminatory practices against members of minorities.*

Latvia has legislation that enshrines discriminatory practices towards ethnic minorities in terms of their right to native language. Furthermore, existence of so-called “non-citizens” takes this large category (13% of the population) outside the scope of the Latvian anti-discrimination legislation.

Furthermore, Latvian legislation contains 80 differences between the rights of citizens and non-citizens, in the field of electoral rights, property rights and employment. Reluctance to consider non-citizens (who include members of various national minorities) as Latvian national minorities brings this category of people beyond the scope of official statistics, which Latvia is required to provide to international organisations, and beyond international control.

These facts along with the underdeveloped migration legislation, strict language policy and legislation discriminating minorities, reduces the opportunities for self-realisation of Latvian residents, further splits the society, excludes the minorities from public processes and, eventually, weakens the state.

- *Self-determination — how manifestations of xenophobia and extremism affect the identity of minorities; majority’s attitude towards minorities (growth of social phobias).*

The split in Latvian society is caused by the syndrome of Russian irredenta, which does not recognise itself as a national minority and the syndrome of Latvian majority, which does not perceive itself as a majority with a large Russian-speaking population in the country. As a result, the two groups are hostile towards each other, which makes for an unstable situation.

These sentiments are exploited by various political parties, which appeal to one group or another on an ethnic basis. Thus, nationalists manage to achieve significant results in elections. As a result, nationalism is common for organisations across the whole range of political spectrum.

Latvian nationalists require Russian-speakers to assimilate in the country, take up Latvian as their main language and prove their loyalty to the Latvian state. This is where the foundation of anti-Russian discrimination in Latvia lies; why Russian-language nurseries and schools are being shut down; why non-citizenship exists; and why the State Language Inspection has so much authority in the state politics.

As a result, alienation between these two groups is only increasing. A survey conducted by SKD in 2014 focused on minority integration and revealed that more than a third of such people have negative feelings towards the Latvian state. 80% said they have no intention of applying for citizenship in the next 12 months, 11.3% said the opposite and 8.1% did not answer. The main obstacles to citizenship, as respondents identify, is lack of motivation, age, poor Latvian language proficiency and other reasons.²⁷⁵

So far, only 20% of Russian-speakers in Latvia are prepared for a political protest against discrimination; most of them are ready to compromise. However, portrayal of local “Russians” as a “fifth column” and exploitation of these sentiments for political gain is preventing Latvia from moving towards a unified political nation.

3. Socio-economic development of the country

(Do manifestations of various forms of xenophobia and extremism affect the socio-economic development of the country)

- *Standard of living.*

Latvia ranks 48th in the world²⁷⁶ by standard of living. One of the reasons for this is the elimination of large industrial objects from post-Soviet and pre-Soviet period, as a result of privatisation. This was done largely for political reasons, with the government hoping that Russian-speakers will leave to Russia as a result.

According to Latvian government of the 90s, Latvia’s main source of income should have been transit of goods between Europe and Russia. However, this industry in many ways was lost because of the anti-Russian policy employed by the government. Polotsk-Ventspils oil pipeline stopped the transit of oil from Russia in the early 2000s. Because of Latvia’s hostile attitude towards Russia and Russian-speaking

citizens, the Russian Federation redirected the flows of goods to its own Baltic Sea ports

Relations with the Russian Federation further deteriorated following the annexation of Crimea in 2014, which put a strain on the country's economy.

- *Economic impacts and instability.*

In 2014, Latvian GDP grew by 2%, while unemployment was at 10% (19% among youth).²⁷⁷ Many of these problems, as mentioned above, are caused by country's hostile attitude towards Russia and Russian-speaking residents.

- *Decline in production growth, emigration of the labour force.*

The collapse of manufacturing industry in Latvia, which started in mid-90s, caused in a rapid decline in production. This process was accelerated with the entry into the EU, which, of course, is not associated with any policy of discrimination, and has exclusively economic reasons.

This has resulted in a negative net migration in Latvia, with 238 thousand people leaving the country between 2000 and 2014.

Parliamentary majority seeks to fold the programme of granting residence in exchange for investment, which impacts the capital inflows and limits the prospects of the construction industry, which is currently the "engine" of Latvian economy.

Policy of restricting foreign languages in universities has a negative impact on the education industry.

In general, unfriendly policies towards the Russian-speaking minority prevents the establishment of good trade-relations with Russia, which would help the poor employment rate.

4. Security and geopolitical stability in the region

- *Political stability in the country.*

Latvia has a rather low level of political stability due to a split of the population along ethnic lines and the exclusion of the Russian-speaking population from the important decision-making process in country's economic and political development. This also happens at a municipal level, since Latvian "non-citizens" are not allowed to participate even in local elections, despite having no tax reliefs compared to Latvian citizens.

In short-term, this provides for a stable succession of national-conservative governments, but in medium-term, this causes tensions in society and undermines social stability.

- *Impact of xenophobia and extremism in the country on external security, relations with third countries and the international security in the region as a whole.*

Discriminatory policies towards ethnic Russians, glorification of Nazism and other such manifestations deteriorates Latvia's relations with Russia — one of its main economic partners. Russia is dissatisfied with the position of Russian-speakers, existence and discrimination of non-citizens — majority of whom are Russian-speakers, constant threats of the National Alliance to eliminate public education in Russian language, as well as glorification of Nazism and attempts to equate Nazi Germany to the Soviet Union.

Latvia has been accusing Russia of intervening in its affairs. In 2014, annexation of Crimea and the following crisis in Ukraine has only aggravated the relations between two countries. Ruling circles in Latvia saw that as a threat to Latvia's own territorial integrity. This prompted the authorities to double their efforts in reforming education to eliminate minority schools, bringing down Russian-language education to a minimum (20%).

Simultaneously, Latvian security services launched an offensive against Russian-speaking activists and antifascists. Fearing Russian aggression, which they believe will rely on the "Russian fifth column" in the country, Latvia has asked for military protection from the USA.

As a result, this put further strain on the relations between Latvia and Russia and destabilised the situation in the Baltic region.

RECOMMENDATIONS

1. *General recommendations for the accession to international agreements and conventions*

Latvia should withdraw its reservations to the Framework Convention for the Protection of National Minorities, as they are largely negate the meaning and spirit of this document.

It should also accede to the European Charter for Regional or Minority Languages, as well as to the European Convention on Nationality, Convention on the Participation of Foreigners in Public Life at the Local Level and Protocol 12 of the European Convention on Human Rights.

Latvia should ratify International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and allow submitting individual complaints of violations of the International Convention on the Elimination of All Forms of Racial Discrimination.

With respect to the fundamental treaties of the European Union Latvia should recognise that “non-citizens” are subjects of the Latvian state in terms of obligations corresponds to the term “citizen of the member state”.

2. *General recommendations for adjustments to the legal framework*

Latvia should dismantle the system of discriminatory laws against minorities. The following steps need to be taken:

- Adopt a general anti-discrimination law. Latvia is the only EU member state that lacks a separate anti-discrimination act. Separate anti-discrimination norms are present in a number of laws and regulations of the country; however, this arrangement facilitates the potential for misuse.
- Adopt a law on support for veterans of the anti-Hitler alliance.
- Revise the Law on Citizenship — remove discrimination in obtaining dual citizenship, grant citizenship to all willing “non-citizens” (i.e. stateless persons permanently residing in Latvia at the moment of restoration of its independence, and their descendants) without exams.
- Revise the Law on elections to city council and regional councils, allowing all permanent residents to vote.
- Revise the Law on State Language — provide the right to choose the way a person’s name is written in identification documents and allow communication with municipal institutions in minority languages in regions of their compact settlement. Reduce the legal requirements of Latvian language proficiency in private sector.
- Revise the Code of Administrative Offences, removing such violations as translating text that should be distributed *only* in Latvian language.
- Revise the Law on Electronic Media, providing the minimum amount of minority language broadcasts on public channels and repealing language regulations for private channels.
- Revise the Law on Social Services and Social Assistance, Law on Healthcare and the Law on Legal Assistance Provided by the State, to provide assistance for temporary residence.
- Revise the Law on Public Holidays, Commemorative and Celebrated Days, including popular holidays of Orthodox Christians (who are comparable in numbers to Catholics and Protestants in the country) in the official calendar. Provide employees with the right to take a paid day off once every year to celebrate other religious holidays. Declare May 15th — day of 1934 coup — a mournful date. Clarify the official commemorative dates of Stalinist repressions, and change the term “genocide” to “repressions” and “communist” to “Stalinist”.

- Revise the Law on the State Flag of Latvia, providing special care or respect for the flags of all neighbouring countries, or for none of them.
- Revise the Law on State Pensions, eliminating discrimination against non-citizens.

3. *General recommendations for the executive bodies in the field of enforcement of law and human rights*

Until Latvia abolishes the institution of non-citizens, it should provide this group with the right to participate in municipal elections. The situation where any EU national, after having lived in Latvia for six months, has the right to vote and be elected in local elections while non-citizens who were born and raised in the country cannot, is completely unacceptable. All barriers to employment imposed on non-citizens should be removed.

The struggle against hate speech in Latvia should go beyond online comments and marginal organisations. Law enforcement should adhere to the principle of equal treatment.

In terms of protecting Latvian language, it should be recognised that the concurrent use of other languages does not pose a threat to Latvia, but improves the service of the population. Focus on education rather than punitive measures.

Ministry of Justice and law enforcement agencies of Latvia should investigate the activities of radical nationalist parties (see. Section 8 — *Radical nationalist groups and parties*) for compliance of their actions, including public statements of their leaders to their own statutes and Latvian legislation.

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SUMMARY OF INDICATORS FOR 2012–2014

Nº	Criteria	Score in		
		2012	2013	2014
1	Legislation (central, regional, municipal) and law enforcement practices that contribute to the development of radical nationalism	-20	-20	-20
2	Xenophobia and inflammatory statements by members of the authorities and media	-5	-5	-5
3	Legislation and law enforcement practice preventing the development of radical nationalism	12.5	12.5	10
4	Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism	5	5	5
5	Activities aimed at promoting tolerance and preventing extremism	5	5	5
6	Position of migrants and society's attitude towards immigrants, foreigners, different ethnic groups	5	5	5
7	Incitement of religious and ethnic hatred	-10	-10	-10
8	Radical nationalist groups and parties	-22.5	-25	-22.5
9	Public actions of extremist and nationalist groups	-10	-15	-10
10	Racist attacks, violence and terror	-5	-10	-10
11	Presence, popularity and size of anti-fascist and anti-racist movements	15	15	15
12	Glorification of German National Socialism and collaborators of Nazi Germany, historical revisionism, Holocaust denial	-20	-20	-12.5
13	Persecution of veterans and partisans of the anti-Hitler coalition	-10	-10	-15
14	International Aspect	2.5	7.5	2.5
	Total	-57.5	-65	-62.5

LITHUANIA

ASSESSMENT CRITERIA FOR FACTORS OF STABILITY/INSTABILITY

1. Legislation (central, regional, municipal) and law enforcement practices that contribute to the development of radical nationalism

I n d i c a t o r s

- Discriminatory legislation affecting minorities residing in the country in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.

Lithuania is the only Baltic country which adopted the so-called “zero option” citizenship in 1990, thus granting it to all the inhabitants of then Lithuanian SSR. For a long time this country was a model for countries in the region in building its policy towards ethnic minorities on a non-discriminatory basis. According to the census of 2011, the country is home to more than 18% of the population belonging to national minorities. The most numerous is the Polish community of about 6.6% and the Russian community of 5.6% of the population.

Nevertheless, in 2011 the country adopted the Education Law, which introduces a mandatory single examination in the Lithuanian language and literature for all students. In fact, it discriminates against students from schools for national minorities, in which the Lithuanian language is taught at a lesser degree than in “normal” schools, and leads the parents to a forced “Lithuanisation” of the education of their children.

The new edition of the law does not have a fixed notion of a “national school” or a school for “national minorities”. The law has fundamentally worsened the Russian and Polish schools in Lithuania. If the previous version of the law contained a provision on the right to secondary education (1st to 12th grade) in their native language (Article 30), the new edition states that all topics relating to the history and ge-

ography of Lithuania, political science concerning the other countries and civics should be taught in the Lithuanian language.

In 2013, Lithuanian government being formed of the left-wing political forces after the 2012 parliamentary elections, listened to the protests of parents and made some concessions, deciding that a light-weight version of the exam in the Lithuanian language and literature should be provided for the schools of national minorities.¹ As a result, the Minister of Education and Science Dainius Pavalkis signed the order facilitating several conditions of this exam for students of non-Lithuanian schools in 2013. But at the level of the supreme power, as well as at the level of different nationalist organisations, these amendments were seen as a threat to national security. Right-wing members of the parliament (Seimas) appealed the Minister's order in the court. A wave of public discontent rolled through the Lithuanian media, and the conservatives organised the collection of signatures against the reform. On June 18, the expanded panel of judges of the Supreme Administrative Court of Lithuania (SACL) stated, that Minister of Education Dainius Pavalkis' order on establishing an easier Lithuanian language exam for graduates of ethnic minority schools contradicts the constitutional principle of equality, and cancelled it. SACL's decision is final.

The Law on National Minorities, adopted in 1989, was repealed in January 2011. The new law was requested to be prepared by a working group composed of representatives from various agencies, including representatives of the Council of National Communities. However, in 2012 this law was not adopted. Thus, during the period under review the national minorities of the country were in a state of legislative vacuum that was used by the nationalist forces to push discriminatory requirements for ethnic minorities into the Education Law.

Article 17 of the Law on State Language is also considered discriminatory, which prohibits bilingual inscriptions in areas densely populated by national minorities.

- Legislation restricting the voting rights of permanent residents of the country on the basis of ethnicity or country of origin.

Lithuanian legislation contains no such restrictions; no intention to limit anyone's voting rights were not recorded in 2014.

- Presence of legal norms and other regulations that legalise the radical nationalist ideology, its attributes and practices, as well as their distribution in the mass media and mass communication.

Lithuania is the only country in Europe where the streets are named after accomplices of Hitler's Abwehr: Kazis Skirpa and Juozas Ambraziavicius. Both supervised the collaborationist "Lithuanian Ac-

tivist Front” in the summer of 1941, and Ambraziavicius functioned as the Prime Minister of the Interim Government of occupied Lithuania from June 23, 1941 to August 5, 1941. The so-called “Interim Government” besmirched itself by close collaboration with the Nazis early in the war and participation in crimes against humanity.

As of June 22, 2008 the anniversary of the so-called “June uprising” of 1941 is semi-officially celebrated in Lithuania. The uprising consisted of units of “Lithuanian Activist Front” operating in the base of the Soviet troops. The Front is known for attacks on units of the Red Army, murder of Soviet activists and organising Jewish pogroms. Thus, there is a substitution of the day of mourning and remembrance in Lithuania, which is celebrated throughout the former Soviet space celebrating the “liberation of Lithuania from the Soviet occupation”, which is actually equal to the celebration of the Nazi occupation of the Lithuanian SSR.

On May 20, 2012 the solemn reburial of Juozas Ambraziavicius took place in Kaunas involving the Government of Lithuania, which had provided financial support.

In 2010, Lithuania adopted amendments to its Criminal Code (Article 170), which prescribed sanctions for promoting, denying or justifying crimes committed by Nazi Germany and the Soviet Union. Such offences are punishable by a fine on arrest of up to two years. In 2012, this Article was applied to the leader of the Socialist Popular Front Algirdas Paleckis.

- Discriminatory practices against minorities in the field of registration, mobility, business, employment, education, housing, health-care, religion, etc.

The question of the restitution of Polish property in the territory of Lithuania has not resolved yet.

The legality of restrictions on the right of nominations for the presidential elections only if the candidate is a citizen by birthright remains to be an imperative issue.

Discrimination persists against World War II veterans who fought on the side of the USSR. They carry the humiliating status of “victims of the Soviet regime”, and their pension are in 5–8 times smaller than that of the survivors of the “Forest Brothers” (the anti-Soviet rebels, who often happened to be Nazi collaborators).²

Adoption of a new Education Law resulted in discrimination of minority students, who now have to take the general, Lithuanian-language exam.

Ethnic minorities also demand discriminatory procedure for writing the names to be changed, to go from the Lithuanian transcription to the transcription adopted by the native language of these minorities.

In addition, Lithuania prohibits writing the names of streets in places of compact settlement of national minorities in the two languages. The Lithuanian State Language Inspectorate regularly penalises the local administration of the Vilnius district, home to many ethnic Poles, for signs with street names in both Lithuanian and Polish.

On August 7, Palanga city authorities ordered restaurant owners to restrict Russian music on their premises.³

There are still problems with granting citizenship to children of stateless persons, born in Lithuania.

There have been reports of discrimination of Roma in education, when Roma children were put into schools for the mentally disabled.⁴

Vilnius city authorities preferred not to involve themselves in a Roma integration workgroup, established on ECRI recommendations.⁵

UN reports indicate LGBT discrimination in access to education and healthcare.⁶

Due to gaps in legislation, transgender persons cannot legally identify with their new gender.⁷

On October 29, it was reported that Lithuania banned the broadcast of an educational documentary about LGBT on television. A group of experts assessed the film and concluded that it will negatively affect the “formation of proper values” in children. This conclusion was approved by the Inspector of Ethnicity in Journalism Zita Zamzickene.⁸

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Discriminatory legislation affecting minorities residing in the country in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.	-5	-5	-5
-	Legislation restricting the voting rights of permanent residents of the country on the basis of ethnicity or country of origin.	0	0	0
×	Presence of legal norms or other normative documentation, which legalises the ideology of radical nationalism, its attributes and practices, as well as their distribution in the mass media and mass communication.	-5	-5	-5
×	Discriminatory practices against minorities in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.	-5	-5	-5
	Total for section 1	-15	-15	-15

2. Xenophobia and inflammatory statements by members of the authorities and media

Deputy Chairman of Lithuanian Parliament, Liberal Petras Auštrevičius commented on May 2nd events in Odessa on his Facebook page. “Today, Ukraine’s fate is being determined. Positions are taken back, the spread of Colorado Beetles is stopped. Not without victims, but finally a dawn. Morning will come and we will see, maybe it is lighter...”⁹

Member of Lithuanian parliamentary faction Fatherland Union — Christian Democratic Party Mantas Adomenas appealed to the Vilnius Mayor Arturas Zuokas, urging to revoke the permission for the Day of Russian Culture in Vignis park on June 8. Adomenas claimed that in the context of Ukrainian crisis, allowing this event to take place would undermine Lithuania’s reputation in the international community.¹⁰

Conservative leader and MP A. Kubilius asked Minister of Education and Science to clarify the information about the reported participation of Russian-speaking Lithuanian school pupils in militarised camps in Russia. MP Pavalskis, in turn, called this trip “scandalous” and called for a response to the “recruitment of Latvian nationals”.¹¹

On November 20, Andrius Kubilius said that he opposes the use of Polish language in street signs located in places where there is a large population of Poles. He also opposes any official use of the Russian language in Lithuania.¹²

On December 10, Lithuanian MP from the Conservative Party Rasa Juknavičienė made an Islamophobic post on Facebook, writing: “Waiting for my flight from Frankfurt to Washington. A young man praying towards Mecca. Everything is probably fine, but different thoughts come to mind.”¹³

On December 22, it was reported that chairman of the Nationalist Latvian Youth Union Julius Panka, candidate to Mayor of Vilnius, said that he is proud of being white. In his election leaflet, he wrote: “Always try to be guided by two slogans — God, homeland and neighbour and thank god I was born a white man.” According to him, he would make sure that Vilnius becomes “Lithuanian, safe, and a welcoming city”.¹⁴

Member of the Kaunas local government and leader of the nationalist party “Young Lithuania” Stanislovas Buskevičius publicly protested the memorial stone in Miroslavas (Alytus District), which contains an inscription that in this location “bourgeois nationalists killed 17 innocent Soviet activists”. Buskevičius characterised this memorial

sign as denial of Soviet aggression and occupation and threatened to appeal to the Prosecutor’s Office if the Alytus authorities do not take measures to remove this “Soviet relic”.¹⁵

Controversy around St. George ribbons arose during Victory Day celebrations, when *Delfi* website published a complaint of one of its readers, who said that a driving instructor hung a “Colorado Ribbon” inside his car. Lithuanian press immediately contacted the driving school, which promised to remove this symbol. A similar story occurred with one of Vilnius taxis.¹⁶

Alfa news website urged vigilant citizens to immediately report all St. George Ribbons to the “security service, police, prosecution, MPs”.¹⁷

The Day of Russian Culture was followed by a media storm aimed at the government and national minorities. Popular observer Rimvidas Valatka called his article “Flags of the permanent Russian aggressor in Vignis Park — is this normal?”

Valatka referred to a former director of the Institute of Political Science and International Relations at University of Vilnius Raimondas Lopata, who said, “To celebrate Day of Russia in Vignis Park after Russian aggression in Ukraine, is the same as wearing Hitler’s portraits and swastikas after the annexation of Sudetenland.”¹⁸

A popular Lithuanian website *www.15min.lt* sharply criticised Siauliai Mayor Justinas Sartauskas for participating the rally dedicated to the “occupation of the city” on July 27. On this date, Siauliai was liberated from the Nazi German invaders by the Red Army.¹⁹

On November 19, the weekly news programme *Lietuvos ryto televizija* showed a story depicting Lithuanian students of Russian universities as a serious threat to Lithuanian state. Lithuanian expert Marius Laurinavicius said, “I would advise our intelligence services to keep an eye on all these people. They are a threat. I don’t want to say that all of them are Russian agents, but the whole [exchange] programme is definitely created for that purpose.”²⁰

Former head of the Criminal Police of Lithuania Algirdas Matonis said on June 18 that when police stopped him driving under influence, he was meeting with a secret agent in the forest, who told him about the alleged preparations for Russian attack on Lithuania. This is why former police official risked driving under influence.²¹

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Xenophobia and inflammatory statements by members of the authorities and media.	-5	-5	-5
	Total for section 2	-5	-5	-5

3. Legislation and law enforcement practice preventing the development of radical nationalism

Indicators

- Presence of anti-Nazi, anti-racist and anti-extremist legislation; legislation aimed against the incitement of ethnic and religious hatred in the country.

Article 25 of the Constitution of Lithuania notes that freedom of expression and distribution of information are “incompatible with criminal actions, such as the instigation of national, racial, religious or social hatred, violence and discrimination, slander and misinformation”.²²

The Criminal Code of the Republic of Lithuania provides for criminal responsibility for crimes against personal equality and freedom of conscience: in Article 170 for Incitement against Any National, Racial, Ethnic, Religious or Other Group of Persons; in Article 170 (1) — for creation of and participation in activities (including financing) of groups and organisations for the purpose of discrimination and inciting hatred against a group of persons; in Article 312 (2) — for the desecration of the grave or other place of public worship... on racial, national or religious grounds. Furthermore, the relevant aggravating circumstances are listed in Article 129 (“Murder”), Article 135 “Severe Health Impairment”), Article 138 (“Non-Severe Health Impairment”).

In 2004, Lithuania joined the European Union, and brought its legislation in line with the European standards in particular the Directive 2000/43/EC of the European Council of June 29, 2000 implementing the principle of equal treatment regardlArticle 29 of the Lithuanian Constitution states: “All persons shall be equal before the law, the court, and other State institutions and officials. The rights of the human being may not be restricted, nor may he be granted any privileges on the ground of gender, race, nationality, language, origin, social status, belief, convictions, or views”.

Article 26 of the Law guarantees the freedom of worship noting: “No one may compel another person or be compelled to choose or profess any religion or belief.” Article 37 states that the citizens belonging to national communes have the right to develop their language, culture and customs.²³

The Criminal Code of the Republic of Lithuania provides for criminal liability for discrimination based on membership of a particular nationality, race, gender, national origin, religion, or another group of people (Article 169). In 1994, Lithuania acceded to the Convention on the Elimination of All Forms of Discrimination against Women, in 1998 the country ratified the International Convention on the Elimination of All Forms of Racial Discrimination.

On January 1, 2003 the new Lithuanian Labour Code came into force, which establishes (Article 2, s. 1 (4)), that the regulation of labour relationship concerning the implementation and protection provided by legislation of labour rights and obligations uses the principle of equality subjects of labour law, regardless of their gender, sexual orientation, race, nationality, language, origin, nationality, social status, religion, marital status and marital status, age, beliefs or opinions, membership of political parties and public organisations, circumstances unrelated the qualifications of employees.

The new Labour Code was brought into line with the Directive 2000/78/EC of November 27, 2000 regarding the common system of equal treatment in employment and occupation.

The Equal Opportunities Law also introduces the legal concepts of direct and indirect discrimination.

- Compliance of the government (central, regional, municipal), law enforcement and judiciary with anti-Nazi, anti-racist, anti-extremist, anti-discriminatory and hate crime legislation.

This legislation is only partially observed in Lithuania. For example, on entering the European Union Lithuania has ratified the Framework Convention for the Protection of National Minorities, which prohibits worsening of the situation of the national minorities within the nation-state through the introduction of new or cancellation of the old acts. However, this requirement was violated in 2010 by abolition of the Law on National Minorities and the introduction of the new Education Act in 2011.

The ban on bilingual inscriptions in areas densely populated by national minorities enshrined in Article 17 of the Law on the State Language, also, is a violation of the Framework Convention is also.

- Struggle against hate crime (criminal cases against organisers and participants, guilty verdicts).

Lithuania is not very effective in combatting hate crime. The real struggle against xenophobia is conducted only when there is an act of violence, vandalism or of xenophobic character. Otherwise, cases are not completed by a court sentence, or are not brought before the court at all.

In 2014, we recorded only one case that reached trial. On May 22, Kaunas Regional Court sentenced a Lithuanian IT specialist A. Seskanas (living in England) for wearing an SS uniform in a bar.²⁴

- Misuse of anti-extremism legislation.

In March, Lithuanian Commission for Television and Radio Broadcasting (subordinate to the Parliament) decided to impose a three-

month ban on the transmission of Russian TV channels NTV World and RTR Planet. This decision was confirmed by Lithuanian courts. “The Law dictates that distribution of any disinformation or information that contains incitements to war or calls to violence against a group of people should be banned,” Chairman of the Commission Edmundas Vaitekunas explained. He noted that claims against NTV World are related to the broadcast of a documentary about the events in Vilnius on January 1991, when the Soviet troops entered the Lithuanian capital after the proclamation of independence and more than 10 people were killed during the shootout. Lithuanian officials put the blame on Soviet government. However, some people argue that this was the provocation of the Lithuanian National Front (Sajudis). Different interpretations of these events are still causing political controversy in Lithuania. All versions that differ from the official are taken very poorly.²⁵

On May 12, Lithuanian State Border Service stopped the Memory Train transporting Great Patriotic War veterans from Kaliningrad as it was decorated with Soviet symbols that are prohibited in Lithuania. Border guards ordered train conductors to remove all Soviet symbols from the windows.²⁶

The crowning day of King Mindaugas of Lithuania (July 6) is a national Lithuanian holiday. This year, Lithuanian police held a special raid in towns around Vilnius and handed out Lithuanian flags to “irresponsible” citizens — mostly Poles — who did not display them on their homes. Police department reported that there were 50 of such “offenders”.²⁷

On July 23, Vilnius City Council made a decision to remove the Socialist People’s Front party from its premises, which it received in 2009. The party was accused of being “hostile towards Lithuania and representing the interests of other states”.²⁸

On August 19, Vilnius Regional Prosecutor’s Office opened pre-trial investigations against a ethnic Russian Lithuanian citizen Alexandr Dolozhenko, who intended to leave for Donetsk and fight for the separatists. He was charged with “inciting terrorist actions”.²⁹

In late October Lithuania had a row over “spy kids”. The scandal broke out after Lithuanian Prosecution initiated an inquiry regarding 10 school students who visited Russian sports camp called Union — Heirs of Victory. Criminal proceedings were instituted under Article 118, “complicity in the actions of another state against the Republic of Lithuania”. According to Lithuanian law enforcement, children were subjected to ideological and “other” training to act against the local government and the people of Lithuania.³⁰

On December 22, Department of Cultural Heritage in Kaunas approved the removal of Soviet symbols from the Vitautas the Great

Bridge. Mayor Kupcinskis said that this must be done “as soon as possible”.³¹

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Presence of anti-Nazi, anti-racist and anti-extremist legislation; legislation aimed against the incitement of ethnic and religious hatred in the country.	5	5	5
×	Presence and development of anti-discriminatory legislation.	5	5	5
-/×	Compliance of the government (central, regional, municipal), law enforcement and judiciary with anti-Nazi, anti-racist, anti-extremist, anti-discriminatory and hate crime legislation.	2.5	2.5	2.5
-/×	Struggle against hate crime (criminal cases against organisers and participants, guilty verdicts).	2.5	2.5	2.5
×	Misuse of anti-extremism legislation.	-5	-5	-5
	Total for section 3	10	10	10

4. Statements of government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism

At a meeting with the Polish Prime Minister Donald Tusk on April 2, 2014, his Lithuanian counterpart Algirdas Butkevičius assured that a new Law on National Minorities will be prepared in the coming months. He also promised to adopt regulations about the original spelling of names in the documents.³²

On April 28, Israeli Ambassador presented the Righteous Among Nations award at a ceremony held in the Lithuanian government. Lithuanian Prime Minister Algirdas Butkevičius stated that people who protected Jews during the Holocaust should be given special attention.

“Today we bow our heads to our fellow citizens who risked their own lives to save Jews from the hands of the executioner. These brave people proclaimed with their own lives that, even in the face of death, a person must remain a person. In Lithuania, there is no shortage of memorials dedicated to the memory of the Holocaust. Righteous Among Nations also deserve our special attention and respect. Our common duty is to ensure that the world hears the pain of those suffered and learned the names of heroes.”³³

In early July, Lithuanian Prime Minister Algirdas Butkevicius was interviewed by a Polish newspaper, *Gazeta Wyborcza*. He noted that the Russian-speaking population of Lithuania is not the potential source of tension in the country.

“I met with the leader of the Russian-speaking community and assured her that all residents of Lithuania will receive equal treatment. I asked her not to succumb to any nationalist provocations.”

Speaking about issues of the Polish minority, particularly the forced Lithuanisation of Polish family names in official documents, Butkevicius expressed hope that they will soon be resolved.³⁴

On January 27, Lithuania celebrated the International Holocaust Remembrance Day. According to the Minister of Foreign Affairs Linas Linkevicius, preserving the memory of the Holocaust, Lithuanian citizens must create a safe future for mankind — the one that would not have anti-Semitism, racial, national, religious hatred and discrimination. “Lithuania, being a member of the United Nations Council, will join the common goal to unite efforts to stop conflicts on ethnic or religious grounds, which unfortunately cannot be avoided in the 21 century,” the head of Lithuanian diplomacy stressed. His words were cited by Lithuanian Foreign Ministry.³⁵

On April 28, Paneriai Memorial in Vilnius held a procession “March of the Living” that paid tribute to the victims of the Holocaust. Deputy Chancellor Remigijus Motuzas, participating in the event, stressed that Lithuania will never forget this tragedy.³⁶

“The formed majority of leftists-rightists is not interested in the situation of many Lithuanian citizens,” stated a member of the Electoral Action of Poles in Lithuania Jaroslav Narkevic on June 19. “Abandoning the Law on National Minorities, reluctance to consider it, is just avoiding solving the problem. The fact that you do not even discuss means that you are contradicting yourselves and — more importantly — lying to Lithuanian citizens.”³⁷

Chairman of the Alliance of Russian Lithuanians Irina Rozova also called searches in Russian schools a “provocation against the Russian community in Lithuania”. Head of the Polish faction in Lithuania Rita Tamosjunene said that such actions cannot be committed in educational institutions.³⁸

On February 28, former Lithuanian president Valdas Adamkus appeared in a radio programme “Hour of Topical News” on Žinių radijas and talked about solving the ethnic minority problem. According to him, Lithuania’s reluctance to compromise with minorities creates problems in its relations with other countries, particularly — Poland, which demands Lithuania to enable Polish minorities use their mother tongue in places of their compact settlement, and register Polish surnames in Polish language in Lithuanian passports. According to ex-

President, Lithuania needs to create a political bloc with Poland and Scandinavian countries, which would become a kind of counterbalance to the currently dominant Central and Southern Europe elite.³⁹

On July 14, Socialist People’s Front, Independent Centre of Human Rights, Vitis Movement, Association Lithuania Without Nazism and several other NGOs held a civic action of protest against the monument in Ukmerge — dedicated to a post-war partisan Juozas Krikštaponis. In 2013, this activist was recognised as an active participant in the Holocaust and mass killings of communists and Soviet prisoners of war. Protesters signed a corresponding petition, after which Mayor of the town invited them for discussion and promised to hold an investigation into the presented historical facts.⁴⁰

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Statements of government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism.	5	5	5
	Total for section 4	5	5	5

5. Activities aimed at promoting tolerance and preventing extremism

In June, Lithuanian parliament adopted amendments that awarded extra pensions (400 lits) to persons who sheltered Jews during the Second World War. On October 2, Officers Club of Lithuanian Armed Forces awarded certificates to Freedom Fighters, who helped the Jews during the Holocaust. 80 individuals were recognised as Freedom Fighters and granted additional state pension of 400 lits.⁴¹

In September, Electoral Action of Poles in Lithuania registered a new draft bill on national minorities, which returns the provisions on bilingual geographical signs in areas densely populated by ethnic minorities.⁴²

On September 26, Lithuanian parliament legitimised the process of preparing halal meat, which in their opinion should compensate for the loss incurred due to Russian sanctions.⁴³

On October 13, Lithuanian parliament did not support the amendments proposed by the Lithuanian President to the law “On public awareness”, which required that at least 90% of television programmes rebroadcasted in Lithuania should be broadcasted in EU languages. The initiative was supposed to reduce the amount of Russian-language television programmes due to “increased hostile propaganda”.⁴⁴

Since 2012, Lithuania has an interdepartmental workgroup on Roma integration. The budget growing from 647,000 lits in 2012 to 1,400,000 in 2013.

In 2012, Lithuania adopted an Interdepartmental Action Plan for Promoting Non-Discrimination in 2012–2014, coordinated by the Ministry of Social Protection and Labour. The plan defines measures for promoting non-discrimination policies in the public sector. Among other things, the project includes 19 educational seminars.⁴⁵

On November 17, it was reported that Lithuania will re-establish Department of National Minorities in July 2015. According to the corresponding press release, national minority issues became relevant for the domestic policy and started to affect relationships with certain neighbouring countries. Head of State Algirdas Butkevicius said, “The new department will not only cooperate with central and regional governments, but also with foreign states members of which reside in Lithuania.”⁴⁶

In early September, Equal Rights Commission overturned the verdict of the Commission on Ethics in Journalism to ban the book called *Amber Heart*, which contained stories on LGBT topics.⁴⁷

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Activities aimed at promoting tolerance and preventing extremism.	5	5	5
	Total for section 5	5	5	5

6. Position of migrants and society’s attitude towards immigrants, foreigners, different ethnic groups

Indicators

- Presence and development of migration laws.

Migration is controlled by the Law “On the Legal Status of Aliens” adopted in 2004, and as amended in 2006, 2008 and 2009, the amendments were due to the adoption of Regulation of the European Parliament and the Council 562/2006 as of March 15, 2006 laying down the rules governing the movement of persons across borders, the Community Code (Schengen Borders Code).

Article 3 of the Law declares that workers shall enjoy the rights and freedoms provided by the Constitution of the Republic of Lithuania, international agreements, legislation of the Republic of Lithuania and legal acts of the European Union, and are equal before the law, without distinction of sex, race, nationality, language, religion, ori-

gin, social status, religion, convictions or opinions. According to the law, migrants can obtain a permanent residence permit in the event of opening a business in Lithuania.

The minimum wage that is sufficient to obtain citizenship is established by the Ministry of Labour. The exceptions are the victims of human trafficking, people granted refugee status, etc. A temporary residence permit is obtained by the migrant workers, persons entering into a marriage with the Lithuanians, Lithuanians who are citizens of other countries, persons entering the school, person coming for family reunification, seriously ill and in need of urgent medical assistance.

The same law regulates the procedure for granting refugee status and subsidiary protection.

In 2012, Lithuania tightened its rules regarding temporary residence permits. A foreign national will be able to obtain a temporary residence permit if he satisfies all following requirements:

He is a member of an enterprise that has been trading in Lithuania for 6 months prior to application.

Enterprise must have at least 3 full-time employees who are citizens of Lithuania, or foreign nationals permanently residing in Lithuania.

Enterprise is worth at least 100,000 lits, of which 50 thousand lits are foreign national's assets.

The foreign national is a director of the enterprise in question, member of the board, legal representative or a shareholder (nominal value of shares held by a foreign national must be at least 1/3 of the incorporation capital).

Since November 1, 2014, temporary residence permits can be issued for 1 year, and prolonged to two years. Privileges are provided for foreign nationals who invested more than 900,000 lits, or an enterprise in question has at least 5 full-time employees who are Lithuanian citizens or permanent residence of Lithuania. Satisfying these conditions would entitle a foreign national to a 3-year residence permit.

At the same time, Lithuania introduced simplified rules for skilled professionals. Previously, the immigration procedure could have taken 2–4 months, but the new changes would speed up the registration to 2 weeks, provided that the foreign national will earn at least 7,025 lits per month (three times the gross average wage). Temporary residence permits of this kind will be given for the term of 3 years.⁴⁸ In general, the migration legislation of the Republic of Lithuania fully complies with the European standards.

- Government's compliance with such legislation (law enforcement practice).

Lithuanian authorities have been generally compliant with migration legislation. This contributed to the change in the European Court of Human Rights (ECHR) on November 14, 2013, of one of the fundamental rules of political asylum in the European Union in favour of the petitioner. Now illegal entry into one of the EU member states no longer means that the application of the migrant or refugee will be automatically rejected.⁴⁹

In general, the migration situation in the country continues to be unbalanced: in 2013, 38.8 thousand people emigrated (in 2012 the number was 41.1 thousand), immigration, on the other hand, was at 22 thousand, those were mostly returning residents of Lithuania. Only 550 people who entered the country were foreigners. Those are mainly citizens of the other EU countries.⁵⁰

On the other hand, in 2014 Lithuania had an influx of Russian and Ukrainian citizens applying for residence permits. In the first three quarters of 2014, 2,650 applications came from Ukrainian nationals (96% more than last year) and 3,723 applications from Russian nationals (45% increase).⁵¹ Nevertheless, Lithuania's net migration figures remain negative due to emigration flows into Western Europe.

- Discriminatory practices against immigrants.

No such cases have been recorded in 2014.

- Use of ethnic crime as justification for discrimination against immigrants.

The issue of ethnic crime is not relevant for the Lithuanian society and is on the periphery of the attention.

- Social assistance for immigrants.

In general, foreigners who have the temporary residence permit enjoy the same fundamental social rights and privileges as the citizens of the country.

Article 107 of the Law "On Legal Status of Foreigners" guarantees foreigners who have a residence permit conditions for integration into the political, social, economic and cultural life of the State in accordance with the procedure established by the legislation.

The types of support include language training, education, job search assistance, housing, medical care, as well as informing the public about ways to support workers. Furthermore, Article 108 lays migrants, receiving support from the State under the commitment to file an income tax return.⁵²

In the mid-1990s, the EU fearing an influx of refugees through Lithuania gave the country a significant financial assistance for the time needed to complete of the provision of the right to asylum. Fin-

land took part, especially, in the implementation of repairing the centre to receive refugees and to train the officials

The feared influx never came to be. Lithuania is a poor country and does not attract asylum seekers, although it remains attractive as a transit country onto more prosperous countries of the EU. This is also contributed to by the decision of the European Court of Human Rights (ECHR) in Luxembourg made on November 14, 2013, which ruled that the statements of potential refugees may be considered not only in the destination country of the EU. Under certain conditions, the application shall be considered by any other country of the EU, which will receive the documents for asylum. For example, if the destination country treats the applicant inappropriately, if substantial irregularities in the processing of the documents are revealed, or the necessary conditions are not provided for the final reception, another EU country may be obliged to consider the request.⁵³

- Negative attitude of the community towards immigrants, foreigners, various ethnic groups.

Anti-Polish sentiments are most evident in Lithuanian society, because the Polish are the most significant national minority in Lithuania. The attitude is fueled by both the historical memory of the population (Lithuania being part of Poland for a long time, and the Polish troops occupied Vilnius during the period of time between 1920 and 1939) and the demands of the Polish minority to provide bilingual street names in the places of their residence, as well as to change the discriminatory law on education of 2011. The public perceived the last demand as the first step towards the establishment of autonomy.

On April 8, 45 members of the Lithuanian Writers Union sent a joint statement to Lithuanian President, Chairman of the Parliament, Prime Minister and Chairman of the High Commission for Lithuanian Language, where they expressed their protest against the proposed amendment. "This initiative will harm the nation and the state," writers' statement reads. As a result, Latvian Parliament postponed the consideration of this amendment indefinitely.⁵⁴

Union for Lithuanian Freedom on June 18 distributed a statement where it claimed that Lithuanian language will disappear in several regions if the Law on National Minorities is passed.⁵⁵

Anti-Semitism is cultivated mainly in the environment of the radical nationalists, but is not used in their political propaganda.

According to sociological research conducted by *Anti-Defamation League*, 36% of Lithuanian adults profess anti-Semitic views. This figure is higher than in Latvia and Estonia. The study also showed that 74% of Lithuanian respondents believe that Jews are more loyal to Israel than their country of residence. 65% believe that Jews speak too

much about the Holocaust. 48% responded that Jews only care about wealth and 45% agreed that Jewish people have too much influence in financial markets.⁵⁶

As for Russophobia, it is basically embraced by politicised intellectuals. However, against the background of the policy of equalisation of the USSR and the Third Reich the minds of young people are going to equate Russia to the Soviet Union.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Presence and improvement of migration laws.	5	5	5
×	Government's compliance with such legislation (law enforcement practice).	2.5	5	5
–	Discriminatory practices against immigrants.	0	0	0
–	Use of ethnic crime as justification for discrimination against migrants.	0	0	0
×	Social assistance for immigrants.	5	5	5
×	Negative attitude of the community towards immigrants, foreigners, various ethnic groups.	–5	–5	–5
	Total for section 6	7.5	10	10

7. Incitement of religious and ethnic hatred

Indicators

- Calls for ethnic and religious hatred in mass media and mass communications, graffiti.

Appeals to ethnic hatred are mainly recorded during the period of the traditional marches of the Lithuanian radical nationalists on February 16 (Lithuanian Independence Day of 1918) in Kaunas and on March 11 (Day of Restoration of Independence of 1990) in Vilnius.

In 2014, participants of the Kaunas march held posters reading “Yesterday juden raus, today Lithuania for Lithuanians” and homophobic slogans.⁵⁷

The Vilnius nationalist procession held on March 11 gathered around 4000 people, according to police estimates. Besides Latvian national flags, the parade displayed flags of Ukraine and slogans supporting the Maidan activists. Participants sang Lithuanian folk songs and chanted a well-known slogan — “Lithuania for Lithuanians”

(Lietuva-Lietuviams). A novelty of the procession was the stylised “bloody head” impaled on a stake, reading “PTN” (ПТН) in Russian letters, which probably implies “Putin”.⁵⁸

In anticipation of the anniversary of the Khojaly massacre in mid February, anti-Armenian posters were noticed around Vilnius, urging to “stop Armenian aggression”. Posters covered many municipal buildings, including public toilets. According to the Coordinator of “Lithuania-Armenia” Forum Armen Airapentian, posters were ordered by the Azerbaijan government from JCDecaux — a company that is know for its bus-stop and street advertising systems. Vilnius’ Armenian community also demanded to remove all posters immediately.⁵⁹

On November 19, the weekly news programme *Lietuvos ryto televizija* showed a story depicting Lithuanian students of Russian universities as a serious threat to Lithuanian state. Lithuanian expert Marius Laurinavicius said, “I would advise our intelligence services to keep an eye on all these people. They are a threat. I don’t want to say that all of them are Russian agents, but the whole [exchange] programme is definitely created for that purpose.”⁶⁰

- Presence and popularity of radical nationalist literature, films, music. Ultra-nationalist rock bands and their concerts.

There are musical groups promoting xenophobia in Lithuania. The most famous of them is the “Dictatorship”, which is famous for their song about the murder of all nations living in Lithuania, except Lithuanians (“The Poles have all been hung, Russian are slaughtered and are lying by the fence, the Jews are already burning in the oven, only real Lithuanians are all alive”⁶¹), and “Autonomous resistance”.

Nevertheless there have been no such performances in 2014.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Calls for ethnic and religious hatred in mass media and mass communications, graffiti.	-5	-5	-5
-/×	Presence and popularity of radical nationalist literature, films, music. Ultranationalist rock bands and their concerts.	-5	-5	-2.5
	Total for section 7	-10	-10	-7.5

8. Radical nationalist groups and parties

I n d i c a t o r s

- Presence of neo-Nazi and ultra-nationalist groups, movements, political parties (both in the centre and in the localities).

There are several parties radical nationalist in Lithuania, such as “Young Lithuania” (leader — Stanislovas Buskiavicius), the Union of National Unity (leader — Algimantas Matulevicius), the “National Solidarity”, the Lithuanian Centre Party (leader — Eugenijus Skrupskialis), Lithuanian Union of Social Democrats (leader — Arvydas Akstinaicius) and the Union of Nationalists (leader — Gintaras Songaila). There are also organisations such as the “Lithuanian National Youth Union “ (leader — Julius Panka) and the “Lithuanian National Centre” (leader — R. Cekutis).

Traditionally, these parties are involved in neo-Nazi marches to mark the Lithuanian memorable dates such as the Independence Day on February 16 in Kaunas and the Day of Restoration of Independence on March 11 in Vilnius.

- Presence of discriminatory demands in the programmes of these parties and in the statements of their leaders towards the members of minorities.

The programme of “Young Lithuania” focuses on the “Lithuanians”, blaming “cosmopolitanism and Europeaness” in the destruction of Lithuanian identity, as well as Christian education. Party demands creation of a “national school” and introduce the religious education.⁶²

The programme of the Nationalist Union demands protection of the national culture, which is only the Lithuanian ethnic culture according to the party; it also states that “part of Belarusian lands are ethnically Lithuanian, as well as the Kaliningrad region of the Russian Federation (“Konigsberg” according to the programme)”, stands for the return of the ethnic record in the Lithuanian identity records, and also contains a provision on the need for criminal prosecution for advocating “sexual perversion” and same-sex marriage. Additionally, the programme of the party contains a demand to prevent “alien ideas” from penetration of Lithuania. Another point programme of the party is the recognition of the alleged genocide Lithuanians during the Soviet period.⁶³

The “Lithuanian National Centre” stands for “Lithuanian Lithuania”, demands stopping of immigration (including the labour immigration), rejects the primacy of international law over the Lithuanian law. “Centre” also demands prohibition of granting of citizenship for any reason other than the origin. Party also states that the approach to the non-Lithuanian criminals is ambiguous, and therefore requires “objective consideration of crimes” committed by them. The party has also spoken out against the “propaganda of sexual perversions”, referring to LGBT awareness campaigns. “Centre” has also called for the continuation of the “Lithuanisation” of the schools.⁶⁴

- Neo-Nazi and radical nationalist influence over the civil society, including oppositional and human rights organisations.

Extreme nationalists have limited influence of radical nationalists on society. Nationalist parties receive a minimum of the vote (1–3%). Experts say this is largely due to the lack of the most popular themes in their propaganda, as Lithuania is a country where 85% belong to the titular nation, the Lithuanians, the idea of the “threat of assimilation” by the Russians does not “look right”.⁶⁵ It’s just not plausible which is understood by most voters.

Nevertheless, “lithuanisation” of schools and bans on bilingual toponyms is popular among the electorate and politicians. As a result, the country has been lacking a coherent law on national minorities for several years. This is due to the fact that many believe such concessions would lead to national autonomies in certain regions and thus threaten the integrity of the country.

Extreme right is not a marginal movement in Lithuania, with some political forces conducting nationalist policies and some government positions are occupied by nationalist activists.

- Neo-Nazi and radical nationalist influence over the local legislative/executive bodies.

The Nationalists could not achieve an impressive representation in the elections to the local authorities, which took place in Lithuania in 2011, receiving only 1.5% of seats in local councils.⁶⁶ However, large parties have been actively using nationalist ideas.

- Neo-Nazi and radical nationalist influence over the central legislative/executive bodies.

The radical nationalist influence over the central legislative and executive bodies remains limited.

In 2014, there were two members of the nationalist of the Nationalist Union in Lithuanian Parliament, but they were there representing the ruling party “Homeland Union”, therefore they will not have these seats after the term will have finished.⁶⁷

However, as mentioned above, nationalist ideas are fairly popular among all parties in parliament, which has been delaying the adopting of a new national minority law for the past 4 years.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Presence of neo-Nazi and ultra-nationalist groups, movements, political parties (both in the centre and in the localities).	-5	-5	-5

Table, cont.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Presence of discriminatory demands in the programmes of these parties and in the statements of their leaders towards the members of minorities.	-5	-5	-5
-/×	Neo-Nazi and radical nationalist influence over the civil society, including oppositional and human rights organisations.	-2.5	-2.5	-2.5
-/×	Neo-Nazi and radical nationalist influence over the local legislative/executive bodies.	0	-2.5	-2.5
-/×	Neo-Nazi and radical nationalist influence over the central legislative/executive bodies.	0	0	-2.5
	Total for section 8	-12.5	-15	-17.5

9. Public actions of extremist and nationalist groups

Indicators

- Neo-Nazi and radical nationalist participation in mass actions prohibited by the authorities.
No such cases have been recorded in 2014.
- Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities.

On February 16, Lithuania celebrated the main national holiday — 96th anniversary of Independence. By tradition, nationalists use this day as an excuse to promote their views. Like in previous years, neo-Nazis from the Lithuanian Nationalist Youth Union (*LTJS — Lietuvos Tautinio Jaunimo sąjunga*) organised and held a traditional march in Kaunas. This year, under the pressure from the international community and the tough position of the government, the participants of the march refrained from Nazi salutes, Nazi symbols and openly anti-Semitic slogans. The procession gathered around 1,000 people under the traditional slogan — “Lithuania for Lithuanians”. In addition, marchers held banners that read “Not to East, Not to West, Lithuania — for children of Lithuania”, “Yesterday jurden raus, today Lithuania for Lithuanians”, which in spite of everything demonstrates the continuity between today's neo-Nazis and the Nazis of 1930–40s. Demonstrators also carried portraits of Juozas Ambrazevičius-Brazaitis — Prime

Minister of the Lithuanian Provisional Government (23 June — 5 July 1941), responsible for the genocide of the Jewish population in the country. Homophobic slogans were also noted. New, compared to previous years, slogans demanded to stop selling real estate to non-Lithuanians, and the termination of Lithuania’s EU membership.⁶⁸

The Vilnius nationalist procession held on March 11 gathered around 4000 people, according to police estimates. Besides Latvian national flags, the parade displayed flags of Ukraine and slogans supporting the Maidan activists. Participants sang Lithuanian folk songs and chanted a well-known slogan — “Lithuania for Lithuanians” (Lietuva-Lietuviams). A novelty of the procession was the stylised “bloody head” impaled on a stake, reading “PTN” (ИТН) in Russian letters, which probably implies “Putin”.⁶⁹

On October 28, LTJS organised a march to commemorate 75 years since Vilnius return to Lithuania. Speaking at a subsequent rally of 150 people, Julius Panka demanded public apologies from Poland.⁷⁰

- Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities, with the participation of representatives from the legislative or executive bodies, law enforcement and security agencies.

No such cases have been recorded in 2014.

- Presence of “football xenophobia” and racism amongst sports fans.

No such cases have been recorded in 2014.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
–	Neo-Nazi and radical nationalist participation in mass actions prohibited by the authorities.	0	–5	0
×	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities.	–5	–5	–5
–	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities, with the participation of representatives from the legislative or executive bodies, law enforcement and security agencies.	–5	–5	0
–	Presence of “football xenophobia” and racism amongst sports fans.	–5	0	0
	Total for section 9	–15	–15	–5

10. Racist attacks, violence and terror

Indicators

- Vandalism in cemeteries, attacks on religious buildings.
No such cases have been recorded in 2014.
- Inter-ethnic clashes instigated by xenophobia and radical nationalism.
No such cases have been recorded in 2014.
- Cases of violence, including murder on racial, ethnic and religious grounds.
No such cases have been recorded in 2014.
- Nationalist or religious terrorist attacks.
No such cases have been recorded in 2014.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
–	Vandalism in cemeteries, attacks on religious buildings.	–5	–5	0
–	Interethnic clashes instigated by xenophobia and radical nationalism.	0	0	0
–	Cases of violence, including murder on racial, ethnic, and religious grounds.	0	0	0
–	Cases of hate crimes.	0	0	0
–	Nationalist or religious terrorist attacks.	0	0	0
	Total for section 10	–5	–5	0

11. Presence, popularity and size of anti-fascist and anti-racist movements

Indicators

- Presence of anti-racist and anti-Nazi movements and parties.

Anti-fascist community of Lithuania is quite shapeless, although in recent years it has been becoming more clearly outlined. A range of cultural, educational and socio-political organisations have joined the association “Lithuania without Nazism” — a subsidiary of the International Human Rights Movement “World without Nazism” (created in 2010 and led by Julius Deksnis).

Also these organisations include the movement “Antifa” (anarchists), the party of “Socialist People’s Front”, as well as a group of anti-fascists under the ideological leadership of an American living in Lithuania Dovid Katz, who unified the like-minded people on the Internet portal “Defendinghistory.com”. It is also necessary to mention the Council of Veterans of the Great Patriotic War (Secretary — Vaigutis Stancikas). The number of activists of the anti-fascist movement is estimated to be between 1,000 and 3,500 people.

There are also a number of organisations that periodically come up with a position of protest against the policy of radical nationalists. These actions are popular especially among young people, such as “Tolerant Youth Association”, the organisation “Sleeping Elephant” and others.

In 2014, antifascist organisations have been hindered by the growing anti-Russian sentiments in light of the Ukrainian crisis, with Lithuanian media portraying antifascist movements as “pro-Russian agents”.

- Activities of anti-racist and anti-fascist movement (pickets, rallies, demonstrations).

On February 16, anarchists, mostly consisting of the Liberal “Autonomous Movement”, called for a protest action. On their website, Lithuanian antifascists wrote, “the main idea of the participants of the (neo-Nazi) march is that Lithuanian territory and discourse belongs to the white, pure-bred heterosexual male, a true Aryan. Other people have a choice — to accept this order or get out of the way. Hiding behind the Lithuanian flag, they will once again spread xenophobic, racist, homophobic and sexist ideas. Antifa.lt team urges everyone who finds the slogan “Lithuania for Lithuanians” problematic to join the protest”. Antifascist action gathered several dozen people.⁷¹

Around 10 people also participated in a protest rally on February 15, organised by the Socialist People Front on the Nemana Island. Leader of the socialists Algirdas Paleckis — convicted for denying the fact of Soviet occupation — stated that Socialists protest against turning the Lithuanian Independence Day into the day of nationalism and neo-Nazism. “This is a holiday for the whole people, and not an excuse to hold nationalist actions.”

On July 14, Socialist People’s Front, Independent Centre of Human Rights, Vitis Movement, Association Lithuania Without Nazism and several other NGOs held a civic action of protest against the monument in Ukmerge — dedicated to a post-war partisan Juozas Krikštaponis. In 2013, this activist was recognised as an active participant in the Holocaust and mass killings of communists and Soviet prisoners of war. Protesters signed a corresponding petition, after which

Mayor of the town invited them for discussion and promised to hold an investigation into the presented historical facts.⁷²

On December 3, several organisations expressed their outrage regarding the searches of schools — the Socialist Popular Front, Vitis Movement, Union of Human Rights Observers, Together Association, United Democratic Movement of Lithuania, Union for Human Rights and Social Justice, Independent Centre for Human Rights and Latvia Without Nazism.⁷³

Union of Russians in Lithuania condemned the “PR actions” of the law enforcement — searches in Russian-language schools in Vilnius — saying that these actions are aimed at discrediting the Russian community in Lithuania.⁷⁴

- Presence of anti-racist and anti-fascist civic initiatives.

On June 25, Polish national minority held a rally at the German Embassy in Vilnius, asking Germany to support their struggle for the rights of national minorities in Lithuania. Protesters handed their petition to the German Ambassador, where they described their issues — including parliament’s reluctance to adopt the law on national minorities. According to official reports, the rally gathered around 500 people.⁷⁵

In late May, Vilnius hosted an international conference “Cultural Diversity: Present and Prospects”, which discussed tolerance, cultural and religious diversity in Lithuania and its development. Dean of Political Science and Diplomacy of Vytautas Veliky University Linas Venclaukas presented an overview — “Multicultural cities of Lithuania: Prospects of Development”.

“I think we will all agree that Lithuania is a multicultural country, home to more than a hundred of different cultures. The question is — how do we behave and what do we do. On the one hand, Lithuania was and remains a multicultural country; on the other hand, we can consider it and, guided by scientific research, create integration programmes.” He noted that multiculturalism in Lithuania will only grow, and we have to find a way to live in this environment.⁷⁶

On February 16, Interim Chair of the Lithuanian Jewish Community Faina Kuklanski expressed “strong protest against the marches, chants and slogans of neo-Nazis”. “The procession was held under the slogan Lithuania for Lithuanians, demonstrators held posters reading ‘Yesterday juden raus, today Lithuania for Lithuanians’. This indicates that participants of the event, including young people with shaved heads, consider Lithuania as a country of ethnic Lithuanians, and everyone else — second class citizens”. According to her, march participants “are clearly promoting the principle of ethnic, not civil, state. This is unacceptable in the modern world”. This behaviour, according

to Kuklanski, contradicts the Constitutional Court’s provision that a nation is all citizens of the state, and not ethnic Lithuanians.⁷⁷

On January 27, Kaunas opened a memorial wall in Petrasiunai district to commemorate Jewish victims who were killed at that location in 1941. Several conferences were held in the area, showing the history of the Holocaust in Lithuania and Europe. Dozens of memorial events were held across Lithuania.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Presence of antiracist and anti-Nazi movements and parties.	5	5	5
×	Antiracist and antifascist movement activities (pickets, rallies, demonstrations).	5	5	2.5
×	Presence of antiracist and antifascist civic initiatives.	5	5	5
	Total for section 11	15	15	12.5

12. Glorification of German National Socialism and collaborators of Nazi Germany, historical revisionism, Holocaust denial

I n d i c a t o r s

- Glorification of German National Socialism and/or its collaborators in the media, desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition.

A respectable publishing house *Mintis* (“Thought”) issued a book by Lithuanian historian Petras Stankeras, called “Adolf Hitler’s lost fight”, where he called the Nuremberg Tribunal a historical farce.⁷⁸

- Glorification of German National Socialism and/or its collaborators with the support of local authorities, demolition of monuments to soldiers of the anti-Hitler coalition, erection of monuments to the soldiers of Wehrmacht and Nazi butchers.

On April 26, it was reported that member of the Kaunas local government and leader of the nationalist party “Young Lithuania” Stanislovas Buskevicius publicly protested the memorial stone in Miroslavas (Alytus District), which contains an inscription that in this location “bourgeois nationalists killed 17 innocent Soviet activists”. Buskevicius characterised this memorial sign as denial of Soviet aggression and occupation and threatened to appeal to the Prosecutor’s Office if the Alytus authorities do not take measures to remove this “Soviet relic”. Local officials hastily promised to “consider this issue”.⁷⁹

On July 14, it was reported that a monument dedicated to a post-war partisan Juozas Krikštaponis was planned in Ukmerge.⁸⁰

In August, it was reported that some nationalist activists in Birzai demanded the memorial plaque to “Fallen Soldiers — Liberators of Birzai” is removed from the local military cemetery.⁸¹

On August 26, it was reported that Trakai city authorities removed the memorial stone to the fallen Soviet activists.⁸²

- Glorification of German National Socialism and/or its collaborators in the decisions, made by the authorities.

On February 15, Prime Minister Algirdas Butkevicius, Minister of Defence Juozas Olekas and Commander of Lithuanian Armed Forces Arvidas Pocius took part in solemn commemorative events dedicated to the commanders of so-called “Lithuanian Partisans”, who in 1949 declared Lithuanian Independence and fought the Soviet power for the next 10 years. The events in Radviliskis district were attended by the military Guards of Honour and the Air Force Band of Lithuania. More than 80% of Lithuanian Partisans, also known as “Green Brothers”, consisted of German auxiliary police personnel during the occupation. USSR data indicates that Lithuanian forest brothers killed more than 25 thousand people — most of those were Lithuanians who were murdered for cooperating with the Soviet government, along with their families, friends and sometimes even children.

- Historical revisionism, Holocaust denial.

The team of the “International Commission for the Investigation of the Crimes of the Nazi and Soviet Occupational Regimes in Lithuania,” that was created several years ago by the decision of the Government of Lithuania, included the Lithuanian historian Arunas Bubnys (Arūnas Bubnys) in 2013, who de facto denies the genocide of the Jews during the “uprising of 23 June 1941”.

There is also the official Lithuanian interpretation of the 20th century history, which is based primarily on the allegation of “Soviet occupation” and the following conclusion about the heroic Lithuanian activists and Lithuanian auxiliary police (who fought on the side of Nazi Germany and took part in the Holocaust).

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Glorification of German National Socialism and/or its collaborators in the media, desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition.	-5	-5	-2.5

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Glorification of German National Socialism and/or its collaborators with the support of local authorities, demolition of monuments to soldiers of the anti-Hitler coalition, erection of monuments to the soldiers of Wehrmacht and Nazi butchers.	-5	-5	-5
×	Glorification of German National Socialism and/or its collaborators in the decisions, made by the authorities.	-5	-5	-5
×	Historical revisionism, Holocaust denial.	-5	-5	-5
	Total for section 12	-20	-20	-20

13. Persecution of veterans and partisans of the anti-Hitler coalition

Indicators

- Public calls for repression against the veterans and partisans of the anti-Hitler coalition, as well as anti-fascists.

No such cases have been recorded in 2014.

- Restrictions on human rights and anti-fascist organisations, bans to entry or exit imposed on anti-fascists, inaction of the authorities.

A prominent Russian historian and chairman of Historical Memory Foundation Alexandr Dyukov was arrested in Vilnius airport on August 13. The historian was included in the list of “undesirable people” and he was banned from entry in Lithuania. After spending the night at the airport, Dyukov was returned to Moscow. Alexandr Dyukov was intending to hold a presentation of his book, translated to Lithuanian language, *On the Eve of the Holocaust: Front of Lithuanian Activists and Soviet Repressions in Lithuania, 1940–1941*. The book was the first to publish a significant amount of historical documents and facts about the so-called Front of Lithuanian Activists and proving the close relations of this and other Lithuanian organisations of the period with Gestapo, Abwehr and other Nazi intelligence.⁸³

On November 6, Vilnius Court upheld the ban on entry into the country imposed on Mr Dyukov.⁸⁴

- Criminal prosecution of veterans, partisans of the anti-Hitler coalition and anti-fascists.

In mid-May, another court session was held in Panevezys, where a group of Lithuanian citizens were accused of genocide of Lithuanian people in 1965. The trial has been ongoing since 1999 and only one defendant still lives — first Minister of Internal Affairs of independent Lithuania Marijonas Misiukonis, 74. Meanwhile, Constitutional Court of Lithuania made a ruling regarding the definition of “genocide” in March 2014. Court ruled that crimes during the Soviet period that were aimed against social or political groups did not pose a threat to the existence of Lithuanian nation and therefore cannot be classified as genocide.⁸⁵

In late April 2014, Vilnius District Court has found an 83-year-old Stanislovas Ramanauskas guilty of arranging deportations of two families from Sirvientas to Siberia. The court sentenced the defendant to a 2-year house arrest (from 11 pm to 6 am). The court proceeded from the fact that Lithuania was an occupied state, which implies absence of statute of limitations for “crimes against civilians”.⁸⁶

On June 23, former employee of the Ministry of National Security (Lithuanian SSR) Merkel Bulatov, 86, was sentenced to 5 years in prison for murdering 9 Lithuanian nationals during the post-war period.⁸⁷

On November 26, it was reported that Panevezys regional court acquitted the first Minister of Internal Affairs Marijonas Misiukonis, who was previously accused of the “genocide of Lithuanian people” — participating in a Soviet intelligence operation to eliminate the “last Lithuanian partisan” Anatas Kraujalis on March 17, 1965. The court found no signs of genocide⁸⁸ and the “partisan” himself was guilty of a number of crimes.⁸⁹

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
–	Public calls for repression against the veterans and partisans of the anti-Hitler coalition, as well as anti-fascists.	–5	–5	0
×	Restrictions on human rights and anti-fascist organizations, bans to entry or exit imposed on anti-fascists, inaction of the authorities.	0	–5	–5
×	Criminal prosecution of veterans, partisans of the anti-Hitler coalition and antifascists.	–5	–5	–5
	Total for section 13	–10	–15	–10

14. International Aspect

Indicators

- Participation in significant international agreements on combating racism and discrimination of ethnic minorities.

National Minorities, which prohibits aggravation of the representatives of national minorities within the nation-state through the introduction of new or cancellation of the old acts. However, this requirement was violated by the abolition of the Law on National Minorities of 2010 and the introduction of the new Education Act in 2011, as well as the ban on bilingual inscriptions in areas densely populated by national minorities enshrined in Article 17 of the Law “On the state language”. All this has led to the fact that the Framework Convention virtually was not applied in Lithuania in 2014.

In 1994, Lithuania acceded to the Convention on the Elimination of All Forms of Discrimination against Women, in 1998 she ratified the International Convention on the Elimination of All Forms of Racial Discrimination. Lithuania did not sign the relevant international agreements, such as the European Charter for Regional or Minority Languages, even though the country has issues with the Polish and Russian national minorities living in certain areas of the country. Lithuania also did not ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Thus, Lithuania’s participation in important international agreements on the fight against racism and discrimination can be considered limited in 2014.

- Accession to new international agreements and resolutions of various international organisations, aimed at combating Nazism, combating discrimination, or protecting minority rights.

No such cases have been recorded in 2014.

- International statements and initiatives of the monitored countries and their leading politicians, aimed against discrimination, neo-Nazism and xenophobia.

Lithuania made no relevant statements or initiatives in 2014.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
-/x	Participation in significant international agreements on combating racism and discrimination of ethnic minorities.	2.5	2.5	2.5

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
–	Accession to new international agreements and resolutions of various international organizations, aimed at combating Nazism, combating discrimination, or protecting minority rights.	0	5	0
–	International statements and initiatives of the monitored countries and their leading politicians, aimed against discrimination, neo-Nazism and xenophobia.	0	0	0
	Total for section 14	2.5	7.5	2.5

CONCLUSION

Implications for the development of the country and society, based on the analysis of factors and taking into account the aspects listed below.

Lithuania has improved its standing in the radical nationalism rating in 2014. This was due to a considerable reduction in nationalist public actions this year (only traditional and legal marches in Vilnius and Kaunas have been held in 2014). We also did not record any acts of vandalism motivated by xenophobia.

Nevertheless, nationalist ideas remain popular in Lithuania. Governing parties are promoting these ideas in the society, while portraying antifascist organisations as “pro-Russian agents”.

An important tool in this policy is glorification of Nazi collaborators, who get particular attention in Lithuania. This is accompanied by freedom of speech violations, including the law prohibiting the denial of Soviet occupation.

All of this leads to the increase of radical nationalism and xenophobia in the society, which has not previously been indicative for Lithuania, but today it is an important condition for the implementation of discriminatory policies of Lithuania regarding the Polish and Russian-speaking minorities.

1. Human rights

- *Guarantees against any form of minority discrimination.*

The Constitution, the Penal Code and the Law “On Equal Opportunities” are the fundamentals of the anti-racism legislation in Lithuania.

At the same time, the abolition of the Law “On National Minorities” in 2010, the adoption of discriminatory law “On Education”, the presence of the law “On the State Language” featuring the discriminatory Article 17, which prohibits the placing street signs in two languages in places of compact residence of national minorities, it all boils down to a “no” to many of the rights guaranteed by the Lithuanian anti-racist laws and eliminates the meaning of the Framework Convention for the Protection of National Minorities, which was ratified by Lithuania in 2005.

- *Adherence to norms of the fundamental human rights instruments (European Convention for the Protection of Human Rights and Fundamental Freedoms, European Charter on Human Rights, as well as in adherence to the Framework Convention for the Protection of National Minorities and the European Commission against Racism and Intolerance, etc.).*

Through the abolition of the old law “On National Minorities”, adoption of the new Law “On education” and the refusal to cancel the above-mentioned Article 17 of the Law “On the State Language” Lithuania almost violated the Framework Convention for the Protection of National Minorities, the fact of which together with the non-accession to the European Convention on Regional Languages and Minority Languages help the process of assimilation gain strength, which is supported by the authorities of the country.

- *Rights and freedoms of ethnic minorities compared to the titular nation.*

Such discrimination is present and concerns, above all, the rights of national minorities to use their native language that are provided within the requirements of the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages, i.e. those international agreements to which Lithuania has not acceded or those that are violated.

- *Legislation enshrining inequality of minorities.*

Inequality of minorities that are primarily embodied in the following Lithuanian laws:

- the Law “On the State Language”, Article 17 of which prohibits the use of signs with the names of the streets in two languages in places of compact residence of national minorities.
- the Law “On Education”, which ignored the requirements of the Framework Convention for the Protection of National Minorities to not worsen the situation of the national minorities within the nation-state through the introduction of new or cancellation of the old acts, and violated the provisions of Article 37 of

the Constitution. In fact, it discriminates against children from schools for national minorities, where the Lithuanian language is taught less than in “normal” schools, and encourages parents to “Lithuanise” the education of their children. Attempts of the new ruling coalition to change discriminatory provisions of the law encountered strong resistance from the conservative and nationalist circles in parliament and the society. The abolition of the order of the Minister of Education Dainius Pavalkis on use of simplified examination of the Lithuanian language in the minority schools by the panel of judges of the Chief Administrative Court of Lithuania (CACL) has led to the fact that an examination of the Lithuanian language was the same for all students of Lithuanian schools, which means discrimination against students minority schools, as they have different training in the Lithuanian language.

The new edition of the law the concepts of “national school” or a “national minorities” school is not appropriately set. If the previous version of the law contained a provision on the right to secondary education (1st to 12th grade) in the native language (Article 30), the new edition states that all topics relating to the history and geography of Lithuania, political science concerning other countries and civics should be taught in the Lithuanian language, which, as experience shows in similar schools in Latvia, will inevitably lead to a drop in the level of knowledge on these subjects in children.

In addition, the current lack of “Law on National Minorities” creates all the opportunities for discrimination against ethnic minorities.

- *Rulemaking in protection of minorities.*

The Law on National Minorities being in force since the Soviet era expired in 2010. There is an ongoing development of a new version of this law.

- *Freedom of speech violations.*

In 2010, the Article 170 of the Criminal Code of Lithuania has been amended to introduce responsibility for public approval of the “crimes of the USSR”, their denial or gross belittling of their significance. Since 2012, Lithuania has had a number of trials against those who expressed an alternative opinion on the “forbidden” topics (such as the role of Lithuanian collaborationists in January 1991 events).

- *Legislation and law enforcement practices concerning migrants.*

Migration legislation is represented by the Law “On the Legal Status of Aliens,” which describes the main cases of migration in sufficient detail. According to it, migrants can obtain a temporary or permanent

residence permit. The latter case requires a constant confirmed income, not lower than the minimum wage established by the Ministry of Labour.

In 2014, Lithuania tightened the requirements for issuing a temporary residence permit in exchange for investment. Because Lithuania does not have a significant inflow of immigrants, relevant law enforcement practices are minimal.

2. State of society

- *Risk of violation or non-compliance with the acting laws aimed at protecting the rights of minorities; risk of discriminatory practices against members of minorities.*

There are discriminatory practices relating to ethnic minorities, which regard the issues of culture, education and language policy in Lithuania. Taking advantage of the cancellation of the National Minorities Act in 2010, the government slowed down the adoption of a new act, and filled in the vacuum by proclaiming the new law “On Education”, which is contrary to the Framework Convention for the Protection of Minorities and, in fact, the country’s Constitution.

Thus there was now a legal foundation for discrimination against minorities, which immediately felt by the representatives of the Polish and Russian diasporas. All this creates a risk of the instability of the society, but so far neither the Lithuanian political elite nor the Lithuanian society are aware of this danger. In general, they respond to all of these disorders with an extreme degree of indifference. Speeches of the prominent Lithuanian politicians and cultural figures on xenophobia and discrimination are extremely rare and occur mostly under strong pressure from the EU.

- *Self-determination — how manifestations of xenophobia and extremism affect the identity of minorities; majority’s attitude towards minorities (growth of social phobias).*

As always happens in such cases, the attempts of discrimination against minorities with a view to their assimilation have the opposite effect which is to increase national consciousness, which is possible to see among the representatives of the Polish and Russian communities. Support from the governments of Poland and Russia, respectively, leads to an strengthening of the process. On the other hand the growth of self-identification and the struggle for the rights of minorities lead to the growth of xenophobia on the part of the majority.

Currently the representatives of the Polish minority already feel themselves in the position of the persecuted. With regard to Russians

and Russian-speakers, they are less united than the Poles, and therefore they are less vocal about their violated rights, but it does not lessen the significance of their problems. Unlike the Poles, Russians are more dispersed in Lithuania, but in some cities, for example, in the Visaginas where a nuclear power plant used to be, the majority is Russian and thus many issues (such as bilingual signs) are quite relevant.

Due to the fact that the police does not really investigate anti-Semitic crimes, and the politicians are trying to justify pro-Nazi collaborators, the Lithuanian Jews do not feel very safe.

3. Socio-economic development of the country

(Do manifestations of various forms of xenophobia and extremism affect the socio-economic development of the country)

- *Standard of living.*

According to the standard of living index created by a popular institution Legatum Institute, Lithuania was ranked 43rd, having appeared in the last ten EU countries on this indicator.⁹⁰ This result is not just a consequence of the desire to distance away from Russia, but always being the source of conflict with this country. Policy issues of the Lithuanian government in relation to ethnic minorities is not a minor factor.

- *Economic impacts and instability.*

Economic problems, as well as economic instability are characteristic of Lithuania. In 2014, Lithuania's GDP increased by 1.2%; unemployment was at 9.5% (18% among youth).⁹¹ Many of these problems, as mentioned above, were caused by the hostile policy of the leadership of the country in relation to Russia and Russian-speaking residents of Latvia.

- *Decline in production growth, emigration of the labour force.*

Lithuania has destroyed almost the entire industry inherited after the Soviet Union. Attempts of the Russian investors to gain control over some plants were rigidly suppressed for ideological reasons, but later the majority of large enterprises have turned to the Russian companies. For ideological reasons (and, again, similar to the Soviet legacy), the only NPP in Lithuania, the Ignalina one, was shut down in 2010, which led to a noticeable deficit of electricity in the country.

All this led to the emigration of Lithuanian citizens. Officially more than 300,000 inhabitants have left the country since independence, although anecdotal evidence suggests that the amount is twice as high.⁹² This decline in population led to an overall negative growth,

which cannot but affect the productivity and the general state of the consumer market.

4. Security and geopolitical stability in the region

- *Political stability in the country.*

Oppression of minorities via the “Lithuanisation” of education and norms of the Law “On the State Language” is leading to growing discontent instead of creating loyalty in the society. It’s not as extensive as in Latvia and Estonia, but given that the Polish population is concentrated in a single compact (border) region, it can be a serious source of instability in the country.

The active campaign for the glorification of the collaborators, the central point of which was the reburial, the head of the pro-Nazi “interim government” J. Ambraziavicius in May 2012, leads to a representation of the Nazis within the community, as a possible positive alternative to the democratic regime. Similar sentiments have contributed significantly to the growth of the number of participants of Nazi marches in Lithuania, if a few years ago it was only a few dozen people, the number of marchers 2014 rose to 4,000 people (more than 1.5% of the population), which is serious enough for Lithuania.

However, this does not translate in support for neo-Nazis in elections.

- *Impact of xenophobia and extremism in the country on external security, relations with third countries and the international security in the region as a whole.*

Anti-Russian policies consist of regular accounting of “the damage caused by the occupation”, involves violation of the rights of national minorities, the glorification of the collaborators and the connivance of the Nazi marches in Lithuanian cities, increases the level of instability in the region. It should also be taken into account that Lithuania is one of the few countries where the use and demonstration of Soviet symbols such as the red flag, the hammer and the sickle, and the red star, is prohibited.

RECOMMENDATIONS

1. *General recommendations for the accession to international agreements and conventions*

It is advisable for the Lithuanian legislation to be brought in line with the Framework Convention on the Rights of Minorities, as well as

to sign the International Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families and the European Charter for Regional or Minority Languages.

2. *General recommendations for adjustments to the legal framework*

Lithuania should bring its legislation in line with ratified its Framework Convention for the Protection of National Minorities. It is therefore necessary to repeal discriminatory provisions for national minorities enshrined in the Education Act and the Act on the State Language. It is also important to adopt a new law on the national minorities as soon as possible.

In addition, it is important to exclude the article on criminalising the denial of the “crimes of the USSR” from the Criminal Code, since the introduction of this article into the legislation requires an assessment of an authoritative international court, as was the case with the international recognition of the Holocaust and other crimes of the Nazi regime. Otherwise the introduction of this article in the Criminal Code of the Republic of Lithuania is a violation of the freedom of speech which is a fundamental principle of a democratic society.

3. *General recommendations for the executive bodies in the field of enforcement of law and human rights*

Lithuanian authorities should abandon the glorification of Nazi collaborators and flirting with the radical nationalists. The application of the “sleeping” articles of the Criminal Code on inciting ethnic hatred should be initiated regarding the organisers of the ultra-nationalist marches. So far, these articles are used against people who spread hatred on the Internet.

All of these processions should be prohibited on the basis of General Comments No 34 of the International Covenant on Civil and Political Rights, which states that “two narrow limitation of rights are allowed” regarding freedom of expression, “which may refer to respect of the rights or reputations of other persons, or for the protection of national security or of public order (ordre public), or public health or morals”.

Ministry of Justice of Lithuania should check the activities of the radical nationalist parties (see. Section 8 of Chapter “Lithuania” — “Radical nationalist groups and parties”) for the level of compliance of its activities, including public statements by leaders with the statutes and the Constitution.

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SUMMARY OF INDICATORS FOR 2012–2014

Nº	Criteria	Score in		
		2012	2013	2014
1	Assessment criteria for factors of stability/instability	-15	-15	-15
2	Legislation (central, regional, municipal) and law enforcement practices that contribute to the development of radical nationalism	-5	-5	-5
3	Xenophobia and inflammatory statements by members of the authorities and media	10	10	10
4	Legislation and law enforcement practice preventing the development of radical nationalism	5	5	5
5	Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism	5	5	5
6	Activities aimed at promoting tolerance and preventing extremism	7.5	10	10
7	Position of migrants and society's attitude towards immigrants, foreigners, different ethnic groups	-10	-10	-7.5
8	Incitement of religious and ethnic hatred	-12.5	-15	-17.5
9	Radical nationalist groups and parties	-15	-15	-5
10	Public actions of extremist and nationalist groups	-5	-5	0
11	Racist attacks, violence and terror	15	15	12.5
12	Presence, popularity and size of anti-fascist and anti-racist movements	-20	-20	-20
13	Glorification of German National Socialism and collaborators of Nazi Germany, historical revisionism, Holocaust denial	-10	-15	-10
13	Persecution of veterans and partisans of the anti-Hitler coalition	2.5	7.5	2.5
	Total	-47.5	-47.5	-35

MOLDOVA

ASSESSMENT CRITERIA FOR FACTORS OF STABILITY/INSTABILITY

1. Legislation (central, regional, municipal) and law enforcement practices that contribute to the development of radical nationalism

I n d i c a t o r s

- Discriminatory legislation affecting minorities residing in the country in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.

On July 12, 2013, a new article in the Code of Offences came into force. The article focuses on “public activities, negatively affecting minors”, prohibiting actions and/or dissemination of information aimed at “promotion of prostitution, paedophilia, pornography, or any other relationships that are not related to family and marriage in accordance with the Constitution and the Family Code”. According to the article any positive information about the LGBT community can be considered as an administrative violation.¹

On March 26, 2013, the National Assembly of Gagauzia adopted a package of amendments to the Law on the Executive Committee of the Autonomous Territorial Unit of Gagauzia. According to one of the amendments, departmental heads in the executive committee can only be persons who speak the Gagauz language. Until now, such linguistic restrictions only applied to the Bashkan (Governor) and the chairman of the People’s Assembly of Gagauzia. Other amendments introduced a residency requirement for local officials.²

A number of normative acts were introduced in 2014 that discriminate the Russian language. On May 6, the Coordinating Council on Radio and Television issued a recommendation on the “correct use of official names of settlements in audio-visual programmes”, which prohibited using Russian form of spelling and pronunciation of Moldovan settlements.³

On June 29, Moldovan government adopted a draft new Education Code, according to which the state undertakes to teach four languages — Romanian and English compulsory and another two electively. According to the bill, Russian language — native to majority of Moldovan citizens — would become an elective and would be excluded from compulsory curriculum.⁴ On July 18, Moldovan Parliament passed the corresponding bill.⁵ The bill was available on the Ministry of Education website in the state language, which prevented national minorities from accessing the proposed amendments. Furthermore, according to MP Irina Vlah, neither the Ministry of Education nor the Education Administration ATO Gagauz ERI held any consultations with Gagauzian schools regarding the proposed changes.⁶ The bill did use the term “Romanian language” instead of “Moldovan language”; it also did not mention the Russian language, even though it is recognised as the language of inter-ethnic communication.⁷

On September 24, MPs from the ruling parties approved the bill that accused Russian TV channels of spreading propaganda of racism and separatism. Right-wing MP Valeriu Saharneanu proposed introducing additional repressive mechanisms against such broadcasters, which was also discussed at a profile parliamentary committee on media. Saharneanu’s initiative was supported by members of the ruling coalition. Television channels will be shut down as part of the struggle against propaganda of racism and chauvinism. It is noteworthy that author of the initiative admitted that these measures will not affect channels that promote Moldovan-Romanian unionism, as it is “favourable”. According to the proposed changes, “rebroadcasting of foreign television and radio channels [within the Republic of Moldova] that promote racial hatred, chauvinism, separatism, promote violation of sovereignty and independence of the states recognised by the United Nations, excessively reflect only the official point of view of its government, practicing censorship of the civil society and opposition, supporting forced occupation and annexation of foreign territories, is prohibited”.⁸

- Legislation restricting the voting rights of permanent residents of the country on the basis of ethnicity or country of origin.

There were no such legislative norms in 2013.

- Presence of legal norms or other normative documentation, which legalises the ideology of radical nationalism, its attributes and practices, as well as their distribution in the mass media and mass communication.

There were no such legislative norms in 2013.

- Discriminatory practices against minorities in the field of registration, mobility, business, employment, education, housing, health-care, worship, etc.

Discriminatory practices in Moldova most often concern the Russian-speaking population. In early 2014, several Russian and oppositional television channels have been shut down due to their non-conformance to the official ideology. On December 31, 2013, the national telecommunications operator MOLDTELECOM excluded *AccentTV* from its cable network, without any warning and violating the contract a minute before the New Year.⁹ “Let us be objective, there are no economic reasons. This is a blatant administratively implemented political order. Obviously, the rumours that emerged in the end of last year, that part of undesirable channels will be shut down, came true,” General Director of *AccentTV* said.¹⁰

On January 9, 2014, Government-owned *Moldtelecom S.A.* ceased the transmission of *RTR Moldova* channel on their paid cable service.¹¹

Oppositional TV channel *JurnalTV* was shut down and excluded from the cable networks on January 12. In particular, *SunTV* removed the channel from its basic package, transferring it to a more expensive one without any explanation. *Satelit TV* and *Domino TV* completely excluded this channel from their services. Similar actions were done by *Art TV Strășeni*, *TSV-Com* and *Megapolis*.¹²

On May 15, Vice Minister of Education Igor Grossu said that Russian language will no longer be compulsory in Moldovan schools.¹³

On October 8, Din Ciocanu was appointed as head of the Coordinating Council on TV and Radio Broadcasting. Ciocanu previously said that Moldova should follow the example of the neighbouring Ukraine, where all Russian media is banned.¹⁴

On October 10, Chairman of the Central Election Committee Yuri Ciocanu demanded that all present at the meeting speak in Romanian language, referring to the ruling of the Constitutional Court, when one of the officials asked a question in Russian.¹⁵

On September 18, it was reported that only 2 Russian-language books have been published in the country in the past few years. State-funded festivals almost never involve ethnic cultural groups.¹⁶

On December 12, chairman of the Gagauz community Nikolai Terzi spoke at a conference dedicated to the Russian language in Moldova, where he said that Russian-language education is under threat in the country. “Previously, Moldovan parliament was looking to cancel the trilingualism in Gagauzia along with the Law on the functioning of languages, and thus convert all official communication to Moldovan language. These initiatives have been overturned, but Russian language continues to be under threat”.¹⁷

On May 5, a unionist organisation *Tinerii Moldovei* announced prizes for 3 largest Moldovan settlements where the majority will declare themselves as Romanians. Prizes include a Dacia car, a school trip to the seaside, and for the regional administration on access to European funds. What we have here is essentially attempted bribery in order to obtain the “correct” national result”.¹⁸

On May 24, members of the National Liberal Party demanded that results of population census maintain the political vector towards a “speed consolidation of the two Romanian states”.¹⁹

The Information Centre for Human Rights in Moldova published an analysis of textbooks in compliance with the principles of human rights and the existence of discrimination. The analysis says that the ethno-linguistic minorities in Moldova are presented in textbooks extremely marginally. The study concludes that the history of Moldova is described primarily as a history of Romanian ethnicity, despite the fact that ethnic minorities constituted from 20% to 30% of the total population in different periods of time.¹⁹

On September 18, 2014, it was reported that Taraclia council’s request to provide the region with a national-cultural status has not been satisfied, despite being filed more than a year ago, in April 2013.²⁰

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Discriminatory legislation affecting minorities residing in the country in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.	-5	-5	-5
-	Legislation restricting the voting rights of permanent residents of the country on the basis of ethnicity or country of origin.	0	0	0
-	Presence of legal norms or other normative documentation, which legalises the ideology of radical nationalism, its attributes and practices, as well as their distribution in the mass media and mass communication.	-5	0	0
×	Discriminatory practices against minorities in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.	-5	-5	-5
	Total for section 1	-15	-10	-10

2. Xenophobia and inflammatory statements of the government and the media

Unionism has been the main nationalist trend in Moldova for many years — an idea of Moldova’s incorporation into Romania and active imposition of the Romanian culture to the detriment of local Moldovan and Russian communities. Manifestations of xenophobia within the government and the media can therefore be characterised as anti-Moldovan and Russophobic.

Vice-Minister of Foreign Affairs and European Integration Iulian Groza stated that starting December 5, 2013, the Basic Law of the country is being violated. According to him, from December 5 country’s international agreements must be concluded in Moldova’s official language — Romanian — as ruled by the Constitutional Court.²¹

On June 15, President of the Parliamentary Commission on European Integration Ana Gutu said, clearly denying the existence of Moldovans as a nation with its own language, “We are one and the same people with the same traditions, living so far in two Romanian states, one of which is already in the EU and another is hoping to become its member — it is logical that Moldova can count on Romania’s assistance.”²² Chairman of the National Liberal Party Vitalia Pavlicenco did not condemn illegal actions of her party colleague.²³

On October 28, Ana Gutu said that the Romanian Constitution must be amended to include provisions regarding the unification with Moldova. “This would be a decisive step that, being gradually promoted in Moldova, would have been accepted by politicians and ordinary citizens alike,” she said.²⁴

On November 20, Deputy Valeri Munteanu told *Ziare.com* that the Liberal Party sets a priority in incorporating Moldova into Romania. According to him, “we are Romanians and we speak Romania. We have a history and, unfortunately, we are victims of the Molotov Ribbentrop Pact — a bloody treaty that took Bessarabia from Romania.”

“Regardless of the desires of various superpowers, who wish to intervene into the process, liberals and the Liberal Party sets its supreme goal in the reunification of the Romanian people and the Romanian state,” Munteanu said.²⁵

On September 1, Liberal MP Valeriu Saharneau appeared on *Voice of Bessarabia* radio, where he stated that Russia is “encouraging the Russian-speaking population to ignore the official language of the state of which they consider themselves citizens” and “arranges them in parties and organisations that preach blatant insubordination, promising military support if necessary”. Saharneau added that Russian-speakers are thus turned into a “fifth column” who hate the people of this land, their language and customs”.²⁶

Speaking at an anti-racism round table in Cisinau, Vice Chairman of the Parliamentary Commission for Education and Media and Liberal MP Korina Futu said that Russians consider themselves “privileged” in Moldova and that their “imperialistic mind-set” cannot be changed. She then added that besides this, in terms of discrimination “all is well in Moldova”.²⁷

On January 3, Former Prime Minister Mircea Druc stated in an interview with Ziare.com that Romania should abolish the name “Moldova” on the former MSSR territory, since the name “Moldova” “reanimates the imperial approach and undermines our legitimate aspirations” for unification with Romania. He proposes to write “Former Soviet Republic of Moldova”, similar to Macedonia. Mircea Druc also accused the Russian Orthodox Church of obstructing the way towards European integration. In his view, “we are in a situation of 1812, when the Tsarist armies liberated us from the Osman Empire. Today, the very numerous and rich clergy of oligarch Russia wants to get the hearts and minds of Bessarabians.”

“Russian Orthodox Church declared the greatest battle for the revival of the Russian Empire. Armies in cassocks have already entered the Russian political scene with all their weaponry. Currently, ROC strengthens the geopolitical borders of the Customs Union, the future Orthodox Empire. Offensive in the Ukraine and Bessarabia aims to derail the pro-European course of these two Orthodox countries”.²⁸

On May 12, Director of Timpul newspaper Constantin Tanase called activists of the Russian Youth League “cattle”, after they unfurled the largest St. George ribbon in the world in Chisinau. “Tomorrow [they] will take up arms and will shoot those who resist manipulations”.²⁹

On June 27, Constantin Tenase published an article “Declaring War Today: either — or”, where he called the Russian-speaking minority one of the main diseases in the society. On August 4, *TIMPUL* newspaper published an article, “A letter to those who were born after 1990 — everything about the lie”. Author Constantin Tenase stated that Moldova was split by the “Russian lie” since 1991.³⁰

There have been some manifestations of xenophobia amongst the opposition. On September 15, politician and entrepreneur Renato Usaty offensively spoke of former Prime Minister Vlad Filat, calling him a “dirty gypsy”.³¹

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Xenophobia and inflammatory statements of the government and the media.	-5	-5	-5
	Total for section 2	-5	-5	-5

3. Legislation and law enforcement practice preventing the development of radical nationalism

Indicators

- Presence of anti-Nazi, anti-racist and anti-extremist legislation; legislation aimed against the incitement of ethnic and religious hatred in the country.

Moldovan Constitution and Criminal Code both guarantee their citizens protection from any form of racial discrimination.

Legislation against incitement of ethnic hatred is contained in Article 346 of the Criminal Code “Deliberate action aimed at inciting national, racial or religious hatred or discord”. The Criminal Code of the Republic of Moldova also provides liability for the genocide (Article 135), and crimes against humanity (Article 135-1).

The criminal law of the republic itself provides for hate crimes for four reasons: social, national, racial or religious hatred. In practice, these provisions are rarely used, or not used at all. Actions of hate are penalised for, if at all, with the use of the conventional legislation featuring very mild sanctions, although Part 1 of Article 77 of the Criminal Code of the Republic of Moldova qualifies hate crimes as an aggravating circumstance.

In 2003, a law was passed on countering of extremist activity. This law relates to extremist activities including “activities of a public or religious association, the media or other organisation, the individual planning, organisation, preparation or execution of actions aimed at inciting racial, national or religious hatred, as well as social discord, associated with violence or incitement to violence, and propaganda of exclusivity, superiority or inferiority of citizens on the basis of their religion or race, nationality, ethnic origin, language, religion, sex, opinion, political affiliation, property or social origin”. Also extremism is considered to be “propaganda and public demonstration of Nazi paraphernalia or symbols, paraphernalia or symbols similar to Nazi attributes and symbols of confusing level”.

However, this law is rarely applied in practice, as some of the existing legislation is not brought in line with it. In particular, appropriate changes were not included into the Criminal Code and the degree of punishment for extremism is not determined.

There is no law on the inadmissibility of actions on the rehabilitation of Nazi, glorification of Nazi criminals and their accomplices.

In 2003, the Moldovan Parliament adopted the Concept of national policies aimed at supporting the development of the state languages of ethnic minorities living on the territory of Moldova; ensuring the inevitability of responsibility for inciting ethnic hatred, propaganda

of national superiority, provoking and committing acts of vandalism and violence and violation of human rights on ethnic and linguistic grounds; creation of equal conditions for their social approval, etc., for all citizens regardless of their ethnicity and language.

In January 2014, Ministry of Internal Affairs of Moldova decided to tighten the rules on public actions, adding new restrictions to the legislation. Among other things, the law punishes calls to national, racial, ethnic or religious hatred, to discrimination or violence, threats to national security or territorial integrity of the country, violation of public order or organisation of riots, violation of public morals and rights and freedoms of other persons. The proposed punishment for such offenses is proposed as a fine of 2–3 lei (EUR 150–165) or an administrative arrest for 5 to 15 days. Interior Ministry's project also allows the police statements of the offenses committed during public actions to pass straight to court without prosecutors' approval.³²

On November 29, the Criminal Code of Transnistria was supplemented with a new article that provides punishment for attempts at rehabilitation of Nazism. In addition, the article also criminalises distribution of false information about the Soviet Union actions during the Second World War. Such acts will be punished by a fine or imprisonment for up to 3 years. Persons exploiting their authority in the government or media while committing such acts will be subject to additional punishment. A person convicted of such offences would be prohibited from holding certain positions for 3 years.³³ The law came into force on December 14.³⁴

- Presence and development of anti-discriminatory legislation.

Moldova has taken a number of steps aimed at compliance with the international and European standards on the prohibition of discrimination. The Labour Code of 2003 prohibits discrimination in employment based on gender, race, nationality, language, social origin, property, religion, convictions, membership of public associations, as well as other criteria.

According to the Code of Offences of Moldova, the the Council for Prevention and Elimination of Discrimination and Promotion Equality can decide to impose a fine and submit it to the court, which makes the final decision in the case of discrimination and violation of labour rights. In the case of discrimination based on nationality a fine of 4–7 thousand Leu can be imposed upon the officials.

In 2003, the National Plan of “Promoting gender equality in society” was developed, and in 2007, a law was created on the prevention of AIDS, which prohibits discrimination based on HIV status.

In May 2012, the Parliament adopted the first “comprehensive” anti-discrimination legal act — the law “On ensuring equality of opportunity”, which entered into force on 1 January 2013.

The law “On Ensuring Equal Opportunities” prohibits discrimination on 11 grounds, including sex, race, religion, and also disability, and discrimination based on sexual orientation in employment.

- Compliance of the government (central, regional, municipal), law enforcement and judiciary with anti-Nazi, anti-racist, anti-extremist, anti-discriminatory and hate crime legislation.

European Commission against Racism and Intolerance (ECRI) held a round table in Chisinau in October, where it presented its report and recommendations on ratification of Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms and the European Charter of Regional and Minority Languages. ECRI noted that Moldova still lacks objective statistical data that could be used to measure racism and racial discrimination. It was proposed to involve ethnic minorities in the decision-making process regarding school optimisation and take necessary measures to compensate for the closure of schools.³⁵

The law “On Ensuring Equality”, which came into force in January 2013, did not correspond to international standards. It made no direct reference to sexual orientation and gender identity as one of the prohibited grounds for discrimination, except in the workplace.

Police failed to investigate several cases of assault on LGBT activists.³⁶

- Hate crime (criminal cases against organisers and participants, guilty verdicts).

It cannot be said that hate crimes were typical in Moldova in 2014. Nevertheless, those that have taken place have not been properly investigated by the authorities.

This particularly concerned vandalism and desecration of monuments to the Soviet Army (January 2014, Orgeev) and the Liberators of Chisinau (May 9th).

There have been some exceptions, however. For example, on June 9, court ordered the Bishop of Balti Markell to publicly apologise to LGBT citizens and pay 10,000 lei in moral damages for his xenophobic statements.³⁷

Unfortunately, there have been cases where the authorities effectively condoned xenophobia. On 20 January, an emergency parliamentary session was convened to discuss the situation in broadcasting, as a result of attacks on several TV channels that occurred between 31 De-

cember 2013 and 14 January 2014. Deputies of the ruling parties boycotted the session.³⁸

On July 18, On July 18, Ina Supac received an official response from the Prosecutor General's Office to her inquiry about the article in TIMPUL. MP Supac requested the Prosecution to bring the author of this article up on charges of incitement to ethnic enmity, but the Office responded that there is nothing illegal in Tenase's article. Furthermore, author's message, according to the Prosecutor's Office, is protected by freedom of speech.

- Misuse of anti-extremism legislation.

A few cases of misuse of anti-extremist legislation regarding the activists of pro-Russian organisations were observed.

On April 23, persecution of proponents of Moldova's accession to the Russia-Belarus-Kazakhstan Customs Union had renewed. Newspaper the Daily Pulse reported that Human Rights Association "Femida" received information that people in Sîngerei region are being questioned about their involvement in the referendum petition for the accession to the Customs Union. Investigations were launched two years after the petition was held in 2012.

On November 26, two public activists have been detained during a special operation by the Ministry of Internal Affairs and the Prosecutor's Office. Pavel Grigorchyuk and Mikhail Amerberg were accused of attempting to destabilise the situation in the country. Several months before the operation, PUBLIKA TV channel broadcasted a story about the supposed propagandist nature of the antifascist movement, accusing them of planning an extremist revolution in the country. On December 19, defence lawyer in the case of the two activists, Roman Aronov, said that Grigorchyuk and Amerberg were arrested on trumped up charges, ordered by the government. He added that these actions are incompatible with the legal state and the course for European integration that was declared by Moldovan authorities. Charges against the two activists include recruitment to "Antifa", fundraising (with the aim to overthrow the government), gathering of information about the security agencies of Moldova, armament of active members of the Antifa movement.

On December 19, deputy Grigory Petrenko presented evidence of the prosecution in the "Antifa case". He said that Antifa is officially recognised as a criminal organisation, adding that Moldova is perhaps the first European country where antifascists are considered as criminals. "It is a real fascist regime if they are persecuting antifascists for their views and consider them a criminal organisation".³⁹ Nevertheless, on December 20 Grigorchyuk and Amerberg were presented with new charges — participation in mass riots. In the new case, nothing is

mentioned about Antifa, instead referring to an unofficial association called the Social Forum.⁴⁰

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Presence of anti-Nazi, anti-racist and anti-extremist legislation; legislation aimed against the incitement of ethnic and religious hatred in the country.	2.5	2.5	2.5
×	Presence and development of anti-discriminatory legislation.	5	5	5
×	Compliance of the government (central, regional, municipal), law enforcement and judiciary with anti-Nazi, anti-racist, anti-extremist, anti-discriminatory and hate crime legislation.	2.5	2.5	2.5
×	Hate crime (criminal cases against organisers and participants, guilty verdicts).	2.5	2.5	2.5
×	Misuse of anti-extremism legislation.	-5	-5	-5
	Total for section 3	7.5	7.5	7.5

4. Statements of government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism

Most statements against xenophobia came from the representatives of opposition to the current government of Moldova.

On January 24, European Commissioner for Enlargement and European Neighbourhood Policy Ștefan Füle met with the opposition leader, chairman of the Communist Party Vladimir Voronin. Commenting on Romanian President’s statements about intervening in Moldovan affairs if Moldova does not follow the path towards European integration, Voronin stated, “We urge Brussels to openly condemn Romanian President’s statements. Moldova is not a second Romanian state and Moldovans are not Romanians. This is the first time a President of a EU and NATO member state officially expresses territorial claims against another country — member of the UN, OSCE and Council of Europe. This is a deliberate policy against Moldovan independence, statehood and territorial integrity”.⁴¹

On February 27, Communist MP Artur Resetnicov noted that he “shouldn’t mislead the public, Article 13 of Constitution has not been changed” and the language remains Moldovan. “Remember, Vice-Ministers and officials come and go, but the age-old language, people and traditions remain”.⁴²

On March 14, Communist MP and chairman of the Public Administration and Regional Development Committee Eduard Musuc claimed that the government is planning a falsification of the population census. He pointed out that even a cursory examination of the document revealed that the “project excludes the right to freedom of respondent’s opinion regarding their place of birth, ethnicity, citizenship and place of residence”. “The right to ethnic and linguistic self-determination is being violated. We therefore believe that the falsification of census is being planned in order to further the policy that violates the interests of national minorities. There is a threat to the unity of the Moldovan nation and the multi-ethnic nature of our state,” Musuc noted.⁴³

On September 2, Communist MP Inna Supac presented a statement of PCRМ (Party of Communists of the Republic of Moldova). According to the statement, PCRМ demands drastic revision of the Code of Education, particularly regarding access to minority languages.⁴⁴

On September 4, members of CPRМ criticised the initiative on the pages of Pulse newspaper. Meanwhile, MP and chairman of the Moldovan Veterans Union Alla Mironik stated that if Chirtoaca dares to even touch a single monument to our past, people will take to the streets. “You cannot just remove several pages of our history from the life of our republic. This is further evident by the fact that since March 18th and till this day the cities and towns of Moldova continue to celebrate the 70th anniversary of liberation from the Romanian-German forces”.

On October 29, Taraclia held a festival dedicated to the settlement of Bulgarians in Moldova. Mayor of the city Sergei Filipov noted that preservation of Bulgarian language in current conditions was only possible with the help of Vladimir Voronin from the Communist Party. Voronin, in turn, promised to provide Taraclia with a national-cultural status if he comes to power and repeal acts that violate the rights of ethnic groups. He said that in that case “a humane and democratic upbringing in the country will be based on respect for the rights, history and traditions of all nationalities”.⁴⁵

On November 17, leader of the Communist Party (PCRМ) Vladimir Voronin congratulated the re-elected President of Romania Klaus Iohannis and said that he expects he upholds the relationship between the two countries based on mutual trust and respect.⁴⁶

Members of the ruling coalition also made several anti-xenophobic statements, thought those were mostly superficial in nature. On September 15, annual festival of ethnic culture was held in Taraclia, gathering members of various ethnic groups populating Moldova. Speaker of Moldovan Parliament Igor Corman opened the festival with a speech, “Slogan of this festival is — unity through education. This is also the slogan of the European Union. Europeans united to ensure

peace, prosperity and to preserve cultures, traditions and languages of all European peoples.”⁴⁷

On September 18, Igor Corman spoke at the National Minority Forum in Chisinau, “Integration into European community, which became the main vector of our country, also guarantees preservation of identity of ethnic minorities,” he said. “Our common goal is a coherent and consistent policy of the government, political parties and civil society in developing social cohesion and unity. Moldova is our common home. We all have similar problems and only together we will be able to provide for a better future.”

President Nikolae Timofti also talked about the importance of unity and mutual respect. “I started working since I was 15. I worked in in a large team — about 500 people of different nationalities. There were Jews, Russians, Romani, Ukrainians and Gagauzians. We all worked together and never considered ourselves different. We all talked about being united and living as a family”.⁴⁸

On October 15, Deputy Foreign Minister Iulian Groza met with chairman of the International Holocaust Remembrance Alliance Andrew Burns. They discussed the importance of international cooperation in raising awareness about the Holocaust and educating tolerance. Iulina Groza assured Mr Burns that Moldovan government will continue to promote diversity and eliminate all forms of discrimination and anti-Semitism, including through review and approval of legal framework based on international standards. He added that Moldova intends to consider the possibility of joining the Holocaust Remembrance Alliance.⁴⁹

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Statements of government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism.	5	5	5
	Total for section 4	5	5	5

5. Activities aimed at promoting tolerance and preventing extremism

Four Moldovan cities (Soroca, Otaci, Drochia and Balti) held festivities on March 18–26 dedicated to the liberation from the Romanian-German occupation.⁵⁰

On May 19, 2nd All-National Youth Forum was held in Chisinau. It is an annual even aimed at consolidating the multinational youth in Moldova.⁵¹

On May 27, international conference “Federal state: international experience and Moldova’s prospects” concluded in Chisinau. Members of the conference from Russia, Ukraine, Bulgaria, Finland, Hungary and Moldova discussed the position of national minorities in South-east Europe and their relations with the countries they live in and the “historical homeland”.⁵²

On July 22, the Information and Security Service presented the Washington Holocaust Memorial Museum extracts from the 30 court cases related to the repression of Jewish people during the Second World War. Moldovan press reported that Curator of the Holocaust Memorial Museum expressed his gratitude for Moldova’s efforts in investigating the atrocities that took place in Bessarabia in 1940–1944.⁵³

On November 19, it was reported that Balti municipal authorities, controlled by the PCRM, started to fund Russian-language education in the city from the party’s budget after the recently adopted Education Code prohibited state-funded Russian-language education.⁵⁴

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Activities aimed at promoting tolerance and preventing extremism.	5	5	5
	Total for section 5	5	5	5

6. Position of migrants and society’s attitude towards immigrants, foreigners, different ethnic groups

Indicators

- Presence and development of migration laws.

Moldova is a country of large-scale labour emigration. In 2014, there were around 900 thousand Moldovan citizens working abroad (50 thousand more than in 2014). Around 500 thousand Moldovan emigrants work in seasonal jobs and more than 300 thousand are in permanent employment. 60% of Moldovans work in Russia, other 40% in Italy, Canada and Ukraine⁵⁵ and transfer 1.5–2 billion dollars per year back to Moldova.

According to the Office for Migration and Refugees, there were 18,521 foreign nationals living in Moldova in 2014, 10 thousand of which are permanent residents. Of the 8.5 temporary residents, 1,364 people are migrant workers, 502 are investors, 3,399 people arrived for family reasons, 2,299 arrived to study, 184 arrived for religious reasons, 96 — for humanitarian aid. Moldova accommodates 498 asylum seekers. In 2014, 245 new asylum applications have been submitted in Moldova.⁵⁶

More than a thousand Ukrainians fled to Moldova from the armed conflict in Eastern Ukraine. However, this figure only covers those who formally declared themselves and received permits to work, study and reside in the country.⁵⁷

Moldovan immigration legislation is defined by two basic laws — the Law on Labour Migration (2009) and the Law on the Regime for Foreigners in the Republic of Moldova (2010), which set out the rules of stay for foreigners, including quotas for migrant workers, as well as determining the rights of Moldovan labour migrants going abroad and provide strict control over the activities of employment agencies.

In 2011, Moldova adopted the law “On integration of foreign nationals in the Republic of Moldova”, which instituted language courses and corresponding examinations, along with cultural adaptation sessions (familiarisation with local values and political system) and vocational training.⁵⁸

- Government’s compliance with such legislation (law enforcement practice).

No issues regarding migration legislation in the Republic of Moldova were revealed in 2014.

Immigration is handled by the Office for Migration and Refugees (under the Ministry of Internal Affairs), located in Chisinau. In 2013, the Office opened territorial branches in Balti and Comrat.

The state budget provides financial resources for the voluntary deportation of foreign nationals (around 30 cases per year).⁵⁹

In 2012–2014, EU funds (2 million euros) have been used to implement support for businesses of migrant workers. Two awareness campaigns have been launched, dedicated to living and working in the European Union. Moldova also issued new business guides and a new database of professions that corresponds to EU guidelines. Moldovan parliament also intended to adopt a new Law on Workforce Employment in 2015, along with standards of employment in construction industry, IT and transport.

Two websites have been launched as part of the project: www.din.md — providing information about local healthcare, education, labour market and business; and www.stagii.gov.md — providing information about the functions of government institutions and internships for young Moldovans who study abroad.

Another online portal, www.e-angajare.md, hosted three job fairs in cooperation with the National Employment Agency.⁶⁰

- Discriminatory practices against immigrants.

No such cases were recorded by the monitoring in 2014.

- Use of ethnic crime as justification for discrimination against immigrants.

No such cases were recorded by the monitoring in 2014.

- Social assistance for immigrants.

Due to economic difficulties, Moldova is providing refugees with just the basic benefits. In 2014, this benefit amounted to 30 dollars per month (15% of the forecasted average wage).⁶¹

The law of the Republic of Moldova on labour migration is contained in the Appendix 1, which provides the “Terms and conditions of the individual labour contract”. Among other issues they contain the employer’s obligations to pay annual leave, transportation costs of moving to Moldova and back, to provide housing, medical insurance, insurance against accidents at work, etc.⁶²

In addition, massive violations of Moldovan migrants abroad forced the authorities to look for a solution aiming at bilateral agreements with the countries of labour emigration of the citizens of Republic of Moldova.⁶³

The first such agreement was signed with Italy in 2002, the most attractive country to the Moldovan labour migrants. In 2011, it was updated. The relationship with the other EU countries (Greece, Spain and Portugal are quite popular among the migrants) is guided by the Declaration on a Mobility Partnership between the EU and Moldova, which was signed by 15 countries.⁶⁴

As of 2012, there are negotiations about signing immigration agreements with Russia, which is the most popular country in the CIS in this sense. In addition, Moldova has signed agreements that allow migrants to receive pensions earned abroad. Such contracts have been signed with Bulgaria, Portugal, Romania, Luxembourg, Austria, Estonia, the Czech Republic and Belgium.⁶⁵ Negotiations with Italy are under way.

In accordance with the principles of international law, Moldova has also committed to provide social guarantees for migrant workers from these countries as is required by the mentioned agreements.

On December 19, Minister of Labour and Social Welfare Valentina Buliga promised to help migrant workers returning from Russia, following the collapse of the rouble. “There won’t be enough jobs for everyone, but the government is preparing a special programme of temporary financial support,” she said.⁶⁶

- Negative attitude of the community towards immigrants, foreigners, various ethnic groups.

There have been public actions against the LGBT community. On May 19, Orthodox activists blocked an LGBT march in Chisinau. They

booed LGBT members, shouting insulting slogans and threatening with violence. March participants had to leave to the city outskirts. Priests who were among the protesters to LGBT rally then gathered at the Central Cathedral. They stated that they will not allow such actions in the city, because “gays and lesbians defile the feelings of believers, they have no place in a Christian society”.⁶⁷

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Presence and improvement of migration laws.	5	5	5
×	Government’s compliance with such legislation (law enforcement practice).	5	5	5
–	Discriminatory practices against immigrants.	0	0	0
–	Use of ethnic crime as justification for discrimination against migrants.	0	0	0
×	Social assistance for immigrants.	5	5	5
×	Negative attitude of the community towards immigrants, foreigners, various ethnic groups.	–5	–5	–5
Total for section 6		10	10	10

7. Incitement of religious and ethnic hatred

Indicators

- Calls for ethnic and religious hatred in mass media and mass communications, graffiti.

Most notable statements were aimed against the Moldovan state and the Victory Day, originating from the Romanian unionists and their supporters. On January 21, unionist and historian Veceslav Stavila said that “communists had murdered 10 times more people than the Nazis,” who only killed 20,000 Bessarabian Jews.⁶⁸

On April 6, unionists burned the stylised portraits of the Russian President during their Sunday action — “This is not Crimea”. During their public action, unionists marched along the central street of Chisinau towards the Russian Embassy, where they burned portraits of Vladimir Putin with drawn-on Hitler moustaches. The procession in favour of Moldova’s sovereignty was held under Romanian flags. Part of the protesters were also holding NATO and EU flags. Meanwhile, there was agitation for Moldova’s refusal of statehood in order to join the Republic of Romania.⁶⁹

On September 1, Mayor of Chisinau Dorin Chirtoaca said that he intends to dismantle and move Soviet monuments to liberators from fascism, following Estonia's example. Chirtoaca reminded that the Bronze Soldier in Estonia was moved from the centre of Tallinn to its outskirts. He believes that if similar action is taken in Moldova, it will be able to become a full member of the European community in the future.⁷⁰

On October 13, Dorin Chirtoaca joined the march of Romanian revanchists in Bucharest. The rally demanded annexation of Bessarabia to Romania under the pretext of "protection from Russian aggression".⁷¹

On November 13, it was reported that the official website of the Moldovan Republic was redesigned to look similar to the website of the Romanian Cabinet.⁷²

- Presence and popularity of radical nationalist literature, films, music. Ultra-nationalist rock bands and their concerts.

Xenophobic literature of two types, the Romanian unionist and the black-hundredist, is actively produced and sold in Moldova. No popular nationalist rock bands were observed.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Calls for ethnic and religious hatred in mass media and mass communications, graffiti.	-5	-5	-5
×	Presence and popularity of radical nationalist literature, films, music. Ultranationalist rock bands and their concerts.	-5	-5	-5
	Total for section 7	-10	-10	-10

8. Radical nationalist groups and parties

Indicators

- Presence of neo-Nazi and ultra-nationalist groups, movements, political parties (both in the centre and in the localities).

In November 2009, shortly after the accession of the new government the Ministry of Justice of Moldova officially registered the National Christian movement, part of the movement "Noua Dreaptă". The Minister of Justice at the time was a protégé of the Liberal Democratic Party, Alexandru Tanase, who is currently the chairman of the Constitutional Court.

National Liberal party of Vitalia Pavlichenko adheres to radical nationalist ideology.

The Civic Platform “Acțiunea 2012” (“Action 2012”), established in 2011, has positioned itself as a coalition of non-governmental organisations and initiative groups supporting association of the Republic of Moldova with Romania and advocating for “the implementation of the main goals of past, present and future generations — the union of the Romanians on both banks of the Prut River into a single Romanian state”.

In 2014, a new movement emerged in Moldova — Tinerii Moldovei (Moldovan Youth) — which also actively promotes unification with Romania.

- Presence of discriminatory demands in the programmes of these parties and in the statements of their leaders towards the members of minorities.

National Christian Movement and Noua Dreaptă (banned in Romania) express their adherence to the fascist legionnaire movements of the 1930s and 1940s. They glorify fascist legionnaires and criminals, such as Ion Antonescu. Other nationalist parties focus on unification with Romania, abandonment of the Moldovan language and assimilation of the Russian-speaking population.

- Neo-Nazi and radical nationalist influence over the civil society, including oppositional and human rights organisations.

Since the nationalists’ accession in 2009 their impact on the Moldovan society has intensified. Mass action of the supporters of these parties became widespread (see below).

- Neo-Nazi and radical nationalist influence over the local legislative/executive bodies.

There are almost no representatives of the ultra-nationalist and neo-Nazi parties and organisations at the local level. Meanwhile, there are mayors of cities and local councillors who relate to their views. The mayor of Chisinau and the vice chairman of the Liberal Party Dorin Chirtoaca is among them, who regularly speaks in support of the Romanian unionists, as well as expressing Russophobic view.

- Neo-Nazi and radical nationalist influence over the central legislative/executive bodies.

The nationalist side of the Moldovan Parliament includes the Liberal Party. Statements of its leaders and deputies are well represented in this report. Pro-Romanian sentiment of the party and other members of the ruling coalition have practically inspired the extra-parliamentary ultra-radicals to express provocative statements and actions.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Presence of neo-Nazi and ultra-nationalist groups, movements, political parties (both in the centre and in the localities).	-5	-5	-5
×	Presence of discriminatory demands in the programmes of these parties and in the statements of their leaders towards the members of minorities.	-5	-5	-5
×/-	Neo-Nazi and radical nationalist influence over the civil society, including oppositional and human rights organisations.	-5	-5	-5
-	Neo-Nazi and radical nationalist influence over the local legislative/executive bodies.	-5	-5	0
×	Neo-Nazi and radical nationalist influence over the central legislative/executive bodies.	-5	-5	-5
	Total for section 8	-25	-25	-20

9. Public actions of extremist and nationalist groups

Indicators

- Neo-Nazi and radical nationalist participation in mass actions prohibited by the authorities.

In 2014, nationalist public actions were not prohibited by the authorities.

- Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities.

A unionist summer school was held from June 5 to 15, seeking to unite Romania and Moldova.⁷³

On September 15, a unionist Tricolour March was held in Chisinau under Romanian flags and unionist slogans.⁷⁴

On May 19, Orthodox activists blocked an LGBT march in Chisinau. They booed LGBT members, shouting insulting slogans and threatening with violence. March participants had to leave to the city outskirts. Priests who were among the protesters to LGBT rally then gathered at the Central Cathedral. They stated that they will not allow such actions in the city, because “gays and lesbians defile the feelings of believers, they have no place in a Christian society”.⁷⁵

- Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities, with the participation of representatives from the legislative or executive bodies, law enforcement and security agencies.

It is common for MPs from the ruling coalition to participate in unionist marches.

- Presence of “football xenophobia” and racism amongst sports fans.

Such cases were not present during the monitored period.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
–	Neo-Nazi and radical nationalist participation in mass actions prohibited by the authorities.	0	–5	0
×	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities.	–5	–5	–5
×	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities, with the participation of representatives from the legislative or executive bodies, law enforcement and security agencies.	–5	–5	–5
–	Presence of “football xenophobia” and racism amongst sports fans.	0	0	0
	Total for section 9	–10	–15	–10

10. Racist attacks, violence and terror

Indicators

- Vandalism in cemeteries, attacks on religious buildings.

Four cases of vandalism have been recorded during the monitored period. On January 3, unidentified vandals desecrated a monument to the fallen soldiers of the Great Patriotic War in Orhei. City’s law enforcement officials refused to conduct any sort of investigation to identify the offenders, because it “does not fall within their competence”.⁷⁶

The Walk of Fame in Comrat has been vandalised on February 27. Unidentified hooligans painted graffiti on a series of memorial plaques to prominent Gagauz activists that were installed in the autonomy’s administrative capital.⁷⁷

On May 9, National Liberal Party Vasili Sinigur drew a swastika and wrote provocative messages on the monument to Soviet soldiers in Chisinau.

On May 13, vandals scratched a swastika on a BMW X6. Owner of the vehicle believes that the attack was provoked by stickers on the vehicle, “Happy Victory Day” and “Thank you, grandfather for the Victory.”⁷⁸

- Inter-ethnic clashes instigated by xenophobia and radical nationalism.

No such cases were not recorded in 2014.

- Cases of violence, including murder on racial, ethnic and religious grounds.

No such cases were not recorded in 2014.

- Nationalist or religious terrorist attacks.

No such cases were not recorded in 2014.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Vandalism in cemeteries, attacks on religious buildings.	-5	-5	-5
-	Interethnic clashes instigated by xenophobia and radical nationalism.	0	0	0
-	Cases of violence, including murder on racial, ethnic, and religious grounds.	-5	-5	0
-	Cases of hate-driven murders	0	-5	0
-	Nationalist or religious terrorist attacks.	0	0	0
	Total for section 10	-10	-15	-5

11. Presence, popularity and size of anti-fascist and anti-racist movements

Indicators

- Presence of anti-racist and anti-Nazi movements and parties.

The main anti-fascist force of Moldova is the Party of Communists of the Republic of Moldova (PCRM). Veterans Council, the Moldovan branch of the International Movement “World without Nazism”, the Communist Youth League of Moldova, Moldova Civil Congress, the League of Russian Youth Association of Historians and political scien-

tists “Pro-Moldova”, “Young Moldova”, “Themis”, “August” can also be attributed to the anti-Nazi movements.

- Anti-racist and anti-fascist movement activities (rallies, demonstrations).

Such public actions were held by the opposition — primarily the Communist party — and several NGOs and Jewish organisations. On January 13, 200 journalists and representatives of the civil society, including the “Civil Congress”, gathered to protest the Coordination Council for Television and Radio, demanding freedom of press and the abolition of antidemocratic decisions towards TV channels unwanted by the current government. These demands were related to the exclusion of Jurnal TV, Accent TV and RTR Moldova from the cable network packages.⁷⁹

On January 27, Members of the Jewish community in Chisinau staged a rally near a memorial complex on Jerusalem Street. Members of several youth and non-governmental organisations gathered to commemorate the Holocaust victims. These include: Communist Youth League, members of “Moldova Without Nazism” and “Arc de Triomphe”, students and oppositional MPs.⁸⁰

On March 27, more than 70 non-governmental organisations signed a petition in protection of a “Liberation” Monument (dedicated to the liberation of Moldova from Nazi occupation in 1944). The petition was transferred to the President of the Academy of Sciences Gheorghe Duca during a protest action against the demolition of the monument. “Hands off the Monument”, “Fascism will not pass”, “Our Monument will not be destroyed” — chanted hundreds of protesters when Duca came out to defend his position. According to him, he never stated his intention to demolish the Liberation Monument, since it is not within the competence of the Academy of Sciences.⁸¹

On May 5, parliamentary faction of the Communist Party and several hundreds of residents commemorated the victims of May 2 events in Odessa.⁸²

On May 9, an annual Victory March was held in Chisinau, held by the Communist Party. Thousands of citizens and guests of the capital came to the Triumphal Arch and marched under the red Victory Banner towards the Eternitate complex. They chanted, “Thank you grandfather for the Victory,” “Fascism will not pass” and so on.⁸³

On November 9, a rally was held in Chisinau near the monument to victims of fascism. The event was dedicated to remembering the Kristallnacht and protesting the construction of a car wash near the monument. The rally gathered around a hundred people, including activists and representatives of various NGOs — Moldova Without Nazism, FATIMA, United for Intercultural Action and students.⁸⁴

- Presence of anti-racist and anti-fascist civic initiatives.

On January 21, “Moldova Without Nazism” appealed to use any legal means to prevent falsification of history and incitement of ethnic hatred. “We call on all Moldovan media to stop providing Veceslav Stavila with airtime until he apologises before the descendants of more than 300 thousand people who were killed by Antonescu’s regime. We appeal to directors of Moldovan universities where Mr Stavila holds his lectures to cancel his employment contract as soon as possible. This would correspond to the European practice of the Aachen University (Germany). Administration of that university terminated the agreement with a Romanian historian Vladimir Iliescu after he stated that Romania never had a Holocaust”.⁸⁵

On January 25, “Moldova Without Nazism” held an open lecture and discussion on “antifascist movement during the interwar period”. Lectures were hosted by the Chief Editor of Grenada news portal Pavel Grigorciuk.⁸⁶

On February 19, by the initiative of NGO “I am Moldovan, I speak Moldovan”, a group of citizens appealed to the Moldovan people to speak out in defence of the country, national dignity and against the frequent encroachments of Romania. The appeal was caused by the Constitutional Court decision on December 2, 2013, where the Declaration of Independence was declared prevailing over the Constitution, as well as many revanchist statements of the Romanian President Traian Basescu.⁸⁷

On May 12, city of Comrat held an international conference — “State policy towards national minorities and security of the Black Sea region”. The conference was organised by “Motherland — Eurasian Union” and a number of other NGOs and political organisations.⁸⁸

On May 19, coordinator of Genderdoc-M centre Anjela Frolova stated that LGBT community in Moldova will continue to fight for their rights. “Moldova chose the European path and must be more tolerant. All people are equal, regardless of their sexual orientation. There is some progress in terms of tolerance towards sexual minorities, but it is not enough”.⁸⁹

Another meeting of European Café, initiated by the Centre of Independent Journalism, was held on July 10. This time, discussions revolved around national minorities in Moldova and European integration. The event was attended by the Director of the Bureau for Communication with Diaspora Viktor Lutenko, Slovakian human rights expert Lucia Faltinova, Moldovan journalists and human rights activists.⁹⁰

On August 14, a statement of members and sympathiser of Hyde Park Moldova Association was published in the media, addressing Minister of Internal Affairs, Prosecutor General and the Director of the

Bureau of Information and Security of Moldova. In their statement, activists ask officials to respond to aggressive neo-Nazi organisations active on Moldova’s internet and public space. The statement also cited physical violence against association’s activists.⁹¹

On September 4, historical scientist Sergey Erlikh published an article “What kind of Moldovanism we don’t need?” He wrote that Romanian culture has been imposed on Moldova for the past fifteen years. “The cultural expansion of the neighbouring country is politically motivated. The Romanian Idea aims to recreate the Greater Romania of 1918–1940. Turning Moldova into a second Romanian state will make it easy to annex.”

When it came to “Moldovenists”, Erlikh identified two types of people — ethnocrats and ethnic minorities. He argued that in its disunity and “miserable reactionary ideology, ethnocratic Moldovenism and Moldovenism of Russian-speakers only helps Romania”. Sergey Erlikh proposes that both these groups reach a common ground to resolve this situation, and the first step must be made by the Moldovan majority. “After receiving assurances of respect for their rights, ethnic minorities must respond in good faith and start learning Moldovan (Romanian) language.”⁹²

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Presence of antiracist and anti-Nazi movements and parties.	5	5	5
×	Antiracist and antifascist movement activities (pickets, rallies, demonstrations).	5	5	5
×	Presence of antiracist and antifascist civic initiatives.	5	5	5
	Total for section 11	15	15	15

12. Glorification of German National Socialism and collaborators of Nazi Germany

I n d i c a t o r s

- Glorification of German National Socialism and/or its collaborators in the media, desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition.

The ideology of the Romanian unionism assumes defence of the last regime, in which Moldova was part of Romania and an ally of Hitler’s regime under I. Antonescu. Hence, there is the idea of the

equation of the Nazi and the Soviet regime and the presentation of “small nations” as victims and collaborators as the liberation movement.

When it comes to desecration of monuments, 3 out of 4 cases of vandalism recorded in Moldova in 2014 have been against monuments to anti-Nazi soldiers.

- Glorification of German National Socialism and/or its collaborators with the support of local authorities, demolition of monuments to soldiers of the anti-Hitler coalition, erection of monuments to the soldiers of Wehrmacht and Nazi butchers.

The municipality of Chisinau shows special diligence in dealing with the memory of the victory over Nazism. On April 7, Mayor of Chisinau Dorin Chirtoaca stated that May 9th should be celebrated as the Day of Europe rather than Day of Victory. He expressed hope that parliament would adopt corresponding changes to legislation.⁹³ On September 1, he said that he intends to dismantle and move Soviet monuments to liberators from fascism, following Estonia’s example. Chirtoaca reminded that the Bronze Soldier in Estonia was moved from the centre of Tallinn to its outskirts. He believes that if similar action is taken in Moldova, it will be able to become a full member of the European community in the future.⁹⁴

- Glorification of German National Socialism and/or its collaborators in the decisions, made by the authorities.

History textbooks, which are used by students since 2009, due to the recommendation of the Ministry of Education give an estimate of the historical events from the perspective of Moldova as part of the Romanian state. Based on this logic, textbooks whitewash the Romanian fascist Antonescu, but there is no mention of the more than half a million victims in Bessarabia, northern Bukovina, and Transnistria while being occupied by Romanian troops.

On February 26, Head of the Representative Office of “World Without Nazism” movement in Moldova Inna Supac gave an interview to NOI.md portal.

“Currently, Ukraine is trying to eliminate the acting law that condemns rehabilitation of Nazi criminals and their collaborators. By the way, a similar bill that was registered in Moldova by the communist faction in December 2011 has not even been considered. The ruling majority in Moldovan Parliament are still refusing to put it on the agenda under various pretexts.”

Adoption of the law that would cancel criminal punishment for the propaganda of fascism in Ukraine will be a signal, according to Supac.

“Already our parliamentary majority believes that there is nothing wrong with, for example, justifying Stepan Bandera’s ally Ion Antonescu, as well as not mentioning the great Victory on May 9th and the victims of the Holocaust in Moldovan textbooks. I believe that this is all unacceptable and, if the European officials are not responding to the violation of European values in the neighbouring country, our civil society and political parties are obliged to unite and prevent the Brown Plague in Moldova.”⁹⁵

On March 11, Academy of Sciences held a meeting of the special committee to determine the winner in the qualifying competition for the construction of the monument to Romanian language. The same meeting discussed the location of the monument. Some members of the commission stated that the new monument should replace the Liberation Monument, and the latter should be demolished or relocated.⁹⁶ However, the public managed to protect the monument (see above).

On April 11, MPs from the ruling coalition refused to stand in memory of the victims of Nazi concentration camps. At the Parliamentary session on this sorrowful date, MP Inna Supac proposed that members of the parliament stand to commemorate the victims of Nazi regimes, including the regime of Ion Antonescu. However, only Communist MPs and some members of the ruling coalition stood up, while all members of the presidium and speaker Igor Corman remained seated. Chairman of the legislature stated that “not all the dates should be voiced” in the parliament.⁹⁷

The government ignored the 70th anniversary of liberation from the Nazi occupation, which is celebrated on August 24. Neither the President nor Prime Minister were present at the festivities at the Eternity memorial.⁹⁸

- Historical revisionism, Holocaust denial.

On January 21, unionist historian Veceslav Stavila said that “communists have murdered 10 times more people than the Nazis, who only killed 20,000 Bessarabian Jews”.⁹⁹

On July 22, Romanian philosopher and Holocaust denier Paul Goma was nominated for the Moldovan National Award.¹⁰⁰

European Commission against Racism and Intolerance (ECRI) held a round table in Chisinau in October, where it presented its report and recommendations on ratification of Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms and the European Charter of Regional and Minority Languages. The report noted that Holocaust in Moldova did not receive sufficient public recognition. “The number of Jews in Moldova has drastically reduced, which mainly occurred due to deportation and execution of Jews by

Ian Antonescu's regime. Moldovans know little about this period of their history.”¹⁰¹

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Glorification of German National Socialism and/or its collaborators in the media, desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition.	-5	-5	-5
×	Glorification of German National Socialism and/or its collaborators with the support of local authorities, demolition of monuments to soldiers of the anti-Hitler coalition, erection of monuments to the soldiers of Wehrmacht and Nazi butchers.	-5	-5	-2.5
×	Glorification of German National Socialism and/or its collaborators in the decisions, made by the authorities.	-5	-2.5	-2.5
×	Historical revisionism, Holocaust denial.	-5	-5	-5
	Total for section 12	-20	-17.5	-15

13. Persecution of veterans and partisans of the anti-Hitler coalition

Indicators

- Public calls for repression against the veterans and partisans of the anti-Hitler coalition, as well as anti-fascists.
Such cases were not present during the monitored period.
- Restrictions on human rights and anti-fascist organisations, bans to entry or exit imposed on anti-fascists, inaction of the authorities.
Such cases were not present during the monitored period.
- Criminal prosecution of veterans, partisans of the anti-Hitler coalition and anti-fascists.

On November 26, two public activists have been detained during a special operation by the Ministry of Internal Affairs and the Prosecutor's Office. Pavel Grigorchyuk and Mikhail Amerberg were accused of attempting to destabilise the situation in the country. Several months before the operation, PUBLIKA TV channel broadcasted a story about the supposed propagandist nature of the antifascist movement, accusing them of planning an extremist revolution in the country. Charges against the two activists include recruitment to “Antifa”, fundraising

(with the aim to the overthrow the government), gathering of information about the security agencies of Moldova, armament of active members of the Antifa movement. On December 19, deputy Grigory Petrenko presented evidence of the prosecution in the “Antifa case”. He said that Antifa is officially recognised as a criminal organisation.¹⁰² On December 20 Grigorchyuk and Amerberg were presented with new charges — participation in mass riots. In the new case, nothing is mentioned about Antifa, instead referring to an unofficial association called the Social Forum.¹⁰³

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
–	Public calls for repression against the veterans and partisans of the anti-Hitler coalition, as well as anti-fascists.	0	0	0
–	Restrictions on human rights and anti-fascist organizations, bans to entry or exit imposed on anti-fascists, inaction of the authorities.	0	0	0
×	Criminal prosecution of veterans, partisans of the anti-Hitler coalition and antifascists.	–5	–2.5	–5
	Total for section 13	–5	–2.5	–5

14. International Aspect

Indicators

- Participation in significant international agreements on combating racism and discrimination of ethnic minorities.

Moldova has acceded to most international commitments to combat racism and discrimination. The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families is the exception.

- Accession to new international agreements and resolutions of various international organisations, aimed at combating Nazism, combating discrimination, or protecting minority rights.

Representatives of Moldova have refrained from supporting the draft resolution of the UN General Assembly against the glorification of Nazism.

- International statements and initiatives of the monitored countries and their leading politicians, aimed against discrimination, neo-Nazism and xenophobia.

Such initiatives were not present during the monitored period.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Participation in significant international agreements on combating racism and discrimination of ethnic minorities.	5	5	5
–	Accession to new international agreements and resolutions of various international organizations, aimed at combating Nazism, combating discrimination, or protecting minority rights.	0	0	0
–	International statements and initiatives of the monitored countries and their leading politicians, aimed against discrimination, neo-Nazism and xenophobia.	5	0	0
	Total for section 14	10	5	5

CONCLUSION

Implications for the development of the country and society, based on the analysis of factors and taking into account the aspects listed below.

Moldova's rise in the rating of radical nationalism is explained by a fall in hate crime over the monitored period. There were effectively no manifestations of physical violence on racial, religious or other grounds. However, the level of vandalism remains high and the general attitude towards antifascists and LGBT leaves a lot to be desired.

ASPECTS

1. Human Rights

- *Guarantees against any form of discrimination.*

Constitution and Criminal Code of Moldova guarantee their citizens protection against all forms of racial discrimination. However, acting legislation is not in line with the Law on Countering Extremist Activities, which indicates that minorities could remain unprotected should interethnic or interfaith relations deteriorate.

- *Adherence to norms of the fundamental human rights instruments (European Convention for the Protection of Human Rights and Fundamental Freedoms, European Charter on Human Rights, as well as in adherence to the Framework Convention for the Protection of National Minorities and the European Commission against Racism and Intolerance, etc.).*

The Liberals and the Democrats of the ruling coalition talk a lot about the need to respect human rights, but are concerned to a lesser degree with the rights of national minorities, disregarding own perception of the minorities on the needs of the development.

- *Rights and freedoms of ethnic minorities compared to the titular nation.*

In this respect, the situation in Moldova is paradoxical, because there is still no consensus on the name of the titular nation. Some consider it the Romanian and others say Moldovan. The first group includes some members of the ruling party, the second concerns the majority of the local population. In this case, contrary to the opinion of the majority, the ruling elite is trying to carry out a hasty Romanisation.

- *Legislation enshrining inequality of minorities.*

There is a gradual formation (evidently modelled after the Baltic States) regarding language legislation, postulating inequality between Moldovan and the Russian languages and, consequently the language speakers.

- *Rulemaking in protection of minorities.*

While Moldova had adopted laws protecting the rights of minorities, they are yet to be implemented in practice.

- *Freedom of speech violations.*

Russian television channels have been shut down throughout 2014.

2. State of society

- *Risk of violation or non-compliance with the acting laws aimed at protecting the rights of minorities; risk of discriminatory practices against members of minorities.*

There have been cases where the Russian minority were denied the right to self-realisation, which risks their marginalisation and exclusion from the public life. This is already resulting in a split society along political and ethnic lines.

- *Self-determination — how manifestations of xenophobia and extremism affect the identity of minorities; majority's attitude towards minorities (growth of social phobias).*

In Moldova's case, the identity of the two main confronting parties refers to the historical trauma. In the case of Romania oriented liberals and democrats it is the memory of Stalin's repressions, deportations,

famine, and in the case of members of leftist political movements and Russian-speaking citizens it is about the memory of the fascist “Iron Guard” activities in the pre-war Romania and Marshal Antonescu during the World War II. Cultivation of such a traumatic memory enhances the split in society, which in the conditions of Moldova becomes equally of both political and ethnic character.

3. Socio-economic development of the country

(Do manifestations of various forms of xenophobia and extremism affect the socio-economic development of the country)

- *Standard of living.*

The introduction of legal restrictions on the use of Russian worsens life of Russian speakers and adversely affects the development of the Russian-speaking business. At the moment, Moldova is in the 89th place in the ranking of countries, i.e. the penultimate in Europe.¹⁰⁴

- *Economic impacts and instability.*

Economic problems, as well as the economic instability are characteristic for Moldova, but they are based on reasons not related to xenophobia and extremism.

- *Decline in production growth, emigration of the labour force.*

Labour migration is quite normal for present-day Moldova, but emigration is predominantly caused by economic conditions. It is unlikely the imposition of restrictions on the use of the Russian language can lead to mass emigration of the Russian-speaking population due to social and political reasons, as many have already left the country (Moldova's population fell by 17% in the last 24 years).

4. Security and geopolitical stability in the region

- *Political stability in the country.*

The first wave of Romanisation has already resulted in Transnistria splitting off and Gagauzia becoming an autonomy in the early 1990s. New wave of Romanisation can make the breakaway irreversible and make Gagauzia follow the example of Transnistria.

- *Impact of xenophobia and extremism in the country on external security, relations with third countries and the international security in the region as a whole.*

Further Romanisation or movement towards unification with Romania could lead to a sharp deterioration in relations with Russia would inevitable. This could lead to mass deportations of Moldovan nationals from Russia and further deterioration of the situation in the country.

RECOMMENDATIONS

1. *General recommendations for the accession to international agreements and conventions*

Republic of Moldova should join the UN General Assembly resolution on “glorification of Nazism: the inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance”, as it would help national reconciliation in the country.

Moldovan parliament should ratify the bilateral agreement with Ukraine on cooperation in ensuring the rights of persons belonging to national minorities. This will enable both countries use the legal instruments for the protection of rights of national minorities, as well as to enforce the rights of its citizens and compatriots in the territory of the neighbouring state.

The Parliament should implement the recommendation, supported by the Moldovan delegation on May 17, 2012. It is a model law on the inadmissibility of actions for the rehabilitation of Nazi glorification of Nazi criminals and their accomplices adopted by the IPA of CIS. This model law was recommended for discussion and adoption by the national parliaments of the CIS countries. The Parliament of the Republic of Moldova registered a similar bill already on December 1, 2011.

2. *General recommendations for adjustments to the legal framework*

Moldova should revise laws to marginalisation of the Russian language and, therefore, discrimination of Russian-speaking population.

Furthermore, laws for the protection of military monuments and memorials associated with the victory over Nazism should be enacted, for this victory has a clear pan-European and global value. In this regard, the Republic of Moldova should take the example of Germany and Austria, where there is respect for such monuments.

The government of the Republic of Moldova should have the legislation conform to the decision made in 2003, i.e. the Law on Combating Extremist Activity, and to submit an appropriate bill to the Parliament.

3. *General recommendations for the executive bodies in the field of enforcement of law and human rights*

Executive authorities should be more careful in dealing with the functioning of the languages of ethnic minorities, as well as the characteristics of the historical memory, all of which is directly related to human rights.

Moldovan government should carry out the optimisation process of education with a compulsory public discussion prior to making any amendments, including the prevention the shutdown of schools where the tuition is in the languages of national minorities.

A public debate on the most pressing issues of the country's history should also be organised, providing freedom of expression to all interested parties. This discussion could also apply to issues of public and political symbolism, as well as significant historical events and characters, including memorials. Such a debate would give the authorities an idea of the diversity of views on the history of the country and the leading trends that would allow more objective and impartial implementation of the policy of historical memory.

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SUMMARY OF INDICATORS FOR 2012–2014

Nº	Criteria	Score in		
		2012	2013	2014
1	Legislation (central, regional, municipal) and law enforcement practices that contribute to the development of radical nationalism	-15	-10	-10
2	Xenophobia and inflammatory statements by members of the authorities and media	-5	-5	-5
3	Legislation and law enforcement practice preventing the development of radical nationalism	7.5	7.5	7.5
4	Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism	5	5	5
5	Activities aimed at promoting tolerance and preventing extremism	5	5	5
6	Position of migrants and society's attitude towards immigrants, foreigners, different ethnic groups	10	10	10
7	Incitement of religious and ethnic hatred	-10	-10	-10
8	Radical nationalist groups and parties	-25	-25	-20
9	Public actions of extremist and nationalist groups	-10	-15	-10
10	Racist attacks, violence and terror	-10	-15	-5
11	Presence, popularity and size of anti-fascist and anti-racist movements	15	15	15
12	Glorification of German National Socialism and collaborators of Nazi Germany, historical revisionism, Holocaust denial	-20	-17.5	-15
13	Persecution of veterans and partisans of the anti-Hitler coalition	-5	-2.5	-5
14	International Aspect	10	5	5
	Total	-47.5	-52.5	-32.5

POLAND

ASSESSMENT CRITERIA FOR FACTORS OF STABILITY/INSTABILITY

1. Legislation (central, regional, municipal) and law enforcement practices that contribute to the development of radical nationalism

I n d i c a t o r s

- Discriminatory legislation affecting minorities residing in the country in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.

Polish legislation contains a number of legal norms that could be considered discriminatory towards certain groups of the population.

For example, the Law against Discrimination does not prohibit discrimination based on language and citizenship.¹

Article 27 of the Law on Foreign Nationals is fairly humiliating for foreigners living in the country, as it requires them obey any requests by Polish authorities to present identification and residency documents, as well as proof of income.

Article 196 deals with offending of religious feelings, punishing such offence with a fine or imprisonment for up to two years. This can discriminate against atheists.

Unfortunately, Polish legislation equates Nazism and communism, which allows avoiding “uncomfortable” questions regarding the activities of the Polish underground in the 1940s (see more details below).

- Legislation restricting the voting rights of permanent residents of the country based on ethnicity or country of origin.

No such legislation exists in Poland.

- Presence of legal norms and other regulations that legalise the radical nationalist ideology, its attributes and practices, as well as their distribution in the mass media and mass communication.

No such legislation exists in Poland.

- Discriminatory practices against minorities in the field of registration, mobility, business, employment, education, housing, health-care, religion, etc.

Discrimination against the Roma (total population of 20–25 thousand) can be noted. Much of this ethnic group resides in substandard housing. 90% of the employable population does not have a permanent job because employers do not want to employ them.² Only 39% of Roma women and 56% of Roma men are entitled to pensions.³

Roma are deprived of use of social services. 60% of Roma children do not attend kindergartens (the figure for non-Roma children is 28%). According to the European Union Agency for Fundamental Rights, less than 30% of Roma reported having middle or secondary special education (compared to 80% of non-Roma that were surveyed). Not all children of the Roma families, for whatever reason, are included in the educational system, and 1 in 5 Roma children is referred by the authorities to study in a special school for mentally retarded children, most likely due to poor knowledge of the Polish language.⁴ There is also the problem of segregation of Roma children in schools, i.e. the creation of “Roma classes”.⁵

Muslims and Jews ended up among the discriminated groups due to the legal ban on the ritual slaughter that came into force in 2013. In addition, Jewish and Muslim prisoners complain about the inability to get kosher and halal food in prison.

Another group being discriminated against is LGBT. There have been complaints of the violation of their dignity at the hands of the police.⁶

Members of the Kashubian minority have complained about the lack of television programmes in their language.⁷

In early September, owner of a restaurant in Sopot, Ian Hermanovich, hung a sign on the door of his establishment, saying “We do not serve Russians.” He exemplified that this is an expression of his protest against Russia’s actions in Ukraine.⁸ The sign was subsequently taken down, after mayor of Sopot visited the restaurant.

Presence of Criteria	Indicator	Score in	
		2013	2014
×	Discriminatory legislation affecting minorities residing in the country in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.	-5	-5
-	Legislation restricting the voting rights of permanent residents of the country on the basis of ethnicity or country of origin.	0	0

Presence of Criteria	Indicator	Score in	
		2013	2014
–	Presence of legal norms or other normative documentation, which legalises the ideology of radical nationalism, its attributes and practices, as well as their distribution in the mass media and mass communication.	0	0
×	Discriminatory practices against minorities in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.	–5	–5
	Total for section 1	–10	–10

2. Xenophobia and inflammatory statements of the government and the media

During a session dedicated to the problem of anti-Semitism in the country, MP Dorota Artisewska Milevcic from the right-wing *Law and Justice* party said that Polish Jews must submit their protests to the Israeli parliament, not the Polish Saeima.

On May 19, leader of the *Congress of the new Right* party Janusz Korwin-Mikke said in an interview on *TVN24* that Hitler could have been unaware of the Holocaust, because the destruction of Jews was not his objective. The interview was also published by the weekly *Do Rzeczy*.⁹

On March 3, *nacjonalista.pl* published an article stipulating that the attacks on the police officers during the Ukrainian coup d'état were carried out by the Mossad.¹⁰

1% of comments on the three largest news websites contain some form of anti-Semitism.¹¹

Presence of Criteria	Indicator	Score in	
		2013	2014
×	Xenophobia and hate speech by members of the authorities and media.	–5	–5
	Total for section 2	–5	–5

3. Legislation and law enforcement practice preventing the development of radical nationalism

Indicators

- Presence of anti-Nazi, anti-racist and anti-extremist legislation; legislation aimed against the incitement of ethnic and religious hatred in the country.

Article 13 of the Constitution prohibits the existence of any of the organisations “that use totalitarian methods and practice Nazism, fascism and communism, as well as those (organisation) whose programmes or activity express ethnic or racial hate, promote violence as means of accession to power or influence on the government, or promote classification of bodies and membership”.

Article 25 speaks of equality of religions. “Relations between the State and the Church, the other religious unions are formed on the principles of respect for their autonomy, and the mutual independence of each in its own sphere, as well as cooperation for the benefit of man and the common good” — the article says. Article 48 notes that parents have the right to raise children according to their own convictions. “This raising should take the degree of maturity of the child into account, as well as the freedom of conscience and religion, as well as the child’s belief”.¹²

Article 53 emphasises that everyone is provided with the freedom of conscience and religion. It is noted that religion can be taught in schools, but it cannot interfere with the freedom of conscience and religion of others persons. Forced participation in religious practices and the requirement to disclose their worldview, religion or faith are prohibited.¹³

As for punishment, Article 118 of the Criminal Code is devoted to attacks and killings perpetrated by hate. The penalty for this is 12 years in prison, for accomplices would get 5 years, and for premeditation of crime the penalty is 3 years. Article 118a provides that the punishment for members of group/mass attacks is the same terms of imprisonment. Article 119 speaks of intimidation using threat of hate crime is penalised 3–5 years of imprisonment. Article 137 is devoted to the xenophobic vandalism against state symbols. Article 194 is devoted to discrimination against believers, Article 195 is on disruption of a church service or a funeral.

Article 255a is devoted to punishment for advocating terrorism. Article 256 talks about the punishment for the promotion of totalitarian ideology or hatred due to nationality, race, religious beliefs, and for dissemination of relevant material, collectors included. According to paragraph 3 of Article 256 this excludes cases where these materials are produced and disseminated for artistic, educational and scientific purposes.

Article 257 is devoted to punishment for offenses motivated by hatred. Article 261 is on vandalism against monuments.¹⁴

- Presence and development of anti-discriminatory legislation.

Article 32 of the Constitution states: “No one for any reason can be discriminated against in political, social or economic life”. Article 35

emphasises that Poland provides minorities with freedom to maintain and develop their own language, preservation of customs and traditions, as well as develop their own culture. National and ethnic minorities have the right to establish their own educational, cultural and religious identity, as well as to participate in matters relating to their cultural identity. Article 27 notes that although the official language is Polish, it does not violate the rights of national minorities that arise from the ratified international treaties.¹⁵

In December 2010, an act was passed on the implementation of certain rules of the European Union on equal treatment, dedicated to combating direct and indirect discrimination on grounds of sex, race, ethnic origin, nationality, religion, denomination, belief, disability, age or sexual orientation in the housing and labour market, and in the field of social welfare, health and education. Article 13 of the Act says that all victims of discrimination are entitled to compensation. According to Article 15 the period of limitations is 5 years. Appropriate changes were made in the Articles 145–147, 151 of the Administrative Code and Article 183 of the Labour Code.¹⁶

On May 30th President B. Komorowski signed an amendment to the Law on National and Ethnic Minorities. Compared with the version of the law of 2005, the amendments require the authorities to promote civic and social integration of minorities. The new statute introduces the term “social integration”, which is not identical to assimilation. It highlights actions that “increase the participation of minorities in important aspects of social life, in particular education, labor market, the social security system, living conditions and health-care”.

The new statute also increases the legal powers of the Minister responsible for the Status of Minorities (now — minister of administration and digitization), “related to the maintenance and development of the cultural identity of national and ethnic minorities, the preservation and development of regional languages as well as their civil and social integration”.¹⁷

- Compliance of the government (central, regional, municipal), law enforcement and judiciary with anti-Nazi, anti-racist, anti-extremist, anti-discriminatory and hate crime legislation.

In February 2013 the Council of Ministers created a Council to prevent racial discrimination, xenophobia and related intolerance. It coordinates the actions of the authorities in this area, monitors the situation, etc. The Council consists of representatives from 28 departments and 14 ministers.

In 2013, the General Prosecutor’s Office requested to organise a special office in every area for investigation of crimes due to xenopho-

bia. On September 24 and 26, the General Prosecutor's Office has organised courses for prosecutors on hate crimes.¹⁸

Protection of victims from discrimination and hate crimes is also done by the Ombudsman. According to Article 208 of the Constitution, he is "the guardian of rights and freedoms of man and citizen specified in the Constitution and other regulations".¹⁹ The Ombudsman's job is described by a law enacted in 1987, the Ombudsman shall be appointed for a period of 5 years by the Sejm for approval of the Senate at the request of the speaker of parliament or a group of 35 deputies. The same person cannot be the Ombudsman for more than two terms. Following the adoption of the law on the implementation of EU regulations on equal treatment in 2010, the Ombudsman received the obligations to promote anti-discrimination and the implementation of equal treatment.²⁰ The Ombudsman may prepare the analyses and observations of the situations, conduct independent research on discrimination, publish relevant reports and recommendations. The Commissioner is preparing a National Action Programme on equal treatment and provides an annual report on its implementation.²¹

Unfortunately, it should be noted that the Labour Inspectorate, being without powers of authority, verifies the presence/absence of discrimination.²²

In Poland, there is no system of support for victims of hate crimes and it is carried out only by a few NGOs, which is clearly insufficient.²³

The reluctance of law enforcement agencies to deal with hate crimes can also be noted. According to the UN, only a small percentage of hate crime cases reach trial, and the courts practice excessive leniency towards the defendants. As a result, many victims do not report hate crime, doubting the ability of the state to provide adequate legal protection.²⁴

- Hate crime (criminal cases against organisers and participants, guilty verdicts).

Polish authorities have been active in combatting hate crime in 2014. For example, on June 19, an 18-year-old resident of Gdansk was sentenced to a period of probation after painting swastikas on a local synagogue.²⁵

On October 14, Bialystok District Court upheld the sentence in relation to a 24 year old fan of the local football team, Jagiellonia, who verbally and physically abused an ethnic Nigerian football player from Pogon FC. Jagellonia fan was sentenced to 3 month imprisonment.²⁶

On December 8, five attackers on the Antifa camp in 2012 pled guilty during the trial in Wroclaw. They were sentenced to 6 months in prison, suspended for 3 years, and a fine of 300 to 500 zlotys²⁷

Authorities were able to prevent the growth of disturbances in Andrychów. As of June 13 due to the order of General Mariusz Donbeka, the Lesser Poland police commander, the patrols were reinforced in the city.²⁸ 50 policemen from Krakow arrived to help, a special investigation team was set up. Tomasz Zak, the mayor of Andrychów, declared zero tolerance for persons of any nationality, who allow themselves to break the law. According to the mayor, the number of surveillance cameras will increase as will the control over the town.²⁹

However, there have been cases of authorities openly condoning xenophobia. In January 2014, Poznan prosecution stopped investigations into anti-Semitic slogans chanted by football fans, under the pretext that fans of the rival team were not Jews.³⁰

On May 26, Court of Kielce rejected the claim by Malgozata Marenin (head of the regional department of Your Movement) against Mr Korvin-Mikke, who made statements denying the Holocaust. The court referred to Article 111 of the Electoral Code and the decision of the Cracow Court of Appeal in September 2012 and ruled that these were “evaluative judgments of a public figure participating in the elections” and cannot be the subject to judicial review.³¹

Law enforcement is not reacting to hate speech online. For example, despite the sentencing of three people who launched a website promoting racial discrimination, the website is still available for viewing.

At least four extreme right organisations are still actively functioning across Poland, despite the 2009 Brzeg Court ruling to prohibit one such organisation for promoting fascism and totalitarianism.³²

- Misuse of anti-extremist legislation.

On June 11, Wloclawek regional court sentenced a police commander to a suspended sentence for the internment of 25 members of “Solidarnost”.³³

On September 30, Disciplinary Court of Appeal in Bialystok acquitted a Prosecutor of North Bialystok who refused to institute criminal proceedings with regard to public display of swastika, which according to him is not directly related to fascism. Watchdog institution did not agree with this argument and the case was eventually initiated.³⁴

Presence of Criteria	Indicator	Score in	
		2013	2014
×	Presence of anti-Nazi, anti-racist and anti-extremist legislation; legislation aimed against the incitement of ethnic and religious hatred in the country.	5	5
×	Presence and development of anti-discriminatory legislation.	5	5

Table, cont.

Presence of Criteria	Indicator	Score in	
		2013	2014
×	Compliance of the government (central, regional, municipal), law enforcement and judiciary with anti-Nazi, anti-racist, anti-extremist, anti-discriminatory and hate crime legislation.	5	5
×	Hate crime (criminal cases against organisers and participants, guilty verdicts).	2.5	5
–	Misuse use of anti-extremist legislation.	0	0
	Total for section 3	17.5	20

4. Statements of government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism

A number of statements of Polish politicians against xenophobia can be noted. On October 29, presidents of Poland and Israel attended an opening ceremony for a permanent exposition in the Museum of Polish Jews. President of Poland Bronislaw Komorowski said that the Museum is not only a tribute to the past, but also an investment into the future of Polish-Israeli relations. “I am happy that we found so many common topics of conversation regarding strengthening relations between Poland and Israel,” he noted.³⁵

Minister of Internal Affairs Bartlomiej Sienkiewicz condemned the desecration of the General Chernyakhovsky memorial. He said that the damage has been eliminated, but the matter is still under investigation. The shattered plaque cannot be restored, but the city authorities are making a replacement.³⁶

Mayor of Radomsko Robert Zakrzewski said after the desecration of the Jewish Museum, “Museums, monuments and memorials are needed for us to know our common history. Material signs of the Jewish culture are numerous in our city, which is why it is so important to distinguish places that had special meaning for the pre-war population of Radomsko.”³⁷ Despite this, the first open-air Jewish Museum in Europe was opened on June 2, 2014.

Mayor of Andrychów, declared zero tolerance for persons of any nationality, who allow themselves to break the law. According to the mayor, the number of surveillance cameras will increase as will the control over the town.³⁸

Podlaski Voivode Maciej Pitanija reacted to the desecration of a mosque, “We don’t know the motives of these vandals, but I am certain

that we must be more effective at educating people. Anyone who finished primary school, at least, and knows Polish history should know that Polish Tatars are closely related to our country.”³⁹

Presence of Criteria	Indicator	Score in	
		2013	2014
×	Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism.	5	5
	Total for section 4	5	5

5. Activities aimed at promoting tolerance and preventing extremism

Since 2001, the government has taken a number of initiatives to alleviate the plight of the Roma, by providing access to education, social and health services, etc.

In 2012–2014, Poland ran a project of legal assistance for refugees, with support from the European Fund.⁴⁰

Since mid-2013, in collaboration with the International Organisation for Migration, the Office of the Ombudsman has been implementing the project “Strengthening the management of migration”. The project provides for the establishment of training centres for detention of foreigners, social welfare centres, as well as teachers, doctors, police representatives to work with migrants.

On June 14, Polish railway stations broadcasted the message reminding about the 74th anniversary of Polish deportations to Auschwitz. “The day of deportation of Poles to Auschwitz is considered the beginning of functioning of this Nazi camp, where 150 thousand Poles were convicted and 75 thousand died. Many died with a scream, “Let Poland live!” We will never forget about them”.⁴¹

On December 9, Constitutional Tribunal issued a verdict regarding the ritual slaughter of cattle. According to the court, the ban on the ritual slaughter of cattle is contrary to the constitution of the country and discriminates against Jews in social and economic life.⁴² The decision does not have any specific requirements regarding the number of cattle that can be slaughtered, which according to some judges can lead to permission of commercial ritual slaughter of cattle to produce Kosher and Halal meats.⁴³

On March 26, Council of Warmia and Mazury unanimously voted against the Pieniężno city council decision to dismantle the monument to Soviet General Ivan Chernyakhovskiy (1906–1945).⁴⁴

Mayor of Sopot personally visited a restaurant that was displaying a Russophobic sign and made sure it was taken.⁴⁵

Presence of Criteria	Indicator	Score in	
		2013	2014
×	Activities aimed at promoting tolerance and preventing extremism.	5	5
	Total for section 5	5	5

6. Position of migrants and society's attitude towards immigrants, foreigners, different ethnic groups

I n d i c a t o r s

- Presence and development of migration laws.

Article 56 of the Constitution says that foreigners can enjoy the right to asylum in Poland in accordance with the principles laid down by law. A foreign citizen who seeks protection from persecution may be granted refugee status under international treaties binding the Republic of Poland.⁴⁶ The stay of foreigners in Poland is regulated by the Aliens Act (new version adopted in 2013), the Citizenship Law, the Law on the entry and exit of citizens of EU member states.

According to Article 16 of the Aliens Act, the Directorate of Immigration in the Ministry of the Interior deals with the migration issues. Its responsibilities include entry, exit and transit of foreigners, granting of refugee status and the right of asylum, granting authorisation to stay for humanitarian reasons, to provide temporary protection. Head of the Directorate is appointed by the Prime Minister per the proposal of the Ministry of Interior. According to Article 25 upon entry foreigners are required to provide health insurance for the duration of stay in the country and a document confirming that they have the means to live (the latter does not apply to those coming on a work visa, immigrants who arrived for temporary protection or asylum). The decision to admit is made by chief of the border checkpoint.

Article 19 indicates that a foreigner needs to stay in Poland for at least 5 years, and only after that they can apply for a permanent residence permit, reducing the period to 3 years is available only in case of reunification with family.

Article 27 requires all foreigners to unquestioningly obey the requirements of the Polish authorities to present the required identification documents, financial viability, as well as the right to remain in the country.

According to Article 60, visa can be issued on the following grounds: tourism, visitation of family/friends, education, participation in sports, treatment, cultural activity, business, scientific research, transit, humanitarianism, application for asylum or temporary protection. Article 65 states that a foreign national may be denied entry if his entry poses a threat to national security or public order, or if he lacks sufficient funds, insurance or provides false information about himself.

Residents of countries with which Poland has agreements on visa-free entry may remain in Poland up to 90 days. A foreigner staying in the country for more than 90 days, is to receive a temporary residence permit for a period of not more than three years (Article 98). Article 114 provides that a foreigner can obtain a work permit for the potential position if there are no local candidates available, and the employer must pay a wage not lower than if it was a local worker. For highly skilled foreign workers, according to Article 139, the salary should be at least 150% of the wage of their Polish counterparts. According to Article 117 says a work permit may be refused if the company has already been punished for violating the law on employment of foreigners within the last 2 years.

After a temporary residence permit a permanent residence permit (for 10 years) or a residence permit on humanitarian grounds (2 years duration) are granted.

Article 199 says that a permanent residence permit may be taken away from a foreigner, if it demands After a temporary residence permit a permanent residence permit (for 10 years) or a residence permit on humanitarian grounds (2 years duration) are granted.

for defence or threatens national security or the protection of security and public order, or if the application contained false information, or if the applicant has been convicted of a crime in Poland punished with more than 3 years imprisonment, or if the applicant left Poland for more than six years.

Article 299 says that the foreigner must leave Poland before the expiry of the visa, or within 30 days after the failure to obtain /extend the visa/asylum. Article 304 says that the deportee foreigner must be provided with any information on the possibility of a refugee status.

Article 333 says that representatives of non-governmental organisations dealing with refugee and may be present as observers during the activities associated with the removal of an alien to confirm the respect for the dignity and rights of foreigners during the procedure. The state will cover the travel expenses of two of the representatives of NGOs.

Article 334 mentions the possibility of voluntary repatriation paid by the state. Article 348 says that a foreigner is granted a residence

permit on humanitarian grounds on the territory of Poland, if there is a danger to the applicant's life and liberty while returning home, such as being subjected to torture or degrading treatment, unjustly convicted, etc. Exceptions to this rule are included in Article 349: committing war crimes, presence of threat to the state defence or security or the protection of security and public order in Poland. If circumstances have changed in the country of departure or the person has provided false information, the resolution is revoked. In the future a foreigner can obtain refugee status or a residence permit. Illegal immigration is dealt by the border guard.⁴⁷

Law on Foreigners states that a foreign national may be denied visa or entry if he is suspected of participating in terrorist activities, transporting arms, weapons, radioactive materials, illegal drugs, or organises such activities. Corresponding blacklists are compiled by the Head Department of Repatriation and Foreigners and submitted to Polish Embassies. A foreign national may also be deported from Poland for the same reasons.

In 2006 a law on entry and exit of citizens of EU member states was passed. According to Article 14 the EU citizens can enter Poland without a visa and are free to be there without registering for the duration of 90 days (Article 15). Long term accommodation is allowed for employed persons and students in Poland, or those married to a Polish citizen (Article 16). In this case, it is required to register and to obtain a residence permit (Article 20). After five years of continuous residence in Poland, an applicant may be eligible for permanent residence.

Retired persons may be eligible for permanent residence before the 5-year period (if they had worked for at least 3 years or 2 years if they became unable to work). Article 66 notes that EU nationals may be deported from Poland if they pose a threat to national and public security and well-being.⁴⁸

In 2012, Poland adopted a law governing employment of non-EU nationals who are illegally located in Poland. Employers must check for relevant permits of potential employees, or face a fine of up to 3 thousand dollars or imprisonment.⁴⁹

Protection of immigrants are regulated by a law adopted in 2003, the Act on Granting Protection to Foreigners. According to Article 3 of the law a foreigner can request refugee status, a temporary residence, and provision of protection.

Article 14 states that if in a statement of a foreigner there is no evidence of domestic threat, or if it contains false information, or if the foreigner came from a safe third country where the applicant can return, an application for refugee status is rejected. In case of rejection of the alien must leave Poland within 30 days. According to Article 29 the decision to grant refugee status or to reject the request, shall be made

within 6 months. If the application was made on false grounds, the decision shall be made within 30 days with the right to appeal within 3 days. If no decision is made within a year, the alien receives a temporary residence permit.

Article 68 speaks of assistance in voluntary repatriation of a foreign national, which includes expenditure on the purchase of tickets, visas, sustenance.

According to Article 74, after receiving the refugee status an alien is granted a residence permit for 2 years, which may be extended for another 2 years.

According to Article 91, an alien is deprived of the right of refuge in the event of change in the conditions in the applicant's homeland, or the exercise of activities directed against the national security or defence or public security and policy.

Article 97 provides for the right of temporary stay if the foreign national can only be deported to a country where his/her right to life, freedom and personal security is under threat, or where he/she may be subjected to torture or inhumane treatment, deprived of the right to fair trial. The residence permit is given for 1 year (Article 100).

This decision is reversed if these conditions are no longer in effect, or if the subject has voluntarily applied for protection in his native country, or if he poses a threat to national security. In this case, the foreign national must leave Poland within two weeks.

Article 106 provides for temporary protection for large groups of immigrants fleeing wars, ethnic conflicts, repressions until they are able to return to their countries (no more than a year, with the ability to extend stay for one more year). Article 109 states that protection may be denied if there is reasonable evidence to suspect that foreign nationals committed war crimes, or serious criminal offences, or their entry poses a threat to national security. Such people may also work without special work permits (Article 116).⁵⁰

The new law that came into force in May had increased the maximum period of detention of asylum seekers to 24 months.⁵¹

According to Article 2 of the Law on Citizenship marriage to a Polish citizen does not affect the nationality of the husband or wife (however, according to Article 10 marriage reduces term need to apply citizenship down to three years). With regard to the acquisition of nationality (this is the subject of Article 6.4 of the Citizenship Act), it is obtained by birthright (including citizenship given to children of non-citizens born in Poland). In the case of a child born in the marriage of a citizen and non-citizen of Poland, the parents have three months to choose citizenship. In 16 years, the child may choose Polish citizenship again. Foreigners get Polish citizenship after five years of lawful residence (Article 8).⁵²

Repatriation is controlled separately in Poland. According to Paragraph 5 of Article 52 of the Constitution ethnic Poles who came from other countries, can settle in Poland on permanent basis.⁵³ Repatriation Law adopted in 2000 regulates the repatriation of Poles “remaining in the East”, i.e. the Asian part of Russia, Central Asia and the Caucasus. “Poles” are defined as persons whose predecessors (either 1 at the grandparents’ level or 2 at the great-grandparent’s level) either were ethnically Polish or Polish, who kept the Polish national traditions (Article 5). An immigrant gets Polish citizenship on the day of arrival (Article 4). At the same time, according to Article 12 Consul grants immigrants a visa upon presentation of documents confirming the existence of property and liabilities in the municipality, a physical or legal person to provide for the livelihoods of the immigrant in Poland for at least a year (with the exception of the Poles who are discriminated against and persecuted, as well as persons who is granted is disability or old age pension).⁵⁴

Under Polish law, illegal immigration is punishable with a fine. Assistance to the illegal immigrants shall be punished, even if it is not done for profit. There is no exempt from punishment for the people who provide humanitarian aid to illegal immigrants. Those who provide the apartment for illegal immigrants may be subjected to a fine or imprisonment.⁵⁵ A person responsible for the importation of illegal immigrants is imposed a fine of 10,000 zloty.

- Government’s compliance with such legislation (law enforcement practice).

Like many Eastern European countries, Poland has a dual role. On one hand, Poland donates migrant workers, i.e. more than 2 million Poles left for Western Europe. Their activity is so great that, for example, British Prime Minister David Cameron said that the Poles are undermining the local labour market.⁵⁶ On the other hand, Poland remains the gateway to the EU for migrants. Between January and June 2014, Polish authorities provided 182 thousand temporary work permits to Ukrainian nationals.⁵⁷ According to some exports, the number of illegal migrants in Poland is around half a million.⁵⁸

Ministry of the Interior features the Council for Refugees. Its tasks include dealing with complaints against decisions and orders of the Aliens Office, the analysis of the situation of migration, cooperation with international organisations. The Council consists of 12 members appointed by the prime minister for the term of five years. At least half of the members of the Board must have a law degree.⁵⁹

On April 1, 2010, Minister of National Education issued a special guide for accepting foreign students to state schools and conducting special language lessons.⁶⁰

The situation in migration centres has improved significantly. Foreign nationals are free to move within the territory of their centres. The frequency of checks has been reduced.⁶¹

In September 2013, the Aliens Office abolished the practice of automatic ban on re-entry to Poland for foreigners who have been denied refugee status.⁶²

On October 29, the Constitutional Court ruled that the internal rules of the protected detention centres for foreigners, providing regular searches, are contrary to the Constitution of Poland. The Court held that the grounds for such searches should be described in the law, and not in the bylaws. Ministry of the Interior pledged to remove those provisions in 9 months, during which a new document regulating searches will be ready.⁶³

Asylum seekers are provided with legal assistance through non-governmental organisations, financed through the EU and the state budget.⁶⁴

In 2014, Poland tightened the requirements for asylum seekers. For example, Ukrainian nationals have been unable to seek asylum in Poland, despite filing 2 thousand applications collectively. Polish authorities explained that Ukrainians have the ability to move to other regions of their country.⁶⁵

Polish authorities contact diplomatic institutions of other states to verify identities of asylum seekers, thus putting their families at risk of repressions.

LGBT refugees had to be tested by a sexologist to verify their status.

In some cases, considerations of asylum applications stretched for 3–4 years, while subjects lived in prison-like refugee centres.⁶⁶

The system of integration of refugees is not always effective. According to the report of the UN High Commissioner for Refugees published in June 2013, 10% foreigners of those who were granted refugee status in Poland, were “completely homeless”, i.e. “do not have a roof over their heads”. About 40% have accommodation, but live in extremely poor conditions. It is noted that the problem of homelessness is caused by the imperfect process of integration of refugees, which causes considerable difficulties when applying for a job.⁶⁷ Around 3–4 thousand people receive Polish citizenship every year.⁶⁸

- Discriminatory practices against immigrants.

The current system of protected centres for foreigners is modelled after the military or the prison regime, combined with the exterior design and interior architecture the whole deal is just depressing.⁶⁹

There have been reports where asylum seekers were denied entry at the border with Belarus. In January–September 2013, 13,348 peo-

ple have been denied asylum, while 4,078 people were allowed to submit their documents. Some refugees had to make 6–9 attempts.⁷⁰

According to the Polish Helsinki Federation for Human Rights, there have been complaints regarding lack of access to a translator, lack of legal help and limited contact with relatives.⁷¹ Other complaints were related to extremely long periods of detention, where the staff have poor knowledge of foreign languages.

Refugee children are placed in the same centres (24% of the total amount of refugees were children, as of February 2014). They have no access to ordinary schools, and lessons conducted in the centres are ineffective due to language barriers and the fact that the same lesson is held for children of all ages and level of education.⁷²

Immigrants and refugees face discrimination in employment. Some reports indicate that they are paid lower wages, work longer hours and without a formal employment agreement. Meanwhile, landlords are reluctant to let their apartments to foreign nationals.⁷³

- Use of ethnic crime as justification for discrimination against immigrants.

The subject of ethnic crime (mainly regarding the Roma) is actively used in the radical nationalist propaganda.

- Social assistance for immigrants.

According to Article 303 of the Aliens Act the state shall pay for the refugee health care in the event of a threat to health.

According to Article 413 as part of the admission to detention centres for asylum seekers, foreigners undergo a medical examination and treatment (if necessary) at the expense of the state. Detainees have the right to contact with diplomats and NGO representatives, visiting relatives, Internet access, a daily two-hour walk, contacts with other foreigners (Articles 415–416).⁷⁴ According to Article 56 of the Law on Granting Protection to Aliens, an alien whose application for refugee status is considered, can be provided assistance during the proceedings, and for a period of 14 days from the date of the final decision (then it can be extended up to three months from the date of the decision on granting the status of refugee or a decision not to grant refugee status with a temporary residence permit). Assistance is granted to an alien given that the alien has no means to sustain themselves and cannot earn them. According to Article 57 and 61 this assistance includes accommodation in the centre of stay, the provision of a small amount of money for their own expenses, medical care, a subsidy for the purchase of clothing and footwear. In the centre of the stay foreigners are supplied with food, transport tickets, so they can travel to the court if needed, medical examinations, etc., textbooks of Polish language (Ar-

ticle 61). If a foreigner has sufficient funds, or has broken the Law, or was out of the centre over three days without explanation, the cost of the whole or part of the assistance shall be withheld (Article 65). According to Article 112 arriving in Poland as part of a temporary protection includes medical care, as well as providing assistance with accommodation and meals.⁷⁵

According to Article 17 on the repatriation, the state reimburse the cost of fare of travelling by train from their place of residence to Poland, a subsidy amounting to 2 average monthly salaries, reimbursement for the education of children in the last month, a partial refund for the repair of property (but not more than 200% of salary all members of the family). They can attend free Polish language courses and courses to adapt to life in Poland. Article 21 of the Law notes that immigrants are given accommodation in 45 m² on a perpetual lease from the municipality, which was allocated a grant from the state.⁷⁶

Social benefits provided for refugees living outside refugee centres is relatively low and cannot provide for a decent living. Those who applied for refugee status after moving out of the centre are not given any benefits at all.⁷⁷

- Negative attitude of the community towards immigrants, foreigners, various ethnic groups.

A study published in January by the Warsaw University found that 90% of respondents who have never met Jewish Poles have anti-Semitic views.

“Minority Report”, published by the Local Knowledge Foundation in May 2014 showed that more than 67% of respondents approve of hate speech towards the Roma population. Often this is accompanied by a belief that Roma people are thieves.⁷⁸

Presence of Criteria	Indicator	Score in	
		2013	2014
×	Presence and improvement of migration laws.	5	5
×	Government’s compliance with such legislation (law enforcement practice).	5	5
×	Discriminatory practices against immigrants.	-5	-5
×	Use of ethnic crime as justification for discrimination against migrants.	-5	-5
×	Social assistance for immigrants.	5	5
×	Negative attitude of the community towards immigrants, foreigners, various ethnic groups.	-5	-5
	Total for section 6	0	0

7. Incitement of religious and ethnic hatred

Indicators

- Calls for ethnic and religious hatred in mass media and mass communications, graffiti.

On June 6, a Nigerian national was subjected to racist verbal abuse by an intoxicated citizen in Ostruda.⁷⁹

On July 17, an anti-Semitic pro-Palestinian demonstration was held in Warsaw, members of which called for “hanging Israeli flags on crematoriums”.⁸⁰

On July 30, it was reported that anti-Roma tensions continue in Andrychów. At one of the meetings, extreme right movement leaders threatened to evict Roma from the town.⁸¹

On December 13, nationalist marches were held in several Polish cities, including Warsaw, Krakow and Wroclaw. These actions were organised by members of the National Revival of Poland, Solidarity of Struggle and Movement of the Outraged. The march in Wroclaw gathered around 500 people. Roman Zelinsky, author of the book “How I became in love with Hitler,” addressed the audience.⁸²

On May 17, a group of intellectuals published an “Open Letter to the Russian People and the Russian Government”, where they accused them of being “cosmopolitan and destructive”.⁸³

On June 6, “Jews, get out” and “vermin” were written on a synagogue building in Nowy-Sacz (Lesser Poland voevodship).⁸⁴

On June 13, an anti-Semitic inscription, which urged to “destroy the Jews in Poland” appeared in Poznan on the highway, under a pedestrian bridge near the fast tram line near the Boleslaw the Brave park.⁸⁵

On July 4, anti-Semitic graffiti was found on a synagogue in Lench.⁸⁶

On October 16, a group of nationalists left graffiti around Wroclaw, saying, “Wroclaw — a city of nationalism,” “GNLS” (Good night left side).⁸⁷ Nationalists posted a video online showing their actions.⁸⁸

- Presence and popularity of radical nationalist literature, films, music. Ultra-nationalist rock bands and their concerts.

Xenophobic literature is actively published and translated in Poland. Among such books published in 2014 it is worth noting the collection “Roman Dmowski: letters and memoirs”, dedicated to an ideologist of Polish nationalism before WW2,⁸⁹ the collection of works by Julius Evola — an Italian extreme right philosopher,⁹⁰ and a compilation of pro-Nazi documents,⁹¹ along with K. Smitt’s “Science of the Constitution”.⁹²

Nationalistic music groups include Medley, which released album “We can fight” in 2011 in honour of the anti-Soviet rebels of the 1940’s.⁹³ Agressiva88 band actively uses Nazi rhetoric in its work.⁹⁴ Another nationalist music group is Gammadion.⁹⁵

Songs of xenophobic nature are performed by a famous singer Andrzej Kolakowski.⁹⁶ In August, in a small town of Ostroda in Warmia and Mazury, a pro-Nazi music festival “Unity is strength” was held.⁹⁷ There is also the “March Radio” led by T. Rydzik popular in conservative circles.

Presence of Criteria	Indicator	Score in	
		2013	2014
×	Calls for ethnic and religious hatred in mass media and mass communications, graffiti.	-5	-5
×	Presence and popularity of radical nationalist literature, films, music. Ultranationalist rock bands and their concerts.	-5	-5
	Total for section 7	-10	-10

8. Radical nationalist groups and parties

Indicators

- Presence of neo-Nazi and ultra-nationalist groups, movements, political parties (both in the centre and in the localities).

In Poland there is a number of ultra-nationalist organisations. In November 2012, the leaders of organisations “Polish Youth” and the National Radical Camp announced the proclamation of the National Movement (NM). In March 2013, the leaders of the Movement stated its ideological declaration. According to it, the main goal of the movement is the protection and promotion of Polish national identity “built on Christianity.”

On June 8, 2013 in Warsaw, the first congress of the National Movement took place. It was attended by more than 1,000 people, including foreign visitors. The main topics of discussion during the Congress were on necessary changes in politics, economics and foreign policy of Poland.⁹⁸

The more radical side is represented a small ultra-nationalist political party “National Revival of Poland” (NRP), which considers itself the successor of “Falanga” the far-right organisation of interwar Poland.

Ultra Catholic party “League of Polish Families” which was a part of the government in the mid-2000’s actively uses homophobic rhetoric.

NM and NrP are actively cooperating with “colleagues” from other countries. In 2014, Polish nationalists have visited Great Britain, Belgium, Finland and the Czech Republic to participate in public actions, including rallies in support of the Greek Golden Dawn.

On October 20, it was reported that Ukrainian customs at the Polish border detained a group of young men — members of an extreme right organisation Falanga — intending to join the separatists of the self-proclaimed Donetsk People’s Republic. They were banned entry to Ukraine for three years.⁹⁹

The National Movement is holding charity events for the poor and mentally challenged in order to improve their public image.¹⁰⁰

- Presence of discriminatory demands in the programmes of these parties and in the statements of their leaders towards the members of minorities.

NM stands for the creation of an authoritarian Polish Republic, like the one that was in the reign of Pilsudski. NM programme demands dealing with tolerance, multiculturalism, liberalism, LGBT, communism, foreign domination, and so on.¹⁰¹ NM also declares its migran-tophobia. When in June 2013, it became known that by the end of the year 50 migrants from North Africa will arrive in Poland, “National Movement” organised a noisy campaign “We do not want migrants, we want repatriates”.¹⁰²

National-Radical Camp uses Nazi (Roman) salute.¹⁰³ In its ideological declaration of National Radical Camp stands for the rejection of liberal democracy “as a regime hostile to European civilisation” in favour of the concept of “hierarchically organised nation” against same-sex marriage and “fundamentally false and dangerous” model of multiculturalism.¹⁰⁴

NRP opposes euthanasia and abortion, gay marriage and LGBT, and is also in favour of the prohibition of any kind of socialism and liberalism. Enemies of the party and the Polish nation are considered liberals, communists, “multiculturalists”, homosexuals, Muslims, Russian, Jews and Roma.¹⁰⁵ In its programme, the party calls for a ban of all groups that are “agents of foreign states”, especially supporters of the EU; the termination of integration with the EU and non-payment of external debt are also demanded.¹⁰⁶

The declaration of the so-called Third position (the neo-Nazi ideology, in opposition to capitalism and communism), a follower of NRP, contains anti-Semitic thesis about “world domination of Zionism”.¹⁰⁷

The party also expresses anti-Roma sentiments.¹⁰⁸ The organisation “National Revival of Poland” held protests against the Roma in Wroclaw and “Roma crime” in Zabrze in 2013.¹⁰⁹

- Neo-Nazi and radical nationalist influence over the civil society, including oppositional and human rights organisations.

As analysts note the crisis and patriotic propaganda of major parties led to the fact that the ultra-right have become part of “big politics” and their demonstration became more extensive. In addition, the large scale anti-Communist propaganda has considerably strengthened the influence of right-wing in the Polish society.¹¹⁰

According to the opinion polls, National Movement is supported by approx. 2% of respondents.¹¹¹ The Congress of the New Right received 7% of votes and 4 seats in the 2014 European Election.¹¹²

Nationalists actively cooperate with Institute of National Remembrance, a governmental historical and archival institution established in 1998, engaged in the study of the activities of the security bodies of Poland in the period of 1944–1990, as well as the security agencies of the Third Reich and the Soviet Union, in order to investigate crimes against Polish citizens during this period, as well as the implementation of the lustration procedures, employing a number of far-right activists.¹¹³

- Neo-Nazi and radical nationalist influence over the local legislative/executive bodies.

There are no representatives of radical parties in the government. The “main” parties, however, support their slogans (see below).

- Neo-Nazi and radical nationalist influence over the central legislative/executive bodies.

After the electoral defeat in 2007, the League of Polish Families, the representatives of the above organisations and parties are not in the parliament.

Xenophobic slogans are actively supported by the main oppositional force in Poland, the Law and Justice Party.

Presence of Criteria	Indicator	Score in	
		2013	2014
×	Presence of neo-Nazi and ultra-nationalist groups, movements, political parties (both in the centre and in the localities).	-5	-5
×	Presence of discriminatory demands in the programmes of these parties and in the statements of their leaders towards the members of minorities.	-5	-5
×	Neo-Nazi and radical nationalist influence over the civil society, including oppositional and human rights organisations.	-2.5	-5

Table, cont.

Presence of Criteria	Indicator	Score in	
		2013	2014
-/×	Neo-Nazi and radical nationalist influence over the local legislative/executive bodies.	0	-2.5
×	Neo-Nazi and radical nationalist influence over the central legislative/executive bodies.	-2.5	-2.5
	Total for section 8	-15	-20

9. Public actions of extremist and nationalist groups

Indicators

- Neo-Nazi and radical nationalist participation in mass actions prohibited by the authorities.

On November 24, a group of nationalists in Wrocław displayed a 30-metre banner, saying “Bauman + Dutkevici = Red Coalition”, aimed against the local Mayor. Banner was confiscated by the police.¹¹⁴

- Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities.

Radical nationalists held a number of public actions in 2014, demonstrating significant grassroots support.

The largest mass public action of the radicals is the “Independence March” on November 11, the day of the proclamation of the independence of Poland in 1918. It is organised by the “Polish Youth” and “Radical Nationalist Camp”. In 2009, it was attended by about 300 participants, and then in 2010 it had 2,000 members, and in 2011 — 20,000 participants. In 2014, the March gathered around 30,000 people, mostly aged 20 to 30.¹¹⁵ Since 2010, the March has been accompanied by riots. Several incidents occurred during this year’s Independence March. Police detained 276 people, of which 199 have been subsequently arrested. Clashes with police resulted in 51 officers hospitalised. Many perpetrators wore Nazi symbols.¹¹⁶

Another nationalist march was held on November 18 in Bytom.¹¹⁷

On May 1, nationalist Eurosceptics held demonstrations in Krakow,¹¹⁸ Głogów, Zabrze, Kielce, Szczecin and Białystok.¹¹⁹

A number of anti-Israeli demonstrations followed the Israeli operation in Gaza (Warsaw, July 14 and 15; Jasło July 19; Koszalin, July 23; Białystok, July 24; Wrocław, July 26; Stalowa Wola, August 7). Demonstration in Koszalin featured Hezbollah flags.¹²⁰ Israelis were called

“child killers”¹²¹; calls for destruction of the Israeli state sounded in Wroclaw and Warsaw.¹²²

On May 12, nationalists held an anti-LGBT demonstration in Krakow, shouting insulting slogans.¹²³

On May 24–25, nationalists in Kielce were distributing anti-EU leaflets, calling it a destroyer of national identity.¹²⁴

On June 21, nationalists held a demonstration dedicated to anti-Communist protests in Radom in 1976.¹²⁵

On June 27, nationalists organised a protest against the reading of the play “Picnic on Golgotha”, which they consider blasphemous.¹²⁶

On July 10, nationalists held a demonstration in Boleslawiec.¹²⁷

On July 11, a group of Polish nationalists laid flowers to the memorial of the Volyn massacre in Warsaw.¹²⁸ A corresponding rally was held on the same day in Bialystok.¹²⁹

On July 30, it was reported that anti-Roma tensions continue in Andrychów. At one of the meetings, extreme right movement leaders threatened to evict Roma from the town.¹³⁰

On August 16, nationalists held a demonstration dedicated to the 904th anniversary of a counter-offensive of the Polish army in 1920.¹³¹

On August 24, nationalists held a march in Czestochowa, attended by delegations from Slovakia and the Czech Republic.¹³²

On August 24, nationalists held a rally against sex education and LGBT teachers, as they thought it leads to paedophilia.¹³³ Another such rally was held on September 13.¹³⁴

On September 3, nationalists organised public actions in Warsaw, Plock, Kolobrzeg, Zgorzelec, Poznan and Westerplatt to commemorate “tens of thousands of Polish nationalists who died during the German invasion in September 1939.”¹³⁵

On September 17, around 200 nationalists gathered near the monument to the victims of Stalinism, marking 75th anniversary since the Soviet invasion. According to the adopted statement, Soviet regime in Poland was effectively genocide.¹³⁶

On November 9, several dozen nationalists gathered at the Red Army monument in Nowy Sacz (Malopolska), demanding its demolition. The day before the rally, Malopolska authorities decided to dismantle the memorial plaques at the monument, transferring them to a museum for temporary keeping. One of the organisers of the rally, activists from the Confederation of Independent Poland Adam Slomka attached a map of pre-war Poland to the monument. “All monuments erected in the name of the occupiers must look like this,” he said. A few people turned up to defend the monument. One of these people brought a Russian flag and a banner, saying “Peace with Russia”.¹³⁷

On November 23, a demonstration was held in front of the South African Embassy with demands to release the murderer of the leader of South African Communist party.¹³⁸

On December 4, nationalists laid flowers to commemorate R. Dmovsky in Wroclaw.¹³⁹

On December 13, nationalist public actions dedicated to the anniversary of the introduction of martial law in 1981 were held in Wroclaw, Kolobrzeg, Lodz, and Rzeszow.¹⁴⁰ Action in Wroclaw gathered around 500 people, who were addressed by Roman Zelinski — author of the book “How I Fell in Love With Adolf Hitler”.¹⁴¹

Nationalists held several actions called “Meet Nationalism” across Poland. Such events took place in Kolobrzeg (May 9), Bialystok (18 June) Byalograde (June 29), Jaslo (July 19), Warsaw (July 27), Plock (August 17 and November 11), Poznan (August 28), Ursynove (September 14) Zgorzelec (September 21), Torun (September 30 and October 4), Radom (October 26).^{142–152}

Nationalists are also involved in the demonstrations of others, trying to recruit new supporters and to portray themselves as normal participants of the political process. On July 15, Bialystok nationalists held a rally to support farmers.¹⁵³ On July 21, they took part in a demonstration demanding the authorities take actions against swine flu.¹⁵⁴ On November 24, nationalists took part in a demonstration against the suspected falsification of local elections.¹⁵⁵

- Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities, with the participation of representatives from the legislative or executive bodies, law enforcement and security agencies.

No such instances were recorded in 2014.

- Presence of “football xenophobia” and racism amongst sports fans.

On October 22, during a UEFA game between Metallist (Kharkiv) and Legia (Warsaw), Polish fans displayed a banner with a clear territorial claim of the Polish state on the currently Ukrainian city of Lviv and Lithuanian Vilnius.¹⁵⁶

Presence of Criteria	Indicator	Score in	
		2013	2014
–/×	Neo-Nazi and radical nationalist participation in mass actions prohibited by the authorities.	0	–2.5
×	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities.	–5	–5

Presence of Criteria	Indicator	Score in	
		2013	2014
–	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities, with the participation of representatives from the legislative or executive bodies, law enforcement and security agencies.	0	0
–/×	Presence of “football xenophobia” and racism amongst sports fans.	–5	–2.5
	Total for section 9	–10	–10

10. Racist attacks, violence and terror

Indicators

- Vandalism in cemeteries, attacks on religious buildings.

There have been 9 cases of xenophobic vandalism in 2014. Two thirds of those were anti-Semitic.

On April 23, vandals in Krakow daubed in paint a stone memorial dedicated to Pope John Paul II. A Star of David was painted under the memorial inscription “Ty jesteś skałą”. The incident occurred days before the canonisation of the pontiff of the Roman Catholic Church.

On June 6, “Yids, get out” and “vermin” were written on a synagogue building in Nowy-Sacz.¹⁵⁷

On June 29, unknown vandals desecrated a mosque and a Muslim cemetery in the Tatar village of Krusiniany.¹⁵⁸

On July 4, anti-Semitic graffiti was found in Lench.¹⁵⁹

On October 5, it was reported that several tombstones in Klodzko Jewish cemetery have been intentionally damaged.¹⁶⁰

On November 6, unknown vandals shattered windows of a synagogue in Landschute.¹⁶¹

On May 31, 13 plaques dedicated to the opening of the Jewish Museum in Radomsko have been destroyed.¹⁶²

On June 13, an anti-Semitic inscription, which urged to “destroy the Jews in Poland” appeared in Poznan on the highway, under a pedestrian bridge near the fast tram line near the Boleslaw the Brave park.¹⁶³

On September 18, nationalists displayed a banner, saying “Red murderers live among us” on a bridge in Torun.¹⁶⁴

- Inter-ethnic clashes instigated by xenophobia and radical nationalism.

The largest clash occurred in the city of Andrychów, which had already seen smaller clashes between the locals and Roma in November 2013.

On June 6, 2014, six teenagers (aged 15–16) attacked two Roma women and provoked a clash in the city. Roma retaliated by assaulting two young locals and on June 9 nationalists were raiding Roma houses.¹⁶⁵

On June 19, nationalists and football fans intended to hold an anti-Roma demonstration in Andrychow, organising it via Facebook.¹⁶⁶ On July 30, it was reported that anti-Roma tensions continue in Andrychów. At one of the meetings, extreme right movement leaders threatened to evict Roma from the town.¹⁶⁷

- Cases of violence, including murder on racial, ethnic and religious grounds.

8 such attacks have been recorded in 2014.

In May 2014, commemorative events were held in Braniewo, dedicated to 30 thousand Soviet soldiers and officers. The event was attended by a delegation from Kaliningrad, along with Governor Nikolai Tsukanov and buses of public activists and school students. The delegation encountered a group of Polish bikers, who threw a rock at a bus with school children and a bottle at an accompanying car. Luckily, no one was hurt.¹⁶⁸

On May 9, civil activist Adam Ezhi Usnanski was attacked carrying the Russian flag on his way to a pro-Russian rally in Warsaw.¹⁶⁹

On May 15, nationalists attacked the leader of the Union of Democratic Leftist Forces, Leszek Miller, in Zari.¹⁷⁰

On June 13, employees of a Community Centre was attacked in the area of Bydgoszcz-Torun (Kuyavian-Pomeranian Voivodship). 5 attackers with concealed faces assaulted 2 male employees of the Community Centre sparing Katarzyna Jankowska, who then told the police about the attack. The employees were accused of giving shelter to the “blacks”, specifically a Brazilian capoeira instructor.¹⁷¹

On June 15, nationalists tried to attack an LGBT parade in Warsaw.¹⁷²

On August 8, a racial attack was made on a French citizen at a nightclub in Wrocław. Polish taxi driver, to whom victim turned as he was fleeing, gave him to the attackers.¹⁷³

On November 7, an elderly man was attacked in Warsaw, mistaken for a Jew.¹⁷⁴

On November 9, Krakow nationalists attacked several antifascist activists from “End of Stagnation” art group. Antifascists were designing banners for the March of Free Poland.¹⁷⁵

In January, Polish Defence League (PLO) executed a plan to “protect the honor of Polish women” against Muslims at Polish night clubs. The openly Islamophobic organization claimed its campaign to protect the Polish gene pool is non-violent in character and consists of interventions to warn potential female partners of the dangers of kidnapping and imprisonment in Islamic countries.

- Nationalist or religious terrorist attacks.

Such cases were not recorded in 2014.

Presence of Criteria	Indicator	Score in	
		2013	2014
×	Vandalism in cemeteries, attacks on religious buildings.	-5	-5
×	Interethnic clashes instigated by xenophobia and radical nationalism.	0	-5
×	Cases of violence, including murder on racial, ethnic, and religious grounds.	-5	-5
-	Cases of hate-driven murders	0	0
-	Nationalist or religious terrorist attacks.	-2.5	0
	Total for section 10	-12.5	-15

11. Presence, popularity and size of anti-fascist and anti-racist movements

Indicators

- Presence of anti-racist and anti-Nazi movements and parties.

In Poland, there are dozens of small organisations and groups of anti-fascists, who hold leftist and anarchist views. A few years ago, they were united in a “coalition of 11 November”, the purpose of which was opposition of nationalists march on the Independence Day, 11 November.¹⁷⁶

There is also a portal www.antifa.bzzz.net, stating that its goal is the elimination of neo-Nazism as a political force. “Our work is a response to the activities of groups practicing Nazism, fascism, racism, anti-Semitism, nationalism and homophobia. These ideas are seen as a direct threat to individual liberty. We believe that in a country so badly affected by the totalitarian regimes of Nazism and Communism, this type of ideology and attempts to spread it have to encounter a strong and effective opposition,” their statement says. They emphasise that the focus on the organisation of educational activities, support of prisoners, etc.¹⁷⁷

However, they also support the so-called Antifa warriors, who attack neo-Nazis. In this case, the organisers of the portal refuse cooperation with the police and the political parties, because, according to anti-fascists, anti-fascism is a trendy slogan that politicians use for their popularity.¹⁷⁸

- Anti-racist and anti-fascist movement activities (pickets, rallies, demonstrations).

On May 17, 2014, march “Wroclaw Without Hatred” was organised by NGO Wroclaw for All. Demonstrators expressed their outrage with hate crime and prejudice. The action gathered around 300 people. Their slogans included, “Against discrimination, racism, fascism and homophobia”, “Everyone is different — everyone is equal”. Groups of nationalists started gathering around the demonstration, trying to organise a counter-demonstration. However, the police prevented any conflict.¹⁷⁹

On November 8, an antifascist rally was held in Warsaw under the title “Together Against Nationalism”. The action was organised by the Polish Party of Labour, Labour Democracy, Atheist Coalition and a number of anarchist movements and gathered around 1.5 thousand people. One of the organisers, member of the Social Justice Movement Philip Ilkovski explained, “Here we have people with completely different views. We are protesting against what was happening recently at hate marches, the so called independence marches”.¹⁸⁰

On November 11, an antifascist march was held in Krakow.

On September 27, antifascists organised a conference in Warsaw under the title “Nationalism does not come from nothing and does not disappear”.¹⁸¹

On May 31 and December 13, antifascist League of Freedom Fighters held sports competitions in Poznan.¹⁸²

On June 14, a football contest “We educate even in the rain” was held in Torun.¹⁸³ Sports events were accompanied by lectures and concerts.

- Presence of anti-racist and anti-fascist civic initiatives.

As of 2002, Poland has a Foundation for the Preservation of Jewish Heritage, created by the Union of Jewish Communities in Poland and the World Jewish Restitution Organisation. Its objectives include the protection of Jewish heritage, which has a unique religious and historical significance, the restitution of former Jewish property.

On August 10, around 100 people took part in a ceremony at the former concentration camp in Treblinka, organised to mark 71st anniversary since the prisoners’ escape. Samuel Willenberg — the last living member of the uprising — came from Israel to attend the event¹⁸⁴”.

On August 27, a memorial to Holocaust Victims was opened in an old Jewish cemetery in the village of Serok, not far from Warsaw. The financial support was provided by the Foundation for the Preservation of Jewish Heritage in Poland and the US Commission for the Conservation of Heritage Abroad. "Our sacred goal is to preserve the memory of the Holocaust, so that similar catastrophes never happen again," said the US Ambassador to Warsaw Stephan Mule.¹⁸⁵

Head of the Roma Community in Poland Roman Kviatovski asked media outlets not to focus on the ethnicity of people involved in Andrychow clashes.¹⁸⁶

On August 2, commemorative events were held in Auschwitz in honour of the Roma genocide. The event was attended by former prisoners of the death camp and more than 600 young people. They remembered the 23,000 Roma victims and warned against modern prejudices, discrimination and racism against Roma. Chairman of the Central Council of Sinti and Roma in Germany, Romani Rose, said that in many European countries the Romani people are becoming scapegoats.¹⁸⁷

On May 9, an antifascist rally was held near the Russian Embassy, under the slogan "Day of Victory as the Day of Polish-Russian Solidarity". A similar action was organised by the Slavic Union in Warsaw on May 11.¹⁸⁸

On October 23, a rally was held near the Honorary Consulate of Ukraine in Przemysl, protesting the glorification of OUN-UPA in Kiev. Former MEP and historian Andrzej Zapalowski read a collective appeal of all participants: "We, the descendants of the 200 thousand Poles murdered by OUN-UPA and SS Galicia, members of religious organisations and individuals, came to a nationwide action of protest against the Ukrainian government's policy to glorify death squads. We remind you that OUN-UPA committed murder of not just Poles, but other nations as well — Jews, Armenians, Roma, Czechs and Ukrainians who did not adhere to fascist ideology".¹⁸⁹

On July 18, an initiative group proposed changes to the law on national minorities, backed by 140 thousand signatures. The initiative concerns the recognition of the Silesian national minority.¹⁹⁰

On October 7, it was reported that the legendary Polish boxer Dariusz Michalczewski joined the campaign of LGBT rights group "Shoulder to Shoulder for Equality". He said, "I simply love people. I am not a racist and never judge people by their sexual orientation. For example: two young men live close to my place. They were always polite, smiling and friendly. Everybody liked them. Then somebody saw them kissing and neighbours started hating them. Did they change at all? No — they're still the same people. Do we have to treat them differently because they're gay? This [homophobia] is a disease! That is why I am participating in the campaign."¹⁹¹

Interestingly, nationalists also displayed a level of tolerance. On June 30, NVP published a statement strongly condemning desecration of Tatar mosques, saying that Tatars were always loyal to Poland.¹⁹²

On July 26, Olkusz nationalists commemorated the victims of Nazi occupation, including Jews.¹⁹³

Presence of Criteria	Indicator	Score in	
		2013	2014
×	Presence of antiracist and anti-Nazi movements and parties.	5	5
×	Antiracist and antifascist movement activities (pickets, rallies, demonstrations).	5	5
×	Presence of antiracist and antifascist civic initiatives.	5	5
	Total for section 11	15	15

12. Glorification of German National Socialism and collaborators of Nazi Germany, historical revisionism, Holocaust denial

I n d i c a t o r s

- Glorification of German National Socialism and/or its collaborators in the media, desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition.

NVP is actively promoting the National Armed Forces — a militant organisation that was directly collaborating with the Nazis.¹⁹⁴

On the night from May 3 to 4, unknown criminals broke a plaque on a monument dedicated to I.Chernyakhovsky, a Soviet general in the World War II, near Pieniezno (Warmian-Masurian voevodship), and painted the words “Off with commune” and the emblem of the “Fighting Solidarity”.¹⁹⁵

On November 11, a “Signalman Monument” was desecrated in the village of Kinshasa Lesna. The monument was erected when the Soviet/Russian Army was deployed in the area (1956–1993).¹⁹⁶

- Glorification of German National Socialism and/or its collaborators with the support of local authorities, demolition of monuments to soldiers of the anti-Hitler coalition, erection of monuments to the soldiers of Wehrmacht and Nazi butchers.

In late January, Penezhno municipality adopted a decision to demolish a monument to a Soviet General Ivan Chernyakhovsky. He was accused of taking part in repressions against the Home Army during the liberation of Lithuania.¹⁹⁷

In late June, a monument of Gratitude to the Red Army was demolished in Limanowa.¹⁹⁸ The monument in Limanowa is listed in the Polish-Russian agreement “On graves and places of memory of victims of war and repression”, signed in Krakow on February 22, 1994.¹⁹⁹

- Glorification of German National Socialism and/or its collaborators in the decisions, made by the authorities.

Such cases were not recorded in 2014.

- Historical revisionism, Holocaust denial.

the concept of “two occupations” is actively promoted in Poland, the Nazi and Soviet, making Poles exclusively passive object of history, as well as, going beyond the brackets, passive participation (and in many cases, and active) of Poles in the extermination of the Jews. This theory is the basis for the Institute of National Remembrance. Any attempt to remind about Poland being an accomplice are found extremely painful by the Polish society, as well as the government.

Presence of Criteria	Indicator	Score in	
		2013	2014
×	Glorification of German National Socialism and/or its collaborators in the media, desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition.	-5	-5
×	Glorification of German National Socialism and/or its collaborators with the support of local authorities, demolition of monuments to soldiers of the anti-Hitler coalition, erection of monuments to the soldiers of Wehrmacht and Nazi butchers.	0	-5
-	Glorification of German National Socialism and/or its collaborators in the decisions, made by the authorities.	0	0
-	Historical revisionism, Holocaust denial.	-5	-2.5
	Total for section 12	-10	-12.5

13. Persecution of veterans and partisans of the anti-Hitler coalition

Indicators

- Public calls for repression against the veterans and partisans of the anti-Hitler coalition, as well as anti-fascists.

No such instances were recorded in 2014.

- Restrictions on human rights and anti-fascist organisations, bans to entry or exit imposed on anti-fascists, inaction of the authorities.

No such instances were recorded in 2014.

- Criminal prosecution of veterans, partisans of the anti-Hitler coalition and anti-fascists.

No such instances were recorded in 2014.

Presence of Criteria	Indicator	Score in	
		2013	2014
–	Public calls for repression against the veterans and partisans of the anti-Hitler coalition, as well as anti-fascists.	0	0
–	Restrictions on human rights and anti-fascist organizations, bans to entry or exit imposed on anti-fascists, inaction of the authorities.	0	0
–	Criminal prosecution of veterans, partisans of the anti-Hitler coalition and antifascists.	0	0
	Total for section 13	0	0

14. International Aspect

Indicators

- Participation in significant international agreements on combating racism and discrimination of ethnic minorities.

Poland has ratified the European Convention on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the European Charter for Regional or Minority Languages (2009) and the Framework Convention for the Protection of National Minorities (2000).²⁰⁰ However, Poland has not signed the European Convention on the Legal Status of Migrant Workers, Convention on the Participation of Foreigners in Public Life at Local Level, Protocol No 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms.²⁰¹

- Accession to new international agreements and resolutions of various international organisations, aimed at combating Nazism, combating discrimination, or protecting minority rights.

Poland did not accede to any new international agreements or resolution during the monitored period.

- International statements and initiatives of the monitored countries and their leading politicians, aimed against discrimination, neo-Nazism and xenophobia.

In 2014, Poland made no international application or the initiative aimed against discrimination, xenophobia and neo-Nazism.

Presence of Criteria	Indicator	Score in	
		2013	2014
×	Participation in significant international agreements on combating racism and discrimination of ethnic minorities.	5	5
–	Accession to new international agreements and resolutions of various international organizations, aimed at combating Nazism, combating discrimination, or protecting minority rights.	0	0
–	International statements and initiatives of the monitored countries and their leading politicians, aimed against discrimination, neo-Nazism and xenophobia.	0	0
Total for section 14		5	5

CONCLUSION

Implications for the development of the country and society, based on the analysis of factors and taking into account the aspects listed below.

Despite the increased efforts of the Polish law enforcement in combating hate crime, Poland's standing in the aggressive nationalism rating has significantly worsened. The primary reason for this is the increased influence of nationalist ideology on the civil society. This, in turn, was the result of leading political parties adopting extreme right slogans.

Poland's standing in the rating was also influenced by interethnic clashes in Andrychow, which highlighted the problems that Roma face in Poland. Finally, there have been attempts to trivialise the Holocaust by equating communism to Nazism, which also indicates an increased radical nationalist influence in the society.

ASPECTS

1. Human Rights

- *Guarantees against any form of minority discrimination.*

In Poland, there is anti-discrimination and anti-extremist legislation, which is based on the Constitution of the country. Aspiring to the

EU, the country had signed several international agreements committing to guaranteeing the rights of minorities.

- *Adherence to norms of the fundamental human rights instruments (European Convention for the Protection of Human Rights and Fundamental Freedoms, European Charter on Human Rights, as well as in adherence to the Framework Convention for the Protection of National Minorities and the European Commission against Racism and Intolerance, etc.).*

In February 2013, the Council of Ministers created the Council on prevention of racial discrimination, xenophobia and related intolerance. The activity Prosecutor General's Office, which organised special body for investigating crimes motivated by xenophobia every area is significant. Protection of victims of hate crime is a responsibility of the Ombudsman, too. Per the adoption of the law on the implementation of EU regulations on equal treatment in 2010, the Ombudsman was now responsible for anti-discrimination and the implementation of equal treatment.

- *Rights and freedoms of ethnic minorities compared to the titular nation.*

There are no such differences in the Polish legislation. In many ways, this is a consequence of the fact that Poland is a mono-national country where 94% of the population identify themselves as Poles.

- *Legislation enshrining inequality of minorities.*

Law on Foreigners (Aliens) contains humiliating norms that require all foreign nationals to be able to produce necessary documents proving identity, right to live and work in Poland and proof of income at first request.

Article 196 of the Criminal Code punishes offending religious feelings with a fine or two years' imprisonment, which can be seen as discriminatory towards atheists.

The law discriminating against Jews and Muslims is in force since January 2013, banning the ritual slaughter according to the Muslim and Jewish customs.

- *Rulemaking in protection of minorities.*

On May 3, 2014, President Komarowski signed under the amendments to the Law on National and Ethnic Minorities, which require government bodies to facilitate social and civil integration of minorities and introduce the term "social integration".

- *Freedom of speech violations.*

No such instances were recorded in 2014.

- *Legislation and law enforcement practices concerning migrants.*

Poland has a well-developed migration legislation, based on the Constitution of the country. The stay of foreigners in Poland is regulated by the Aliens Act (new version adopted in 2013), the Citizenship Law, the Law on the entry and exit of citizens of EU member states, Law on Granting Protection to Aliens. The Repatriation Law adopted in 2000 regulates the repatriation of Poles' who remained in the East. The legislation has negative attitude toward illegal immigration by imposing significant fines onto those who helped illegal immigrants and those who hired them to work.

In practice, Poland acts as both a donor and the recipient of migration, taking hundreds of thousands of immigrants and sending millions of its citizens to work in the West.

However, immigrants in Poland face a number of discriminatory and humiliating practices. Asylum seekers are not provided with a translator, they face problems with healthcare and in other areas. Many refugees cannot find work and receive appropriate housing. Children who live in refugee centres have no access to education.

2. State of society

- *Risk of violation or non-compliance with the acting laws aimed at protecting the rights of minorities; risk of discriminatory practices against members of minorities.*

Unfortunately, there is a number of discriminatory practices against Roma, including attempts of discrimination in schools, attempts of evictions of Roma from their homes. There is the discrimination of religious minorities as a result of the act which came into force in 2013, the decision to ban the ritual slaughter.

There are cases of discrimination against LGBT people including a ban on same-sex marriages.

There is no system of support for victims of hate crimes, it is carried out only by a few NGOs, which is clearly insufficient. Thus, we can say that some laws to protect the rights of minorities are there only formally. It has been reported that law enforcement in Poland is reluctant to deal with hate crime and direct connivance of the nationalists and racists should be noted. Detection of crimes motivated by xenophobia remains extremely low.

- *Self-determination — how manifestations of xenophobia and extremism affect the identity of minorities; majority's attitude towards minorities (growth of social phobias).*

Despite the fact that Poland is a mono-national country, a large part of the population (one-third to one half) expresses hatred for minorities, including the “titular” peoples of the countries bordering with which Poland. Representation of migrant crime coming from nationalists and a part of the media contributes to the growth of migran-tophobia.

With regard to the minorities, evidence suggests that they are likely to perceive themselves as being discriminated against. Their strategy of action varies from the active protection and self-representation of LGBT and Jews or complaints to the Ombudsman of Kashubians.

3. Socio-economic development of the country

(Do manifestations of various forms of xenophobia and extremism affect the socio-economic development of the country)

- *Standard of living.*

Poland ranks relatively high in terms of its living standards (34th).²⁰² Nevertheless, the population is unhappy with the standards, which, however, is not related to interethnic issues in the country.

- *Economic impacts and instability.*

Unemployment rate in Poland is falling, but remains high at 11.2% (21.6% youth unemployment).²⁰³ Poland’s economic problems, however, are not caused xenophobia and extremism. Rather vice versa — economic difficulties stimulate these negative sentiments due to people listening to politicians offering them an easy solutions and shifting the blame onto “aliens”.

- *Decline in production growth, emigration of the labour force.*

Despite unemployment problems, Polish GDP grew by 3.6% in 2014.²⁰⁴ Meanwhile, millions of Polish nationals are working in Western Europe. Their migration, however, is not caused by xenophobia.

4. Security and geopolitical stability in the region

- *Political stability in the country.*

Political situation in Poland so far is stable, but nationalist public actions, accompanied by violence and clashes against antifascists, indicate a growing instability. Active use of “patriotic” rhetoric by leading parties made nationalism an acceptable idea in the eyes of the population. The leading oppositional party is effectively collaborating with

neo-Nazi organisations. At the moment, the situation is under control, but this cannot be sustained indefinitely.

- *Impact of xenophobia and extremism in the country on external security, relations with third countries and the international security in the region as a whole.*

Tension in Lithuania, Belarus and Ukraine led to intense introduction of “Karta Polaka” (Polish Card) in 2007, making it possible for owners to get free long-term multiple-entry visa, which entitles them to multiple border crossings without the provision of additional documents, as well as to work legally in the territory of Poland without special work permit, apply for financial assistance from the budget of the Polish state budget or local government administrations, designed to support the Poles abroad, etc.²⁰⁵ The authorities of the neighbouring countries see the card as a mild form of claiming the land that once belonged to Poland in these countries.

RECOMMENDATIONS

1. *General recommendations on the accession to international agreements and conventions*

Poland is recommended to sign the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. In addition, given the growing popularity of the extreme right, it would be desirable to accede to the UN General Assembly resolution condemning Nazism.

2. *General recommendations on adjustments to the legal framework*

Poland is recommended to amend Article 27 of the Aliens Act, introduce a clause prohibiting discrimination on grounds of language and citizenship into the law on anti-discrimination, to repeal the law banning ritual slaughter. It is also desirable to repeal the Article 196 of the Criminal Code on insulting the feelings of believers, as it could easily be covered by Article 257 of on verbal hate assault.

3. *General recommendations regarding law enforcement and human rights*

Poland is recommended to adopt and implement a cohesive Roma integration programme and cease Roma evictions. It is also necessary to abolish written statements from parents who want their children to attend ethics classes instead of religion lessons, and to repeal of the ban ritual slaughter.

It is desirable to create a governmental system of support for victims of hate crimes.

Law enforcement authorities should take steps to overcome the reluctance of its staff to investigate hate crimes. Ministry of the Interior is obliged to implement the decision of the Constitutional Court to abolish the rules justifying regular searches.

Poland should adopt a programme for integration of refugees and resolve the issue with the education and treatment of children in temporary containment centres.

It is also important to introduce an extensive programme to promote tolerance among the population, and a programme to combat xenophobia in sport. Authorities should refuse to honour the memory of radical nationalists of the interwar period. Also the “theory of two occupations” supported by the Institute of National Remembrance should be renounced as it rehabilitates radical nationalists and anti-Semites; and a full discussion of the role of the Poles during the Holocaust should be promoted.

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SUMMARY OF INDICATORS FOR 2013–2014

Nº	Criteria	Score in	
		2013	2014
1	Legislation (central, regional, municipal) and law enforcement practices that contribute to the development of radical nationalism	-10	-10
2	Xenophobia and inflammatory statements by members of the authorities and media	-5	-5
3	Legislation and law enforcement practice preventing the development of radical nationalism	17.5	20
4	Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism	5	5
5	Activities aimed at promoting tolerance and preventing extremism	5	5
6	Position of migrants and society's attitude towards immigrants, foreigners, different ethnic groups	0	0
7	Incitement of religious and ethnic hatred	-10	-10
8	Radical nationalist groups and parties	-15	-20
9	Public actions of extremist and nationalist groups	-10	-10
10	Racist attacks, violence and terror	-12.5	-15
11	Presence, popularity and size of anti-fascist and anti-racist movements	15	15
12	Glorification of German National Socialism and collaborators of Nazi Germany, historical revisionism, Holocaust denial	-10	-12.5
13	Persecution of veterans and partisans of the anti-Hitler coalition	0	0
14	International Aspect	5	5
	Total	-25	-32.5

ROMANIA

ASSESSMENT CRITERIA FOR FACTORS OF STABILITY/INSTABILITY

1. Legislation (central, regional, municipal) and law enforcement practices that contribute to the development of radical nationalism

I n d i c a t o r s

- Discriminatory legislation affecting minorities residing in Romania in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.

Article 1 of the Constitution of Romania declares Romania a unitary nation state by preventing the possibility of establishing national autonomy. Article 37 of the Constitution directly prohibits the activities of parties for creating such autonomies. Article 148 prohibits the revision of provisions of the Constitution regarding the nationality, unity and inseparability of the Romanian state, territorial integrity and the official language.¹

This does not mean that Romania does not recognise national minorities. Article 6 of the Constitution states: “the State recognizes and guarantees to persons belonging to national minorities the right to preserve, develop and express their ethnic, cultural, linguistic and religious identity”. In the Report of the Working Group on the Universal Periodic Review of the UN General Assembly on Romania, the country’s delegation stated that Romania considers the protection of the culture and identity of national minorities as a key priority. Moreover, the Romanian authorities recognize the representation of national minorities in the parliament and in local government.² It is the lack of a legal way to change the unitary nature of the state, which indirectly is against the interests of the Hungarian minorities and their representative political parties.

Additionally, in February 2012, the Ministry of Labour and Social Protection of Romania adopted a by-law — the rules of providing social assistance in accordance with the Act N^o 292 “On Social Assistance”. According to the regulations the right to social benefits is denied to those who are not listed in the lists of taxpayers, as well as to anyone owning precious jewellery or more than 100 grams of gold, artwork, expensive china or crystal, furs and other valuables.

Despite the denials of Romanian officials, this law is implicitly directed against the Roma, as most of them are not in the lists of taxpayers and gold ornaments are their essential attribute, are handed down to next generations, worn with pride and never sold.³

The new Civil Procedural Code, which came into force on the 15th of February 2013, limited the grounds on which the issue of eviction may be considered in court with of property or the expiration of the lease agreement. This hits the Roma, who usually do not have any documents regarding ownership.⁴

There are restrictions for religious confessions — to register they must be active for at least 12 years and unite at least 20,000 believers.

Public insults and slander towards a person or group of people on the basis of race, colour, language, religion, nationality or national background, ethnicity is not prohibited by criminal law as insults or slander are not considered crimes according to Romanian laws.⁵

- Legislation restricting the voting rights of permanent residents of the country on the basis of ethnicity or country of origin.

Such legislation was not present in Romania during the observed period.

- Presence of legal norms and other regulations that legalize the radical nationalist ideology, its attributes and practices, as well as their distribution in the mass media and mass communication.

Such legislation was not present in Romania during the observed period.

- Discriminatory practices against minorities in the field of registration, mobility, business, employment, education, housing, health-care, religion, etc.

Two most vulnerable groups that suffer the most from discriminatory practices in Romania are Roma and Hungarians. In Romania, almost 2 million Roma (9% of the population) reside. About 80% of them live in poverty; almost 60% live in isolated communities without access to basic public services. 23% of Roma households do not have access to clean water, live in unsanitary conditions, have no approved

documents on the property (for non-Roma, this figure is 10 times less).⁶ 24% of Roma men and 36% of Roma women are illiterate, 15% of young Roma did not attend school. According to surveys of the European Union Agency for Fundamental Rights 13% of Roma women stated that they felt discrimination when looking for work.⁷ According to surveys conducted in 2013, 11% of Roma were unable to obtain necessary medical care (compared to 5% for non-Roma).

According to a study published in the beginning of 2014 49.3% (according to other sources 55%) of Roma had no health insurance (with non-Roma, this figure amounted to 14.7%).⁸ Discrimination in the labor market leads to the fact that the number of unemployed Roma in 2011 accounted for almost two-thirds of employable population, with an overall unemployment rate of 7.4%. Roma are almost never employed in the public sector

A significant number of Roma do not have identity documents or birth certificates.⁹

Despite the availability of the order of the Minister of Education published in 2007, which banned segregation in schools, it is still present. Teachers group Roma children in the back of the classroom or in separate classrooms from Romanian students, ignoring them during the learning process.¹⁰

Kluz-Napoka authorities were refusing to provide adequate housing for the evicted Roma in 2011, locating them in small rooms in a building next to a landfill, or not allocating any accommodation whatsoever. In 2014, trials between the council and the evicted Roma continued. Court of first instance ruled evictions illegal, but the decision was appealed and the case was transferred to a regional court.¹¹

Roma rights organisations report that Romanian police prefers to cover up cases of violence against Roma people.¹² Authorities took no concrete measures to ensure police non-discrimination and due process in cases of complaints against police officers.¹³

As for the Hungarians, they mostly complain about the inability to achieve autonomy and get jobs in civil service. Despite the fact that in Harghita and Covasna regions more than two-thirds of the population is Hungarian, the vast majority of senior positions in the administration is occupied by the Romanians. In particular, in Covasna more than 90% of judicial and prosecutorial officials are represented by Romanians. The same goes for police and tax authorities.

On July 4, Romanian authorities refused to open Hungarian consulates in two Transylvanian towns — Oradea and Targu Mures.¹⁴

On August 19, Foreign Minister of Romania said that authorities will be able to annul the agreement with Hungary if it will continue to support Romanian Hungarians.¹⁵

On December 12, Covasna County Prefect Marius Popichev fined the Hungarian Civic Party (MPP) — one of the parties representing the Hungarian national minority — for the fact that Hungarian national anthem was played during the celebrations in Sfântu Gheorghe dedicated to the Treaty of Trianon. He referred to the decision of the Romanian government from 2001, according to which foreign national anthems can only be publically performed during the visit of an official representative of that state.¹⁶

On the other hand, on August 19, Democratic Union of Hungarians in Romania proposed evicting ethnic Romanians from Transylvania, who are not willing to live alongside Hungarians.¹⁷

It is also necessary to bear in mind that the Framework Convention for the Protection of National Minorities, signed by Romania, is subject to only those minorities which are included in the Council for National Minorities of the country. Council for National Minorities (CNM) was established by the Decree of the Government N^o 137/1993. CNM is intended to function as an advisory body to the Government of Romania without being a legal entity. The Board is composed of three representatives from each of the 19 organizations officially representing national minorities in Romania. Thus, officially recognized ethnic minorities are Armenians, Bulgarians, Croats, Greeks, Jews, Germans, Italians and Hungarians, Poles, Roma, Serbs, Russian Lipovans, Slovaks, Czechs, Turkic-Muslim Tatars (Crimean Tatars), Turks, Ukrainians, Macedonians and Ruthenians.¹⁸

Therefore, Balkan-Roman people whose representatives live in Romania and whom the country's parliament declared as "Romanians" with the majority of votes on May 8th 2013 are not included in this group and that. But even before this decision these people were not recognized as national minorities in Romania. Thus, Aromanians, Istro-Romanians, Megleno-Romanians, Moldovans, Vlachs and others who speak their own languages, and in the vast majority of do not consider themselves as "Romanians" are not subject to the Framework Convention.

On May 28, former Prime Minister of Romania Mihai-Razvan Ungureanu, confirmed that there is discrimination against immigrants from Moldova in the country. According to the politician, belonging to this country has long been a symbol of abuse.¹⁹

In addition, all religious organizations other than the Romanian Orthodox Church are experiencing difficulties with the restitution of property confiscated during the communist regime.²⁰ Restitution of objects belonging to the Greek Catholic Church suffers delays. Of 6,723 claims for restitution to date 1,110 (16.51%) were looked into. Of these, only in about 190 cases Greek Catholics received buildings or compensation for them.²¹

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Discriminatory legislation affecting minorities residing in the country in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.	-5	-2.5	-5
-	Legislation restricting the voting rights of permanent residents of the country on the basis of ethnicity or country of origin.	0	0	0
-	Presence of legal norms or other normative documentation, which legalises the ideology of radical nationalism, its attributes and practices, as well as their distribution in the mass media and mass communication.	0	0	0
×	Discriminatory practices against minorities in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.	-5	-5	-5
	Total for section 1	-10	-10	-10

2. Xenophobia and inflammatory statements of the government and the media

In general, xenophobic statements made by officials have been related to the idea of incorporation of Moldova and “Romanisation” of Moldovans.

On January 15, President Traian Basescu said that the “restoration” of Romania and Moldova must be the “third national project of Romania, after joining NATO and the EU”. President also said that he intends to pursue this goal after the end of his term.²²

President of Romania awarded five Moldovan MPs for “large personal contribution towards the recognition of Romanian language as an official language in Moldova”.²³

On March 19, President Basescu met with his Moldovan counterpart, Nikolae Timofti, and supported the unionists by saying, “Bessarabia is Romanian soil!”²⁴

On March 27, Romanian President called to “do everything we can” to achieve unification with Moldova. “We must not forget that Bessarabia was the first province that in 1918 took the step to join Great Romania. Today we are divided into two states, but we are one people”.²⁵

On May 14, President of Romania said that Romania will do everything possible to increase the number of people in Moldova who support unification with Romania.²⁶

On May 19, Traian Basescu during a presidential debate in the Romanian city of Iasi said: “Regarding the Republic of Moldova I would like to repeatedly express my opinion that we cannot envision this country as an ordinary state. It is a second Romanian state”, thus depriving the Moldovans of the right to be called a separate nation.²⁷

President of Romania Traian Basescu followed suit on October 30. He noted that he is prepared to eliminate Moldovan statehood, despite international criticism and added, “Deep in my soul, I want the unification of Romania and Moldova, because I don’t abandon the idea that we are a single nation living in two independent countries. However, the unification cannot be done through deceit or by force. It can only happen if Romanians on both banks of the Prut want to unite.”²⁸

On June 27th at the session of the Parliamentary Assembly of the Council of Europe held in Strasbourg from 23rd to 27th of June, Romanian parliamentary Viorel Badea told the president of Ukraine Pyotr Poroshenko that “Moldovan language does not exist in the list of regional languages.”²⁹

Presidential election campaign in autumn brought up discussions about the unification of Romania and Moldova. On September 16 and 22, Victor Ponta supported this idea (and promised to implement it by 2018).³⁰ On October 22, his opponent, Klaus Iohannis, made similar statements, motivating this with the need to protect Moldova from Russian aggression.³¹ On the same day, the same sentiment was expressed by President of the Senate Calin Popescu-Tariceanu.³²

Several political statements were related to the conflict between Romanians and the Hungarian minority that is seeking national autonomy.

On April 2, Prime Minister of Romania Viktor Ponta stated he opposes the granting of territorial autonomy on ethnic basis, considering the appeals of Romanian Hungarians an electoral propaganda.

On September 19, he reiterated his opposition to the Szekely Land autonomy bill, saying that Romanian Hungarians are trying to follow the Kosovo model and leave Romania. Ponta expressed willingness to negotiate “decentralisation” with the Hungarians, but added that there is a “line that cannot be crossed”.³³

On the other hand, on July 19, leader of Hungarian separatists Laszlo Tokes urged Hungarians to fight for independence from Romania. He stated that it is the best time for Romanian Hungarians to fight for their independence. Tokes believes that if they do not take measures right now, then soon they will dissolve among Romanians.³⁴

In addition, AdevaruLive published an interview with Traian Bascescu on March 16, where he called the Gagauz people “Moldova’s Tatars”. He added that the recent referendum in Gagauzia was organised the same as the one in Crimea — “Crimean Tatars were sent to Siberia, while Tatars from Moldova were well-treated and it was Romanians who were sent to Siberia.”³⁵

Host of a “Censorship Attack” television programme accused Mayor of Baia-Mare of not being an Orthodox Christian, given that here parents were Catholic.³⁶

A popular newspaper Gandul published an article in September that depicted all Paris Roma as criminals.³⁷

In early November, Ambassador of Romania to Armenia Vasile Sorin made a speech at the American University of Armenia riddled with homophobic and anti-Semitic statements.³⁸

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Xenophobia and inflammatory statements by members of the authorities and media.	-5	-5	-5
	Total for section 2	-5	-5	-5

3. Legislation and law enforcement practice preventing the development of radical nationalism

Indicators

- Presence of anti-Nazi, anti-racist and anti-extremist legislation; legislation aimed against the incitement of ethnic and religious hatred in the country.

Article 30 of the Constitution reads: “Prohibited by law are slander of the country and the nation, calling for an aggressive war, national, racial, class-based or religious hatred, incitement to discrimination, territorial separatism or public violence”.

Article 75(1)(c) of the Criminal Code provides that committing of a crime on the grounds of race, nationality, ethnic origin, language, religion, gender, sexual orientation, opinion, political affiliation, beliefs, wealth, social origin, age, disability, etc. are treated as an aggravating circumstance. Article 247 of the Criminal Code bans civil servants from limiting the rights of others based on race, nationality, ethnic background, language, religion, gender, sexual orientation, political affiliation, economic status, age, disability, non-communicable chronic diseases or HIV/AIDS. Article 317 is devoted to punishing incitement to hatred and xenophobia. Article 381 to punishing crimes

aimed at limiting religious freedom, Article 382 to punishing desecration of religious sites.

However, verbal abuse and defamation towards an individual or a group of people based on race, language, religion, nationality or ethnic origin is not prohibited in Romanian legislation; insults and defamation are not considered a crime.³⁹

Anti-racism Act № 107/2006 (preceded by government decree № 31/2002) prohibits the operation of organizations of fascist, racist or xenophobic nature, participation in such organizations, the use of symbols of this kind, as well as the occultism surrounding personalities who were guilty of crimes against peace and humanity. The law also foresees criminal liability for the Holocaust deniers. By the end of monitoring this Article has not been used towards anyone.

On May 16th 2013 a law was passed regarding the measures needed to complete the process of restitution of property unlawfully acquired by the state during the communist regime in Romania.

- Presence and development of anti-discriminatory legislation.

At the heart of the Romanian anti-discrimination legislation is the Constitution of the country, which (Article 4) states that “Romania is a common and indivisible homeland of all its citizens, without distinction of race, nationality, ethnic origin, language, religion, sex, opinion, political affiliation, property or social origin”. Article 6 of the Constitution of Romania recognizes the existence of persons belonging to national minorities, and at the same time recognizes and guarantees the right of these persons to their identity (ethnic, cultural, linguistic and religious). “The protection measures taken by the State regarding the preservation, development and expression of identity of persons belonging to national minorities shall conform to the principles of equality and non-discrimination in relation to other Romanian citizens” — the document says. Article 32 guarantees the right of national minorities to learn their mother tongue and the right to be educated in that language.

Article 16 notes that citizens are equal before the law and public authorities, without privileges and without discrimination. Article 29 stresses the need for freedom of conscience.

In accordance with paragraph 2 of Article 59 of the Constitution of Romania organizations of citizens belonging to national minorities that do not collect a sufficient number of election votes for representation in Parliament have the right to one deputy seat each under the conditions stipulated by the electoral law. Citizens of a national minority may be represented by only one organization. But, on the other hand, there is no law on the status of national minorities or a clear definition of this concept in Romania.

In 2000 immediately after the adoption of the anti-discrimination EU Directive 2000/43/EU Croatia adopted the Decree of the Government N° 137/2000 on the Prevention and Punishment of All Forms of Discrimination. Discrimination is described as harassment based on race, nationality, ethnic background, language, religion, social status, creed, gender, sexual orientation, belonging to a disadvantaged category, age, disability, refugee status or asylum seeker status. The law prohibits discrimination on the job, while studying, housing, health-care services, etc.

Article 282 of the Criminal Code foresees criminal liability for government officials for discrimination against certain individuals.

Since 2011, the country has a modernized Law on Education that meets all EU standards and is ratified by Romania's international agreements. The law states that persons belonging to national minorities have the right to receive education in their native language at all levels of pre-university education. Schools or classes with education in the minority language are created at the request of parents or legal guardians, without any minimum quantity threshold.

Act N° 61 of the 21st of March 2013, adopted in accordance with EU requirements, places a burden of proof on the defendant when dealing with cases of discrimination in the National Council for Combating Discrimination. The plaintiff only needs to submit evidence of discrimination.

- Compliance of the government (central, regional, municipal), law enforcement and judiciary with anti-Nazi, anti-racist, anti-extremist, anti-discriminatory and hate crime legislation.

Romania officially adopted the major European and international rules and regulations that prohibit any kind of discrimination. EU anti-discrimination policy has not been fully implemented (2000/43/EU and 2000/78/EU of 29.06.2000 27.11.2000) in 2012, and only after the pressure of the EU in March 2013 the stalled process started to move.

The main bodies responsible for dealing with national minorities are the Department for Interethnic Relations and the Government Council for National Minorities. The National Agency for Roma, founded in 2004, coordinates the implementation of the state policy in respect to that part of the population. The strategy of state policy towards Roma focuses on six areas: education, employment, health, housing and small infrastructure, culture and social infrastructure. Particular attention is paid to such urgent problems as the fight against segregation of Roma children in schools and ensuring social housing for Roma. In Romania, the institute of "school mediators", which has proved its usefulness as a tool to monitor the situation and to avoid cas-

es of dropping out, as well as ensuring school attendance among Roma pupils. In 2012, 437 such intermediaries worked at county school inspectorates, the local government and county councils. In 2013, the number of intermediaries began to decline due to funding limitations of the program. The experimental program “Social housing for Roma communities”, which is held by the National Housing Agency, includes a plan to build 300 units of social housing in 11 cities with the most convenient way for Roma to access education, health care and social services.⁴⁰

The National Agency for Roma Affairs in cooperation with other ministries and representatives of civil society have developed a new national strategy for Roma for 2011–2020 in order to improve the level of education and skills of Roma, including expansion in employment, poverty reduction, prevention of social exclusion and discrimination against Roma in society, as well as improving their health and living conditions.

Regional offices of the Department of International Relations operate in the counties of Cluj, Constanta, Kharga, Mehedintsi, Suceava, Timis.⁴¹ In the recent years, 30,000 Roma people have received identification documents. Registration of children on birth has been streamlined.⁴² On the other hand, many Roma still lack the necessary documents.⁴³

In 2006, the National Council for Combating Discrimination was established.⁴⁴ NCCD is an independent public body under parliamentary control, which works in the field of anti-discrimination and is the guarantor of the observance and application of the principle of non-discrimination in accordance with national laws and international treaties to which Romania is a member. Discrimination is also combated by National Council for Mass Media (Consiliul Național Audiovizualului — NSS), which has the right to apply sanctions against the media in the case of violation of rules and regulations. In 2012 NSS introduced a system of sanctions in case of nationalist, anti-Semitic and racist statements in television and radio shows.⁴⁵ NCCD consists of representatives of Hungarian and Roma communities.

The struggle against discrimination is an important area of work for the Public Defender (the Ombudsman).

A specific problem is the compliance of section 7 of Article 32 of the Romanian Constitution, which states: “The State shall ensure freedom of religious education in respect to specific requirements of each cult. In public schools, religious education is organized and guaranteed by law”.

In accordance with the Constitution, 18 recognized religions have the right to conduct the lesson of religion in public schools. The law

entitles students to attend religion classes in school in accordance with their beliefs, regardless of their number. In 2007, Romania established an Advisory Council of Churches and Religious Confessions to handle potential conflicts between religions.

In 2013, an Interdepartmental Committee was established to monitor and support the implementation of the new legislation on restitution of property.⁴⁶

Unfortunately, such legislation is rarely enforced in practice.

In 2011, as part of its obligations under the “Framework of the EU for national Roma integration strategies up to 2020” Romania has developed a National Strategy for Roma Inclusion. However, as noted in the report of Amnesty International, published in February 2013, all these commitments “do not pass the region-specific actions”.⁴⁷

For these purposes, the National Agency for Roma is constantly criticized by human rights organizations. In the context of the difficult socio-economic situation in the country in conjunction with the clumsy and uncoordinated interaction of the Institute with other government agencies they realized a very limited number of projects that, according to the NGOs questioned the decision of the Roma issue in the short term. Many programs have been cut due to the transfer of the relevant authority in the course of administrative “downward” reform, as the local authorities are not very keen to develop programs unpopular with conservative voters.

Minor improvements have been made to provide sufficient funding for the National Council for Combating Discrimination.

No steps were taken to the real implementation of the existing 2005 “Code of Ethics and Conduct for police officers” in the fight against xenophobia and discrimination. At the moment there is no independent structure that investigates hate crime committed by police officers.⁴⁸

In addition, Romanian government is not conducting any statistical monitoring on hate crime.⁴⁹

- Struggle against hate crime (criminal cases against organizers and participants, guilty verdicts).

Romania is among the countries that do not lead monitoring and statistics on hate crimes in the country. Most of the crimes committed on the basis of hatred are not qualified properly by Romanian law enforcement agencies because of a lack of professional skills of police officers, or reluctance to formally recognize the problem of xenophobia in the country. There are reports of widespread practice of the law enforcement to characterise hate crime as common crime and reluctance to investigate racist incidents.

Unfortunately, due to the lack of official statistics on crimes motivated by xenophobia, one can only talk about the sentence imposed on the NCCD.

In January, TVR cable network was fined for 15 thousand US dollars for broadcasting an anti-Semitic Christmas anthem.⁵⁰

On January 14, National Council for Television and Radio Transmission fined B1TV for 2.2 EUR for journalist's discriminatory statements against Moldovan citizens and Moldovan Prime Minister Iurie Leanca.

On February 8, National Council against Discrimination fined President of Romania Traian Basescu for 600 lev (\$185) for his statement in 2012, where he called Roma spongers and thieves.⁵¹

On June 27, Traian Basescu has lost a court action against the National Council for Combating Discrimination, which determined that his statements against the Roma were racist. As a result, the President of Romania is to pay a fine for his racist remarks.⁵²

On September 17, "Censorship Attack" was fined 1,000 lev.⁵³ On September 24, NCCD fined Gandul newspaper 2,000 lev for a false anti-Roma article.⁵⁴

After a demonstration in Tigru Mures in March (see below), Romanian authorities denied entry for several dozen Jobbik activists who were intending to take part in political actions in Transylvania.⁵⁵

- Misuse of anti-extremist legislation.

No such cases have been recorded in 2014.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Presence of anti-Nazi, anti-racist and anti-extremist legislation; legislation aimed against the incitement of ethnic and religious hatred in the country.	5	5	5
×	Presence and development of anti-discriminatory legislation.	5	5	5
-/×	Compliance of the government (central, regional, municipal), law enforcement and judiciary with anti-Nazi, anti-racist, anti-extremist, anti-discriminatory and hate crime legislation.	5	2.5	2.5
-/×	Hate crime (criminal cases against organizers and participants, guilty verdicts).	2.5	2.5	2.5
-	Misuse of anti-extremist legislation.	0	0	0
	Total for section 3	15	20	15

4. Statements of government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism

In 2013, several cases of anti-xenophobic rhetoric have been recorded.

On January 31, President of Romania Traian Basescu criticised the position of the German Christian-Socialist Union party, which demands to tighten the measures regarding migrant workers from the Balkans. According to the President, they have the same rights as other EU citizens and should not be exploited in populist campaigns. “Romania entered the EU together with Gypsies and there were no norms that would limit the rights of this minority in the agreement signed between our State and the EU... of course, they are very visible, they ask for money, food, they annoy people. Perhaps, they annoy people more than a banker, who makes tens of millions that then disappear from the bank. Bankers do not irritate anyone, but then the government has to pay them billions, as it was during the recession”.⁵⁶

On March 12, Traian Basescu asked the Parliament to recognise the Hungarian nationalist party “Jobbik” as extremist and ban its activities in Romania. This is an extremist party that has no regard for united Europe. I think it is time to put an end to its activities on the territory of Romania.” In his opinion, democratic forces in Europe should react to the growth of the far left and the far right extremism and neo-fascism, citing the National Front in France, led by Marine Le Pen, and the Greek extreme right Golden Dawn party.

On December 24, it was reported that President of Romania Klaus Iohannis said that Romania’s membership in the EU and NATO directly implies the absence of any territorial claims towards another state, therefore the issue of territorial claims to Ukraine is no longer on the agenda.⁵⁷

Victor Ponta, head of the Romanian Cabinet, commented on Basescu’s New Year’s speech about the need to join with Moldova, noting that “Basescu’s reckless statements about the unification of two states could only hinder the rate of Moldova’s European integration and bring the oppositional communists to power in the future elections”.⁵⁸

On February 25, Romanian Ministry of the Interior criticised the abolition of the Law on Languages in Ukraine. “In the context of the abolition of the Law on State Language Policy by the Ukrainian Parliament on February 23, the Ministry of Foreign Affairs expresses deep concern with the possible deterioration of rights of ethnic minority citizens.”

Ministry’s statement said that Kiev must “maintain the level of protection of national minorities in order to keep true to its European path.”⁵⁹

On July 15, leader of the moderate Democratic Union of Hungarians in Romania Hunor Kelermen announced his resignation as Vice Prime Minister and Minister of Culture, expressing dissatisfaction that Romanian authorities were unwilling to meet his bill on the protection of national minority rights.⁶⁰

On November 1, MP Eugene Tomak said that residents of Gaugazia must not fear unification with Romania, since Romania is a diverse country with different peoples who are able to preserve their languages and cultures.⁶¹

There have been some unfounded allegations of xenophobia. On September 9, Prime Minister Viktor Ponta compared President Basescu's 10-year government to the "consequences of Nazi regime in Germany." He told Antea3 TV that Romanian society will need to recover from Basescu's rule. He heavily criticised President's position regarding the unification of Romania and Moldova. President of the Federation of Jewish Communities in Romania, Aurel Vainer, called Ponta's statements "a huge political mistake". He said that Ponta's comparison of Basescu's rule to the Nazi regime were incorrect and extremely exaggerated and noted that modern Romania is a democratic and parliamentary state.⁶²

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
-/x	Statements of government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism.	2.5	5	5
	Total for section 4	2.5	5	5

5. Activities aimed at promoting tolerance and preventing extremism

In 2014, Romania continued to implement Roma integration programmes in education, healthcare and employment (job fairs, training courses, subsidies for employers recruiting Roma workers aged 45 and over). Authorities are carrying out a campaign to recruit ethnic minorities in the law enforcement.

Romanian government is a member of the Task Force for International Cooperation on Holocaust Education, Remembrance, and Research. The Government continued to implement the recommendations of the International Commission on the Holocaust in Romania (Wiesel Commission) and to promote the study of the history of the Holocaust in school curricula. The history of the Holocaust has been included in the history courses in the 7th, 8th and 12th grades. Govern-

ment continued to support teacher training for history teachers on this subject in specialized training centres. In addition, the Ministry of Education has provided training materials and maintains a web site that is designed to provide guidance to teachers throughout the country. The Ministry is also the sponsor of the national and international seminars on the teaching of the history of the Holocaust.⁶³

There are state-funded television programs in minority languages. Basically we are talking about programs in Hungarian and Romany languages, but the following also have their programs: Germans, Serbs, Turks, Ukrainians, Russian, Czechs and Slovaks, Bulgarians, Croats, Italians, Greeks, Armenians, Tatars.⁶⁴

A number of projects were conducted by NCCD and the Department for Interethnic Relations. In 2014, NCCD launched a three-year programme called “Increasing anti-discrimination measures on the national level through involving specialists and the civil society”.⁶⁵

Another project, “Education in the field of combatting discrimination, gender inequality and rights of persons with disabilities”, was launched in May 1, 2014 until November 30, 2015. The project involves three training courses with 600 participants.⁶⁶

National Institute of the Magistrate (NIM) provides training for judges in identifying racism as an aggravating circumstance.⁶⁷

It was reported that Filipeștii de Târg authorities instituted a Roma integration policy, which improves the infrastructure in the region and expands social services in relevant areas.⁶⁸

On May 18, Romania held a grand opening of the Centre for Holocaust Studies.⁶⁹

On December 5, an anti-Semitic Romanian diplomat Vasile Sorin was recalled from Armenia.⁷⁰

Presence of Criteria	Indicator	Score
×	Activities aimed at promoting tolerance and preventing extremism.	5
	Total for section 5	5

6. Position of migrants and society’s attitude towards immigrants, foreigners, different ethnic groups

Indicators

- Presence and development of migration laws.

Romania has a dual role. On the one hand, it is the Donor country of immigration. According to some reports 2 million persons left the

country. On the other — it is the “eastern gate” of the EU. As of 2009, there were about 60,000 legal migrants in Romania. Most of them are of Arab, Turkish, Chinese and Moldovan origin.⁷¹ Therefore, the Romanian legislation covers both of these problems.

Article 17 of the Romanian Constitution stipulates that Romanian citizens abroad enjoy the patronage of the Romanian state. Article 18 says that those who live in the country of foreigners and stateless persons “have a shared patronage in respect of their persons and property, guaranteed by the Constitution and other laws”.⁷² According to Article 9 of the Citizenship Act, migrants can send requests for citizenship after five years in the country (or three years of being married to a citizen of Romania).⁷³ However, Articles 4–5 of the Citizenship Act, adopted in 1991, do not provide for automatic granting of citizenship to children born in Romania, if at least one of their parents has Romanian citizenship.⁷⁴

Article 264 of the Criminal Code of Romania, includes passages regarding the punishment for the organization of illegal migration. It relies for the punishment of up to seven years in prison, if the organizer is a civil servant, or up to five years for all others.

Aiding and abetting illegal immigration shall be punished even if it was not intended for profit. Even helping illegal immigrants can be subject to a fine. Also to be fined are persons who give illegal immigrants housing for rent.⁷⁵

The situation with migrants is regulated by Act N^o 194 as of 12th December 2002 and Foreigner Act N^o 122 “On Asylum”, adopted in May 2006.⁷⁶

According to Article 9 of the Act N^o 122 refugee status is granted in perpetuity, and temporary legal protection for a term not exceeding two years. Also, the resolution of the Government N^o 102/2005, as amended in 2011, in relation to the free movement on Romanian territory of citizens of the EU Member States, European Economic Area and Swiss nationals.⁷⁷

In addition, the law N^o 248/2005 on the free movement of Romanian citizens allows national courts to limit exit from Romania for a period of up to three years, if the presence of a person in the country, due to the actions that he/she performs or should perform, can seriously damage the interests of Romania, or if it is justified by bilateral agreements joined by Romania. This applies to persons who have been deported from other EU countries.⁷⁸ This provision, in particular, complicates the work of human rights defenders — anti-fascists from other countries, who, for example, were denied entry into one of the Baltic countries; Estonia is in fact the only country with a “black list” of several dozen foreigners, including citizens of the EU.

According to the Law “On Asylum”, refugee status and subsidiary protection in Romania are available for an indefinite period. Additional protection is granted to a foreigner if there are no grounds for granting refugee status, but dangerous to send such a foreigner to the country of his nationality. In case of the availability of reliable information about the dramatic improvement and stabilization of the situation in the country of origin of the refugee the decision to grant him refugee status may be revised. In 2013, “Asylum Law” allows the movement of single migrant teenagers..⁷⁹

Since 2007 (after Romania’s accession to the EU) legislation has included the ability to provide temporary protection in cases of mass influx of persons seeking protection. However, there were no disclosures of this type of protection in Romania in practice.⁸⁰

Romania had not ratified the European Convention on the Participation of Foreigners in Public Life at Local Level and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.⁸¹

- Government’s compliance with such legislation (law enforcement practice).

The Immigration Service of the Ministry of the Interior is in charge of the affairs of migrants. In Romania there are six refugee centres (in the cities of Bucharest, Galati, Radauti, Maramures, Timisoara and Giurgiu). In the centres applicants become registered, they related their private affairs and became acquainted with the recommendations in respect to their solutions. In the same motion acts the adviser who assists a foreigner in the procedure for consideration of his application, and if concerning refugee status — advise them on integration.

The centres not only provide a place to stay, but also carry out the mandatory and periodic medical examinations, residents are encouraged to participate in cultural events and visit free language courses. Even those who do not reside at the centres can use its services.

During the course of the procedure the applicant is paid the minimal financial assistance, which in fact, is less than the subsistence minimum.

Much attention is paid to the minor unaccompanied applicants. Such foreigners before the age of 16 are accommodated in special centres for Romanian children and on the age of 16 they are transferred to refugee centres with a mandatory establishment of a guardian.

- Discriminatory practices against migrants.

No such cases have been recorded in 2014.

- Use of ethnic crime as justification for discrimination against immigrants.

No such cases have been recorded in 2014.

- Social assistance for immigrants.

Social assistance for migrant workers are regulated by the Foreigner Act, the Law on Asylum and the Social Assistance Act.

Article 79 of the Foreigner Act says that the Romanian state should provide conditions for the integration of foreigners who have been granted the right to live in Romania, in the economic, social and cultural life of the country. To ensure the integration of the Romanian language, courses in the history, culture, civilization, and the state of justice in Romania, legal training courses, provides information on the rights and responsibilities of migrants.⁸²

For the integration of migrants is responsible a number of agencies (each aspect) — Ministry of Internal Affairs, Ministry of Education, Culture and Youth, the Ministry of Labour, Family and Equal Opportunities, Ministry of Health, etc. Coordination and monitoring of policies implemented MIA Immigration Service. Measures provided for by law in order to achieve integrate refer to facilitate access to the rights to employment, housing (with the provision of rental subsidies in the amount of 50% of its value), education, health care and social assistance, and implementation of the integration program — including the study of Romanian language.

Each individual migrant is provided with his specific integration programme. Provided for in the framework of its action must be submitted within six months after the signing of the protocol on integration.⁸³ Article 18 of the Law on Asylum provides for the organization of special courses for refugee minors, the passage of which would allow them to integrate into the Romanian educational system. In addition, each worker must sign a protocol on integration.

Article 4 of the Law on Social Assistance guarantees its receipt, along with the Romanian citizens, legal aliens is having a temporary or permanent residence permit, as well as EU nationals.⁸⁴ Local authorities are obliged to provide social housing to persons who were granted a form of protection in Romania and who are moving to the appropriate community, within available resources, and on the same conditions as Romanian citizens.⁸⁵

- Negative attitude of the community towards immigrants, foreigners, various ethnic groups.

Results of a sociological survey have been published on February 6, indicating that 49% of Romanians have negative attitude to-

wards Hungarians. They are followed by Ukrainians and Russians. Citizens of Romania consider these three countries as the main external political opponents.⁸⁶

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Presence and improvement of migration laws.	5	5	5
×	Government's compliance with such legislation (law enforcement practice).	5	5	5
–	Discriminatory practices against immigrants.	–5	0	0
–	Use of ethnic crime as justification for discrimination against migrants.	0	0	0
×	Social assistance for immigrants.	5	5	5
×	Negative attitude of the community towards immigrants, foreigners, various ethnic groups.	–5	–5	–5
	Total for section 6	5	10	10

7. Incitement of religious and ethnic hatred

Indicators

- Calls for ethnic and religious hatred in mass media and mass communications, graffiti.

On January 9, leader of “Great Romania” party George Funar stated on Realitatea TV channel, that the acting law that liberalises the sale of agricultural lands and allows its sale to foreigners can lead to “elimination of Romanian nation and disappearance of Romania as a country from the map of Europe”.⁸⁷

It is worth noting the common anti-Roma and anti-Hungarian chants of the Steaua FC fans during football matches.⁸⁸

- Presence and popularity of radical nationalist literature, films, music. Ultra-nationalist rock bands and their concerts.

Extreme nationalist literature is not very popular in Romania. However, there are several books on the history of the country during the dictator Antonescu aimed at the glorification of the Romanian fascist 1930–1940s (See below), as well as literature, non-fiction and feature films aimed at promoting the thesis “Bessarabia — Romanian land”.

Romania does not have any neo-Nazi rock bands of the Western European type, but many popular online recordings are devoted to the motion “Anti-Monel” (Monel — a kind of Roma music), the followers of which are hostile to the Roma. Formally, it is a competition of musical styles; in fact, this is a real propaganda of racist and ultra-nationalist ideas.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Calls for ethnic and religious hatred in mass media and mass communications, graffiti.	-5	-5	-5
×	Presence and popularity of radical nationalist literature, films, music. Ultranationalist rock bands and their concerts.	-5	-5	-5
	Total for section 7	-10	-10	-10

8. Radical nationalist groups and parties

I n d i c a t o r s

- Presence of neo-Nazi and ultra-nationalist groups, movements, political parties (both in the centre and in the localities).

Most popular extreme right party is “Great Romania”, founded in 1990 by Vadim Tudor.⁸⁹ Current leader is George Funar.⁹⁰

Țoțul Pentru Țară party (All for the Motherland) considers itself the successor of the Movement of the Legionaries/Iron Guard, the main fascist organization of interwar Romania, and actively uses “legionary” symbols (green shirt), rhetoric (radical nationalism) and gestures (Nazi greeting — “Nazi salute”).

One of the most active political groups — an organization called “New Right” (Nou ă Dreapta — ND), existing since 2000 that is actively engaged in building international contacts, particularly with representatives of Moldova and Ukraine, also positioning itself as a successor to the “legionnaires”.

As the legacy of the “Iron Guard” proclaims itself the active “Movement of Legionnaires” in Bucharest, having their data centre with a library on the front of which are plotted fascist symbols of the “Iron Guard”.⁹¹

There is also a right-wing populist party called “New Republic.” In areas heavily populated by the Hungarian minority acts the moderately nationalist Transylvanian Hungarian People’s Party.

- Presence of discriminatory demands in the programmes of these parties and in the statements of their leaders towards the members of minorities.

“Great Romania” supports the restoration of its “historical borders” — i.e. with the absorption of Moldova and the rejection of the territory of Ukraine.⁹² “New Republic” declares reverence for “the pantheon of Romanian soldiers who died in the war for independence and the two world wars” (i.e. to the soldiers and Antonescu regime, former ally of Hitler).⁹³

“Great Romania” website contains articles aimed to “prove” that the Hungarians living in the Székely region and since 1940 have destroyed all traces of Romanian civilization, and earlier this land was exclusively inhabited by Romanians. Hungarians referred to as “the invading colonists” and expressed hope for the restoration “of the Romanian majority” in the province.⁹⁴

Transylvanian Hungarian People’s Party was in favor of the autonomy of the so-called Székely region and the main language status for the Hungarian language in the territory.

- Neo-Nazi and radical nationalist influence over the civil society, including oppositional and human rights organizations.

Despite the fact that the radical nationalists are not represented in high government bodies, their ideas, such as the creation of “Great Romania”, have a huge impact on society.

This influence, however, is so far not translated into votes. Economic problems seem to worry the general population more than nationalists’ agenda. On the other hand, leading parties have been known to “borrow” nationalist rhetoric from the extreme right. In 2014 European Elections, Great Romania party received 2.7% of votes.⁹⁵ On Presidential elections, Mr Tudor received 3.68%, while Mr Funar received only 1%.⁹⁶

- Neo-Nazi and radical nationalist influence over the local legislative/executive bodies.

Romanian radical nationalists are represented at the local level in several regions of Romania. At the municipal level they are also presented in the so-called Székely region by the moderately nationalist Transylvanian Hungarian People’s Party, to get a seat in the municipal elections on June 10, 2012.⁹⁷

- Neo-Nazi and radical nationalist influence over the central legislative/executive bodies.

Great Romania party has not been represented in parliament since 2008. However, extreme nationalist ideas are sometimes borrowed by

the leading parties — chief example being the promotion of the Great Romanian state, unification with Moldova and giving out Romanian passports in Ukraine and Moldova (300,000 passports as of 2013). Romanian President himself has made several unionist statements.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Presence of neo-Nazi and ultra-nationalist groups, movements, political parties (both in the centre and in the localities).	-5	-5	-5
×	Presence of discriminatory demands in the programmes of these parties and in the statements of their leaders towards the members of minorities.	-5	-5	-5
-/×	Neo-Nazi and radical nationalist influence over the civil society, including oppositional and human rights organisations.	-5	-5	-2.5
-/×	Neo-Nazi and radical nationalist influence over the local legislative/executive bodies.	-2.5	-2.5	-2.5
-/×	Neo-Nazi and radical nationalist influence over the central legislative/executive bodies.	-5	-2.5	-2.5
	Total for section 8	-22.5	-20	-17.5

9. Public actions of extremist and nationalist groups

Indicators

- Neo-Nazi and radical nationalist participation in mass actions prohibited by the authorities.

On March 10, an unsanctioned large-scale march was held in Tigrumures. Many thousands of Hungarians gathered to advocate Hungarian autonomy and protest the assimilation policy conducted by Romanian government. During the action, members of the far-right party “Jobbik” who arrived from Hungary chanted, “Székelyföld — is not Romania”, “Everyone in Bucharest is a gypsy”, and “Death to Trianon”. The action resulted in a clash between the Hungarian radicals, primarily from Jobbik, and the Romanian gendarmes.⁹⁸

- Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities.

Public movement “Civic Platform Actiunea-2012”, which unites several Romanian unionist organisations from Romania and Moldova held a school of Romanian culture and identity “Incubator of Romanism” in Sfantu Gheorghe (Transylvania, Romania) on January 21–23.⁹⁹

On October 12, March for the Unification of Romania and Moldova was held in Bucharest, capital of Romania. The event gathered several thousand people. According to the activists, the only way to avoid Ukrainian scenario in Moldova is to unite the two states. Furthermore, they claimed that the unification of two countries would help Moldova join the European Union.¹⁰⁰

- Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities, with the participation of representatives from the legislative or executive bodies, law enforcement and security agencies.

No such cases have been recorded in 2014.

- Presence of “football xenophobia” and racism amongst sports fans.

Football racism was common in Romania in 2014. Steaua FC and its fans remain the main source of football xenophobia. They chanted anti-Roma slogans during matches vs Rapid FC and anti-Hungarian chants during a match with a Hungarian team. Sports authorities made no response to these incidents.¹⁰¹

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Neo-Nazi and radical nationalist participation in mass actions prohibited by the authorities.	0	0	-5
×	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities.	-5	-5	-5
-	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities, with the participation of representatives from the legislative or executive bodies, law enforcement and security agencies.	0	0	0
×	Presence of “football xenophobia” and racism amongst sports fans.	-5	-5	-5
	Total for section 9	-10	-10	-15

10. Racist attacks, violence and terror

Indicators

- Vandalism in cemeteries, attacks on religious buildings.
On June 9, vandals broke windows of a synagogue in Ploiesti.¹⁰²
- Inter-ethnic clashes instigated by xenophobia and radical nationalism.
No such cases have been recorded in 2014.
- Cases of violence, including murder on racial, ethnic and religious grounds.
No such cases have been recorded in 2014.
- Nationalist or religious terrorist attacks.

On June 3, firebombs were thrown into an abandoned synagogue in Sighisoara.¹⁰³

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
-/×	Vandalism in cemeteries, attacks on religious buildings.	0	-5	-2.5
-	Interethnic clashes instigated by xenophobia and radical nationalism.	0	0	0
-	Cases of violence, including murder on racial, ethnic, and religious grounds.	-5	-5	0
-	Cases of hate-driven murders	-5	0	0
×	Nationalist or religious terrorist attacks.	0	0	-5
	Total for section 10	-10	-10	-7.5

11. Presence, popularity and size of anti-fascist and anti-racist movements

Indicators

- Presence of anti-racist and anti-Nazi movements and parties.

Since 1993, the CRISS organization is operational. It protects and promotes the rights of Roma in Romania, providing legal assistance in the fight against racial discrimination. In addition to it there are about two dozen organizations in Romania that help the Roma com-

bat xenophobia and discrimination.¹⁰⁴ An Open Society Foundation in Romania promotes a tolerant society.¹⁰⁵

Monitoring of anti-Semitism is conducted by the Centre for Monitoring and Combating anti-Semitism. The Institute for the Study of the Holocaust in Romania is informing the public about the Holocaust deniers.¹⁰⁶

- Anti-racist and anti-fascist movement activities (pickets, rallies, demonstrations).

Roma and Minority Support Foundation and Romanian Football Federation held a football match on October 18, as part of the European network “Football Against Racism in Europe”. Popular footballers and Roma children participated in the march together.¹⁰⁷

Amnesty International held several seminars in Romania, under the title “Speak Openly”, dedicated to LGBT.¹⁰⁸

- Presence of anti-racist and anti-fascist civic initiatives.

In 2014, Active Watch held a media campaign to refute the stereotypes about Roma people.¹⁰⁹

In early July, the Romanian Orthodox Church condemned the glorification of the Iron Guard, stating that “these appeals to religious or ethnic hatred do not represent the official view of the Romanian Orthodox Church. This is a case of indiscipline or separate manifestations of individual freedom without responsibility towards society. True monks can be good patriots and without any political association with anti-Semitic and xenophobic ideology.” Archbishop Iass was assigned to conduct discussions with the monks of the monastery.¹¹⁰

On August 5, UEFA disciplinary committee ruled to close the seven sectors of the stands in the National Arena in Bucharest during a match between the Romanian “Steaua” with FC “Aktobe”, as punishment for anti-Roma chants of Steaua fans during a previous match against the Norwegian Strømsgodset.¹¹¹

On September 19, Democratic Union of Hungarians in Romania (UDMR) introduced a bill on the autonomy of Szekely Land (not recognised by Bucharest), including the territories of Harghita, Covasna and Mures — predominantly populated by ethnic Hungarians. UDMR initiative envisages the establishment of a Regional Council and Government of the autonomy, the president of which will be able to participate in the Romanian government on issues that affect the autonomy. Hungarian would be made a second official language, alongside Romanian, and its lessons would be made compulsory in local schools.¹¹² Leader of UDMR Hunor Kellerman said that the Transylvanian autonomy would be a copy of the Italian South Tyrol, which has close ties with Austria.¹¹³

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Presence of antiracist and anti-Nazi movements and parties.	5	5	5
-/×	Presence of anti-racist and anti-Nazi movements and parties.	2.5	5	2.5
×	Presence of antiracist and antifascist civic initiatives.	0	5	5
	Total for section 11	12.5	15	12.5

12. Glorification of German National Socialism and collaborators of Nazi Germany, historical revisionism, Holocaust denial

I n d i c a t o r s

- Glorification of German National Socialism and/or its collaborators in the media, desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition.

Articles that glorify the dictator Antonescu, representing him in charge of the state leader and as a patriot of his country, appear regularly in the Romanian media.¹¹⁴

On July 1, it was reported that a priest from Peter Voda Monastery praised the fascist Iron Guard at the Țigănești, Strășeni cemetery in Cholpan-Ilfov.¹¹⁵

- Glorification of German National Socialism and/or its collaborators with the support of local authorities, demolition of monuments to soldiers of the anti-Hitler coalition, erection of monuments to the soldiers of Wehrmacht and Nazi butchers.

In Bucharest, at the residence of the “Movement of Legionnaires” the “Iron Guard” flag is freely presented, and the building is decorated with fascistic symbols. In the city leaflets are freely distributed on behalf of the “Iron Guard”.¹¹⁶ The authorities do not prevent marches praising Codreanu, etc.

- Glorification of German National Socialism and/or its collaborators in the decision, made by the authorities.

On October 25, President of Romania Traian Basescu said that Romania’s participation in the Second World War against the Soviet Union cannot be called a mistake. He believes that the invasion of Moldova was a justified step, and he will always consider the land between Prut and Dniestr as Romanian territory.

Speaking at a ceremony dedicated to the Romanian army, President Basescu said, “I will say something that not everyone may agree with. It will not be the first time, but today, at the end of the mandate, I am free to say it: We don’t talk much about the first part of the Second World War, when Romanian soldiers fell carrying out politicians’ orders. And nobody will ever convince me that crossing Prut was a historical mistake.”¹¹⁷

- Historical revisionism, Holocaust denial.

There have been attempts to whitewash Dictator Antonescu’s responsibility for the Holocaust. History textbooks do not tie his actions to the Holocaust at all.¹¹⁸

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Glorification of German National Socialism and/or its collaborators in the media, desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition.	-5	-5	-5
×	Glorification of German National Socialism and/or its collaborators with the support of local authorities, demolition of monuments to soldiers of the anti-Hitler coalition, erection of monuments to the soldiers of Wehrmacht and Nazi butchers.	-5	-5	-5
×	Glorification of German National Socialism and/or its collaborators in the decisions, made by the authorities.	-5	-5	-5
×	Historical revisionism, Holocaust denial.	-5	-5	-2.5
	Total for section 12	-20	-20	-17.5

13. Public calls for repression against the veterans and partisans of the anti-Hitler coalition, as well as anti-fascists

Indicators

- Public calls for repression against the veterans and partisans of the anti-Hitler coalition, as well as anti-fascists.

No such cases have been recorded in 2014.

- Restrictions on human rights and anti-fascist organizations, bans to entry or exit imposed on anti-fascists, inaction of the authorities.

No such cases have been recorded in 2014.

- Criminal prosecution of veterans, partisans of the anti-Hitler coalition and anti-fascists.

No such cases have been recorded in 2014.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
–	Public calls for repression against the veterans and partisans of the anti-Hitler coalition, as well as anti-fascists.	0	0	0
–	Restrictions on human rights and anti-fascist organizations, bans to entry or exit imposed on anti-fascists, inaction of the authorities.	0	0	0
–	Criminal prosecution of veterans, partisans of the anti-Hitler coalition and antifascists.	0	0	0
	Total for section 13	0	0	0

14. International Aspect

Indicators

- Participation in significant international agreements on combating racism and discrimination of ethnic minorities.

At the end of the reporting period, Romania has signed and ratified the International Convention on the Elimination of All Forms of Racial Discrimination (in 2003 an assumption was made that Romania will recognize the competence of the Committee on the Elimination of Racial Discrimination only when dealing with complaints about violations of individuals rather than collective rights), the Convention on Elimination of All forms of Discrimination against Women, the Framework Convention for the protection of National Minorities, the European Charter of Regional Languages and Minority Languages, the Additional Protocol to the Convention on cyber-crime, concerning the criminalization of acts of racist and xenophobic nature committed through computer systems,¹¹⁹ as well as the Protocol to paragraph 12 of the European Convention on Human Rights (ECHR).

At the same time, Romania had not ratified the European Charter for Regional or Minority Languages, as well as international and European Convention on the Rights of Migrant Workers and the European Convention on the Participation of Foreigners in Public Life at Local Level.

- Accession to new international agreements and resolutions of various international organizations, aimed at combating Nazism, combating discrimination, or protecting minority rights.

Romania did not join any new international treaties or resolutions in this field during the monitored period.

- International statements and initiatives of the monitored countries and their leading politicians, aimed against discrimination, neo-Nazism and xenophobia.

During the monitored period, Romania made no international initiatives or declarations on the fight against racism and discrimination.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Participation in significant international agreements on combating racism and discrimination of ethnic minorities.	5	5	5
–	Accession to new international agreements and resolutions of various international organizations, aimed at combating Nazism, combating discrimination, or protecting minority rights.	0	0	0
–	International statements and initiatives of the monitored countries and their leading politicians, aimed against discrimination, neo-Nazism and xenophobia.	0	0	0
	Total for section 14	5	5	5

CONCLUSION

Implications for the development of the country and society, based on the analysis of factors and taking into account the aspects listed below.

Radical nationalism in Romania remains on the same level as in 2013. However, it is worth noting this year's increased anti-discrimination rhetoric and a small reduction of extreme nationalist activity.

Romania's main problem is the widespread unionist ideology, underpinned by the idea of Great Romania and supported by President Traian Basescu himself. Meanwhile, only 15% of Moldovans support unification with Romania. Glorification of Antonescu's fascist regime is a direct result of these sentiments.

Adding to this the high levels of anti-Roma sentiments and tensions with the Hungarian minority, we can conclude that aggressive nationalism in Romania has had serious impacts on its internal and external policies.

ASPECTS

1. Human Rights

- *Guarantees against any form of minority discrimination.*

Minority in Romania are protected from discrimination by individual articles of the Constitution, the anti-racism law №107/2006, anti-discrimination Government Decree № 137/2000, the Education Act 2011 and the Penal Code. An important tool in the protection of minority rights, the National Council for Combating Discrimination (NCCD), was established in 2006. The country lacks a complete legislation on the protection of national minorities. Romania refuses to recognize their minorities of the Balkan-Romano group, considering them Romanians, which contradicts the identity of these peoples.

- *Adherence to norms of the fundamental human rights instruments (European Convention for the Protection of Human Rights and Fundamental Freedoms, European Charter on Human Rights, as well as in adherence to the Framework Convention for the Protection of National Minorities and the European Commission against Racism and Intolerance, etc.).*

Romania has signed all major international agreements on the protection of minority rights, but the government, particularly in this field often allows violations of the provisions of these documents, particularly with regard to the Roma minority — in education, employment, healthcare, tenancy, etc. In addition, there are violations against compact ethnic Hungarian minority settlements based on their linguistic rights.

- *Rights and freedoms of ethnic minorities compared to the titular nation.*

This primarily concerns the linguistic rights of the Hungarian minority in Transylvania and socio-economic rights of the Roma.

- *Legislation enshrining inequality of minorities.*

Questions arise about the decision of the Ministry of Labour and Social Protection, adopted in February 2012, according to which the right to receive social benefits are denied to those Romanians who are

not registered for tax purposes and hold a minimum amount of precious metals or other valuables. This ruling implicitly directed against the Roma minority, which for the most part meets all these characteristics.

The New Code of Civil Procedure, which was passed in 2013 discriminates Roma homeowners limiting the grounds on which eviction may be considered in court, only with the right to property or the expiration of the lease term (many Roma simply do not have any documents to that effect).

- *Rulemaking in protection of minorities.*

In accordance with the anti-discrimination standards of the EU, Act N° 61 (2013) the burden of proof in cases of discrimination in the National Council for Combating Discrimination lies on the defendant. The plaintiff only needs to submit evidence of discrimination.

- *Freedom of speech violations.*

Romanian Constitution (Article 8, Article 30) guarantees freedom of speech and the press, and the government generally respected these rights in practice, however, there are legal prohibitions against “defamation of the country” and “abuse of power”, including being proscribed in the Constitution (Article 30, paragraphs 7,8) that could potentially restrict these rights. Therefore, although there are no legal restrictions on the exercise of freedom of the press, frequent complaints of officials from the ruling party suggest that the authorities can use certain sanctions, such as heavy fines for illegal restriction of this right.

- *Legislation and law enforcement practices concerning migrants.*

Romania has a developed legislation on migration, as well as the various programs on the integration of migrants. The number of immigrants, compared with the number of Romanians — labour emigrants living abroad, minimally, so this problem is not significant for the country.

2. State of society

- *Risk of violation or non-compliance with the acting laws aimed at protecting the rights of minorities; risk of discriminatory practices against members of minorities.*

Xenophobic attitudes are becoming increasingly popular in Romania, and Romanians themselves are fully aware of it, judging by the results of opinion polls. Currently, along with a demonstration of com-

mitment by the authorities to improve the situation of minorities in the local and regional level, we are seeing trends towards discrimination against Roma, Hungarians and non-Orthodox religious communities, as well as the facts of the glorification of the pro-Nazi regime of Ion Antonescu.

- *Self-determination — how manifestations of xenophobia and extremism affect the identity of minorities; majority's attitude towards minorities (growth of social phobias).*

In the Romanian society, anti-Roma, anti-Hungarian and anti-Semitic sentiments are fairly common. On their part, minorities are gradually “voting with their feet” — we can note the mass departure of Roma and Hungarians abroad. Hungarian minority is becoming increasingly radicalised themselves, sympathising with the Hungarian right-wing Jobbik party. Their desire to achieve autonomy from Romania indicates their dissatisfaction with the state's attitude towards them.

3. Socio-economic development of the country

(Do manifestations of various forms of xenophobia and extremism affect the socio-economic development of the country).

- *Standard of living.*

According to the rating calculated by a popular institution Legatum Institute Romania the standard of living of the population is in 55th place. Nevertheless, while it is impossible to say that the development of xenophobic tendencies is the cause of poor standard of living level of the population.

- *Economic impacts and instability.*

Romania's GDP increased by 4.3% in 2014, while unemployment remained high at 23% among youth and 7% in general.¹²⁰ Poverty in the population contributes to xenophobia against minorities, who are accused of all the ills. For example, the main complaint of the Roma is that they do not pay taxes, are not engaged in the production, but receive social benefits. In this case, the Roma are the most discriminated part of the population in employment.

- *Decline in production growth, emigration of the labour force.*

The rise of xenophobia in the Romanian society is, along with economic reasons, one of the main motives for the emigration of the working population. The number of Romanian Hungarians only for the

period from 2002 to 2014 fell by 250,000, constituting for more than 10% of Romanian emigrants during the post-Soviet period. However, the bulk of emigrations are Roma. It formed the backbone of the flow of Roma immigrants which became the main headache of the French and Italian authorities in the period under review.

4. Security and geopolitical stability in the region

- *Political stability in the country.*

Romania, which, due to domestic political reasons has insufficient level of political stability and a number of unresolved economic problems may be in the foreseeable future in the face of yet another danger — xenophobia, the pressure on the minority and, as a consequence, to the general increase of intolerance and aggression in the country. The emergence on the political scene in Romania of a new, more radical nature of the Transylvanian Hungarian People's Party is the first signal to an even greater differentiation in society, and the split line dangerous place in the field of interethnic relations.

- *Impact of xenophobia and extremism in the country on external security, relations with third countries and the international security in the region as a whole.*

At present, because of the growing xenophobia Romania seriously spoiled relations with almost all its neighbors. Moldova is scare by statements of some politicians claiming the “Anschluss”. Ukraine (same as Moldova) with displeasure watches the mass distribution of Romanian passports to its citizens. The toughest situation in relations between Romania and Hungary, and Hungary resorted to the same tactics of the distribution of citizenship as Romania in the east. Currently Hungarian citizenship was already received by more than 250,000 Romanian Hungarians. Such a situation of confrontation between two nationalist regimes is fraught with further aggravation.

RECOMMENDATIONS

1. *General recommendations for the accession to international agreements and conventions*

As a country providing migrants to the European labour market, it is recommended for Romania to join the International Convention for migrants and their families. In addition, Romania was the actual connection to the annual UN General Assembly resolution directed against the glorification of Nazism.

2. *General recommendations for adjustments to the legal framework*

At present, there is no single law in Romania on the status and rights of national minorities, in which there is an urgent need. Additionally Romania needs to amend the immigration laws that would allow immigrants to obtain citizenship for their children born in Romania.

An important point is the introduction of amendments to the Constitution of the regional status of the Hungarian language. In addition, it is necessary to cancel the rules of social assistance, which allow one to leave without the support of the vast majority of the Roma people.

It is desirable to adopt a law (or a set of laws) protecting the rights of the Roma from the unexpected eviction without compensation.

3. *General recommendations for the executive bodies in the field of enforcement of law and human rights*

Romania's should make efforts to break the negative trends in the Romanian society associated with the development of xenophobia and intolerance. To do this, it must take a number of steps:

- establish a national system of registration of incidents and hate crimes;
- make clear statistics of these accidents, including the percentage of solved cases;
- implement a registration system for persons who identify themselves as ethnic minorities, who have expressed an interest in the protection of the Framework Convention for the Protection of National Minorities and the European Charter for the protection of regional languages and minority languages;
- stop discriminatory practices against the Roma minority in the field of education, which requires the Department of Education to find ways for distribution of Roma children in public schools in Romania with the help of departmental vehicles;
- prevent segregation of Roma in this area;
- continue to implement the positive experience of the use of school mediators;
- revise school textbooks to eliminate xenophobic attitudes towards religious minorities;
- eliminate discriminatory practices against ethnic minorities in employment and for that to study the case of the so-called "positive discrimination" which is used in a number of EU countries;
- eliminate discriminatory practices against ethnic minorities in the healthcare sector. This requires to develop the services of intermediaries to provide medical services in an environment of Roma and to develop an appropriate vaccination program;

- ensure the participation of members of national minorities in the work of the government at the local level;
- actively enforce criminal laws against those who violate the anti-racist, anti-discrimination and anti-extremist norms.

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SUMMARY OF INDICATORS FOR 2012–2014

Nº	Criteria	Score in		
		2012	2013	2014
1	Legislation (central, regional, municipal) and law enforcement practices that contribute to the development of radical nationalism	-10	-10	-10
2	Xenophobia and inflammatory statements by members of the authorities and media	-5	-5	-5
3	Legislation and law enforcement practice preventing the development of radical nationalism	17.5	15	15
4	Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism	2.5	5	5
5	Activities aimed at promoting tolerance and preventing extremism	5	5	5
6	Position of migrants and society's attitude towards immigrants, foreigners, different ethnic groups	5	10	10
7	Incitement of religious and ethnic hatred	-10	-10	-7.5
8	Radical nationalist groups and parties	-22.5	-20	-17.5
9	Public actions of extremist and nationalist groups	-10	-10	-15
10	Racist attacks, violence and terror	-10	-10	-7.5
11	Presence, popularity and size of anti-fascist and anti-racist movements	12.5	15	12.5
12	Glorification of German National Socialism and collaborators of Nazi Germany, historical revisionism, Holocaust denial	-20	-20	-17.5
13	Persecution of veterans and partisans of the anti-Hitler coalition	0	0	0
14	International Aspect	5	5	5
	Total	-40	-30	-27.5

RUSSIA

ASSESSMENT CRITERIA FOR FACTORS OF STABILITY/INSTABILITY

1. Legislation (central, regional, municipal) and law enforcement practices that contribute to the development of radical nationalism

Indicators

- Discriminatory legislation affecting minorities residing in the country in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.

While Russia currently does not have legislation that discriminates against minorities, we can note several legislative processes over the past few years that could indicate the formation of a legislative base indirectly aimed against the rights of certain groups. One of such laws — Article 6.21 of the Russian Code of Administrative Offences (CAO) — was adopted in 2013 and introduced administrative responsibility for the propaganda of “non-traditional sexual relations” among minors. Another example is the Law “On Amendments to Article 148 of the Criminal Code of the Russian Federation and Certain Legislative Acts of the Russian Federation in order to counter the insult of religious beliefs and feelings of citizens” (commonly referred to as the law on protecting religious feelings). The issue with both aforementioned laws is not in their spirit (one seeks to protect children from potentially harmful information and the other protects religious feelings), but in the ambiguity of their wording. As a result, the two legislative acts can potentially be misused by the law enforcement.

Offences that fall under the “propaganda of non-traditional sexual relations” law are punishable by a fine of 4 to 5 thousand rubles. Government officials who committed such offences would have to pay a fine of 40 to 50 thousand rubles, legal entities — 800 thousand to 1 million rubles.¹ Offences committed online or on other forms of media are punished more severely: individuals — 50 to 100 thousand ru-

bles, officials — 100 to 200 thousand rubles, legal entities could face a suspension of up to 90 days.

Propaganda of non-traditional sexual relations implies “distribution of information aimed at forming non-traditional sexual attitudes in minors, encouraging non-traditional sexual relations and distorting the perception of social equivalence of traditional and non-traditional sexual relations, or imposing the information on non-traditional sexual relations that cause interest in such relations”.² Besides this federal law, a number of its regional counterparts are in force in St. Petersburg, Novosibirsk, Kaliningrad, Kostroma, Arkhangelsk, Ryazan, Samara and Magadansk regions.

The law on protecting religious feelings is also fraught with ambiguous terms, technically allowing legal prosecution for criticism or “unfavourable” portrayal of religion in artistic works. For example, the law introduces the concept of “public actions that express clear disrespect towards society and that aim to insult religious feelings” (Section 1, Article 148 of the Criminal Code),³ but does not expand on any of the above terms. This allows for a broad application of the law, potentially infringing on the rights of atheists or members of so-called non-traditional religious.

Punishment for such offence amounts to a fine of up to 300 thousand rubles, or 240 hours to a year of compulsory labour, with a maximum year of imprisonment. Those who insult religious feelings in places of worship will be fined up to 500 thousand rubles, sentenced to up to 480 hours of compulsory labour, or sentenced to 3 years imprisonment.⁴

- Legislation restricting the voting rights of permanent residents of the country on the basis of ethnicity or country of origin.

Russia does not have legalisation restricting the voting rights of its residence on ethnic grounds.

- Presence of legal norms and other regulations that legalise the radical nationalist ideology, its attributes and practices, as well as their distribution in the mass media and mass communication.

Russia does not have such legislation.

- Discriminatory practices against minorities in the field of registration, mobility, business, employment, education, housing, health-care, religion, etc.

Discriminatory practices recorded by the 2014 monitoring in Russia can be divided into the following areas: religious discrimination, discrimination of migrant workers, ethnic discrimination and homophobia:

Religious discrimination affected several religious groups, including Muslims (31 cases), Jehovah's Witnesses (14 cases), Protestants (6 cases), autonomous Orthodox communities (3 cases), Catholics (2 cases), Orthodox (2 cases), Jews (1 case) and new religious movements (2 cases).

Jehovah's Witnesses were subjected to harassment by the authorities. This included fines imposed for distributing religious literature, officially considered extremist (5 cases in Spassk-Dalny,⁵ Tyumen,⁶ Krasnoyarsk,⁷ Krasnodar⁸ and Biisk⁹) and warnings issued for similar activities (2 cases in Ussuriysk¹⁰ and Birobidzhan¹¹). Jehovah's Witnesses were also declared an extremist organisation in Samara,¹² while several members of this religious group were arrested during their sermons in Komsomolsk.¹³

On July 30, Taganrog City Court sentenced four Jehovah's Witnesses to a suspended sentence of 5 to 5.5 years for supposed extremist activities, which involved holding assemblies in Taganrog. The organisation is banned in the city.¹⁴

Website of the Jehovah's Witnesses along with three of their books were declared extremist by the Supreme Court of the Russian Federation on December 3.¹⁵ On June 26, Leninsky District Prosecution (Ivanovo) ordered one of the largest sports complexes in the region to terminate its agreement with Jehovah's Witnesses on providing its premises for worship services, arguing that this is against the Federal Law "On physical culture and sports".¹⁶

Registration applications from all 20 Crimean Jehovah's Witnesses communities have been rejected in 2014.¹⁷

On November 7, it was reported that the prosecution accused the Administrative Centre of Jehovah's Witnesses in Russia of pollution.¹⁸

Muslims faced problems in construction of mosques and returning real estate that had been owned by Muslim communities in the past (7 cases in Camzinka,¹⁹ Kaliningrad,²⁰ Sochi,²¹ Kasimov,²² Vinsady,²³ Zelenokumsk,²⁴ Pyatigorsk²⁵). Muslim places of worship were subject to police raids and Muslims themselves were summoned for questioning on several occasions (6 cases in Crimea, Yusup-Kulak, Volgograd,²⁶ Kirovskoye,²⁷ Sary Krym,²⁸ Crimea²⁹ and Yalta³⁰).

Muslim places of worship in Kazan³¹ and Talitsa³² have been closed. A Muslim nursery in Makhachkala has also been closed.³³ Many Muslims have been detained or arrested during the Friday prayers (4 cases in Mozhaisk,³⁴ Moscow³⁵ ³⁶ and Makhachkala³⁷). Muslim community in Borovsky has been stripped of its legal status.³⁸ Local administrations in Moscow published allegations that a local mosque might be a shelter for suicide bombers, who can be identified by "exalted behaviour during the prayer".³⁹ On January 24, Astrakhan Heath Department or-

dered local hospitals to reject patients from the North Caucasus, citing a terrorist threat.⁴⁰

Muslims in the Chechen Republic were stopped and searched on the streets due to their physical appearances.⁴¹ On June 24, it was reported that administration of Astrakhan State Medical Academy prohibited wearing clothes displaying religious or national affiliation (hijab, skullcap, kippah, cross, etc.), except in official cultural events. Offenders can be evicted from student halls. Most of all, this affected female Muslim students.⁴²

On December 10, Pirogov Russian National Medical Institute issued a new policy that prohibits wearing clothing that would indicate affiliation to any religion. It also prohibited wearing mini-skirts and jeans. Muslim students believe that the ban on skirts and jeans may have been imposed to avoid accusations of Islamophobia.⁴³ After controversial discussions, female Muslim students were allowed to wear scarves to cover their necks.

Muslims protesting against New Year celebrations have been arrested in Pervouralsk and Makhachkala.⁴⁴

On January 23, it was reported that Novgorod Council prohibited the delivery of Halal-marked milk to schools, saying that this is unacceptable in a secular state.⁴⁵

On January 24, Buynaksk police warned members of the Salafi community that they will not be allowed to leave the city starting February 1 and until the conclusion of the Sochi Olympics.⁴⁶

On August 28, it was reported that Crimean Tatar children from Muslim families in Belogorsk, Crimea, were compulsory taught the Foundations of the Orthodox Culture.⁴⁷

On September 3, five of 23 Turkish imams and teachers who have been invited to the Crimean Muftiate were forced to leave Crimea, after the Russian Federal Migration Service (FMS) refused to extend their residency permits.⁴⁸

Russian Protestant community in St. Petersburg has been eliminated for conducting lessons without an appropriate license.⁴⁹ On May 21, Court of Vyborg refused to return a house to a local Lutheran community, previously belonging to them, under the pretext that this building does not have a religious purpose. On June 16, it was reported that children of Seventh-day Adventists were refused to postpone the Maths state attestation exam, which they could not sit for religious reasons; however, on May 14, 2014, Rosobrnadzor issued Guidelines (Nº 02-381), where it indicated that religious beliefs can be considered a valid reason to postpone the exam.⁵⁰ Local pastor in Sochi was fined for holding a religious service in a coffee shop.⁵¹

On November 21, pastor of a local religious Church of Evangelical Christians — New Generation — in Novokuybyshevsk was

fined for using personal information without consent (interviewing parishioners).⁵²

On April 25, Crimean Diocese of the Ukrainian Orthodox Church, Kiev Patriarchate, published a statement about their temples being taken by the ROC.⁵³

On June 27, it was reported that authorities in Simferopol have excessively overpriced the rent of a local Cathedral for the Ukrainian Orthodox Church (Kiev Patriarchate).⁵⁴ The church also reported that five priests were forced to leave Crimea due to threats, and two UOC churches have been seized in Sevastopol and Perevalnoye.⁵⁵

On June 10, Suzdal temple of the Holy Prince Boris and Gleb, dating from the late 17th — early 18th century, was seized from the Russian Orthodox Autonomous Church (ROAC) and transferred to Vladimir diocese of the Moscow ROC. The temple was the last historical monument owned by the ROAC in Suzdal.⁵⁶

A *Catholic* priest Petr Rososhansky was ousted from Simferopol (Crimea), where Catholics are viewed as disloyal.

In November 2014, three Franciscan nuns (from Ukraine and Poland) have been expelled from Crimea, following the closure of the Catholic monastery in Simferopol.⁵⁷

In July, head of Bologoye city severed all relations with the organisation of followers of Roerich, after a local ROC priest threatened him with a curse.⁵⁸

On December 16, it was reported that Moscow authorities unilaterally terminated the lease on the land for the construction of a Hare Krishna temple.⁵⁹

On March 11, Human Rights Centre “Memorial” reported that Christian cemeteries are being desecrated in Chechnya and the authorities are not doing anything.⁶⁰

On August 28, it was reported that non-Muslim children in Kazan are forcibly assigned to nurseries with Halal catering.⁶¹

On June 5, Kaliningrad Central District Court ruled to ban the construction of a synagogue on October Island — previous location of Königsberg main synagogue — until official permission is given.⁶² Observers believe that this decision was made following the rejection of construction of a mosque in order to avoid accusations of Islamophobia.

Migrant workers are subjected to racial profiling by police on the streets and are often not paid due wages. In April, it was reported that FMS compiled a database of “undesirable” people who are banned from entry into the Russian Federation, which includes people who have committed extremely minor offences — delayed payments of work permit or traffic violations. Many migrants were not told about their entry bans until they attempted to return.⁶³

On May 29, it was reported that Chinese farmers have been deported from Krasnodar region in September 2013 — around 800 people from Seversky district alone. Most of them had valid work permits and were landowners. Remaining local farmers were not able to satisfy the demand for vegetables and the prices went up as a result.⁶⁴

After unrest in Pushkin (Moscow region), migrant workers were regularly subjected to police raids until June 2014. There have been cases where law enforcement officers stole their money.⁶⁵

On July 7, Kaliningrad police and the Federal Migration Service organised ID checks at a concert of an Uzbekistan celebrity Ozodbek Nazarbekov.⁶⁶

Moscow authorities held a special operation “Migrant-2014” between October 23 and November 2. In the first four days of the operation, 7000 people have been arrested, but only 535 of those have been found in violation of residency laws.⁶⁷ Migrants were arrested at work and at home and taken to undisclosed locations, often separating children and parents. A similar operation was held in St. Petersburg from September 22 to October 10.⁶⁸ On December 23, it was reported that of 79,000 foreign nationals detained in Moscow as part of the operation Migrant-2014, around 4,400 were deported. Some 15,000 administrative offences have been identified as well. Thus, majority of arrested foreign nationals were detained unlawfully.⁶⁹

On February 17, it was reported that Mayor of Arzamas ordered to close all catering establishments that have no Russian dishes on the menu. According to him, national restaurants gather unemployed people and irritate the locals.⁷⁰

On June 4, it was reported that Moscow nurseries reject children who only have temporary registration. Experts estimate that around 36,000 children are deprived of pre-school education as a result. Deputy Head of the Department of Education Alexandr Gavrilov said that families working for special or intelligence services are given priority.⁷¹

On August 1, Deputy Minister of Education of Bashkortostan V. Aristarkhov urged school headmasters to assess school enrolments and identify students from western regions of Ukraine, in order to avoid possible provocative actions on their part.⁷²

On July 28, it was reported that migrant workers in the Moscow subway sector are not being paid due wages on a large scale.⁷³

Two Moscow taxi companies, Gettaxi and City-Mobil, became involved in a scandal in November-December 2014. Gettaxi forced its “non-Russian” drivers to change their names to Slavic at work. City-Mobil, meanwhile, added an option of requesting a “Slavic driver” for its customers (later the company abandoned this service).⁷⁴

Monitoring also recorded discrimination on ethnic grounds. Most cases involved Crimean Tatars. Crimean administration prohibited any

form of public action between May 16 and June 6 in order to prevent possible extremist provocations..⁷⁵ The real reason for this was the 70th anniversary of deportation of Crimean Tatars on May 18th. Head of Crimea Sergey Aksenov said that “some forces” might use Crimean Tatars to “destabilise” the situation..⁷⁶

On July 5, member of the Crimean Tatar Majlis Refat Chubarov was denied entry to Crimea for 5 years due to his alleged “extremist actions”..⁷⁷ Crimean Prosecutor warned Chubarov that Majlis’ actions fall under the Russian law “On countering extremist activities”..⁷⁸

On August 21, Crimean authorities denied Crimean Tatars to hold an annual requiem rally in memory of deportations, scheduled for August 23, motivating the rejection with health concerns due to high temperatures..⁷⁹

On November 15 and 21, the police arrested more than 160 people — most of whom were ‘non-Slavic’ — in Lokomotiv market and Central market in Simferopol. All detainees were brought to the counter-terrorism department, where they were taken into a basement. Officials took their fingerprints, DNA records and photos. Those who had passports were subsequently released. Others had to wait for their documents..⁸⁰

Romani people have been discriminated on a local level. On September 8 and 9, 22 Roma houses have been demolished in Perm. Inhabitants were evicted in the middle of the night and not given the time to gather their things. Commissioner for Human Rights in the Perm region promised to look into these demolitions, noting that the government should provide support for the Roma community, rather than threaten it..⁸¹

On September 17, after “non-typical” blonde children were noted amongst the Roma in Perm, their camp was visited by the police unit for combatting organised crime. However, investigations showed that these children were legitimate..⁸²

LGBT community was discriminated in conducting educational projects (or projects deemed as such by authorities). Moderator and author of the LGBT project called Deti-404 (Children-404, dedicated to support LGBT teenagers) removed a finalist of a Golden Feather contest, supposedly because he was not registered in St. Petersburg”..⁸³

On June 17, it was reported that a local publishing house refused to print a book based on the Deti-404 project, without giving any reasons..⁸⁴

On September 5, activists of the Young Guard of United Russia (MediaGvardia) appealed to the General Prosecution and Russian media watchdog (Roskomnadzor) to ban LGBT pages on the social media (particularly those aimed at children, such as Deti-404, LGBT-teenagers — we exist!). According to the activists, these pages pro-

mote non-traditional family values, which is harmful for children.⁸⁵ On January 31, it was reported that E. Klimova is being prosecuted for “propaganda of homosexuality”.⁸⁶ She was brought on the same charges on November 18.⁸⁷ On April 23, police officers and Orthodox activists disrupted the presentation of a documentary *Deti-404*, dedicated to the lives of young Russian LGBT. Activists broke into the hall and started shouting slogans.⁸⁸ Directors of the film, Askold Kurov and Pavel Loparev, were summoned for questioning on June 18.⁸⁹ They later said that prosecutors wanted to know the subject of the documentary and names of people involved.⁹⁰

On March 3, it was reported that publisher of *Vibirai* (“Choose”) magazine based in Chelyabinsk were brought on charges of “propaganda of non-traditional sexual relations among minors” for publishing a synopsis of the French film “Me, Myself and Mum”.⁹¹

On February 24, St. Petersburg “Rodina” cinema stopped the screening of *The Winter Journey* — a film where the main character was gay. They later explained that this was supposedly due to licensing issues.⁹²

On October 12, police and Orthodox activists disrupted an LGBT rally in Moscow.⁹³

On December 13, member of the St. Petersburg Legislative Assembly Vitaly Milonov tried to organise a provocation against the “Central Station” gay-club. Deputy and a number of his supporters raided the club with police units, claiming that there are minors at the party. However, it was later reported that the police “found no evidence for this information”.⁹⁴

After the May 1st “March of Left Forces”, three members of the LGBT column were detained by the police. They were released several hours later.⁹⁵

On May 17, an LGBT activist was arrested on her way to the “Rainbow Flash Mob”, where she was brought on administrative charges (propaganda of homosexuality among minors). Other participants in the flash mob were dispersed by the police.⁹⁶

On May 24, it was reported that associate professors of the North-er (Arctic) Federal University Oleg Klyunkov and Tatyana Vinnichenko are being harassed for their open support for the LGBT movement.⁹⁷ On June 17, Klyuknov was laid off “for absence”.⁹⁸

On June 15, it was reported that social sciences professor Alexandr Berezkin was dismissed from the Far East Federal University due to his support for the LGBT community.⁹⁹

On June 18, police paid a visit to Natasha Tsymbalova — a prominent civil activist from St. Petersburg and leader of the Alliance of Heterosexuals for LGBT equality. According to her colleagues, the “visit” was prompted by a complaint on President Putin’s website.¹⁰⁰

On August 20, Centre-E officers arrested an LGBT activist K. Kalugin in St. Petersburg.¹⁰¹ Both activists were forced to leave Russia.

On August 21, a blogger from Khabarovsk Andrei Marchenko was summoned for questioning in the local department of FSB. According to the officials, Marchenko and a prominent Khabarovsk LGBT activist Alexandr Ermoshkin organised a “gay-terrorist underground” to prepare for an “orange revolution”. On August 28, his residence was subject to searches.¹⁰²

LGBT teenagers have also been harassed by local authorities across the country. On January 16, Commission on Affairs of Minors in Dyatkovo (Bryansk Region) accused a 9th grade student of “promoting non-traditional sexual relations among minors”. She was threatened with a fine if she continues to write about LGBT on social networks.

On February 23, it was reported that a 16-year-old LGBT student was expelled from her school in Kaluga region for promoting homosexuality. School headmaster said in this regard, “We are all created by God. Men and Women. And we, women, must use what God has given us — continue to reproduce. If you don’t like it, go to the Netherlands”.¹⁰³

On November 29, it was reported that an LGBT teenager was expelled from a school in Cheboksary for making a public speech that homosexuality is not a perversion. His expulsion was preceded by frequent bullying.¹⁰⁴

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
-/×	Discriminatory legislation affecting minorities residing in the country in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.	-2.5	-2.5	-2.5
-	Legislation restricting the voting rights of permanent residents of the country on the basis of ethnicity or country of origin.	0	0	0
-	Presence of legal norms or other normative documentation, which legalises the ideology of radical nationalism, its attributes and practices, as well as their distribution in the mass media and mass communication.	0	0	0
×	Discriminatory practices against minorities in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.	-5	-5	-5
	Total for section 1	-7.5	-7.5	-7.5

2. Xenophobia and inflammatory statements by members of the authorities and media

Russian officials and Russian media made a number of xenophobic statements.

There are numerous reports of Russian officials making xenophobic statements against immigrants, displaying high levels of *migran-tophobia*. Most common were statements about the supposedly high crime rate among migrants, without any comparative data. They also fail to mention that the “migrant crime rate” figures are derived from solved cases, rather than the overall crime rate. Figures also mix together minor offenses and serious crime, and put together migrant workers from other cities and countries and visitors. Such statements have been made by Minister of Internal Affairs (MIA) V. Kolokoltsev (January 24¹⁰⁵), his deputy I. Zubov (February 4¹⁰⁶), head of the Moscow MIA A. Yakunin (February 26, November 11 and 12, December 15¹⁰⁷), acting Head of the Head Investigation Department of the Investigative Committee (GSUSK) in St. Petersburg A. Klaus (January 15 and 29),¹⁰⁸ head of Moscow GSUSK V. Yakovenko (January 29¹⁰⁹), prosecutor of the Moscow region A. Zakharov (February 6¹¹⁰), and prosecutor of Tver B. Rosinskiy (February 7¹¹¹).

Russian MP from the Communist Party of the Russian Federation (CPRF) Nikolai Kolomeitsev told “Russkaya Gazeta” that he is against abolishing migrant quotas, because they are competing with the native population on the labour market, and the “construction mafia” is lobbying the abolition.¹¹²

On April 24, it was reported that State Duma Deputy (MP) Mikhail Starshinov requested information about how much funds is allocated from the Russian budget to provide healthcare and education for migrant workers and members of their families. Deputy himself believes that too much money is spent on servicing this group of people.¹¹³

On May 16, speaking at an economic forum in Novosibirsk, Vice Prime Minister Olga Golodets said that according to some experts, Russia has more immigrants than the market requires and most of them work outside of the law. Among measures to regulate the situation she proposed checking for migrants’ qualifications before allowing them access to employment.¹¹⁴

On June 30, presidential envoy in the Southern Federal District, Vladimir Ustinov, said that tensions in the region are “due to high levels of migration, destructive activities of foreign and Russian non-commercial organisations and certain religious communities”. Ustinov added that migration often leads to “ousting of the native people from traditional areas of economic activities, which leads to a dramatic change in the ethnic and religious composition of the population”. He

reported that there is an “area of compact settlement of migrants, with a serious potential for domestic and interethnic conflicts”.¹¹⁵

On August 14, President Putin met with representatives of parliamentary factions in Yalta, where State Duma Deputy (MP) from Just Russia party spoke with sharp migrantophobic statements. MP Goryacheva claimed that immigrants supposedly monopolised the construction industry, retail industry and service industry. “You won’t hear Russian speech at farmer’s markets,” she said.¹¹⁶

On October 8, Russian Deputy Prosecutor General, Viktor Grin, said that the determining factor of extremist sentiments in Russia is the increased immigration from the southern regions in Russia to more economically developed and stable regions. He added that the main cause of ethnic conflicts is immigrants’ neglect of local customs and traditions.¹¹⁷

Speaking at a “business lunch” in the Russian Newspaper (“Ros-siyskaya Gazeta”, published on April 21), Mayor of Moscow Sergey Sobyanin repeated his allegations that immigrants are overloading Moscow’s infrastructure, since they do not pay taxes. (Mr Mayor did not mention that this is the responsibility of their employers).¹¹⁸

On December 5, Mayor of Moscow Sergey Sobyanin appeared at a celebratory concert in Luzhniki dedicated to the day of police. He said that the number of crimes in the capital committed by migrants has decreased by 14%, adding that in many respects this was facilitated by deportations of migrants.¹¹⁹

On February 17, in an interview with “Komsomolskaya Pravda” newspaper Mayor of Arzamas M. Buzin accused foreigners of “coming here and exploiting everything that the city created over the centuries” and of “tactlessness and unwillingness to live by the rules of the ‘hosts’”. It was also revealed that Mayor ordered to close all catering establishments that do not serve Russian dishes, explaining that “national cafes attract the unemployed elements that irritate citizens, those slackers in SUVs”.¹²⁰

On a “Sunday Night” (“Voskresny Vecher”) TV programme, broadcasted on January 22, member of the State Duma and leader of the “Rodina” party A. Zhuravlev stated that “only Russians are being tried on Article 282”. Chairman of the Supervisory Board of the Institute of Demographics, Migration and Regional Development Yuri Krupnov, talking about the clashes in the city of Pugachev, accused foreigners of “trying to establish their own customs, promoting their own political initiatives”.¹²¹

On April 2, Newspaper “Nezavisimaya Gazeta” published an article by K. Rodionov, entitled “Features of the Visa Regime”, where he demagogically stated that the legalisation of immigrants will only “reinforce the migratory pressure on the major cities the country”, which

could “trigger a full-scale social catastrophe”. Rodionov also suggested to introduce an amendment to the Administrative Code of the country that would provide a punishment for holding religious rituals in public in a form of a 10–15 day imprisonment.¹²²

On April 16, nationalist demographics scientist I. Beloborodov told *Novye Izvestiya* that Russia contains 16–18 million migrants, of which 8 million are legal. He claimed that these levels of migration are detrimental to the country.¹²³ He later said that the journalist did not reproduce his words accurately.¹²⁴

On May 17, *Free Press* published an interview with a senior lecturer at the Centre of Social Anthropology, Mikhail Drambyan, who said that migrantophobic sentiments are “objectively formed”, because migrants “evoke aggression”.

Former Deputy Director of the Federal Migration Service and president of the Migration 21st Century Foundation, Vyacheslav Postavnin, painted an apocalyptic picture about the “invasion of migrants”, which he compared to the Tatar-Mongolian invasion”. He also claimed that xenophobia is an objective feeling.¹²⁵

Head of the National Strategy Institute Mikhail Remizov was interviewed by *Independent Gazette* (“*Nezavisimaya Gazeta*”) in an article published on July 31. Remizov claimed that the growth of immigrants from Central Asia will lead to a “sharp increase of conflicts in the society”, because immigrants supposedly have excessive demands. He also alluded to high crime rate in immigrant circles.¹²⁶

On December 18, *Argumenti i Fakti* published an article by G. Zotov, entitled “Our legion. What can Russia do with millions of immigrant?” The article claimed that Russia may become similar to France, which is supposedly “overwhelmed” by migrants.¹²⁷

There have been a number of **homophobic** statements from senior officials.

Vice Prime Minister Rogozin tweeted on February 3: “Politicians who want to legalise same-sex marriage and promote homosexuality hate their people and don’t want it to reproduce.”¹²⁸

On May 12, it was reported that member of the St. Petersburg Legislative Assembly V. Milonov — author of a homophobic law against “propaganda of homosexuality” — asked Minister of Culture V. Medinsky to prohibit any public appearances by Conchita Wurst (a transsexual winner of Eurovision from Denmark) in Russia. “Any public appearance of this creature will be an insult to all people of Russia,” Milonov wrote.

On May 14, after Wurst’s victory in Eurovision, Milonov said on *Echo St. Petersburg* radio that Russia must stop showing off and say “yes, we can have women in skirts and men with beards, but not both in one.” He added that Conchita Wurst is a gesture of the European

media towards the “homo-lobby” and is a true “homo-fascism”, when they consider it normal to forcibly impose their values on others.¹²⁹

On August 30, Minister of Development of the Far East Alexandr Galushka held a speech at V-ROX festival in Vladivostok. Minister claimed that development and promotion of homosexuality is what caused the collapse of the Roman Empire, despite its considerable developments in science and technology.¹³⁰

On September 2, acting Prime Minister of Crimea Sergey Aksyonov said that LGBT citizens “will never be allowed to hold their events in Crimea”. He added, “If these people take to the streets, police and defence units will act swiftly. In three minutes they will explain what sexual orientation they should have.”¹³¹

On September 18, Vice-Rector of the Republican Academy of Public Administration and management Yevgeny Vologin — also candidate for Head of the Republic of Komi — promised to “crush” the gays and “idiots from the false opposition”.¹³²

On December 2, it was reported that member of the Samara Regional Council Dmitry Sivirkin — known as a “fighter of homosexuality” — identified a Bolshevik revolutionary Moisei Uritsky (murdered in 1918) as a homosexual, calling him a “dirty sodomite”.¹³³

Founder and ideological leader of the Night Wolves [Nochnye Volki] motorcycle club Alexandr Zaldostanov spoke on NTV channel on October 12. He urged people to “forget about feminism and homodrive in an Orthodox country”.¹³⁴

Xenophobic statements against certain *religious* groups have also been common during the monitored period.

After the outbreak of measles in Zheleznogorsk (Kursk Oblast) in January, media actively spread the allegations that the affected Baptists “refuse to be vaccinated and treated because of their religious beliefs” and therefore contribute to the spread of infection. Leader of LDPR (Liberal Democrat Party of Russia) Vladimir Zhirinovskiy urged to “forcibly [vaccinate] Baptist children or take their children away”. Baptists themselves were subjected to harassment, while doctors refused to examine them in the clinics.¹³⁵

Leader of North Ossetia Taimuraz Mamsurov was interviewed by newspaper Kommersant on July 28, where he said that “sects” are more dangerous than radical Islamists, alluding towards Jehovah’s Witnesses. Mamsurov stated, “They convince people — do not go to hospital, do not give blood, do not do transfusion, do not treat children, do not serve in the army... And they are more numerous than our Orthodox and Muslims altogether, even though we are an Orthodox republic and Muslims have lived here for centuries”.¹³⁶

Media coverage of an incident in Penza, where a woman murdered her granddaughter with an axe, laid claims that grandmother’s mental

state was related to her regular visits to a local religious organisation “Word of Life”. IA Tema Penza was the first to publish this version, which was then picked up by Baltinfo and NewsRU.com and VPenze.ru. After protests of the Russian Union of Evangelical Christians Tema Penza removed direct mentions of World of Life church, replacing it with the term “Orthodox Sect”.¹³⁷

On November 14, “Vesti” published a report which implied that leader of the Protestant “New Age” Church A. Ledayev owns several brothels in Latvia and regards his community as a business venture, while preparing recruits for an “Orange Revolution” in Russia.¹³⁸

On November 30, NTV broadcasted a film called “Lords of Demons” from the “Profession — Reporter” series. The film, dedicated to persecution of the Protestant churches, featured a professional boxer Nikolai Valuyev, who said that these were destructive forces that threatened the state. He added that he supports the fight against such sects, and is prepared to be involved himself.¹³⁹

On January 11, Chechen TV channel “Grozny” broadcasted a speech by Head of Chechnya Ramzan Kadyrov, who made strong remarks against Wahhabism and other forms of non-traditional Islam. He called them “scum” and called for eradication of such people from his republic.

After these statements spread in the media, Chechen administration was forced to give explanations. On January 23, Deputy Director of the External Relations Department of the Chechen Government said that there are no non-traditional movements of Islam in Chechnya. “This does not mean that they are persecuted, it means that the policy is set up in the right way, and the teaching of Islam is set up in the right way,” he said.¹⁴⁰

On January 31, Ramzan Kadyrov met with the leadership of the clergy of Urus-Martanovsky district, and said that any manifestation of Habashism and other movements of Islam must be completely eradicated.¹⁴¹

There have also been anti-Muslim statements. On November 18, Governor of Kaliningrad N. Tsukanov said that majority of Muslims in his region are “people who arrived here for work”, thus justifying his reluctance to build a mosque in the area. “They have no ties with Kaliningrad, no one should speculate with this number of people. This is unacceptable”.¹⁴²

Anti-Semitic statements were related to the events in Ukraine.

On November 7, it was reported that State Duma deputies V. Rashkin and S. Obukhov (CPRF) wrote to Jewish organisations demanding they condemn the actions of the Ukrainian oligarch I. Kolomoysky and “urge Jews around the world to actively oppose persons who advocate for the revival of Nazism”. Thus, the two deputies brought back the old

myth of collective responsibility of Jews for actions of each individual member of the Jewish people.

During the debates in the Regional Duma on the amendments to the regional law (“On the deputy status in the Kaliningrad Oblast”), which would prohibit deputies and their families to own foreign assets and bank accounts, deputy O. Bolychev made anti-Semitic attacks, stating that Jews “destroyed our country in 1917 and destroyed our state in 1991”).¹⁴³ Bolychev’s rhetoric was presumably caused by the remarks of his colleague — deputy from the “Civil Platform” party S. Ginsburg — who called the law “imitational”. Deputy’s words caused a significant negative backlash. On February 14, O. Bolychev released an official statement where he tried to make justify himself.¹⁴⁴

Speaking in St. Petersburg Legislative Assembly, an infamous deputy Milonov made a comment about his opponents from the Yabloko party, “Their neo-Liberal tradition is two thousand years old since they crucified Christ,” alluding to an anti-Semitic myth that it was the Jews who crucified Jesus Christ.¹⁴⁵

On June 3, it was reported that Professor at the Military Academy Viktor Varhrushev compared the “10 plagues” to the terrorist actions against civilians.¹⁴⁶

On August 6, MGIMO lecturer Olga Chetverikova held several lectures at the Civic Forum on Lake Seliger, where she said, “Zionism is a movement to establish a world domination of Jewish bankers. They finance pagans to decompose Orthodox Christianity, while Catholicism has nothing Christian left already. It was Judaised.¹⁴⁷ Another lecturer from MGIMO V. Katasonov said that fundamentals of capitalism “stretch from the Old Testament and Talmudic Judaism.”¹⁴⁸

In December, one of Volgograd deputies responsible for communication with civil and religious organisations called a 73-year-old member of the Public Chamber a “crazy Jew”.¹⁴⁹

There have been several anti-Semitic publications in the media.

On February 16, his TV programme on “Russia-1” channel, Director General of the Russian state news agency “Russia Today” Dmitry Kiselev verbally attacked poet I. Irtenyev and satirist V. Shenderovich, focusing on their Jewish origin. Kiselev did not hesitate to reveal their pseudonyms: “Therefore, poet Irtenyev, also known as Igor Moiseevich Rabinovich, it is more than a sin to praise the pre-war life in Germany and under Hitler. There, Jews were ruined and exiled, and the remaining were sent to concentration camps. There would be no texts of Shenderovich or Irtenyev, there would not be them themselves”.¹⁵⁰

Responding to the statement of the RJC (Russian Jewish Committee) regarding this matter, Kiselev stated on February 23, that RJC re-

acted to the fact that Igor Moiseevich Rabinovich's, better known as poet Irtenyev, pseudonym was revealed. Kiselev also reminded about the horrors Jews faced under German Nazis.¹⁵¹

On February 22, in the talk show "Mneniya" ("Opinions"), Chief Editor of the "Zavtra" newspaper A. Prokhanov stated that during the Ukrainian resistance, European and Russian Jewish organisations (clearly meaning "liberals" and "Jews") were supporting maidan. Summarising, Prokhanov stated, "Do they do not understand that they are paving the way for a second Holocaust with their own hands?" TV host Evelina Zakamskaya noted in response, "They did the same with the first (Holocaust)".¹⁵²

Documentaries broadcast on NTV about Ukrainian senior politicians talked about their (real and fabricated) Jewish descents.¹⁵³

On January 13, "Komsomolskaya Pravda" published an article by D. Steshin, entitled "Why are the descendants of the Magi ashamed of their gifts?" In the article, Steshin claimed that the Middle Eastern names of the critics can only cause anti-Semitism as a response, and nothing else.¹⁵⁴

On January 15, "100 books" website published an article entitled "Message to Jews", where E. Kholmogorov demagogically stated that Jews "while in power, tried to destroy Christians and were the most active instigators of persecution". He also claimed that Judaism itself educated its followers to hate Christianity, manifestations of which includes any "malicious intentions towards people of Jewish descent".¹⁵⁵

On January 28, "Zavtra" newspaper published an appeal to President Vladimir Putin, Governor of the Samara Oblast N. Merkushkin, Mayor of Samara D. Azarov and Samara Metropolitan Sergius urging to install a monument to Metropolitan Ioan (Snychev) in the city. Metropolitan's anti-Semitism was described as "opinions that the Russophobes and anti-Christians cannot accept".

"We are convinced that the monument to Metropolitan Ioan (Snychev) in Samara is an important sign of the revival of Russia based on its traditional values, importance of the moral issues raised by the Russian Orthodox Church."

This document was signed by numerous writers, actors, artists and politicians, such as: A. Prokhanov and his son A. Fefelov, V. Krupin, K. Dushenov, V. Chikin, O. Platonov, V. Ganicheev, N. Doroshenko, S. Kunyaev, B. Bondarenko, Z. Prilepin, V. Rasputin, Yu. Polyakov, V. Lichutin, I. Glazunov, S. Baburin, L. Ivashov, Communist Party leader G. Zyuganov, N. Burlyaev and T. Doronina.¹⁵⁶ Monument to Metropolitan Ioan was opened on October 17.¹⁵⁷

On February 10 and 27, Nakanune.Ru published articles that hinted at the Jewish descent of many leaders of Ukrainian Maidan.¹⁵⁸

On April 25, Nakanune.Ru published an article criticising the participants of the Congress of Intellectuals — held in Kiev. The article focused on ethnicities of members of the Russian delegation, calling them “Kosher citizens”.¹⁵⁹

On May 25, KM.Ru published an article accusing Jewish Ukrainian oligarch Igor Kolomoysky of trying to create a “new Khazar” in Ukraine, where Jews would be the elite.¹⁶⁰

On May 30, Conservative philosopher Alexandr Dugin was interviewed by Crimean Truth newspaper, where he said that Ukraine is controlled by “gays and Jewish oligarchs”, referring to current President Poroshenko’s (real or alleged) Jewish origins as something negative. “Nationalists, who set the tone at the Maidan, were talking about electing an ethnic Ukrainian. As a result, a Jewish president was elected, not a Slav”.¹⁶¹

On October 27, Lenta.ru published an article under the title “Who lives well in Russia”, dedicated to the national composition of Russian billionaires. Authors of the article claimed that quarter of Russian richest people are Jews and that there is a “significant difference” between the ethnic structure of the Russian Federation and the ethnic structure of the list of billionaires.¹⁶²

Journalist M. Shevchenko told IslamNews on December 19, that Israelis are behind the anti-hijab campaign to make Russia less appealing for the Islamic world.¹⁶³

There have also been anti-Roma statements.

Newspaper “Arguments and Facts — Petersburg” published an article by A. Kurtov on February 25, entitled “Go there — and perish”, talking about the life of a Roma camp in the village of Verkhnie Oselki of Vsevolozhk Region (Leningrad Oblast). The article depicted Gypsies as slackers living on social benefits and maternity support, as thieves, seeking to outs “Slavs” from the village. The author is of an opinion that in the Leningrad Oblast and in St. Petersburg “more and more enclaves of minority groups are emerging — from the Caucasus and Central Asia. And all of them live by their own rules, unwilling to adhere to Russian laws. If this goes on, soon we ourselves will become a ‘minority group’ in need for protection from the aggressive guests”.¹⁶⁴

On May 27, head of the Passport Department of the FMS, Fyodor Karpovets compared passport fraudsters to “gypsies”.¹⁶⁵

Obninsk press published several articles criticising the accession of a Roma village of Mishkovo to Obninsk. It was reported that Balabanovo schools that teach Roma students created special classes to segregate them from other pupils. Roma students were accused of theft and attempted distribution of drugs in school. Journalists claimed that soon such incidents will appear in the schools of Obninsk, depicting the Roma as people constantly breaking the law.¹⁶⁶

Anti-Russian sentiments have also been noted. On January 29, It was reported that a textbook “History of Tatarstan from Ancient Times to Modern Days” written by D. Sabirova and Ya. Sharapov states that Russians are occupants, while the whole textbook’s underlying sentiments claims that Tatarstan should be an independent state.¹⁶⁷

On January 22, On a “Sunday Night” (“Voskresny Vecher”) TV programme, member of the State Duma and leader of the “Rodina” party A. Zhuravlev stated that “only Russians are being tried on Article 282.”¹⁶⁸

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Xenophobia and inflammatory statements of the government and the media.	-5	-5	-5
	Total for section 2	-5	-5	-5

3. Legislation and law enforcement practice preventing the development of radical nationalism

Indicators

- Presence of anti-Nazi, anti-racist and anti-extremist legislation; legislation aimed against the incitement of ethnic and religious hatred in the country.

Preamble to the Constitution of the Russian Federation states that Russia is inhabited by a multinational Russian nation. Constitution guarantees the equality of the peoples in Russia.

Article 13(5) of the Constitution prohibits the “establishment and activity of public associations whose goals or actions are aimed at forcible change of the constitutional order and violation of the integrity of the Russian Federation, undermining the security of the state, establishment of armed groups, incitement of social, racial, national and religious hatred.”

Article 19(2) of the Basic Law establishes, “the State shall guarantee the equality of human and civil rights and freedoms, regardless of sex, race, nationality, language, origin, financial or official status, place of residence, attitude to religion, beliefs, membership of public associations and other circumstances. Any restriction of civil rights on social, racial, national, language or religious grounds is prohibited.”

Article 28 of the Constitution guarantees freedom of speech, religion, including the right to profess religion individually or jointly with others, or not profess religion at all. It also guarantees “freedom to choose, have and spread religious and other beliefs and act in their accordance.”

Article 148 of the Russian Criminal Code provides for criminal responsibility for violating the right to freedom of conscience and religion, and Art. 282 — for inciting hatred and humiliating human dignity on the grounds of sex, race, nationality, language, origin, attitude to religion or social status. In 2007, xenophobic crime was added as a separate definition in a number of Articles of the Criminal Code on violent crimes.

In 1996, Russia adopted the Law “On National-Cultural Autonomy”, which “Defines the legal basis of the national-cultural autonomy within the Russian Federation, establishes the legal basis of interaction between state and society to protect the national interests of the citizens of the Russian Federation in their selection process of the ways and forms of their national and cultural development”.¹⁶⁹

In 2002, Russia adopted the Law “On countering extremist activities”, aimed, among other things, against the incitement of racial, national or religious enmity.¹⁷⁰

In 2012, Article 22.1 of the Federal Law “On State Registration of Legal Entities and Individual Entrepreneurs” and Articles 331 and 351.1 of the Labour Code were amended. These changes prohibited persons convicted or criminally prosecuted for extremist crimes from working with children (in education, training, development of minors, health and leisure, health care, sports, culture and arts, social protection and social services), as well as their registration as individual entrepreneurs in the above-indicated fields.

On May 7, 2012, Vladimir Putin signed a Decree “On Ensuring Inter-Ethnic Harmony”, which instructed to form a Council for Interethnic Relations, and develop the State National Policy Strategy (the Strategy was approved in December 2012), as well as develop a set of measures for developing the bodies of state power engaged in prevention and management of inter-ethnic conflicts, and monitoring of inter-ethnic relations.¹⁷¹

State Duma introduced amendments and updates to the Code of Administrative Offences and the Federal Law on Countering Extremist Activities. According to these changes, the use of Nazi or similar attributes and symbols is only permitted for the purposes of research, encyclopaedic articles and audio-visual or printed materials that do not contain propaganda and (or) justification of Nazism and fascism. Signs and images similar to the officially registered extremist organisations also fell under the ban.

Offenders are punished with up to 15 days of arrest. Responsibility for public demonstration of prohibited symbols is also given to those in charge of public places. Business owners and officials are punished by a fine of up to 50 thousand rubles.¹⁷²

In 2013, the legislative activity was mostly related to the harmonisation of interethnic relations, as well as prevention of extremism. On July 3, President Vladimir Putin signed amendments to Article 9 of the law on freedom of conscience and religious associations. According to them, religious organisation cannot be founded by a person whose actions were deemed extremist by the court.¹⁷³

On October 22, President signed the Federal Law “On amendments into certain legislative acts of the Russian federation in terms of determining the powers and responsibilities of the public authorities of the Russian Federation, local self-government and their officials in the sphere of international relations”. To the powers of the government bodies of the subject of the Russian Federation, the law attributes corresponding authorities in the field of interethnic relations, such as strengthening of interethnic and interreligious harmony; prevention of discrimination on grounds of nationality, language or religion; social and cultural adaptation of migrants. The Federal Law also establishes similar in content, but within its own competence, powers in the sphere of international relations at all levels of municipalities. Furthermore, the list of grounds for dismissal of municipality heads is supplemented with unsuccessful actions to prevent ethnic conflicts.¹⁷⁴

On December 30, 2013, Vladimir Putin signed a law introducing Article 280.1 to the Criminal Code, which criminalised public calls to actions aimed at violating the territorial integrity of Russia. Regular calls to separatism are punishable by fine of up to 300 thousand rubles or the two-year’s worth of subject’s income, or by up to 300 hours of compulsory labour or up to 3 years of imprisonment. Similar calls made in the media, including online are punishable for compulsory labour for up to 480 hours or up to 5 years of imprisonment.¹⁷⁵

A number of laws came into force in 2014, aimed at combatting xenophobia and extremism.

Law on Information, which came into force on February 1, 2014, states that Russian Prosecutor General and his Deputies must appeal to Roskomnadzor (media watchdog) if they want to limit access to resources that call for mass riots, extremist activities and participating in public actions.

Roskomnadzor will then contact service providers in order to limit or block access to resources or information in question. Service providers will have to do so immediately.

Access will be renewed when Roskomnadzor receives information that illegal information has been removed from the website.¹⁷⁶

On February 4, President Vladimir Putin approved the law that increased punishment for extremist crime. The new law introduces changes to the Criminal and Criminal-Procedural Code of Russia.

The following Articles have been affected: Article 280 (“Public calls to actions aimed at violating the territorial integrity of the Russian Federation”), 282 (incitement to interethnic and religious enmity), 282.1 (establishment of extremist community), 282.2 (establishment of extremist organisations). Public calls to extremism will be punished by compulsory labour (4 years) or a fine of up to 500 thousand rubles. Organisation of extremist communities will be punished by a fine of up to 500 thousand rubles (previously the maximum amount was 200 thousand rubles) or up to 3 years’ worth of income. Participating in an extremist community will be punished by four years in prison. The maximum sanction is 7 years in prison. Establishing an extremist organisation that was banned by court will be punished by 500 thousand rubles or 2–3 years’ worth of income. The maximum sanction for this crime is 6 years in prison. Participating in an extremist organisation is punished by a fine of up to 300 thousand rubles or two years’ worth of income, with maximum sanction being 4 years in prison.¹⁷⁷

On May 5, President Vladimir Putin signed a law criminalising the denial of International Military Tribunal’s ruling and punishment of war criminals of the European Axis countries, as well as approval of crimes established by this judgement and distribution of false information about the Soviet Union activities during the Second World War.

Article 354¹. “Rehabilitation of Nazism” is being introduced into the Criminal Code. According to the Article, public denial of International Military Tribunal’s ruling and punishment of war criminals of the European Axis countries, as well as approval of crimes established by this judgement and distribution of false information about the Soviet Union activities during the Second World War, is punishable by a fine of up to 300,000 roubles, or a two-year income of the convicted, or up to three years of imprisonment or compulsory labour

Public disrespect of Russia’s military glory and Russian military holidays, or desecration of Russian military symbols is punished by a fine of up to 300 thousand rubles or compulsory labour for 360 days. This includes offences made online.¹⁷⁸

On June 30, Vladimir Putin signed a decree introducing Article 282, to the Criminal Code. The Article criminalises the provision or collection of funds intended for the financing of extremist activities. Person who committed the offence shall be exempt from criminal liability if the person, through timely report to the authorities or otherwise, assisted in prevention of the activities that he/she was financing, or assisted in curbing the activity of an extremist group or organisation in question.

The law also criminalises extremist offences with the use of ICT, including the internet, and provides for confiscation of assets received as a result of extremist activities.

Furthermore, Federal law introduces amendments to the Criminal Code, aimed at clarifying the investigative jurisdiction of criminal cases involving extremist crimes, and regulating the arrest and confiscation of assets of those found guilty of such crimes.¹⁷⁹

On July 22, President Vladimir Putin signed a law introducing a set of amendments to Article 280 of the Criminal Code “Public calls to actions aimed at violating the territorial integrity of the Russian Federation”. Separatist calls will be punished by a fine amounting to 100,000–300,000 RUB or 1 to 2 years’ worth of subject’s income, or by up to three years of compulsory labour or 4–6 months arrest or imprisonment for up to 4 years. Similar crimes committed in mass media or online are punished by 480 hours of compulsory labour or up to 5 years of imprisonment.¹⁸⁰

On November 5, Vladimir Putin signed under the Amendments to Article 6 of the Federal Law “perpetuation of the victory of the Soviet people in the great patriotic war of 1941–1945” and Article 20.3 of the Administrative Code of the Russian Federation. The amendments were adopted in order to clarify some provisions and strengthen the administrative responsibility for the propaganda and public demonstration of Nazi symbols and attributes, or symbols and attributes of extremist organisations.¹⁸¹

The Russian Military Doctrine, published on December 30, identified “global extremism” (terrorism) and presence of interethnic and interfaith tensions among the main threats to the country, along with territorial disputes, separatism and extremism in certain regions of the world. Among “internal threats” were interethnic and social tensions, extremism and incitement to ethnic and religious hatred or enmity.¹⁸²

On April 21, a Presidential Decree “On Measures for The Rehabilitation of Armenian, Bulgarian, Greek, Crimean Tatar and German Peoples and The State Support for Their Revival and Development” was signed. “To restore historical justice, eliminate the effects of illegal deportation of Armenian, Bulgarian, Greek, Crimean Tatar and German peoples from the territory of the Crimean Autonomous Republic and the violations of their rights”, the Russian government was advised to adopt a series of measures to restore the historical justice, political, social and spiritual revival of the Armenian, Bulgarian, Greek, Crimean Tatar and German peoples, who were subjected to illegal deportations and political repressions on ethnic and other basis.¹⁸³

On March 11, the Supreme Council of Crimea adopted a resolution on providing the Crimean-Tatar language the status of official state language, ensuring their representation in the government bodies and a number of other measures to facilitate their political participation in Crimea.¹⁸⁴ At the same time, Crimean Council prohibited the activity of any political parties and NGOs of pro-fascist or neo-Nazi nature.¹⁸⁵

Article 10 of the Crimean Constitution (adopted in March) introduces three official languages: Russian, Ukrainian and Crimean-Tatar. Paragraph 3 states that Crimea recognises the principle of multiculturalism, ensuring equal development and diversity of cultures.

- Presence and development of anti-discriminatory legislation.

Russia has only recently started developing its antidiscrimination legislation. In 2003, the Criminal Code of the Russian Federation was supplemented with the definition of discrimination (Article 136) as “violation of rights, freedoms and legal interests of a person and citizen, regardless of his/her sex, race, nationality, language, origin, attitude to religion, beliefs, membership in public associations or any social groups”. Articles prohibiting discrimination are contained in the Labour Code, the Tax Code and other Federal laws.

At the same time, experts believe that this legislation needs further development and evolution,¹⁸⁶ because the concept of discrimination is found only in the CC RF and is revealed not through its concrete forms, but by identifying violations of rights, freedoms and legal interests of citizens. Meanwhile, according to the international legal acts, violation of human rights and freedoms can be one of the objectives or results, but not a form, of discrimination.¹⁸⁷

Legislation also does not explain what is included in the term “violation of rights” in this context, it does not identify forms of discrimination, differences between direct and indirect discrimination, or the ban of discrimination by private persons or public institutions. A whole range of important legislative instruments does not contain prohibition of discrimination at all.

Nevertheless, there is a certain movement in that direction. On July 4, President Vladimir Putin signed a law developed by the Ministry of Labour and Social Protection, which prohibited discriminatory requirements in job descriptions. From now on, employers will not have the right to specify requirements of sex, age, religion, residence, family status and nationality, in their employment ads.¹⁸⁸

- Compliance of the government (central, regional, municipal), law enforcement and judiciary with anti-Nazi, anti-racist, anti-extremist, anti-discriminatory and hate crime legislation.

In 2012, Russia established a Council under the President of the Russian Federation on Interethnic Relations, the main task of which is to review conceptual foundations, objectives and tasks of the state national policy.

A Coordinating Council on Implementing National Policy was established in 2014 under the Ministry of Culture. Councils specialising on interethnic relations are present in most regions across Russia.

At the moment, similar bodies are being set up at regional and municipal levels (in Perm,¹⁸⁹ Kasimov,¹⁹⁰ Bokovsky District of Ros-tov Oblast,¹⁹¹ Chita,¹⁹² Krasnoufimsk,¹⁹³ Venevsky District of Tula Region¹⁹⁴). Regions are developing their own programmes against xenophobia and extremism (such programmes were launched in Irkutsk,¹⁹⁵ Orel,¹⁹⁶ Tula¹⁹⁷ and Tyumen¹⁹⁸ regions, as well as in Samara¹⁹⁹).

As of June 18, 2014, 39 regional programmes received state funding totalling 367 million rubles.²⁰⁰

Furthermore, a number of Russian courts and prosecution bodies of first and second instances ruled in favour of the unlawfully persecuted Jehovah's Witnesses, Muslims, Russian Protestants, Catholics, as well as LGBT activists and those unlawfully accused of extremism.

On January 31, Savelovsky District Court of Moscow declared Alexander Dvorkin's statements on Russia-1 Channel as "untrue and defamatory". The channel was ordered to publish a retraction and pay compensation to the Vaishnavas.²⁰¹

On March 4, two Jehovah's Witnesses brochures were excluded from the Federal list of extremist materials.

On May 19, Federal Antimonopoly Service sanctioned a Ryazan firm which promoted discounts for Russians and Slavs.²⁰²

On August 1, Ministry of Justice reported that another nationalists National Democratic Party has been denied registration.²⁰³

On January 12, police officers were able to curb the growing riot in Perm, however two Tajikistan natives received minor injuries. 134 persons were arrested, including 90 minors.²⁰⁴

On September 18, Director of a municipal newspaper Irkutsk Yulia Burekhina was dismissed after the newspaper published a prejudiced anti-Ukrainian article.²⁰⁵

On September 12, Prosecutor's Office in Mordovia upheld the decision to ban hijabs in schools. In addition, students are prohibited to wear religious attributes, jeans, miniskirts and piercing.²⁰⁶

On January 21, Human Rights Ombudsman Vladimir Lukin addressed the governor of Murmansk Oblast Maria Kovtun protesting against the pressure on the Jehovah's Witnesses.

*"I believe, that [...] efforts to increase the number of followers of the religious organisation — Jehovah's Witnesses — is legal and cannot be equated to such criminal activities as extremism. This approach can be perceived by religious citizens as an insult and disrespect to their religious feelings and beliefs."*²⁰⁷

As a result, on January 30, heads of Murmansk municipal associations received a letter from Deputy Governor Veshkin, which retracted his last year's instruction "On the Regional Office of Jehovah's Witnesses".²⁰⁸

On February 21, case against Elena Klimova — creator of “Deti-404” group — was closed in Nizhny Tagil. Children Rights Commissioner found no evidence of “propaganda of homosexuality” in the programme. Morokov praised the importance of programme supporting LGBT youth.²⁰⁹

Thus, we can state that authorities are making significant efforts to enforce anti-discrimination and anti-extremist legislation.

- Struggle against hate crime (criminal cases against organisers and participants, guilty verdicts).

In 2014, 509 people have been sentenced for crimes and offences related to xenophobia [583 in 2013; 305 in 2012]. 370 people received non-custodial sentences (212 — fines, 100 — correctional and compulsory labour, 32 — probation, 22 were issued warnings and cautions and 4 were brought to disciplinary responsibility). 139 people received custodial sentences (11 people were sentenced to several days in jail, 4 people were sentenced to prison terms of up to one year, 43 people — for the period from 1 to 5 years, 54 — for a period of 5 to 10 years, 15 — for the period from 10 to 15 years, 4 — for the period from 15 to 20 years, 4 — for the period from 20 to 25 years, and 3 — sent on compulsory treatment). One person was released from responsibility due to statute of limitations; one person was acquitted; one trial was dismissed due to active repentance; and one case is unknown.

The bias towards non-custodial sentences is largely due to most xenophobic offenses being committed online, such as publishing of xenophobic articles and posts, where fines and compulsory labour prove an effective punishment. On the other hand, sentences to compulsory labour for real assaults are surprising, to say the least.

The Federal List of Extremist Materials grew from by 368 entries to 2558 items. Among the new entries are skinhead and Islamist videos, poems of an anti-Semitic bard A. Kharchikov, neo-Nazi websites “Heroes of Freedom” and “Aryan Liberation Front”; an anti-Semitic children’s book by Ernest Khimer “Toadstool”, skinhead and Islamist videos, a song by RNE — Street Fight, various anti-Semitic materials, and website www.dpni.org; book by V. Istarkhov *What is the Concept of “Dead Water”*, Islamist, Islamophobic and anti-Semitic videos (including a film *Russia Stabbed in the Back 2*), songs of a Chechen bard T. Mutsuraev, skinhead videos, Adolf Hitler’s *Mein Kampf*; Islamophobic article from the *Imperial Cossack Union* website, skinhead and Islamist videos, articles by American racist D. Lane, a song by *Corrosion of Metal*, a book by Hans Gunther *Selected Works on Raciology and Michael* by Joseph Goebbels; brochures by Yu. Evola “Tradition and Race”, A. Rozenberg’s “Myth of the 20th century” and various nationalist, skinhead and Islamist videos and materials; nationalist songs by

Kolovrat, Banda Moskvi, Kiborg and *D.I.V.*, as well as an anti-Semitic book by G. Klimov called *Red Kabbala* and a video “How to distinguish a Jew from a Slav, Tikhomirov M.V. US AND THEM, and others.

In March, the Faizrakhmanist community was added to the Federal List of Extremist Organisations. The organisation was recognised as extremist in Kazan in 2013.

On March 12, Roskomnadzor (*Russian media watchdog — Federal Service for Supervision in the Sphere of Telecom, Information Technologies and Mass Communications*) issued a warning to Lenta.ru for the interview with one of the Right Sector (Ukrainian Nationalist Movement) leaders Andrei Tarasenko published on the website. Federal watchdog noted that the article linked in the text and titled “Dmitro Yarosh: Sooner or later, we are destined to fight against the Moscow Empire” contains “statements directed at inciting interethnic hatred”.²¹⁰

On July 23, it was reported that 450 webpages were blocked by the Russian General Prosecution for extremist contents. Access to such websites is blocked after reports by citizens, organisations, authorities and based on the Monitoring of online space. Most extremist pages that have been blocked were hosted on VKontakte social network. These pages contained calls to mass riots and extremist actions. Prosecution receives up to 200 reports a day from citizens who complain about extremism online. Previously, head of the Ministry of Internal Affairs Vladimir Kolokoltsev stated that over the same period more than 500 websites were blocked and more than 7 thousand of extremist materials were deleted. Administrative sanctions were applied to 386 people, criminal punishment — 186 people.²¹¹

- Unlawful use of anti-extremist legislation.

A number of cases of misuse of anti-extremist legislation were recorded in 2014. Among the targets were opposition activists and media, “non-traditional” religions, antifascists, LGBT activists, ecologists and even museum curators.

On January 6, Atkarsky district police (Saratov region) issued a warning to a local resident who was protesting against the shutting down of an infection clinic. Her friend received a similar warning regarding “extremist activity”.²¹²

On April 22, Butyrsky Court of Moscow sentenced Boris Stomahin to 6.5 years for extremist behaviour.²¹³ Such strict punishment is disproportional to the offence committed.

On May 13, local teacher in Kromy (Orel region) was investigated for criticising the annexation of Crimea.²¹⁴

On July 31, it was reported that opposition activist in Magnitogorsk was criminally investigated for criticising Vladimir Putin’s regime.²¹⁵

On August 1, Slon.ru was forced to remove an interview with Artyom Loskutov, who demanded more regional autonomy.

Another 13 media outlets were issued warnings regarding “calls to illegal action”, including Polit.ru, Regnum, New Region, Rosbalt.ru, Nakanune.ru and Grani.ru (currently blocked by all Russian ISPs).²¹⁶

These cases indicate that authorities tend to abuse anti-extremist legislation to censor “undesirable” opinions.

On October 16, Leninsky Court of Perm, and Zeledonsky City Court several days later, sentenced local residents to a fine of 2000 rubles for posting documents made by an oppositionist Alexei Navalny.²¹⁷

On December 30, Roskommnadzor issued warnings for Polit.ru, Business Online, BFM.ru and Mediazona for publishing interviews with Alexei Navalny — prominent opposition activist.²¹⁸

On April 4, 131 mosque parishioners in Dagestan were summoned by police. Police took their fingerprints and photos, but released shortly afterwards.²¹⁹

On November 21, October District Court of Vladimir found a film called “Side Piety” an extremist material. The movie filmed in 2012 talks about a small Orthodox community in Suzdal that faces persecution for not recognising the authority of the Moscow Patriarchate. Russian Orthodox Autonomous Church (ROAC) protects their shrines — the relics of Suzdal Saints — from being taken by court bailiffs with “help of the public” — LDPR activists in particular.²²⁰

Jehovah’s Witnesses’ materials have been included in the list of prohibited materials, along with a parody article by Absurdopedia. Muslim community in Borovsky (Tyument) was listed as an extremist organisation.

On January 19, Autonomous Action (Anarchist movement) activists have been detained in Irkutsk for conducting an unsanctioned rally, commemorating antifascists Anastasia Baburova and Stanislav Markelov.²²¹

On December 12, Adygea Prosecution charged an environmental activist V. Brinikh — chairman of the All-Russian Society for Nature Preservation (VOOP) — with extremism for his article about pollution at a pig farm in Teuchezhsky district of Adygea.²²²

On February 11, a 24-year-old girl from Voronezh was fined 1,000 rubles for posting prohibited songs on VK.²²³

Perm’s Centre “E” launched several investigations into the local Gulag Museum “Perm-36”.²²⁴

Such actions discredit the real fight against extremism, allowing real criminals to pose themselves as “victims of police harassment”.

There have been unfounded accusations of extremism. On March 6, Pskov communists were protesting against a concert by Lyapis Trubetskoy, accusing the band of Russophobia.²²⁵

On July 10, Senator Valentina Petrenko proposed to launch an investigation into PARNAS party and Boris Nemtsov, who took part in a march in Odessa. She accused Nemtsov and the party of holding anti-Russian views.²²⁶

On October 10, NTV broadcasted a news report about Memorial human rights centre, which was accused of aiding extremists and terrorists.²²⁷ Some cases can be seen as condoning xenophobia.

On January 28, it was reported that no evidence of extremism was found in anti-immigration remarks by Kuban Governor Alexander Tkachev.²²⁸

On February 18, four participants in riots in Western Biryulevo had been released.²²⁹

On May 5, it was reported that at “Levoberezhnaya” station (Moscow), unknown vandals sprayed graffiti denying the Holocaust.²³⁰

On September 19, it was reported that police did not find a criminal offence in the actions of a nationalist, who attacked a radio *Echo of Moscow* correspondent in St. Petersburg.²³¹

On November 26, Russian Investigative Committee refused to initiate a criminal case regarding the disappearance of a group of Crimean Tatars.²³²

Police officer advised LGBT activists who were attacked in Moscow advised them to write a statement to their local department, when he had every opportunity to detain the attackers.²³³

On March 5, Leninsky Regional Court of St. Petersburg refused to add hate motives to the case regarding the attack on LGBT activists. Preliminary investigation was also closed.²³⁴

On March 7, Tushinsky court of Moscow dismissed the case of LGBT activist Nikolay Bayev v. homophobic priest Ivan Okhlobystin.²³⁵

In early October, LGBT activists were unsuccessful in inciting criminal proceedings against deputy Vitaly Milonov, who made extremist comments towards their community. They were denied documents of the investigation, despite multiple applications.²³⁶

On August 7, it was reported that police refused to open a case on the desecration of the worship cross in Korolev (Moscow suburb).²³⁷

On November 16, it was reported that Petrozavodsk police strongly advised a local Lutheran pastor not to report a swastika that appeared on his church.²³⁸

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Presence of anti-Nazi, anti-racist and anti-extremist legislation; legislation aimed against the incitement of ethnic and religious hatred in the country.	5	5	5

Table, cont.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
-/×	Presence and development of anti-discriminatory legislation.	2.5	2.5	2.5
×	Compliance of the government (central, regional, municipal), law enforcement and judiciary with anti-Nazi, anti-racist, anti-extremist, anti-discriminatory and hate crime legislation.	5	5	5
×	Struggle against hate crime (criminal cases against organisers and participants, guilty verdicts).	5	5	5
×	Unlawful use of anti-extremist legislation.	-5	-5	-5
	Total for section 3	12.5	12.5	12.5

4. Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism

Anti-xenophobic rhetoric was actively used by the President of the Russian Federation Vladimir Putin during the monitored period. On March 21, Mr Putin spoke at the reporting board of the Ministry of Internal Affairs, where he urged the Ministry to make every legal and organisational effort to curb hate propaganda, “including online or any other informational technology and resources”. According to the Russian President, turning a blind eye to extremist antics is unacceptable. “Statistics indicate that over the past year the number of such crimes has increased. This is a serious threat to our society,” Mr Putin noted. “Your professional duty is to vigorously fight against any manifestations of xenophobia, nationalism, religious hatred and engage in the prevention of extremism among the youth.”²³⁹

On April 7, Vladimir Putin spoke at the meeting of the Federal Security Service (FSB), stating that the struggle against terrorism and extremism must remain the main focus of the FSB. “Having said that, I would like to emphasize the following important point — it is necessary to clearly distinguish between the legitimate oppositional activities, which exists in any democratic state, and extremism, which is built on hatred, on national and ethnic hatred, social enmity and denial of the law and the Constitution. It is necessary to see the difference between the civilized opposition to the government and the service to foreign national interests to the detriment of our country,” Mr President noted.²⁴⁰

In an interview with French press, Vladimir Putin said, “We do not intend to support Russian nationalism, nor do we intend to revive the Russian Empire”.²⁴¹

Speaking at military university graduation on June 26, President Putin named combatting extremism as one of his main objectives.²⁴²

Putin noted, “It is important that young people understand the significance of national policy, national and cultural diversity. In it, in its variety, there is power, advantage to our country, which for centuries absorbed the different traditions, cultures, different ethnic groups. If this harmony is destroyed, so is the internal integrity of our country. We need a consistent, systemic work, which would strengthen the civil solidarity and interethnic harmony. Everyone must be involved in this work — state, municipal structures, non-governmental organisations and, of course, family.”

President also urged the Ministry of Education to focus on preventative measures against extremist manifestations among school and university students. Putin also announced government’s intention to launch a single monitoring system of international relations and the prevention of possible conflicts on ethnic grounds. A federal centre for monitoring will be established for that purpose and will coordinate the analytical and preventative activity of government bodies, academic organisations. President also supported the initiative to create the legal basis for combatting Nazi ideology and glorification of Nazi criminals.²⁴³

On July 9, President Vladimir Putin received a delegation of rabbis from foreign countries — Israel, Austria, Belgium, the United Kingdom, Germany, Italy, the Netherlands and France, as well as a representative of the International Human Rights Movement *World Without Nazism* in the U.S. Leonid Bard.

President said that Russia will always remember the Holocaust, will cherish the memory of its victims and do everything in its power to prevent the recurrence of such tragedies in the future. “Most concerning is the revival of Nazi ideas here and there,” President Putin said. “I would like to thank the Jewish community, non-governmental organisations that actively and courageously combat any manifestations and any attempts to revive the Nazi ideology.”²⁴⁴

On August 14, President Vladimir Putin spoke in Yalta. “All peoples living in Crimea must feel absolutely equal, which is why we made the decision that all languages are equal — essentially giving them the official status — Crimean Tatar language, Russian and Ukrainian.”²⁴⁵ On the same day, Putin met with members of parliamentary factions. “Our country was founded as a multinational and multi-confessional state. We have the tradition of not just coexistence, but mutual understanding between cultures and religions. For example, we have almost

10% of Muslim population, but these are not immigrants, these are our citizens. Understand that they do not have any other Homeland, and majority of them treat Russia as their large home. There is a small homeland and a large one. We must not discriminate”.²⁴⁶

On November 20, President Vladimir Putin delivered a big speech dedicated to combatting extremism. He called counter-extremism an issue the relevance of which “evokes no doubts”. Putin also urged to pay close attention to international and interfaith relations, support cultures and customs of all nations that live in the regions and to develop the migration policy and adapt immigrants in the society. He also stressed the importance of monitoring and analysing relations between various ethnic and social groups.²⁴⁷

On December 17, Putin met with Chief Rabbi of Russia Berel Lazar and president of the Federation of Jewish Communities of Alexander Boroda. He wished them a happy Hanukah and said, “Our nation is multinational and multi-confessional. Each part of our large nation has its own unique culture and faith. However, there is a foundation that unites us — what we have just talked about. This makes us a monolith nation, united and able to solve many challenges that lie before us”.²⁴⁸

Russian senior officials adhered to a similar rhetoric. On November 9, Prime Minister Dmitry Medvedev wrote on his official Facebook page, “There are dates that cannot be forgotten. Among them is November 9, 1938 — Kristallnacht — the night that started the disaster that was the Holocaust. Millions of people fell victim to the ideology of national and racial supremacy. An obvious evil — it would seem. Alas, it continues to conquer the minds of people to this day. Today is the International Day Against Fascism and Anti-Semitism. Humanity has a lot to think about and a lot to prevent from happening”.²⁴⁹

The Russian Military Doctrine, published on December 30, identified “global extremism” (terrorism) and presence of interethnic and interfaith tensions among the main threats to the country, along with territorial disputes, separatism and extremism in certain regions of the world. Among “internal threats” were interethnic and social tensions, extremism and incitement to ethnic and religious hatred or enmity.²⁵⁰

On April 18, Deputy Head of Presidential Administration in Ulan Ude noted the importance of appointing commissioners for interethnic affairs in the regions. He said that to prevent international conflicts, certain people must bear the responsibility. He also noted the importance of adaptation centres for migrants and a system of monitoring the situation with interethnic relations.²⁵¹

On February 12, Prosecutor General of the Russian Federation Yuri Chaika spoke against the media reporting the ethnicity of

perpetrators.²⁵² On January 10, State Duma Deputy Olga Batalina, co-author of the Law prohibiting “propaganda of homosexuality” did not support Okhlobysin’s idea to reintroduce Article punishing sodomy to the Criminal Code. In an interview with “VestiFM”, she stated:

*“I consider this proposal quite dangerous. It may create an impression that the state is prepared to invade a person’s privacy. The government does not intervene in adult citizen’s private life. Adopting the law banning propaganda of non-traditional sexual relations, we are talking only about minors and about shielding them from information that harms their health and development. An adult citizen is free to act within the law and any additional restrictions here are, of course, unnecessary.”*²⁵³

On January 28, State Duma deputy (MP) Maria Maksakova-Igenbergs (United Russia) said that the “propaganda of homosexuality” law has led to a new wave of enmity and persecution. She said that the number of suicides among young homosexuals is increasing, as they start to feel alienated, adding that the same happened during the Soviet era, when they put such people into psychiatric treatment. “Today, it seems, we are taking great strides back in that direction,” she concluded.²⁵⁴

In another interview on February 7, she said that the law has resulted in more homophobia, hate crime and unhealthy anxiety in schools and announced amendments to the “propaganda” law that would mitigate it. “Healthy conservatism of which the President spoke has nothing in common with barbarian homophobia,” she said.²⁵⁵

On June 17, State Duma Maksakova-Ingeberg urged to abolish the law against propaganda of “non-traditional sexual relations”, noting that this law is discriminatory by nature.

“Application of this law only facilitates the growth of aggression and enmity in society... Intolerant climate leads to increased suicides among homosexual people, especially among teenagers... They are defenceless, as this law deprives them of the right to even talk about this subject, even talk with those who have the same sexual orientation. They cannot ask for advice, or share their problems — propaganda! Meanwhile, the law does not deprive bullies of harassing them, abuse, humiliate, make their life miserable,” MP said.²⁵⁶

On March 11, head of the Chechen Republic Ramzan Kadyrov spoke at the “Bez Kupyur” (“Uncut”) programme on NTV channel, where he urged governors to stop prohibiting the construction of mosques, and reach agreements with religious organisations. “I believe that a governor who does not allow the construction of a mosque or a church is no governor at all. He must find a common ground with religious-

community organisations to ensure that there is not violation of the law and public order. Mosque is not a house of terrorism, it's a house of God. If we prohibit mosques today, then in 5–10 years Russia will be in the same situation as the other countries," he stated.²⁵⁷

United Russia party rebuked the statement of Kaliningrad deputy O. Bolychev.

State Duma deputy and member of the United Russia's General Council Aleksandr Khinshtein stated that O. Bolychev "made a completely unacceptable, for both the government representative and any normal human being, statement with clear anti-Semitic attitude, which cannot have anything in common with United Russia's position, or government's as a whole." He later proposed to expel him from the party, "Otherwise, if we let this fact go, someone might get an impression that we share Mr Bolychev's point of view."²⁵⁸

On February 12, Kaliningrad Regional Duma Speaker Marina Orgeeva, talking to Interfax, has officially apologised for Bolychev's remarks. "There are no excuses for what happened, and I apologise. This will never happen again... I hope that in the history of Kaliningrad's parliament this episode will remain a one-off incident."²⁵⁹

On March 7, President of Dagestan Ramazan Abdulatipov stated that the Republic of Dagestan aims to strengthen the interfaith peace and to develop religious education. He noted that it is vital to maintain the unity within Islam and the good relations with other religions.²⁶⁰ Ramazan Abdulatipov also spoke at the Dagestan Council of leaders of municipal regions and city Okrugs on April 9. President of Dagestan touched on the problem of terrorism and extremism, noting that many people mistakenly relate these manifestations with religion. "I believe that it is necessary to talk about anti-religious, anti-Islamic extremism and terrorism. This must definitely be kept in mind. When certain leaders talk about Islamic terrorism, they create a favourable atmosphere for terrorists and extremists. In truth, we are talking about people who move away from religious morals and culture."²⁶¹

On September 8, acting Prime Minister of Crimea Sergei Aksyonov met with local Muslim leaders to express his outrage with the actions of law enforcement towards Muslims, calling them "inappropriate". "Neither the law enforcement nor any other public service should be allowed to break the level of civility and morality, even when carrying out any investigation. On my part, I promise that the government will make every effort to prevent such incidents in the future," he assured.²⁶²

On October 23, Mayor of Novosibirsk A. Lokot ordered the profile department to investigate the conflict between Orthodox activists and

rock concerts. “When one concert fails, then the other and another — the image of Novosibirsk begins to suffer,” he said.²⁶³

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism.	5	5	5
	Total for section 4	5	5	5

5. Activities aimed at promoting tolerance and preventing extremism

Events aimed at harmonising interethnic relations and educating tolerance among youth have been held on both federal and regional levels. There were mainly two kinds of events — conferences, roundtables and trainings, and various friendship festivals, sport events, school essay and painting competitions and journalistic works. Sometimes, both types of events were united under one brand, the “Day (or days) of Tolerance”. These events were attended by representatives of the government and civil society activists — from the Public Chamber of the Russian Federation and lower, as well as members of non-parliamentary parties and others. There was also a significant religious participation in such events. Several examples of such projects are listed below.

On February 5, Spiritual Administration of Muslims organised a conference was held in Vladikavkaz, dedicated to combatting extremism. Mufti Hadzhimurat Gatsalov noted that there are currently 20 million Muslims in Russia of which a tiny fraction are the ones who “cause problems”. However, this part of the Muslim population continues to be in the spotlight. Mufti announced that the goal of this conference is to establish a non-governmental body that would monitor the situation and conduct events aimed at preventing radicalisation and extremism.²⁶⁴

On April 8, the Municipal Administration of Zilairsky district of Bashkiria initiated a marathon “World against extremism and terrorism”. Seminars were held across the region with representatives of local governments, NGOs, human rights institutions, religious organisations, media and students.²⁶⁵

In March, a round table dedicated to LGBT issues was held in Moscow. Head of the Russian LGBT Network Igor Kochetkov compered the current situation with a “small civil war”, saying that announcing this group of people second-class citizens is “unacceptable”. According to

him, LGBT community has equal right to respect as any other minority. Moderator of the round table, Ekaterina Guseva, said that violence against LGBT people is growing in Russia and the goal of this round table is to work out measures to solve this problem.²⁶⁶

On June 1, Festival of National Cultures was held in Chita. Mayor of the city said that the event is dedicated to show locals the diversity and harmony within the city, adding that he believes that Chita is one of the “calmest cities in terms of interethnic relations”.²⁶⁷

On July 9, a roundtable “Combatting the radicalisation of religious movements and developing interreligious and international dialogue” was held in the Moscow House of Nationalities, coordinated by the Moscow Department of National Policy and Communication with Religious Organisations. The final document adopted at the roundtable pointed out that globalisation and increasing migration flows activate aggressive xenophobia and nationalism aimed at immigrants and others. A key achievement of the roundtable was the participation of traditional and non-traditional religions and their joint declaration about possible cooperation in the struggle against the radicalisation of religious organisations.

“We believe it is possible to develop a dialogue between the followers of monotheistic religious movements and the followers of neopagan movements in the name of preventing the radicalisation of religious movements and crimes against persons, society and state.”²⁶⁸

A number of Russian regions held festivals of national cultures, which included theatre plays, street performances, various fairs, exhibitions and presentations.²⁶⁹

On September 2, a round table was held in Moscow under the title “Islam against radicalism”. The event was organised by the Fund for Islamic Culture, Science and Education. According to its Director, Ali Vyacheslav Polosin, the aim of the round table is to unify the experience of holding events against xenophobia, radicalism and extremism both in Russia and abroad.²⁷⁰

On November 5, Moscow Academic Musical Theater of Stanislavsky and Nemirovich-Danchenko held a solemn award ceremony for the “SMIrotvoret” contest, attended by members of the local government and many prominent journalists. This year, 764 different media outlets took part in the contest.²⁷¹

Civil society has been active in solving national conflicts. For example, on August 27, The Control and Disciplinary Committee of the RFU sanctioned Torpedo-Vladimir FC for publicly demonstrating symbols “closely resembling Nazi symbols”.²⁷²

On October 30, Council of Russian Muftis and the Russian National Medical Research Institute (N.I. Pirogov) allowed Muslim medical students to wear scarves that cover their necks.²⁷³

On November 4, a well-known human rights charity — “Civic Assistance” — announced a new hotline for victims of neo-Nazis and witnesses of such incidents.²⁷⁴

There have been several anti-xenophobia demonstrations in 2014. On January 19 — the International Day of Mother Tongue, pickets were held in Kazan dedicated to the protection of Russian language in Tatarstan’s education system.²⁷⁵

On March 21, a group of activists held a monitoring of the Sochi streets, looking for graffiti containing nationalist appeals or incitements of hatred. The action took place as part of the International Day Against Racism, initiated by “Memorial” Human Rights Association. All materials identified during the raid were given to the police department and the administration.²⁷⁶

On June 16, activists and volunteers in Shadrinsk painted over xenophobic graffiti in the city as part of “Bar Code” action.²⁷⁷

On July 19, anticlerical rally was held in Moscow, gathering several hundreds of participants who protested the bans on foreign rock concerts, which have been increasingly frequent recently due to demands of Orthodox activists.²⁷⁸

On July 21, an anticlerical rally was held in Novosibirsk, gathering 300 people protesting the bans on Marilyn Manson’s tour. The presented a petition about the inadmissibility of violating constitutional freedoms and demanding to allow Marilyn Manson’s tour to take place. Organisers of the protest action tried to avoid any provocation, urging everyone to achieve their goals in a peaceful and legal manner. Protesters presented a resolution demanding the authorities and prosecutor’s office to assess the circumstances of disruption of Manson’s and Behemoth’s tours.²⁷⁹

On October 10, Kirov held a traditional silent procession to commemorate Fyodor Filatov — an antifascist activist who was murdered in 2008. Procession gathered more than 100 antifascists and ended with the laying of lowers and a moment of silence.²⁸⁰

On October 26, a series of rallies were held in Novosibirsk against radical Orthodox activists who were disrupting rock concerts.²⁸¹

On November 2, St. Petersburg held a March Against Hate, which gathered 300–400 people. The event was attended by several local and national political parties and civic movements.²⁸²

On November 13, around 50 people gathered in St. Petersburg to commemorate an antifascist Timur Kacharava, who was murdered in 2005. They set up several photographs of the victim, lit candles and laid flowers. The action was attended by deputies of St. Petersburg Legislative Assembly Maxim Reznik and Vyacheslav Notyag.²⁸³

On November 30, a rally dedicated to “respecting other views” was held in Novosibirsk.²⁸⁴

There have been actions supporting the LGBT community. Following I. Okhlobystin's homophobic statements the LGBT activists staged a boycott of Euroset. Petition for Okhlobystin's dismissal gathered more than 7 thousand signatures. Initiators of the boycott sent a letter to Euroset parent companies — Bilain and MegaFon — urging them to intervene into the conflict. They also appealed to international human rights organisations, such as Spectrum Human Rights (Washington), RUSA LGBT (USA), German Aids federation (Deutsche AIDS-Hilfe) and others.²⁸⁵ Alexei Venediktov, Chief Editor of the popular radio Echo of Moscow, joined the boycott.²⁸⁶ Most likely, this fierce campaign is what encouraged head of Euroset A. Malis to sack Okhlobystin on January 14.

On February 22, 3 teenagers held a picket near Gostiny Dvor (St. Petersburg), expressing their protest against the persecution of Deti-404 project that supports LGBT adolescents.²⁸⁷

On May 25, LGBT activist Dmitry Isakov held a rally in solidarity with LGBT in Kazan.²⁸⁸

On May 27, Krasnodar held an action "I am not ashamed! Say no to homophobia" as part of the LGBT month.²⁸⁹ On August 2, the Day of Airborne Troops, gay-activist K. Kalugin held another picket at Dvortsovskaya Square in St. Petersburg. Unlike last year, his action only lasted about a minute before the police took him away, fearing that he will be attacked by the veterans.²⁹⁰

The Jewish community organised several similar events. On January 27–29, International Holocaust Remembrance Day events were held across the country.

On April 13, Krasnogvardeysky district of Crimea held a grand opening of a memorial plaque to local Jewish farmers, who were tortured and executed by the Nazis in 1941.²⁹¹

On April 28, Zmievskaia Balka memorial complex set up another memorial plaque with a "compromise version" of text — the plaque was changed in 2011 to say, "here 27 thousand Soviet citizens were executed" instead of "27 thousand Jews". The new version says that "Nazi occupiers executed more than 27 thousand civilians and prisoners of war. Among victims are members of different nationalities."²⁹²

On May 9, memorial stone dedicated to the Righteous Among the Nations, Commander of Partisan Unit Nikoai Kiselev was opened on Novy Arbat, Moscow. In 1942, Commander Kiselev helped more than 200 Jews escape from the German rear across the military front. On the same day another antifascist monument was opened in Moscow — to Polish member of antifascist resistance Irena Sendler, who saved 2.5 thousand children from the Warsaw ghetto.²⁹³

On June 2, the named star was solemnly installed. The event was attended by the chairman of Rostov regional department of the All-

Russian Organisation for the Protection of Historical and Cultural Monuments, chairman of the Rostov Religious Jewish Community, member of the Russian Jewish Congress, and chairman of the “Holocaust Memory”. Each of them stressed the importance of perpetuating the deeds of the Red Army soldier, who was held in inhuman conditions by the Nazis and who made his contribution to the Jewish Resistance in the Second World War and the Holocaust.²⁹⁴

On June 17, Toropets regional centre in Tver held an opening of a restored Holocaust Memorial. The ceremony was attended by members of regional administration, city administration and a delegation of Tver’s Jewish organisations, as well as students and teachers..

On November 9, Jewish activists lit up a Star of David in Moscow city centre, to commemorate the victims of the Holocaust.²⁹⁵

Weak spot of most projects is its formality — events are held to “tick them off”, the problem is not studied deeply, recommendations and conclusions are prepared in advance and are not considered by the authorities. As for festivals and sports competitions, these attract people that are generally already tolerant, and therefore, are not very effective. Public actions mainly remind about the problem, rather than contribute to its solution.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Activities aimed at promoting tolerance and preventing extremism.	5	5	5
	Total for section 5	5	5	5

6. Position of migrants and society’s attitude towards immigrants, foreigners, different ethnic groups

Indicators

- Presence and development of anti-discriminatory legislation.

Paragraph 1, Article 27 of the Constitution of the Russian Federation states, “any person legally residing on the territory of the Russian Federation has the right to freedom of mobility, freedom to choose place of stay and residence”. Paragraph 2 of the same Article states, “any person can freely leave the Russian Federation. Citizen of the Russian Federation has the right to freely return to the Russian Federation.”

Besides Constitution, Federal laws and Russian immigration legislation includes international agreements on visa-free regimes with various countries.

Federal laws that regulate immigration include:

- Law “On the Right of Citizens of the Russian Federation to the freedom of movement and choice of place of residence within the Russian Federation” dated 25 June 1993 № 5242-I;
- Law “On the Procedure for Exit from the Russian Federation and Entry into the Russian Federation” dated 15 August 1996 № 114-FZ;
- Law “On Citizenship of the Russian Federation” dated 31 May 2002 № 62-FZ;
- Law “On Legal Status of Foreign Citizens in the Russian Federation” dated July 25, 2002 № 115-FZ;
- Law “On migration registration of foreign citizens and stateless persons in the Russian Federation” dated July 18, 2006 № 109-FZ.
- On June 13, 2012, Vladimir Putin approved the Concept of State Migration Policy for the period until 2025.²⁹⁶ The Concept noted that the most important element of the state migration policy is attracting immigrants to fill the population, labour force, develop innovation potential, and create conditions for immigrants’ adaptation and integration. Among other objectives, the concept listed protection of immigrants’ rights and freedoms and their social protection.

“Inadmissibility of any form of discrimination” was stated, however, nothing was said about the need to adopt special anti-discrimination legislation. There need to “form intercultural skills among immigrants and the hosting society, combating xenophobia and racial intolerance” was also noted.

In November 2012, the Citizenship Law of the Russian Federation was amended with a requirement to present a Russian-language proficiency certificate when applying for a work permit. On January 4, 2013, President Vladimir Putin has signed a package of bills aimed improving migration legislation, including strengthening the criminal liability for its violation. Thus, now employers and receive the right to involve and employ foreign workers temporarily residing in Russia, without the need for a special permit. In addition, the specified category of foreign nationals, in turn, can carry be employed without a work permit. It will also be possible to direct and process employment of foreign labour documents in an electronic form (online).

Furthermore, a possibility arises to introduce a 3-year ban to entry into Russia for foreign citizens and individuals without citizenship, who during the period of previous stay did not leave the country within the 30 days given after the end of a period of temporary stay.

At the same time, criminal liability is established for foreign citizens or stateless persons, whose entry into the country is prohibited, for crossing the Russian state border. Criminal liability for organising illegal migration was also increased.

It is also worth noting that in 2013 State Duma adopted a legislative act that some experts considered somewhat discriminatory towards foreign nationals — on June 26, President Vladimir Putin signed a new Federal Law “On the introduction of amendments to certain legislative acts of the Russian Federation”. The law establishes the possibility of limiting the right of foreign national to enter the Russian Federation if he/she has been brought to administrative responsibility on the territory of the Russian Federation twice or more times in the past 3 years.²⁹⁷

On December 28, 2013, amendments were introduced into Article 27 of the Federal Law “On the Procedure of Entry into the Russian Federation and Exit from the Russian Federation” and Article 5 of the Federal Law “On the Legal Status of Foreign Nationals in the Russian Federation”. According to these changes, immigrant from CIS countries can freely stay in Russia for 90 days, but only once every six months. These persons can return to the Russian Federation after 90 days since their last visit. Stay for a longer period of time will automatically be considered as an offence.²⁹⁸

A number of relevant acts have been adopted in 2014.

On April 21, President of the Russian Federation Vladimir Putin signed a law that requires migrant workers to take Russian language exams, with the exception of skilled workers. Foreign nationals will have to present relevant documents to prove their Russian language proficiency and knowledge of Russian history and legal framework when filing a patent or applying for a job, a permanent or temporary residence permit. Migrant worker that has no certificate of education issued in the USSR before 1st of September 1991 will have to take a Russian language exam and receive a certificate. The law will come into force on January 1, 2015.²⁹⁹

On July 23, Putin signed a Federal Law “On amendments to the Federal Law on the status of foreign nationals in the Russian Federation”. Foreign nationals who arrived in Russia without a visa requirement and without aim to carry out business will be unable to obtain work permits or patents.³⁰⁰

On July 23, Putin signed a law prescribing the conditions for detainment of foreign nationals and stateless persons subject to administrative expulsion from the Russian Federation, deportation or readmission. The law establishes administrative responsibility of foreign nationals and stateless persons for administrative violations committed by such persons during their detainment in the special Federal Migration Service institutions and the order of civil proceedings in cases arising from aforementioned violations.³⁰¹

On December 5, Rossiyskaya Gazeta published laws which from 2015 will require employers to pay for their foreign workers' health in-

surance and their sick leave. Furthermore, employers will be required to make social insurance contributions of 1.8% of migrant worker's payroll, which would pay for foreign national's sick leave after six months of work.³⁰²

Ukrainian crisis has led to an influx of Ukrainian refugees, which in turn prompted a number of legislative changes. On July 14, FMS allowed Ukrainian refugees to reside in Russia for 270 days without permanent residence documents.³⁰³

On July 22, Ukrainian refugees were given a simplified consideration procedure. Local authorities were advised to accept refugees in accordance with Emergency Situations protocols. During the course of the armed conflict, Ukrainian refugees could officially register their stay in Russia in three days, as opposed to three months. Temporary asylum for Ukrainian refugees was granted on a batch basis.³⁰⁴

On September 12, government resolution № 926 "On measures for the organisation of stay on the territory of the Russian Federation of Ukrainian citizens and stateless persons permanently residing in Ukraine, who came to the territory of the Russian Federation in emergency and en masse" was adopted. The resolution encouraged local authorities to recommend Ukrainian refugees to move from the bordering regions to other, including those implementing the State Programme for Voluntary Relocation to the Russian Federation for Compatriots Abroad.³⁰⁵

- Government's compliance with such legislation (law enforcement practice).

Law enforcement practices with regard to immigration balance between the understanding of economic benefits of immigration and the need to protect immigrants from xenophobic manifestations on the one hand, and the desire to please xenophobic voters on the other.

On February 25, Director of the Federal Migration Service K. Romodanovsky met with the Head of State, where he reported that currently 600,000 have been banned from entry into the Russian Federation. He also stressed that 40% of immigrants find legal employment, while 60% are illegal. Russian President stated that reform of immigration legislation has to "consider the interests of local residents living in various Russian territories, Russian citizens, but there should also be a civilized attitude towards those who come and want to live here, earn money."

President added, "there is nothing wrong here, and, frankly speaking, they make a definite contribution to the development of our economy."³⁰⁶

On August 6, Head of FMS attended a session at Prosecutor General's Office and said that immigration from Central Asia has decreased

by 26% due to tightened punishment for violating Russian immigration laws. Furthermore, during the first half of 2014 the state received 10 billion rubles from the sale of patents to migrants.³⁰⁷

By the end of 2014, 830,000 Ukrainian refugees have been accepted in Russia. 260,000 applied for temporary residence and more than 40,000 joined the compatriot relocation programme.³⁰⁸ 165,000 people were given jobs (through special quotas).³⁰⁹

On June 27, Rossiyskaya Gazeta reported that immigrants in Moscow bought 330,000 patents, adding 1.5 billion rubles to the city treasury. Article also talked about the mass fingerprinting of migrants — fingerprints of 400,000 foreign nationals have been taken in 5 months of 2014.³¹⁰

On August 19, it was reported that developers of Russian language, history and law exams for immigrants have identified the level of knowledge required of foreign nationals to receive a work permit in Russia. The pass mark was set as 30% for migrant workers, 50% for temporary residents and 75% for permanent residents. Exams will start on September 1. The full cost of these examinations will be between 4.5 and 5 thousand rubles.³¹¹

On December 26, Ministry of Education and Science of the Russian Federation selected five universities to organise exams on Russian language and history for immigrants. The exams will be held in Lomonosov State University, University of St. Petersburg, People's Friendship University, the Institute of Russian Pushkin and Pacific University in Khabarovsk.³¹²

On October 24, it was reported that a Russian Language Centre was opened in Osh — the second largest city in Kyrgyzstan, considered an “Eastern capital” of the republic. The centre will provide courses of Russian language, history and culture for immigrants and prepare them for sitting a state exam.³¹³

- Discriminatory practices against immigrants.

Frequent reports of discrimination against immigrants followed after a large flow of migrant workers began arriving in Russia from the neighbouring countries. Such cases were recorded in the fields of registration, mobility, business, employment, education, housing, healthcare and others. Discrimination against migrant workers, caused by imperfections in immigration legislation and violations of said laws by the employers, as well as migrantophobic sentiments in the society, occurred in various regions and in various contexts.

There were instances when immigrants were subjected to labour exploitation — they were underpaid, or not paid at all. There was also discrimination in housing, when landlords preferred to let their prop-

erties to “Russians” or “Slavs”. Immigrants are subjected to increased attention of the law enforcement patrols on the street.

On July 7, construction firm security attacked Sudanese workers at the Andersen Complex construction site in New Moscow, who were on strike due to non-payment of wages. One person was injured.³¹⁴

- Use of ethnic crime as justification for discrimination against immigrants.

Ethnic crime has been the favourite topic for Russian nationalists and certain media outlets, used to stir up hatred towards immigrants.

In 2014, this subject was actively used by special services and certain officials. On the other hand, there have been statements discrediting this thesis.

On February 5, *Vedomsty* newspaper published an article that criticised the law enforcement of “marketing themselves” through “combating ethnic crime” and particularly — Ministry of Internal Affairs’ instruction to combat ethnic crime, which the newspaper described as “politically motivated”. Ministry itself reports that in 2009–2013, foreign nationals committed 3.3–3.8% of crimes. According to the Supreme Court, 3.5–3.8% of convicts in 2009–2012 were foreign nationals (3.1% in 2013).³¹⁵

On June 17, *Vedomsty* newspaper published an article by M. Zheleznova, where she argued that official court statistics do not prove the popular Russian prejudice about majority of crime committed by migrants.³¹⁶

On August 2, *Nizhegorodskie Novosti* newspaper published an article about the structure of crime in Nizhegorod, which indicated that there is no wave of migrant crime in the region. Even among convicted drug dealers, only 1% were immigrants. The article noted that the perception of criminal elements from abroad is most likely formed due to media coverage.³¹⁷

On August 22, *Bolshoy Gorod* (Large City) website published an article titled “Moscow citizens falsely accuse migrants in increased crime rate”. It noted that the proportion of migrants in the overall crime statistics is 5%-7% (15% in solved cases).³¹⁸

- Social assistance for immigrants.

The Law “On the Legal Status of Foreign Citizens” regulates the application of medical and social services to foreign nationals during his/her stay on the Russian territory. Under this Law and Paragraph 3 of the “Provision for the guarantee of housing, financial and medical assistance for foreign nationals and stateless persons during the period of their stay in the Russian Federation”, the main burden of providing medical and social care for foreign nationals is borne by the receiving

party. However if a foreign national concluded an employment or a civil service contract (employment), he/she shall have certain rights and obligations of an employee, including the right to employment and appropriate work conditions, guaranteed payment, complete and reliable information about health and safety, compensation for damage caused in connection with the performance of duties, etc.

Foreign national must have the compulsory health insurance to receive medical care (except for first aid and emergency care, which is provided free of charge). This is specified in Article 10 of the Federal Law N 326 regarding compulsory health insurance. Foreign nationals living in Russia also have the right to pension.

On January 20, Perm Regional Human Rights Centre opened a reception desk for immigrants and migrant workers. The Centre will receive foreign citizens whose rights were violated by employers and is prepared to offer them legal assistance and support, including representation in courts.³¹⁹

On March 13, it was reported that the immigrant adaptation courses were launched at the V.I. Lenin Ulyanovsk regional scientific library. Courses are organised by the Strategic Development Authority under the Governor of Ulyanovsk Oblast in cooperation with the regional Federal Migration Service, the Ministry of Art and Cultural Policy, the Simbirsk diocese of ROC, the regional Muslim Spiritual Administration and several other civil society organisations and universities.³²⁰ Similar courses have been set up in Ulyanovsk in June and October 2014.

On June 6, it was reported that Khabarovsk schools are introducing a tutor position to work with foreign children, in order to facilitate their adaptation in school.³²¹

On September 3, Belgorod diocese organised a centre for legal education and adaptation of foreign citizens in the Belgorod State University of Culture. The main function of the centre is adaptation of immigrants through Russian language, law and history courses, as well as familiarisation with Russian culture, traditions and code of conduct.³²²

- Negative attitude of the community towards immigrants, foreigners, various ethnic groups.

Anti-immigration sentiments remains one of the main problems in Russia. The issue is particularly acute in Moscow and St. Petersburg. Meanwhile, the number of Russians who support violence against migrants is growing.

According to a survey conducted by Levada Centre, published on March 10, the inflow of immigrants was listed among the “most acute issues” by 23% of Russian citizens (39% Moscow residents). This shows

a significant rise compared to the previous year, when this figure was at 15%. Only 10% of respondents are concerned with the growth of nationalism (given the statistical error of 3%, this figure remains the same since 2006). Apparently, the majority of people who are concerned with the growth of nationalism are residents of Moscow, since the level of concern is much higher in that city than the country average (25%).³²³ According to another survey conducted by Levada Centre, published on April 14, only 10% have positive attitudes towards immigrants from the South, while 48% are against them.³²⁴

Public opinion polls indicate a reducing level of xenophobia (though it is hard to say whether this is a long-term or short-term phenomenon). Levada Centre survey published on December 16 showed that only 2% of respondents believe that ethnic clashes are possible in the nearest future (in 2012, this figure was 6%). 19% think such clashes are likely (36% in 2012), 45% — unlikely (33% in 2012). 27% were firmly convinced that such clashes will not happen (14% in 2012). Thus, while there are still some tensions in the Russian Federation, there is also a considerable decline in such sentiments compared to previous periods

A public opinion poll conducted on December 6–7 by NGO “Public Opinion Foundation” demonstrated a high level of Migrantophobia in the population. 58% of respondents favoured restrictions on immigrations in “their” areas, whereas 73% said that there are “a lot” of migrants.³²⁵ 44% of respondents believe that Russia’s multinational nature benefits the country, while only 25% believed that it is detrimental. 31% did not answer the question. 35% of respondents agreed that members of the “indigenous nation” should have special rights, while 51% thought everyone should be treated equally. 17% admitted that they have some reservations regarding one ethnic group or another. 86% said that they have never been subjected to discrimination or insults based on their nationality.³²⁶

According to a survey conducted in Moscow, 28% to 53% of Moscow residents believe that migrants are the main problem in their district. The highest number of people dissatisfied with migrants are in surrounding areas, where migrant communities are most numerous. These include West Biryulyovo, Vykhino-Zhulebino and North Izmailovo. Residents of “upper-class” areas, such as Akademichesky, Airport, Khamovniki, are less concerned with migrants. In general, this problem is more characteristic for southern and eastern districts of Moscow. At the same time, an average Moscow resident does not understand how essential migrants are for city life.³²⁷

According to a Levada Centre survey (September 12), the rise in immigration is not considered a crucial issue by most respondents. Only 24% considered it a big problem (whereas inflation worried 71%

of respondents and poverty — 40%). Even less respondents were concerned by the deterioration of interethnic relations — 11%.³²⁸

Level of xenophobia in the society remains high, although Ukrainian crisis had shifted the focus to foreign events. VTSIOM survey published on February 21 showed that only 41% and 39% consider Dagestan and Chechnya a Russian region respectively. At the same time, majority of respondents are not prepared to recognise non-Slavic peoples as Russian. 30% recognise Tatars, Bashkirs, Kalmyks as such; 16% — Yakuts, Khanty and Chukchi; 10% — Armenians, Georgians, Azerbaijanis; 8% — Uzbeks, Tajiks and Kyrgyz.³²⁹

According to the “Monitoring and forecast of the socio-political situation in interethnic and interreligious relations” conducted in the Novgorod Oblast and published on February 6, more than 45% of respondents consider the possibility of ethnic clashes in the region, while 45% responded negatively. 32% believe that the ethnic relations in the regions have deteriorated, while only 11% believe that the situation is still favourable.³³⁰

Public sentiments have been affected by the so-called “Crimean euphoria”. Opinion poll published on June 24 revealed that more than half of respondents (57%) believe that Russia should be a multinational country, uniting various peoples (44% in 2013). The same number of people believed that all peoples of Russia must have equal rights (37% in 2013). The idea of “Russia for Russians” was supported by 38%, of them 26% believed that Russians should have more rights as a majority and 10% (including 14% of Moscow and St. Petersburg residents) believed that Russia should be a country for the Russian people. 6% of respondents advocated for support of national minorities and granting them more rights.³³¹

According to a survey conducted by Levada Centre on July 18 — 21, 38% of respondents are in favour of restricting the number of Caucasian nationals living in Russia (54% in 2013). 33% are of the same opinion towards Central Asian nationals (45% in 2013), 29% — Chinese (45% in 2013), 27% — Vietnamese (32% in 2013), 23% — Roma (32% in 2013), 8% — Jews (8% in 2013), 8% — Ukrainians (5% in 2013). 14% of respondents believed that all ethnicities except Russian should be restricted and 21% believed that there should be no restrictions at all (10% in 2013).

Only 12% of respondents have positive attitudes towards nationals of southern republics and 41% felt the opposite (60% in 2013); 50% were neutral.

Only 23% claimed that there are ethnic tensions in their localities (33% in 2013), 71% did not feel any tensions (53% in 2013).

54% supported the idea “Russia for Russians”, but only 18% responded that it should be implemented immediately (66% and 23%

in 2013 respectively). 27% believed that this slogan is “truly fascist” (19% in 2013). 52% agreed with the slogan “Stop feeding the Caucasus”, 33% disagreed (71% and 18% in 2013 respectively).

19% of respondents believed that large-scale ethnic clashes are very likely today (62% in 2013). 66% thought the opposite (25% in 2013). 13% believed that such clashes are possible in their localities (25% in 2013).

Answering the question of what to do with illegal immigrants, 64% of respondents agreed that they should be deported from the Russian Federation (73% in 2013) and 19% responded that illegal immigrants should be integrated (15% in 2013). 76% responded that immigration flows must be restricted and 16% believed that there should be no barriers to immigration.

63% of respondents thought that immigration in their home town should be restricted, while 27% thought the opposite.

14% often felt hostile attitudes from members of other nationalities, 30% felt this rarely and 53% — never.

The same 14% felt hostile towards other nationalities themselves, 33% felt this rarely and 50% — never.³³²

Another survey conducted by VTSIOM and published on July 8th revealed that 20% saw interethnic relations and immigration as a “big problem”, 14% saw this as the “biggest problem” (the largest problem in the eyes of the population remains the inflation — as evidenced by 60% of respondents).³³³ VTSIOM survey published on August 19 indicated that the number of people who considered population of Russia by other ethnicities had decreased from 35% in 2013 to 27% in 2014. 5% believed that fascist rise to power is “real”, 18% — “possible”.³³⁴

Survey conducted between October 24 and 27 showed that 31% of Russians spoke positively of “Russian Marches” (in 2013 this figure was 40%), and the same amount had an opposite opinion (26% in 2013).³³⁵

An interesting experiment was conducted by The Village magazine. Its correspondent, Y. Reysner spent a week walking around Moscow in a hijab, after which she came to the conclusion that despite their expectations, the general attitude towards people wearing a hijab is “indifferent, if not faintly positive”.³³⁶

A survey conducted by FOM on December 6–7 showed that 44% of respondents believe that Russia’s multinational nature benefits the country, while only 25% believed that it is detrimental. 31% did not answer the question. 35% of respondents agreed that members of the “indigenous nation” should have special rights, while 51% thought everyone should be treated equally. 17% admitted that they have some reservations regarding one ethnic group or another. 86% said

that they have never been subjected to discrimination or insults based on their nationality.³³⁷

Russian society is also prejudiced against “sects”. According to a survey by the Public Opinion Foundation, published on March 25, 64% of Russians believe that members of the NRM (New Religious Movements — which surprisingly include the traditional Baptists) should be stayed away from. 58% have negative attitude towards NRM, 64% believe that members of NRM are weak, lazy, greedy people.³³⁸

According to a survey by Levada Centre, published on June 21, majority of the population are irritated (30%) or outraged (36%) by transsexuals; only 8% have tolerant or positive attitude towards them.³³⁹

VTsIOM survey published on September 17 revealed that 45% agree that there is an organisation controlling world events; 32% disagree. Those who believe in the so-called “world government”, think that its objective is world domination (32%). 10% said that members of this “world government” are seeking personal gain. Some even believe that their aim is “capturing territories” (2%), weakening countries and starting wars (2%), destruction of Russia (2%). Only 3% believe that such organisation are seeking “world peace”.

According to respondents, “world government” consists of businessmen (22%). Others think it consists of politicians from across the world (5%), or Western (2%), specifically — Barrack Obama, George Bush, Elizabeth II, etc. 6% said that the world government consists of Americans, Freemasons, Jews and Mafia (4%, 2%, 1% respectively).³⁴⁰

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Presence and improvement of migration laws.	5	5	5
×	Government’s compliance with such legislation (law enforcement practice).	5	5	5
×	Discriminatory practices against immigrants.	-5	-5	-5
×	Use of ethnic crime as justification for discrimination against migrants.	-5	-5	-5
×	Social assistance for immigrants.	2.5	2.5	5
×	Negative attitude of the community towards immigrants, foreigners, various ethnic groups.	-5	-5	-5
	Total for section 6	-2.5	-2.5	0

7. Incitement of religious and ethnic hatred

Indicators

- Calls for ethnic and religious hatred in mass media and mass communications, graffiti.

The media continues to be the main source of calls for interethnic and interreligious enmity in Russia. A significant role is played by Russian internet, filled with xenophobia and calls for violence.

Most popular extreme right websites are “Right News”, “Right News Agency”, “Russian Information Agency”, “Russian Observer”, “Russian Platform”, “Russian Imperial Movement”, “National Resistance”, “Velesova Sloboda”, “RAC Forum” and rusnat.org. In 2013, website “Sputnik and Pogrom” significantly grew in popularity, founded by nationalist E. Prosvirin.

Some topics penetrate into mainstream media. In 2014, most popular topics in mass media were anti-immigration, anti-Caucasus (including Islamophobia), anti-Semitism and homophobia.

A lot of such statements come from the Russian Orthodox Church.

President of the Synod of the Moscow Patriarchate on Public Relations Vsevolod Chaplin told the *Kultura* newspaper that for a long time Russia has been “satisfying any whims of the national minorities, while ignoring the need to self-organisation of the Russian people, fearing this self-organisation.”³⁴¹

In an interview published on June 25, Archpriest Alexander Kuzi said that Ukrainian refugees are a brilliant way to make up for labour deficit. According to him, it is better to have Ukrainians than Tajiks, as Ukrainians are “people of our faith and culture”. He added that Central Asian migrants are causing “social tension”, which is due to their “incompatibility”.³⁴²

A separate topic is the growth of xenophobic sentiments around the construction of non-Orthodox temples. On February 4, nationalists from the “North Frontier” wrote an open letter the Head of the Republic of Komi Vyacheslav Gaizer, protesting against the construction of mosque in Vorkut. They stated that the construction “could lead to ethnic and religious tensions in the arctic city”.³⁴³

On November 25, it was reported that more than 4.5 thousand Novosibirsk residents expressed their disagreement with plans to build a Muslim school in the city by signing a statement addressed to Mayor Lokot. The statement, prepared by nationalists from “Restrukt” and the National-Bolshevist Platform, rejects the construction of a Muslim school to “strengthen interfaith and interethnic relations in Novosibirsk, and reduce interethnic tensions and ethnic crime.”³⁴⁴

On August 7, Islamic scholar A. Ignatenko said that Muslims praying on the streets of Moscow is a form of pressure by the Council of Muftis, which demands new mosques to be built. He added that most Muslims in Moscow are migrants, who are in the city “temporarily, illegally and for unknown reasons”.³⁴⁵

On the other hand, there have been cases of religious interference in public life. On June 5, Union of Muslim Women in Russia and Tatarstan addressed a letter to the Tatarstan Ministry of Education, demanding to allow Muslim students wear hijabs in schools. Interestingly, ROC supported this request.³⁴⁶

On July 22, Mufti Ilduz-hazrat Iskhakov said that Muslims perceive the ban on religious attributes in public as discrimination and appealed to the Children’s Rights Commissioner in Mordovia.³⁴⁷

On August 22, Mufti of the Central Spiritual Administration of Muslims in Mordovia Fagim Shaviev appealed to the acting Prosecutor of the republic Alexandr Maksimov. Fagin Shaviev demanded the cancellation of Mordovian government regulation that prohibits hijabs in secular schools, calling it a violation of Muslim women’s rights.³⁴⁸

On June 18, Leninsky district qaadi (Grozny) Rizvan Chimaev, staged a raid to prevent the sale of alcohol in his district without any formal permission. He threatened “further measures” for those who continues to sell alcohol.³⁴⁹

Orthodox activists have disrupted several events across the country, particularly the performances of the Polish black metal band “Begramoth” (in Vladivostok, Irkutsk, Krasnoyarsk, Tomsk, Novosibirsk, Yekaterinburg),³⁵⁰ American singer Marilyn Manson (Novosibirsk, Moscow³⁵¹) and Cannibal Corpse (Ufa, Nizhny Novgorod, Moscow, St. Petersburg³⁵²).

On February 11, an international anatomical exhibition “Secrets of the body: the universe inside” was cancelled in Krasnodar, where the activists of the local “Orthodox Union” protested the event, claiming that the exhibition is a mockery of the dead.³⁵³

Some nationalists express the view that Jewish people are to blame for the events in Ukraine, which breeds the perception of this community as potential traitors. Popular musician Andrey Makarevych, who participated in the “Peace March” (procession against Russia’s involvement in Ukraine on March 15) was subjected to anti-Semitic abuse by march opponents.³⁵⁴ Anti-Semitic chants against anti-war protesters have been heard in all previous cases.³⁵⁵

In May, Fifth Column website (http://tchaykovsky.ru/blog_a/py-ataya.htm) published a list of Jews in the opposition. It was proposed to “deprive them of Russian citizenship and forcibly deport to their ethnic homeland — Israel.” Why? For their open hatred to everything Russian.

On December 17, member of the opposition Alexei Navalny made an anti-Semitic joke on twitter, when he captioned the photo of Vladimir Putin meeting Russian Jewish leaders with: “Monetary policy is being discussed today not by Medvedev, but Putin.” Thus, he repeated an anti-Semitic myth of Jewish influence in the financial sector.³⁵⁶

Muslims have been known to say anti-Semitic (or anti-Israel) remarks. On July 25, Deputy Head of the Council of Russian Muftis, Rushan-hazrat Abbyasov, demonised Israel as the sole cause of the ills of Palestinian Arabs. Professor of Tehran University Hodzhat Al Islam val Muslemin Saber Akbari Dzheddi said that Zionists are implementing “racist policies” and skew the historical truth when talking about Palestine’s past.³⁵⁷

On September 21, Chairman of the Council of Russian Muftis accused Israel of “fighting against Palestinians as a nation” and attacking predominantly the civilian population, comparing it to the Holocaust.³⁵⁸

- Presence and popularity of radical nationalist literature, films, music. Ultra-nationalist rock bands and their concerts.

Xenophobic literature is regularly published in Russia (most of all — anti-Semitic).

There are several publishers who make these books part of their business plan. The largest of these is “Algorithm” publishing house, followed by “Russian Truth”, “Institute of Russian Civilisation” (mainly engaged in reprinting early 20th century works), “Book World” and “Mitrakov”. The latter is specialised in publishing anti-Semitic works of the self-proclaimed “academic” Levashov.

The most comprehensive set of xenophobic literature could be found at book fairs in the All-Russian Exhibition Centre in March and September, where all five aforementioned publishers were present. This literature is also sold in respectable bookstores.

Russia has a number of extreme right musical bands. Most popular among them is a band called “Kolovrat”. Their concerts are usually semi-underground. The only exception is the “Russian March” in Moscow.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Calls for ethnic and religious hatred in mass media and mass communications, graffiti.	-5	-5	-5
×	Presence and popularity of radical nationalist literature, films, music. Ultranationalist rock bands and their concerts.	-5	-5	-5
	Total for section 7	-10	-10	-10

8. Radical nationalist groups and parties

Indicators

- Presence of neo-Nazi and ultra-nationalist groups, movements, political parties (both in the centre and in the localities).

One of the largest Russian parliamentary parties that actively uses xenophobia as an integral part of its ideology is LDPR, led by Vladimir Zhirinovskiy (most serious political actors used xenophobia and migrantophobia in their propaganda, including the liberal Yabloko Party). Although, since LDPR is a “one-man party”, most xenophobic rhetoric is also related to Zhirinovskiy’s statements.

Leader of the Rodina party, which was the main source of radical nationalism in the mid-2000s, is still in parliament (although, A. Zhuravlev passed into Duma on a United Russia list).

Among the officially registered nationalist parties, there is the “Russian All-National Union”, “Great Fatherland” party (anti-West Stalinists) and V. Milov’s Democratic Choice party, which combines liberal values with nationalism.

Majority of radical nationalist parties established in 2012, could not pass registration despite the liberalisation of political party rules, though some parties deliberately avoided it.

One of the largest Russian nationalist organisations is the Ethno-Political Association “Russians”, established from the banned Movement Against Illegal Immigration and the Slavic Union. Founders of “Russians” tried to register a Party of Nationalists in 2012, however for various reasons this project was not completed and the two brands exist in parallel. New Force party also remains unregistered (founded by MGIMO Professor V. Solovyov), along with the National Democratic Party (K. Krylov and V. Kralin), National Socialist Initiative (based in St. Petersburg and headed by D. Bobrov), “Restruk” movement (M. Martsinkevich, recently arrested for inciting ethnic hatred), Black Hundred group (A. Shtilmark), “Union of Russian Nation” (A. Turik).

Besides these organisations (mostly based in Moscow and St. Petersburg), there are many smaller groups, largely represented on the Internet — some with loud brands, such as the Russian National Union (RNE). Of the regional organisations, Northern Frontier (Republic of Komi) is most noteworthy.

- Presence of discriminatory demands in the programmes of these parties and in the statements of their leaders towards the members of minorities.

Russian National Union, declares its opposition to the rights and freedoms “that are contrary to our moral values, embodied in the Rus-

sian Orthodox tradition” — referring to LGBT rights and other “mockery of Russian sanctities and insults to religious feelings of our people”. The Union advocates for privileges for the Russian Orthodox Church, while considering atheism as “propaganda for abandoning your traditions”. The main social function of women, according to the Russian National Union, is childbirth. In terms of domestic policy, RNU demands elimination of national republics.³⁵⁹

Democratic Choice prioritises migrantophobia. “Open Doors for immigrants from Central Asia and Caucasus do not solve labour deficits, but cause dumping on the unskilled labour market, poverty and crime. Open borders with our southern neighbours is the main barrier for a visa-free regime between Russia and the European Union,” party’s programme states — advocating for introducing a visa regime with Caucasus and Central Asia.³⁶⁰ The party also supports restriction of immigration of Russian citizens from North Caucasus, “forgetting” that they have the full right to free movement within Russian Federation.³⁶¹

Programme of the “Russians” movement proposed to check everyone who stayed after the USSR collapse for their legal status, and grant citizenship to the children of mixed marriages and foreign nationals, only via a special commission. They also propose to introduce a property and age limit for marriages between Russian citizens and foreign nationals, and confiscate “property illegally obtained by immigrants”, introduce official segregation of immigrants, and introduce foreign nationality as an aggravating circumstance in a crime. “Russians” movement also proposed to make illegal immigration a criminal, rather than administrative, offence and set up a punishment of 10 years of compulsory labour.³⁶²

The programme of this movement contains a racist definition of a Russian — “Russian is a person, at least one parent of whom is an ethnic Russian and a second parent — belongs to a European nation, but is perceived by others and considers himself as Russian. Children of mixed marriages with non-European elements can be considered Russians under a defined quota and after a positive assessment of a special commission”. To provide for “national justice”, it was proposed to introduce a national-proportional representation at all levels of the government.³⁶³ In areas where Muslims are a religious minority, it was proposed to introduce a moratorium on the construction of new minarets and mosques.³⁶⁴

The National Democratic Party proposes a “zero-tolerance policy towards the natives from problematic territories in terms of crime rate” — i.e. immigrants from Caucasus and Central Asia — thus introducing a presumption of guilt. They also advocated for lower subsidies to the republics of North Caucasus and bringing back the Stavropol Region and the Southern Federal District. A notable place in NDP’s pro-

gramme is given to migrantophobia. The party proposes to introduce a special tax for employing immigrants, which changes depending on the industry and immigrant's qualifications. Support for national cultures NDP intends to link with the amount of tax on personal income paid by members of this nation and who clearly indicate their wish to support their respective languages. Thus, members of poor nations will be in diminished positions.³⁶⁵

New Force" also proposes combating "excess and uncontrolled labour immigration from the CIS" as a measure to tackle unemployment in Russia. "New Force" proposes a visa regime with the "drug-producing and drug-trafficking states" (apparently referring to Caucasus and Central Asia) and restricting the money transfers abroad. They also plan to check all people who became Russian citizens since 2000.³⁶⁶

National Socialist Initiative, in its "Racial Doctrine", posits the inequality of races, assigning the white race a "special creative spirit", which others are deprived of. "Racial idea is a supreme idea of the National Socialism", their doctrine states.³⁶⁷

The Black Hundred" ("Chernaya Sotnya"), advocates for "introducing articles to the Criminal Code that prescribe severe punishment for homosexuality," as well as for "membership in masonic lodges, secret and satanic societies", desecration of national and religious values and restricting the non-traditional religious organisations.³⁶⁸

- Neo-Nazi and radical nationalist influence over the civil society, including oppositional and human rights organisations.

The cooperation between Russian nationalists and liberals continued in 2014, as part of the non-systemic opposition. In January, they jointly protested against the construction of a new hotel in Novokosino.³⁶⁹

On February 15–18, 10 former members of the Opposition Coordinating Council signed the appeal in protection of a nationalist and their colleague N. Bondarik, who was arrested in October 2013. The signatories included not only nationalists (K. Krylov, V. Kralin, I. Konstantinov, I. Artemov, A. Palchaev) but also liberals (S. Davidis, E. Chirikova, G. Kasparov, A. Piontkovski, A. Illarionov).³⁷⁰

Crisis in Ukraine has introduced some tensions in this relationship due to opposition and nationalists having different views on the events.

In Saratov, a Russian March against the war in Ukraine was jointly organised by nationalists from RONS and liberals from RPR — Parnas and the Civil Platform.³⁷¹

On the other hand, xenophobia has not yet been converted into support for xenophobic politicians. Novosibirsk mayoral candidate Yevgeny Loginov actively used xenophobic rhetoric in his election campaign, but only gained 3.35% of votes.³⁷²

Therefore, the influence of nationalist forces on the civil society can be considered limited in 2014. People in Russia generally consider nationalists as a destabilising factor, understanding that their rise to power would bring unwanted changes.

- Neo-Nazi and radical nationalist influence over the local legislative/executive bodies.

Nationalists are present in some local legislative bodies, but they are few in numbers and do not have any real influence.

- Neo-Nazi and radical nationalist influence over the central legislative/executive bodies.

Given the popularity of migrantophobia and homophobia among some parts of the society, nationalist rhetoric is adopted by several members of parliamentary parties, senior officials and so on.

However, events in 2014 were limited by rhetoric alone.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Presence of neo-Nazi and ultra-nationalist groups, movements, political parties (both in the centre and in the localities).	-5	-5	-5
×	Presence of discriminatory demands in the programmes of these parties and in the statements of their leaders towards the members of minorities.	-5	-5	-5
×	Neo-Nazi and radical nationalist influence over the civil society, including oppositional and human rights organisations.	-5	-2.5	-2.5
-	Neo-Nazi and radical nationalist influence over the local legislative/executive bodies.	0	0	0
-	Neo-Nazi and radical nationalist influence over the central legislative/executive bodies.	-2.5	0	0
	Total for section 8	-17.5	-12.5	-12.5

9. Public actions of extremist and nationalist groups

Indicators

- Neo-Nazi and radical nationalist participation in mass actions prohibited by the authorities.

Only a few such cases have been noted. On January 20, more than 20 people in Astrakhan took part in an action organised by the “Rus-

sians of Astrakhan” association and the National Democratic Party of Russia. Members of the nationalist rally demanded that the authorities rescind the appointment of a native of Dagestan as a Astrakhan military commissar.³⁷³

On November 4, around 200 people from the organisation “Russians” and the Great Russia party took part in an unsanctioned “Russian Walk” along the Nevsky Prospekt in St. Petersburg, but were dispersed by police soon after.³⁷⁴

On November 14, a small pro-Nazi demonstration was noted in Chistye Prudy, Moscow.³⁷⁵ A similar demonstration was also held on December 14.³⁷⁶

- Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities.

The most ambitious both in scope and in number of participants were events included in the nationalist calendar, such as the “Russian march” on November 4, “Russian May Day” and “Day of Heroes” in late February — early March. However, in 2014 these actions gathered significantly less people than usual. Russian nationalists were more likely focused on events in Ukraine, which also introduced a lot of controversy between them.

Russian March — a mass public action of Russian nationalists held on November 4. However, the number of participants was significantly lower in 2014, which can be explained by disagreements among the nationalists regarding the events in Ukraine. In Moscow, the march was traditionally held in Lyublino where it gathered no more than 2 thousand people — significantly less than in previous years. The participants were both supporters and opponents of the war in Ukraine. The Ukrainian issue was not avoided as a result. While the first column of marchers walked under the slogan “For Russian Unity”, the rear of the procession was split into supporters of Novorossiya and supporters of the Kiev government. Young people in the so-called “irreconcilable column” chanted, “DNR — burn in hell!” They marched behind a banner reading, “Russians against the war with Ukraine”.

There were also more traditional slogans, such as “Russians go”, “Moscow for Moscovites”, “Migrants — extra mouths, people can live without them”, and “Abolish 282”. The latter refers to Article 282 of the Criminal Code that deals with incitement to interethnic and religious enmity.

National Socialists chanted “Beat a Jew — Save Russia” and bore a banner, “Thank grandfather for his attempt”. The latter implies glorification of pro-Nazi collaborationists. Another participant of the Russian March held a poster saying, “Putinoids are realising Zionist plans by provoking carnage between Russian and Ukrainian nations”.³⁷⁷

Around 500 to 2,000 people took part in an alternative, “Russian March for Novorossiia”.

Andrey Savelyev, chair of the unofficial Great Russia party said at the rally, “Our enemies are doing everything to shatter our unity. We are for Novorossiia and against the junta of Kremlin and Kiev! We need Russian power here and there.”

“Glory to the nation, down with the oligarchy,” he added. Before that, Savelyev trampled on a poster depicting opposition members and human rights activists — Olga Romanova, Artemy Troitsky, Lev Ponomarev, Dmitry Bykov, Mikhail Zhvanetsky, Altfred Kokh, Alexandr Podrabinek, and Tatyana Tolstaya.³⁷⁸

This march was held under the slogans: “We got Crimea, we will get Donbass”, “Shame on Makarevich”. A letter by a convicted nationalist extremist V. Kvachkov about the “Jewish-Bandera revolution in Ukraine” was read at the rally.³⁷⁹

A Patriotic March was held in St. Petersburg under slogans supporting Novorossiia — “Russians go!” and “Glory to Russia!” The procession gathered around 1000 people, led by deputy V. Milonov, known for his homophobic initiatives, and leader of the neo-Pagans V. Golyakov. Another right-wing Russian march of white supremacists and national-socialists gathered around 60 people.³⁸⁰

Similar marches were held in Yekaterinburg, Kaliningrad, Krasnodar, Novosibirsk, Saratov, Ulyanovsk (in these cities there were two kinds of marches — pro-Ukraine and pro-Novorossiia), Barnaul, Vladivostok, Volgograd, Irkutsk, Kazan, Kirov, Nizhnevartovsk (where the march was held on November 16), Nizhny Novgorod, Omsk, Perm, Samara, Sevastopol, Syktyvkar, Tver, Tula and Khabarovsk. The largest marches were held in Novosibirsk, Perm and Tula (350–400 people). In Volgograd, Ekaterinburg, Irkutsk, Kirov, Nizhny Novgorod and Tver nationalists managed to attract 100–200 people. In other cities, the number of march participants was in the dozens.³⁸¹ The march in Chelyabinsk was prohibited by local authorities.³⁸²

To summarise, Russian March was held in 24 cities, which is significantly less than in 2013 (70 cities and towns). The number of participants also decreased.

On March 1, “Day of Heroes” was held in Moscow, St. Petersburg, Astrakhan, Volgograd, Nizhny Novgorod, Penza, Perm, Ryazan, Khabarovsk and Khimki. The event is dedicated to Pskov troops who fell in Chechnya in 2000. However, unlike previous events, this year’s commemorative ceremonies were limited to flower laying ceremonies.³⁸³

On May 1, Russian March of Labour took place in 20 cities. This was nationalists’ attempt to make May 1st their own holiday, like they did with November 4th marches. However, events did not have a significant turnout.

On June 8, Global March on Jerusalem was held in Moscow, gathering no more than 100 people of Arab descent.³⁸⁴

On July 17, anarchists held their traditional rally on Suvorov Square in Moscow, dedicated to the anniversary of Nikolai II murder.³⁸⁵

On October 8, Cossacks took to the streets of Sergiev Posad, in a procession accompanied by Nazi salutes. Cossack Ataman P. Turukhin said, “Brothers and sisters, 25 years ago we raised our banners against the Jew-Bolshevik tyranny of corruption! But it is not over yet. Campaign against the Russian nation continues”. “Jewish corruption” was also the subject of another speech at the rally. Resolutions were adopted under Nazi salutes.³⁸⁶

- Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities, with the participation of representatives from the legislative or executive bodies, law enforcement and security agencies.

Such manifestations were extremely rare and were mostly related to regional “Russian Marches”.

- Presence of “football xenophobia” and racism amongst sports fans.

Football xenophobia is a common phenomenon in Russia. This is true for fans of the less popular teams as well as large football clubs.

On September 22, player for the Moscow’s Dinamo FC Christopher Samba did not appear in the second half of the game with Torpedo FC, due to racist insults from the tribunes.³⁸⁷ A similar incident occurred on November 26 in a game against Rostov FC.³⁸⁸

On September 27, during a Russian Championship game between Zenit FC and Spartak FC held in St. Petersburg, player from the former team was subjected to racist insults by Spartak fans.³⁸⁹

On October 5, three football fans in Samara appeared at a game wearing shirts depicting an SS Totenkopf symbol.³⁹⁰

It is also known that radical football fans were heavily involved in Pushkino riots in May 2014.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
-/×	Neo-Nazi and radical nationalist participation in mass actions prohibited by the authorities.	0	-5	-2.5
×	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities.	-5	-5	-5

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
–	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities, with the participation of representatives from the legislative or executive bodies, law enforcement and security agencies.	0	–5	0
×	Presence of “football xenophobia” and racism amongst sports fans.	–5	–5	–5
	Total for section 9	–10	–20	–12.5

10. Racist attacks, violence and terror

Indicators

- Vandalism in cemeteries, attacks on religious buildings.

According to the monitoring conducted in 2014, cases of vandalism at cemeteries have almost ceased — 4 incidents (3.7% of all cases of vandalism and threats). On the other hand, 2014 was marked by increased vandalism of Orthodox churches and symbols — 17 cases (16%). There were 8 cases of vandalism against mosques (7.6%); 4 — against Protestant churches (3.8%); 2 — against synagogues and Jewish centres (1.9%); and 1 — against Buddhists and Jehovah’s Witnesses (0.9% each).

A third of all cases of vandalism and threats have been against religious objects. All in all, we saw a relative decrease in such cases compared to 2013 (39 cases of vandalism against worship crosses and 11 cases of vandalism against mosques; 23% and 6.5% respectively)

- Inter-ethnic clashes instigated by xenophobia and radical nationalism.

In 2013, monitoring recorded around ten attempts of the so-called Kondopoga political technique — turning a regular incident into an ethnic conflict, when one of the parties involved was a non-Russian, and organising mass unrest on ethnic or religious grounds.

Three such attempts took place in January. On January 11, In Perm, user of VK social network posted that his friend was beaten to death by a non-Russian and his girlfriend was raped. The post ended with a call to gather on January 12 and fight non-Russians.³⁹¹ Police officers were able to curb the growing riot, however two Tajikistan natives received minor injuries. 134 persons were arrested, including 90 minors.³⁹² Perm Regional Police Department published a statement:

“Dear residents of the Perm Region, do not succumb to provocations, do not break the law. All vital problems must be solved legally. Do not allow pseudo-patriots and various provocateurs to exploit you for their criminal purposes.”³⁹³

On January 21, it was reported that the Fund to Combat Russophobia was spreading rumours about Caucasians kidnapping dozens of women in Astrakhan. An investigation conducted by the “Komsomolskaya Pravda” newspaper revealed that the source of this information was some blogger who was unable to name any victims.³⁹⁴

On February 21, blogs on behalf of Nadym residents posted complaints about Gypsies who bugged people on the streets and in the shops. However, Nadym administration denied any allegations about the appearance of Roma.³⁹⁵

In May, Murder of Leonid Safyannikov, committed by a foreign national on May 13 caused riots in Pushkin, a Moscow suburb. Football fans and victim’s family and friends gathered on Pushkino railway station on May 15th. After the rally, several football fans took to the streets (several hundred to 2 thousand people, according to various estimates). They stopped several cars driven by market merchants and beat their drivers, destroying their products. Local police was helpless. Hooligans then attempted to raid a motel inhabited by immigrants, throwing stones and bottles at the riot police (OMON). Police managed to suppress hooligans and arrested 57 people on administrative charges. They were later released. Alleged murdered Zhahongir Ahmedov was expelled by Uzbekistan authorities and immediately arrested upon his arrival in Moscow.

Reaction of the authorities on this situation was detention of more than 500 migrants in Pushkino for identity checks, and subsequent deportation of 146 of them.³⁹⁶ Authorities also shut down the market where Leonid Safyannikov was murdered.³⁹⁷

In mid-September, a local priest in the village of Koltalovo attempted at inciting ethnic hostility by claiming he was attacked by the Chechens. However, it was later found that it was an everyday conflict instigated by the priest himself.³⁹⁸

On October 5, an unsanctioned rally was organised in Mineralnye Vody after the September 21 clash, where one of the parties were from North Caucasus.

Around 30 people were arrested as a result. Head of the city and the region Konstantin Gamayunov urged citizens to “refuse to take part in unsanctioned rallies and thus prevent radicals from committing acts of provocation”. Mayor Gamayunov added, “Those who incite the mob then hide in the shadows, while you have to pay”.³⁹⁹

Another such attempt was made in Tomsk on October 13. Nationalist bloggers accused a “gang from Tuva” of attacking local residents.⁴⁰⁰

- Cases of violence, including murder on racial, ethnic and religious grounds.

Monitoring conducted by World Without Nazism in 2014 revealed 101 attacks resulting in 35 deaths and at least 146 wounded. Real figures may be higher, as we do not have information on several attacks.

Nationality of 115 victims could not be identified. Out of the remaining victims, most were Uzbek nationals (5 dead, 11 injured), followed by Tajiks (4 dead, 11 injured), Dagestani (3 dead, 4 injured), Kirghiz (3 dead), Crimean Tatars (1 dead, 4 injured), Azerbaijanis (1 dead, 2 injured), Circassians (1 dead), Armenians Tatars, Roma (3 injured), Ukrainians and Africans (2 injured), Afghans, Bashkirs, Vietnamese, Chinese, Ossetians, Colombians, Palestinians (1 injured).

In terms of location, Moscow and Moscow Oblast are traditionally leading with 14 dead and 25 injured. It is followed by St. Petersburg and the surrounding area (5 dead, 32 injured), Sakhalin (2 dead, 7 injured), Kaluga region (2 dead, 3 injured), Krasnodar Territory (1 dead, 9 injured), Crimea (1 dead, 8 injured), Perm Territory (1 dead and 5 injured), Irkutsk and Nizhny Novgorod Region and Dagestan (1 dead, 2 injured), North Ossetia, Vladimir and Tomsk region (1 dead and 1 injured). They are followed by Kamchatka Krai, Arkhangelsk and Kaliningrad region (1 dead), Novosibirsk region (8 injured), the Republic of Komi (5 injured), Buryatia and the Lipetsk region, Orenburg, and the Ryazan region (3 injured), Republic of Karelia, Bashkortostan, Kostroma, Tula, Samara and Sverdlovsk region (2 injured), Mari El Republic, Trans-Baikal and the Primorsky Krai, the Jewish Autonomous Region, Khanty-Mansi Autonomous, Astrakhan, Vologda, Voronezh, Rostov, Chelyabinsk region, Tatarstan, and CBD (1 injured).

Over the same period in 2013, we recorded 36 dead and 257 injured; in 2012 — 41 dead and 183 injured). This decrease in nationalist activity can be attributed to law enforcement efforts and the fact that their efforts are now focused on Ukraine.

It is worth noting a significant number of LGBT victims — more than 40 victims (12 attacks). 8 victims were Jehovah's Witnesses and 1 was antifascist.

- Nationalist or religious terrorist attacks.

Several such cases have been recorded.

On February 9, radical neo-Pagan Stepan Komarov fired his gun in the temple of Resurrection of Christ in Yuzhno-Sakhalinsk. As a result, a nun and a parishioner were killed, seven more were wounded.⁴⁰¹

On the night of April 21, two cabinets of the Kalinin Prosecutor's Office in Chelyabinsk were set on fire. Swastikas and graffiti about

Adolf Hitler and the law enforcement were found on the walls of the building.⁴⁰²

On April 10, unidentified offenders opened fire at Magomed Zakaryaev — imam of a local mosque in Kirzil-Yurtovsky district of Dagestan.⁴⁰³

On August 16, a deputy Mufti Rasul Gamzatov was murdered in North Ossetia.⁴⁰⁴

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Vandalism in cemeteries, attacks on religious buildings.	-5	-5	-5
×	Interethnic clashes instigated by xenophobia and radical nationalism.	-5	-5	-5
×	Cases of violence, including murder on racial, ethnic, and religious grounds.	-5	-5	-5
×	Cases of hate-driven murders	-5	-5	-5
×	Nationalist or religious terrorist attacks.	-5	-5	-5
	Total for section 10	-25	-25	-25

11. Presence, popularity and size of anti-fascist and anti-racist movements

Indicators

- Presence of anti-racist and anti-Nazi movements and parties.

There are several anti-Nazi non-governmental organisations in Russia, however, there is no single *consolidated* antifascist or anti-racist movement.

Some antifascist actions were related to anarchists (Autonomous Movement) and certain small left-wing parties. Some musical bands associate themselves with the antifascist movements (hard rock and punk). Furthermore, there are online antifascist boards, including “Red Skinheads”, who sometimes organise street attacks on “bons” (skinhead Nazis). There are also antifascist football fans, who are unhappy with extreme right actions during football games. The antifascist movement, or “Antifa”, is primarily based in Moscow and St. Petersburg, where their numbers reach 500 to 1,500 people, according to various estimates.

- Anti-racist and anti-fascist movement activities (pickets, rallies, demonstrations).

On January 19 January antifascists processions took place across the country, dedicated to attorney Stanislav Markelov and journalist Anastasia Baburova who were murdered in 2009.

On October 10, Kirov held a traditional silent procession to commemorate Fyodor Filatov — an antifascist activist who was murdered in 2008. Procession gathered more than 100 antifascists and ended with the laying of lowers and a moment of silence.⁴⁰⁵

On October 26, a series of rallies were held in Novosibirsk against radical Orthodox activists who were disrupting rock concerts.⁴⁰⁶

On November 13, around 50 people gathered in St. Petersburg to commemorate an antifascist Timur Kacharava, who was murdered in 2005. They set up several photographs of the victim, lit candles and laid flowers. The action was attended by deputies of St. Petersburg Legislative Assembly Maxim Reznik and Vyacheslav Notyag.⁴⁰⁷

- Presence of anti-racist and anti-fascist civic initiatives.

In June, it was reported that Institute of Eastern Studies and NGO International Non-Violence launched a joint project where they organise meet and greet events between locals and migrant workers from Central Asia who both live and work in the same district of Moscow. According to project organiser, Igor Savin, everyday meets facilitate integration of migrants and understanding of locals.⁴⁰⁸

On February 18, Russian Jewish Congress reacted to D.Kiselev's statement in his TV programme on February 16. RJC made a sharp statement, noting that "it is unacceptable that opponent's nationality is being used as an argument in a debate, as further justification for his criticism".

"We are particularly alarmed by the fact that Russian history has already seen the 'exposure of pseudonyms'. We consider this practice as a blatant manifestation of xenophobia. We are surprised and outraged by the fact that pedalling of Jewish opponents on the state television has still not caused a clear and public condemnation from the government authorities and officials."⁴⁰⁹

President of RJC, Yu. Kanner, regularly publishes his statements on Radio Echo of Moscow blog (he also talked about D. Kiselev's remarks in the radio show Opinions on February 24; about anti-Semitic article by G. Dzhemal on May 18; about anti-Israeli statements by Council of Russian Muftis and Ramzan Kadyrov on July 25).⁴¹⁰

Anti-xenophobic statements were made by some religious leaders. On February 1, Patriarch of Moscow and All Russia stressed: "Never, representing the interests of the Russian Orthodox Church before the state, do I forget about the interests of our other brothers and sisters who believe in God, are in friendly relations with the Russian Orthodox Church, who have lived on this land for centuries and are cur-

rently citizens of Russia, just like the Orthodox”.⁴¹¹ On September 15, as part of his visit to the Far East Patriarch of Moscow and All Russia Kirill visited the Jewish Autonomous Region and wished its capital, Birobidzhan, maintains its “Jewish character”. He also encouraged developing interreligious relations in Russia as a whole, saying, “I am always ready to support further development of interfaith relations in Birobidzhan and Russia as a whole.”⁴¹²

On October 24, Chief Mufti Talgat Tadzhuiddin said that mosques must teach people about friendly and neighbourly relations, as well as tolerance and goodwill.⁴¹³

On November 17, Crimean Mufti Emirali Ablayev said that arson of mosques, humiliation of Muslims and destruction of tombstones has always led to increased interethnic and interfaith tensions. According to him, in more than 20 years not a single person was punished for systematic attacks on Muslim relics. Muslims, meanwhile, never responded to aggressive provocations. “In Crimea, where there are members of many different nationalities and confessions, attacks on religious objects will inevitably spark interethnic and interreligious hatred and shatter the peace between the nations.”⁴¹⁴

On November 19, deputy Mufti of Crimea Aider Ismailov said that acts of vandalism in Crimea and arson of mosques cannot be classified as hooliganism. He stressed that, perhaps, someone is trying to provoke the Crimean Muslims and escalate the situation. However, Crimean Tatars will not seek revenge, he said.⁴¹⁵

On February 11, Chief Rabbi of Russia Berl Lazar gave an interview to RIA Novosti, where he stated:

“Right now, we have a unique situation — to only Jews, but all believers in Russia. To profess a religion is no longer dangerous, on the contrary — it becomes a matter of pride. Today, Jews in Russia receive the same respect as any other people. This does not mean that we can relax and hope that hostility towards Jews will disappear on its own. We have to understand that anti-Semitism is a product of ignorance, when lack of any objective information is filled with various myths and vicious fabrications. Therefore, we chose the path of full transparency. We try to take every opportunity to educate people about us, our religion, about Jewish history and culture. For example, we opened a Jewish museum in Moscow, the largest one in Europe.”⁴¹⁶

Chief Rabbi of Russia Berl Lazar sent a letter to the MGIMO university about the recent anti-Semitic lecture by Olga Chetverikovskaya at a national youth forum Seliger 2014. He expressed his outrage that such statements are made by an academic who “represents one of the most prestigious Russia universities. On August 26, Moscow State Institute of International Relations apologised for Olga Chetverikova’s

anti-Semitic lecture and wrote in response, “With regards to Mrs Chetverikova, we will conduct a necessary investigation”.⁴¹⁷

Commenting on Communist Party demands that the Jewish community in Russia should influence the Ukrainian oligarch I. Koloymoysky, as a Jew, head of the PR department of FJCR Borukh Gorin said that this presumes that all Jews are responsible for actions of any individual member of their community. In an interview published on November 12 he added, “Why then do we not expect the patriarch to comment on actions of any Orthodox person, or Mufti — actions of any Muslim. Thus, he dismissed the Communist Party statements.”⁴¹⁸

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Presence of antiracist and anti-Nazi movements and parties.	5	5	5
×	Antiracist and antifascist movement activities (pickets, rallies, demonstrations).	5	5	5
×	Presence of antiracist and antifascist civic initiatives.	5	5	5
	Total for section 11	15	15	15

12. Glorification of German National Socialism and collaborators of Nazi Germany, historical revisionism, Holocaust denial

I n d i c a t o r s

- Glorification of German National Socialism and/or its collaborators in the media, desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition.

Glorification of Nazism is not present in Russia’s public or political life. However, there have been cases related to revision of history in 2014 — particularly regarding the role collaborationists played in Russian and world history.

A private Museum of Anti-Bolshevik Resistance in Veshenskaia (Rostovskyya Oblast) was established in 2010. The museum is known for glorifying, collaborators who served Adolf Hitler (Cossacks and others).

On October 19, it was reported that VK social network page “Adolf Hitler” (with more than 7,000 subscribers) held a beauty contest “Miss Ostland 2014”, where contenders had to write about their love for Hitler.⁴¹⁹ The page was later shut down by VK administration; however, it is claimed that there are 300 more such groups on the network.⁴²⁰

- Glorification of German National Socialism and/or its collaborators with the support of local authorities, demolition of monuments to soldiers of the anti-Hitler coalition, erection of monuments to the soldiers of Wehrmacht and Nazi butchers.

No such cases have been recorded in 2014.

- Glorification of German National Socialism and/or its collaborators in the decisions, made by the authorities.

No such cases have been recorded in 2014.

- Historical revisionism, Holocaust denial.

There have been significantly less cases of Holocaust denial in the Russian media space. “Holocaust Revisionism” blog (<http://holocaust-revisionism.blogspot.ru/>) published only 19 articles in 2014, compared to 187 in 2013. The number of site visitors also decreased from 32,000 to 8,000.

“Holocaust Sceptic” blog (<http://holocaustskeptic.blogspot.ru/>) also decreased its activity, with only 13 publications compared to 98 in 2013. Most “negative” publications have been reiterations of old materials from the early 2000s.⁴²¹

Such decline in activity is largely due to successful preventative measures by the law enforcement and events in Ukraine, which shifted the public focus.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
-/×	Glorification of German National Socialism and/or its collaborators in the media, desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition.	-2.5	0	-2.5
-	Glorification of German National Socialism and/or its collaborators with the support of local authorities, demolition of monuments to soldiers of the anti-Hitler coalition, erection of monuments to the soldiers of Wehrmacht and Nazi butchers.	0	0	0
-	Glorification of German National Socialism and/or its collaborators in the decisions, made by the authorities.	0	0	0
×	Historical revisionism, Holocaust denial.	-5	-5	-5
	Total for section 12	-7.5	-5	-7.5

13. Persecution of veterans and partisans of the anti-Hitler coalition

Indicators

- Public calls for repression against the veterans and partisans of the anti-Hitler coalition, as well as anti-fascists.

No such cases have been recorded in 2014.

- Restrictions on human rights and anti-fascist organisations, bans to entry or exit imposed on anti-fascists, inaction of the authorities.

No such cases have been recorded in 2014.

- Criminal prosecution of veterans, partisans of the anti-Hitler coalition and anti-fascists.

No such cases have been recorded in 2014.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
–	Public calls for repression against the veterans and partisans of the anti-Hitler coalition, as well as anti-fascists.	0	0	0
–	Restrictions on human rights and anti-fascist organizations, bans to entry or exit imposed on anti-fascists, inaction of the authorities.	0	0	0
–	Criminal prosecution of veterans, partisans of the anti-Hitler coalition and antifascists.	0	0	0
	Total for section 13	0	0	0

14. International Aspect

Indicators

- Participation in significant international agreements on combating racism and discrimination of ethnic minorities.

Russia is a party to the International Convention on the Elimination of All Forms of Racial Discrimination, as well as all major international agreements and human rights conventions against racial and other forms of discrimination.

Russia has not acceded to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their

Families or the European Convention on Action against Trafficking in Human Beings. The European Charter on Regional or Minority Languages has been signed, but not ratified.

- Accession to new international agreements and resolutions of various international organisations, aimed at combating Nazism, combating discrimination, or protecting minority rights.

On November 22, Russia presented a resolution to combat glorification of Nazism was adopted by the Third Committee of the UN General Assembly. Only three states opposed the initiative — USA, Ukraine and Canada. Parties to the resolution express “deep concern about the glorification, in any form, of the Nazi movement, neo-Nazism and former members of the Waffen SS organization, including by erecting monuments and memorials and holding public demonstrations in the name of the glorification of the Nazi past, the Nazi movement and neo-Nazism, as well as by declaring or attempting to declare such members and those who fought against the anti-Hitler coalition and collaborated with the Nazi movement participants in national liberation movements”. Parties also expressed concern with the increased amount of racist incidents around the world, including the rise of skin-head groups that are responsible for many of these incidents, as well as the rise of xenophobia and violent attacks.⁴²²

- International statements and initiatives of the monitored countries and their leading politicians, aimed against discrimination, neo-Nazism and xenophobia.

On October 15, Politika newspaper published an interview with President Putin, where he said that the Nuremberg “vaccine from the Nazi virus” is “losing its effect” in some European countries. Specifically, Putin pointed to Latvia and other Baltic States, where according to him “manifestations of neo-Nazism have already become commonplace”. He expressed particular concern with the situation in Ukraine, saying that an “unconstitutional coup d’état” in February was led by nationalists and radical groups.

Vladimir Putin added that today’s goal is to combat glorification of Nazism and attempts to revise World War Two history, as well as to fight against all forms of racism, xenophobia, aggressive nationalism and chauvinism.⁴²³

On October 14, State Duma Chairman Sergey Naryshkin met with Italian National Secretary of Lega Nord party, Matteo Salvini. Naryshkin said that events in Ukraine should be regarded as “people’s uprising against neo-Nazism”. “What is happening in Ukraine only reiterates the fact that there is another threat [for the world] — revival of Nazism, and neo-Nazism that is raising its head,” he said.⁴²⁴

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Participation in significant international agreements on combating racism and discrimination of ethnic minorities.	5	5	5
×	Accession to new international agreements and resolutions of various international organizations, aimed at combating Nazism, combating discrimination, or protecting minority rights.	5	5	5
×	International statements and initiatives of the monitored countries and their leading politicians, aimed against discrimination, neo-Nazism and xenophobia.	5	5	5
	Total for section 14	15	15	15

CONCLUSION

Implications for the development of the country and society, based on the analysis of factors and taking into account the aspects listed below.

Russia's position in the radical nationalism rating has improved in comparison to 2012 and 2013. Russian authorities managed to take effective measures in preventing ethnic and religious conflicts (particularly since local authorities started to be held accountable for such incidents).

Conflict in Ukraine was another large, focus-shifting contributing factor. Annexation of Crimea and armed conflict in eastern regions of Ukraine split nationalists apart — with some supporting Russia's official position and others supporting the opposite point of view. Ukraine was also the breaking point in a relationship between nationalists and the liberal opposition.

Many radicals left Russia for Ukraine, to take part in the armed conflict, which reduced their activity in Russia itself.

All of these factors have weakened the nationalist movement in the country. However, it is safe to assume that nationalist activists will return to Russia after the conflict is over, except now with armed combat experience.

In this regard, law enforcement actions and the currently decreasing voters' trust towards nationalists will determine the situation in the future.

ASPECTS

1. Human Rights

- *Guarantees against any form of minority discrimination.*

Minorities in Russia are protected first of all by the Constitution, the Criminal Code and the Law “On Countering Extremist Activities” (2002).

Nevertheless, Russian legislative base on protecting minorities needs further development — primarily in terms of anti-discrimination legislation, which the country virtually lacks. There are almost no acts that prevent informal discrimination in the labour employment, housing, education, healthcare, etc. In a number of cases, the cause of such discrimination is presence of titular nations in “national regions”, where the former perceive themselves as “privileged”.

Recent laws prohibiting “propaganda of homosexuality among minors” leave a lot of room for abuse, which in practice often results in violations of LGBT rights.

- *Adherence to norms of the fundamental human rights instruments (European Convention for the Protection of Human Rights and Fundamental Freedoms, European Charter on Human Rights, as well as in adherence to the Framework Convention for the Protection of National Minorities and the European Commission against Racism and Intolerance, etc.).*

Russia observes all above-listed norms and recommendations. After the 2007–2008 Putin-Medvedev reforms (introduction of new qualifications in the Criminal Code and establishment of anti-extremism centres), the law enforcement has paid more attention to interethnic relations. A number of nationalist organisations were banned and the Federal List of Extremist Materials is continuously updated. However, the law does not current act with respect to a whole range of officials who are using popular among voters topics, like “combatting homosexuality”, “migrant crime” and “combatting religious sects”.

Authorities are focusing excessively on punitive measures, whereas preventative practices remain in the background.

- *Rights and freedoms of ethnic minorities compared to the titular nation.*

Formally, there are no such differences in Russian legislation. In practice, however, such cases are common, particularly in large cities and national republics, where citizens of the titular nation have de facto more opportunities than ethnic minorities.

- *Legislation enshrining inequality of minorities.*

There is no such legislation in Russia.

- *Rulemaking in protection of minorities.*

Russian Constitution protects the rights of minorities. Russian laws also sufficiently guarantee their protection. Russia's main problem is not in legislation, but in its execution, which is fraught with reluctance and selectivity. Although, some laws also suffer from unclear wording, which leads to misuse and unlawful applications.

- *Legislation and law enforcement practices concerning migrants.*

Immigration legislation remained underdeveloped in 2014, which also creates opportunities for its misuse by the law enforcement and employers. Law enforcement practices leave a lot to be desired as well — immigrants are still subjected to discrimination in employment, housing, healthcare and education.

On the other hand, a number of regional and federal politicians are actively using anti-immigration rhetoric, following sentiments of their voters. This results in restrictions to entry, bans to employment in retail and mass deportations.

2. State of society

- *Risk of violation or non-compliance with the acting laws aimed at protecting the rights of minorities; risk of discriminatory practices against members of minorities.*

There is no such risk at the moment. However, we saw several cases where a specific group was discriminated on an informal level. A similar situation arose around the LGBT community and members of certain “non-traditional religions”, or as authorities call them — “destructive cults”.

- *Self-determination — how manifestations of xenophobia and extremism affect the identity of minorities; majority's attitude towards minorities (growth of social phobias).*

There are a lot of pejorative sentiments in Russia, depending on regions. In terms of ethnicity, most xenophobic sentiments are aimed against Caucasus natives (Chechens in particular), followed by the Roma and Central Asian immigrants. Through efforts of some media outlets, these people, almost without exception, are perceived as criminals, drug traffickers, etc. just on the basis of their origin. As a result, a significant part of the population is ready for violent measures to evict the “undesirable” neighbours, which is evidenced by numerous cases of mass agitation and the use of “Kondopoga techniques”.

Level of xenophobia in Russia still remains fairly high, despite the shift of public focus towards Ukraine.

In this regard, it is worth mentioning that Ukrainian crisis consolidated the society, with 80% of the population reportedly supporting Russia's actions in Crimea and eastern Ukraine. Sanctions, however, have been perceived as a hostile action towards the Russian people, which increased anti-Western sentiments and rallied people around President Putin. However, this effect cannot last indefinitely and depends on multiple factors — ideological, economical, etc.

20% of Russians opposed Russia's policies towards Ukraine and the annexation in Crimea. Differing opinions split the liberal opposition and the nationalists in the country.

3. Socio-economic development of the country

(Do manifestations of various forms of xenophobia and extremism affect the socio-economic development of the country)

- *Standard of living.*

In 2014, Russia ranked 61st out of 142 in terms of standard of living.⁴²⁵ However, should xenophobic sentiments continue to spread, the further decline of living standards is foreseeable, as two critical population groups emigrate — migrant workers engaged in unskilled labour and the skilled youth, many of whom are members of various minority groups.

- *Economic impacts and instability.*

Manifestations of xenophobia have not reached a level that would have an impact on the Russian economy. However, departure of migrants in 2014 (caused by the fall in Ruble value) demonstrates the effect anti-migrant sentiments may have on the society. Emigration of the most active and essential group of the population could lead to stagnation and serious economic difficulties.

- *Decline in production growth, emigration of the labour force.*

Russia experience serious migration outflow in 2014 due to economic problems caused by EU and US sanctions and the fall in oil price. It demonstrated Russia's dependability on migrant workers.

General ageing of the population, reduction in domestic labour force and the outflow of skilled labour makes stable economic development impossible without involving foreign labour force. Despite the myth actively promoted by nationalists that Russian workers could replace immigrants given higher wages (and lower profits of employ-

ers), Russia has already exhausted all possible labour reserves, and the current increased birth rate will not contribute to the labour force in 15–20 years. Therefore, xenophobes who advocate deportations are essentially destroying the country's economy, condemning it to a catastrophe.

4. Security and geopolitical stability in the region

- *Political stability in the country.*

Anti-Russian campaign and economic sanctions imposed by the EU and US in response to Russia's actions in Ukraine have rallied people around President Vladimir Putin, unexpectedly facilitating social cohesion within the country.

However, this effect is based on confrontation, on the image of an external enemy, which has all sorts of negative impacts in the long-run and demands a significant reduction in internal xenophobia in the country. High level of xenophobia results in permanent conflicts on ethnic and religious grounds, which in turn could undermine the stability in the country.

- *Impact of xenophobia and extremism in the country on external security, relations with third countries and the international security in the region as a whole.*

Russia has maintained political stability for the past 15 years. Ukrainian crisis did not destabilise the internal situation.

Underlying the Ukrainian crisis are different civilizational approaches, including towards international norms, such as the right of nations to self-determination (like in Ukraine or Kosovo). Thus, the threat to Russia's external security comes from the growing mistrust between the Russian Federation and the West.

Vast majority of countries did not support Russia in this case, which in light of economic sanctions prompted it to shift focus from Western markets to the East. The best-case result of such policy would be Russia's full economic independence from the West. This could decrease the mutual influence between the two, including in human rights issues.

This can lead to unpredictable consequences and not just in Russia, but in the surrounding countries as well — for example, in terms of rights of Russian compatriots in the Baltics and Ukraine. Russia would completely isolate itself from Eurasian civilisation and while it will have its values, it will undoubtedly be weakened. Severance of humanitarian and political ties with the West is fraught with serious problems for the Russian-speaking populations in aforementioned

countries. Such scenario would require a revision of the whole post-Soviet model and an establishment of a new, multipolar system of international relations.

RECOMMENDATIONS

1. *General recommendations for the accession to international agreements and conventions*

Experts recommend that Russia join the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (of 18 December 1990). Russia should also ratify the International Labour Organisation's Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers (24.06.1975)

2. *General recommendations for adjustments to the legal framework*

Russia should finalise its anti-discrimination legislation by adding definitions of direct and indirect discrimination and an effective mechanism to prevent institutional racism. Furthermore, it is necessary to introduce clear and unambiguous definitions of "extremism", "xenophobia", "racism" and "discrimination" to prevent their incorrect or overly broad definition and application. Russia also needs to modernise its legislative base in terms of social support for temporary resident foreign nationals. Activists of banned organisations and reporters from xenophobic media outlets should not be allowed to conduct political activities.

3. *General recommendations for the executive bodies in the field of enforcement of law and human rights*

Without compromising prosecution of criminal offences motivated by racial, ethnic or religious hatred, it is necessary to shift focus from the elimination of consequences to prevention of causes. Officials should not be an exception in this case.

Xenophobic rhetoric and practices should be grounds for dismissal of government officials and journalists. Areas of "acceptable xenophobia" must be removed.

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SUMMARY OF INDICATORS FOR 2012–2014

Nº	Criteria	Score in		
		2012	2013	2014
1	Legislation (central, regional, municipal) and law enforcement practices that contribute to the development of radical nationalism	-7.5	-7.5	-7.5
2	Xenophobia and inflammatory statements by members of the authorities and media	-5	-5	-5
3	Legislation and law enforcement practice preventing the development of radical nationalism	12.5	12.5	12.5
4	Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism	5	5	5
5	Activities aimed at promoting tolerance and preventing extremism	5	5	5
6	Position of migrants and society's attitude towards immigrants, foreigners, different ethnic groups	-2.5	-2.5	0
7	Incitement of religious and ethnic hatred	-10	-10	-10
8	Radical nationalist groups and parties	-17.5	-12.5	-12.5
9	Public actions of extremist and nationalist groups	-10	-20	-12.5
10	Racist attacks, violence and terror	-25	-25	-25
11	Presence, popularity and size of anti-fascist and anti-racist movements	15	15	15
12	Glorification of German National Socialism and collaborators of Nazi Germany, historical revisionism, Holocaust denial	-7.5	-5	-7.5
13	Persecution of veterans and partisans of the anti-Hitler coalition	0	0	0
14	International Aspect	15	15	15
	Total	-32.5	-35	-27.5

SLOVAKIA

ASSESSMENT CRITERIA FOR FACTORS OF STABILITY/INSTABILITY

1. Legislation (central, regional, and municipal) and law enforcement practices that contribute to the development of radical nationalism

I n d i c a t o r s

- Discriminatory legislation affecting minorities residing in the country in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.

Article 34 of the Constitution guarantees minority rights, but also states that they “must not endanger the sovereignty and territorial integrity of the Slovak Republic or cause discrimination against other groups of the population”. This provides ground for abuse of legislation, particularly in cases like claims to autonomy by the Hungarian minority, which the government sees as attempts to incorporate these regions into Hungary.¹

Article 312 of the Criminal Code punishes those who “violate the territorial integrity” of Slovakia.² Article 190 of the Criminal Code is punishes attempts to obtain “unwarranted cash benefits”, including those who seek benefits on national basis, which can be used against any national community or organisation.

In June 2014, the Constitution was amended to reinforce marriage as a union between a man and a woman, blocking any attempts of the LGBT community to achieve equal marriage.³

- Legislation, limiting the voting rights of the permanent residents of the country based on their ethnic background or country of origin.

No such legislation was present in Slovakia during the observed period.

- Presence of the norms in the legislation or other normative documentation that legalises the ideology of radical nationalism, its attributes and practices, as well as public propagation in media and mass communication.

No such legislation was present in Slovakia during the observed period.

- Discriminatory practices against minorities in the field of registration, mobility, business, employment, education, housing, health-care, religion, etc.

Roma is the most vulnerable group in terms of discrimination (2.3% of the population). More than 200,000 Roma live in ghetto-like settlements with no access to basic utilities.

14 Slovak cities had erected walls around Roma settlements in 2008–2013, separating them from the rest of the community.⁴ 150 Roma settlements have no access to running water, 370 settlements only have partial access. 38% of Roma suffer as a result of having to obtain water from contaminated wells or neighbouring settlements. 65 settlements have no access to power.⁵

Roma women were often forcibly sterilised.⁶

Roma people also face discrimination on the labour market. Study conducted in July–September 2014 showed that employers prefer pass over Roma, despite having all relevant qualifications. 40% of employers responded to Slovak applications, while only 17% responded to Roma. 23% of Roma face discrimination in employment or at work.⁷ As a result, only 15–17% have work, while unemployment among the rest of the population is 11%.⁸

Despite Presevo Court decision in 2012, prohibiting segregation of Roma in education, the problem remained acute in 2014.⁹ Many Roma children are forced to study in special schools for the mentally challenged.¹⁰ Their proportion in such schools is much higher than general population. Surveys in 2014 indicated that the cause of this was misdiagnosis, as exams were given in non-native language for Roma.¹¹

In Kežmarok region of Slovakia, Roma children are taught in separate schools, isolating them from the rest of society.¹² As a result, 20% of Roma do not get secondary education (compared to 1% of Slovaks). 40% of Roma do not finish primary education and only 0.3% have higher education.¹³

On July 9, parliament also rejected the amendments to four laws as part of a “Small Roma Reform”. The initiative was blocked by the majority from the Path — Social Democracy party.¹⁴ The greatest criticism revolved around the claim that the proposed measures will encourage the Roma to employment and social inclusion. The fourth

failure of the reform indicates that the ruling party does not trust the Roma Affairs Ombudsman P. Pollak.¹⁵

Hungarian minority is also facing problems in Slovakia (10% of the population). This group is only represented at the rural community level. To avoid establishment of a Hungarian region, territories populated by ethnic Hungarians are divided between several Slovak regions. Hungarian language is not used in many communities where Hungarian population is significant. This is despite Slovakia’s accession to several Conventions that prohibit such practices.¹⁶

On July 1, National Council of Slovakia rejected the amendments to the Law on State Language, which were proposed by MP Peter Osuski (Freedom and Solidarity Party).¹⁷ In particular, the amendments suggested the abolition of penalties for violation of the law, increasing the use of minority languages in local topography and toponymy, expanding the rights of social, religious and educational organisations in the definition of the language of communication.¹⁸ The law was supported by 28 MPs.

Xenophobic sentiments sometimes cause conflicts. For example, the city of Dunajska Streda refused to provide bilingual birth certificate, referring to Interior Ministry’s resolution stating that such document can only be issued in Slovak.¹⁹ On September 16, it was reported that a man in Sturovo (town bordering Hungary) was refused a train ticket when he spoke Hungarian language.²⁰

On June 2, after meeting with Hungarian Prime Minister V. Orban, Slovak MEP Pal Caki (Party of Hungarian Coalition) reported that they discussed changing the administrative division of Slovakia and organising a “Komarno Krai”, because Slovak Hungarians are threatened by assimilation.²¹

LGBT discrimination is also a common issue. Fundamental Rights Association reports that 24% of Slovaks faced some form of hate (EU average — 19%). Only 2% said that they reported these incidents to the authorities (EU average — 4%). 19% LGBT members said that they feel discriminated due to their sexual orientation. “Transsexuality” in Slovakia is considered a psychological illness, which discriminates against transgender people.²²

Presence of Criteria	Indicator	Score
×	Discriminatory legislation affecting minorities residing in the country in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.	-5
-	Legislation restricting the voting rights of permanent residents of the country on the basis of ethnicity or country of origin.	0

Presence of Criteria	Indicator	Score
–	Presence of legal norms or other normative documentation, which legalises the ideology of radical nationalism, its attributes and practices, as well as their distribution in the mass media and mass communication.	0
×	Discriminatory practices against minorities in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.	–5
	Total for section 1	–10

2. Xenophobia and hate speech by members of the authorities and media

Most of such incidents were aimed against Roma.

On February 20, leader of the far right “Our Slovakia” party M. Kotleba met with the Hungarian Ambassador to discuss “gypsy crime”. Meanwhile, Bystrica city administration published a video that glorified the fascist Slovak state and Kotleba himself discussed ways to “eliminate a certain ethnic group” on Facebook.²³

During the parliamentary election campaign, candidate to the Kosice city council Vladimir Gurtler,²⁴ balloting from the area heavily populated by the Romani people, posted anti-Roma posters. Leader of the regional party called Seven Courageous²⁵ offered to give Roma a free one-way ticket to Brussels and 10 thousand euros to Roma woman who undergo sterilisation.²⁶

Chairman of the Slovak National Party, Andrei Danko accused the leading politicians in the country stating that they deliberately exploited “Malinova’s case” to take advantage of the election campaign and acted not in the interests of Slovakia, but in their own.²⁷

On June 2nd A. Danko, protesting against the plan of P. Chaki regarding Hungarian autonomy, said that Hungarian autonomy in Slovakia is unnecessary, since the Hungarians already have the access to socio-political, economic and cultural-historical development, while there is a real danger of assimilation for the Slovaks in Hungary.²⁸

In December 2014, NGO Roma House published its monitoring report called “Roma, journalists and media”.²⁹ Authors of the report, led by Martin Gonda, analysed 899 media reports related to the Roma community in Slovakia between July 1 and November 30. 12% of these contained stereotypical prejudices, most of which were related to high crime rate and poor social behaviour among the Roma. Most prejudice was observed in TV and online news reports. Local media focuses on

Roma the most — 20% in cities and 9% in city areas.³⁰ Integration of Roma was covered only by 2% of media reports. Thus, Slovak media exploits the established negative image of the Roma community, which contributes to the high level of prejudice in the society.

In July, the inquiry into the former RTVS sports news host Kristina Kormutova has concluded. On May 21, the popular TV presenter posted an anti-Roma comment on her Facebook page. “I woke up at 4:30 from a noise, as if a massive beam fell on my head and some smelly gypsy is stealing a four-metre drainpipe from my house. Why can’t we shout them like parasites? Why? Let nobody call me racist. Because they have nothing!!!”

After a wave of criticism, author removed her status and apologised. “I sincerely apologise for these hasty statements, which emerged in the heat of passion and are incompatible with my personal beliefs.” She was soon sacked from television. Prosecution did not find grounds for criminal investigation.³¹

Presence of Criteria	Indicator	Score
×	Xenophobia and hate speech by members of the authorities and media.	-5
	Total for section 2	-5

3. Legislation and law enforcement practices preventing the development of radical nationalism

Indicators

- Presence of anti-Nazi, antiracist and anti-extremist legislation, and legislation directed against incitement of ethnic and religious hatred in the country.

Article 12, Paragraph 2 of the Constitution guarantees basic rights and freedoms within the Slovak Republic for all, regardless of gender, race, colour, language, religion and faith, political or other beliefs, national or social origin or any other characteristic. Paragraph 3 notes that every person has the right to self-determination. Any pressure aimed to change person’s nationality is strictly prohibited.

Article 24 guarantees freedom of conscience, religion and faith (including the right to change religion and faith), as well as freedom to practice religion. Articles 33–34 are dedicated to minority rights. They note that belonging to any national minority or ethnic group shall not be detrimental to any person. Minorities are given the right to develop their culture and use their language.³²

Slovak legislation allows for bilingual documents being issued in areas where minority population is at least 20%.³³

Criminal Code (Article 193) prohibits restricting freedom to practice religion. Articles 365–366 — vandalism at cemeteries. Art. 418 considers the punishment for genocide, Art. 419 — for terrorism. Art. 421–422 supporting extremist groups; Art. 422a — punishment for production of extremist materials; 422b — their distribution; 422s — their storage. Art. 422d is devoted to countering denial of the Holocaust and horrors of the fascist regime. Art. 423 devoted to slandering a person on the basis of his nationality; Article. 424–424a hatred on grounds of race, ethnicity, nationality, colour, ethnicity, sex or origin of their religion.³⁴ However, extremist motivation is not considered an aggravating circumstance.

On February 1, 2014, Slovakia enacted the law on organising public sport events, which prohibits racist banners and provides for severe sanctions against football clubs which allow this.

- Presence and improvement of anti-discriminatory legislation.

In 2014, Slovakia adopted the Law on Equal Treatment and Protection from Discrimination on all grounds. The law covers direct and indirect forms of discrimination, including sexual harassment and incitement to discrimination.

Article 3 of the law states that every person must observe the principle of equal treatment in employment, social welfare, healthcare, provision of goods and services and education.

Article 8a provides for temporary implementation of “positive discrimination” (affirmative action) in order to ease access of a certain group to employment, education, culture and healthcare. Corresponding provisions were introduced in other relevant laws.³⁵

- Compliance with anti-Nazi, antiracist, and anti-extremist legislation by the authorities (central, regional, municipal), law enforcement and judiciary, as well as their compliance with legislation directed against incitement of ethnic and religious hate and compliance with anti-discriminatory legislation.

Slovakia established a National Human Rights Centre in 1994, which provides legal advice in cases related to discrimination and intolerance. The centre also published annual reports on human rights in Slovakia.³⁶ Regional offices of the centre are located in Banská Bystrica, Košice and Žilina.

Slovakia has a special Government Commissioner for Roma Communities, as well as the State Council for Human Rights, National Minorities and Gender Equality. There is also an LGBT Rights Committee

and Committee for Preventing and Eliminating Racism, Xenophobia, Anti-Semitism and Other Forms of Intolerance.

In 2014, the Council ordered Trhova Gradska municipality to provide bilingual birth certificates.³⁷

In 2012, Slovakia adopted a Roma Integration Programme, which aims to eliminate Roma segregation and combat discrimination against them.³⁸

In 2008, Slovakia adopted a support plan for disadvantaged communities. In 2012, the programme was stopped due to lack of funds, but resumed in 2014.³⁹

Regions across Slovakia introduced the position of special prosecutor to deal with cases of extremism. Corresponding police departments have also been established.⁴⁰

State TV channel RTVS sacked Kristina Kormutova for anti-Roma posts on Facebook.⁴¹

D. Rusnak resigned from his position as head of the Presidential Office after his xenophobic remarks (see below).⁴²

On the other hand, there is evidence to believe that the struggle against xenophobia is not sufficiently implemented in practice. Roma integration programmes are not executed due to lack of will and mismanagement on the state level. Roma Rights Commissioner does not have the authority to allocate appropriate funds, instead this is done through the Interior Ministry. Very often, integration measures are a sham. ECRI reports that out of 400 teachers assistants who were supposed to liaise with Roma students most do not speak their native language.⁴³

The European Roma and Travellers Forum (ERTF) criticised six European countries, including the Czech Republic and Slovakia, for “restraint” in combatting racism towards Roma and reluctance to increase their living conditions. ERTF’s 2014 Annual Report, published on October 10, reads, “The situation of the Roma today is no better than 40 years ago.”⁴⁴ The organisation notes that a number of crucial recommendations regarding, for example, the living conditions of the Roma minority, have yet to be implemented.⁴⁵

On October 23, Milan Šimečka Fund published a report on Roma in Social Politics 2014.⁴⁶ The study was based on the monitoring of events related to the Roma community, expert assessment and surveys. 41 respondents were to rate 10 statements on a 5-point scale. In general, government activities in resolving the so-called “Roma issue” were rated 3.54 points, i.e. slightly better compared to 2013 (3.62). Most successful measure implemented by Robert Fico’s cabinet was the publication of the Atlas of Roma communities (2.08) and the adoption of a healthcare programme for Roma (2.16). Intervention in the attacks on Roma in Moldava nad Bodvou on June 19, 2013, and in

the activities of Ombudsman Jana Dubovcova were rated as least successful (4.85).⁴⁷

Furthermore, Ministry of Internal Affairs, Ministry of Justice and General Prosecution are responsible for gathering information on hate crime. However, data is spread across various categories and groups, which makes it difficult to analyse.⁴⁸

Non-governmental organisations that appeal to courts on behalf of victims often face difficulties in receiving fees for legal work. It is also worth noting that authorities and state human rights commissioners are often reluctant to react to homophobic remarks made by politicians.⁴⁹

- Hate crime (criminal cases against organisers and participants, convictions).

Slovak law enforcement are ineffective in combatting xenophobia. They often fail to appropriately identify and qualify such crime. In some cases, their actions can be regarded as condoning xenophobia. For example, police did not launch a criminal investigation against K. Kormutova, evaluating her words as “misconduct”.⁵⁰ Police also evaluated Darius Rusnak’s derogatory remarks as hooliganism.⁵¹

It is possible that such law enforcement practices are the reason why the official hate crime rate is so low. Interestingly, law enforcement bodies turned a blind eye to M. Kotleba’s remarks, who continued his xenophobic rhetoric despite being elected as a senior official.

In May 2014 the court proceedings of H. Malinova continued. She is a Hungarian, who was beaten in 2006 for speaking Hungarian. Earlier this month, the parliamentary committee on constitutional law refused to discuss the “Hedwig casus” with an invitation of the Attorney General.⁵² Police rejects most of these complaints from the Roma community.⁵³

On October 30, Commissioner for Human Rights in Slovakia Jana Dubovcova met with representatives of the CoE Office for Democratic Institutions and Human Rights. She said that the case regarding police officers who attacked Roma people in Moldava nad Bodvou in June 2013 is taking a bad turn, where the victims can become the accused. In this context, Commissioner noted that Slovakia has yet to establish an independent investigative body that would monitor police compliance with the law.⁵⁴

On October 20, Bratislava District Court sentenced neo-Nazis who attacked patrons of Mariatchi bar in Nitra (October 2013). Tomas Spishak struck a deal with the prosecution and pleaded guilty, admitting that he struck a helpless man who was lying of the ground. He was sentenced to a fine of 400 euros for hooliganism, and ordered to cover victim’s medical expenses.⁵⁵

- Misuse of anti-extremism legislation.

No such incidents have been recorded in 2014.

Presence of Criteria	Indicator	Score
×	Presence of anti-Nazi, anti-racist and anti-extremist legislation; legislation aimed against the incitement of ethnic and religious hatred in the country.	5
×	Presence and development of anti-discriminatory legislation.	5
-/×	Compliance of the government (central, regional, municipal), law enforcement and judiciary with anti-Nazi, anti-racist, anti-extremist, anti-discriminatory and hate crime legislation.	2.5
-	Hate crime (criminal cases against organisers and participants, convictions).	0
-	Misuse of anti-extremism legislation.	0
	Total for section 3	12.5

4. Statements against xenophobia and radical nationalism made by government representatives, members of the ruling party, and influential politicians

President Ivan Gasparovic said on June 15 that head of Presidential office D. Rusnak, who attacked Hungarian-speaking people in Serbia, should resign.⁵⁶

On the Holocaust Remembrance Day, September 9th, commemorative ceremonies were held in Bratislava. Prime Minister Robert Fico apologised for the persecution of Jews during the Second World War. “I cannot say anything more profound and more personal than just simply apologising for those who committed so many ills. Only the descendants of those who suffered and died can give them forgiveness. Crimes of the Holocaust, during the delusional ideals of fascism, is an eternal shame for those who participated in them. This is a serious reminder that this should not happen today or in the future.”⁵⁷

On August 2, Commissioner for Roma Communities P. Pollack said that the Gypsy Holocaust, called by a Romany term “Poraimos”, must not be forgotten. He pointed to lack of information about this event of the Second World War.⁵⁸

In May 2014, Christian Democratic Movement criticised the Commissioner for Roma Affairs, Petr Pollak, for failing to effectively promote Rome integration.⁵⁹

Slovakia has two political parties that promote minority rights — the Hungarian Coalition Party and its breakaway “Most-Hid” (Bridge) party. Hungarian Coalition Party advocates for the Hungarian language in regions where Hungarians constitute for a significant part of the population.⁶⁰ It argues that ethnic diversity only enriches the society and the elite must actively implement integration programmes. HCP promotes for Roma integration, infrastructural improvements in their settlements and education.⁶¹

Most-Hid has a similar focus, advocating for a new minority law that would regulate their status. The party also demands cultural autonomy for Hungarians, including the ability to create their own schools and officially use Hungarian in certain regions of south Slovakia.⁶² Most-Hid also developed a Roma integration programme.⁶³

Mayor of Bratislava Milan Ftacnik took part in the anti-fascist demonstration on March 14.⁶⁴

Presence of Criteria	Indicator	Score
×	Statements against xenophobia and radical nationalism made by government representatives, members of the ruling party, and influential politicians.	5
	Total for section 4	5

5. Activities aimed at promoting tolerance and preventing extremism

Most Slovak cities held events dedicated to the 70th anniversary of the Slovak National Uprising on August 25 to 31. Ceremony in Banska Bystrica was attended by President A. Kiska, along with several senior government officials and leaders of human rights organisations. The event was also attended by Presidents of the Czech Republic and Poland, as well as Russian Defence Minister S. Shoygu.⁶⁵

As part of the “Citizens” programme, Ministry of Culture allocates around 300,000 euros to events aimed at preventing and eliminating any form of violence, intolerance and discrimination.⁶⁶

On August 7, Serbian government announced that 2021.1 thousand euros was paid to support cultures of national minorities. These funds were allocated to 745 projects related to organisation of various events and publications.⁶⁷ Czech minority submitted projects for 64,780 euros, Hungarian — 108,753, Moravian — 7,758, Roma — 53,309. Around 6,000 euros will be allocated to implement interethnic and intercultural events. Serbian administration believes that 1% of the budget in 2015 could be allocated to implement programmes

of national minority cultural development, which corresponds to the 2014 funds — 382,9250 euro.⁶⁸

Public Rights Defender (Human Rights Ombudsman) supported the LGBT parade “Rainbow of Pride” in March 2014, recording a video message of support to the activists.

In June 2014, Public Rights Defender took part in the Open Society Foundation’s event against hate speech online.

On August 20, Public Rights Defender held a meeting dedicated to improper examinations that have been preventing Roma children from accessing schools. The meeting was attended by Government Representative for Minority and Roma Affairs, Minister of Education, UNISEF and several other NGOs.

In September-October, Public Rights Defender held a number of discussions in Bratislava, Presov and Banska Bystrica regarding Roma children being put in special schools.⁶⁹

In early July 2014, an Atlas of Roma Communities 2013 was published in Slovakia by the Ministry of Labour, Social Affairs and Family and scientists from University of Prešov.⁷⁰

Presence of Criteria	Indicator	Score
×	Activities aimed at promoting tolerance and preventing extremism.	5
	Total for section 5	5

6. Status of migrants and society’s attitude towards immigrants, foreigners, different ethnic groups

Indicators

- Presence and improvement of migration laws.

Article 23 of the Constitution states that freedom of movement and of abode are guaranteed and everyone who is rightfully staying on the territory of the Slovak Republic has the right to freely leave this territory; A foreign national can be deported only in cases specified by law.⁷¹

Article 52, P.2 notes: foreign nationals enjoy in the Slovak Republic basic human rights and liberties guaranteed by this Constitution, unless these are expressly granted only to citizens.

Article 53 states that the Slovak Republic grants asylum to foreign nationals persecuted for upholding political rights and liberties. Asylum may be denied to those who acted at variance with basic human rights and liberties. Details will be defined by law.⁷²

Article 65 of the Criminal Code punishes foreign nationals who threaten the security of Slovak citizens or their property with deportation. However, they cannot be deported to a country where they could be subjected to persecutions.⁷³

Article 356 of the Criminal Code punishes organisation of illegal migration, exploitation of illegal immigrants and other such acts with 2 to 8 years in prison.⁷⁴

Two laws regulate migrants' status: Law on Asylum 2002 and Law on Stay of Foreign Nationals 2011.

Asylum may be granted if the applicant is persecuted in his country of origin on the basis of his race, nationality, religion, political beliefs or social group. Asylum may also be granted on humanitarian reasons or for family reunification. Temporary protection is granted if there are reasons to believe that migrant would be facing serious danger upon his return. After filing the application, migrant has 24 hours to report to the temporary housing centre, where he will be told his rights and obligations. Application is considered within 90 days. Asylum is given for 3 years with the ability to extend indefinitely; temporary protection is granted for one year.

Migrants are placed in special camps, unless they can afford their own housing. In the latter case, they must register their location with the police. Refugee camps must take into account migrant's age, health, family, religious, ethnic and other needs. Refugees can only leave the camp for more than 24 hours (but no more than 7 days) if they pass the interview with Interior Ministry officials.

Interpreters are provided for migrants who do not speak Slovakian during official communication.⁷⁵

EU nationals receive entry visas in the airport. They can be rejected if there are reasonable grounds to suspect that they pose a threat to national security, public order or are ill with serious infectious diseases.⁷⁶

Several categories of foreign nationals may receive temporary residence permits. These are people arriving for work (they are given Blue Cards), business, science and education, family reunification. Maximum term of such permits is three years for business, two years for work and science, five years for family reunification and six years for students.

Permanent residence (five years) can be granted to spouses of Slovak nationals, minors and disabled persons. Indefinite permits are given to stateless persons, witnesses in criminal cases and upon request of special services.

Long-term stay permits are given to migrants who lived in Slovakia for five years (two years for Blue Card holders). EU nationals do not need a visa to live in Slovakia for up to three months. Appropri-

ate visas and permissions are needed for a longer stay. Applicants will have to prove that they have sufficient income, have work or ongoing education in Slovakia, or are actively seeking employment. After five years, EU nationals can apply for permanent residence.⁷⁷

Deportations are considered on an individual basis; collective deportations are prohibited. Foreign nationals are appointed an interpreter. During considerations, foreign nationals are placed in detention centres, but for no more than a year.⁷⁸

Slovakia allows foreign national's or stateless person's children to receive Slovak citizenship.

Slovak citizenship can be granted to a person who has a continuous permanent residence in the Slovakia for at least 8 years immediately preceding the application for citizenship, or is married to a citizen of the Slovak Republic (Slovak citizenship by marriage), the marriage lasts and they both live in the marriage in the same household in Slovakia for at least 5 years immediately preceding the filing of applications for citizenship of the Slovak Republic. Consideration period is usually 24 months, but can be extended in some cases.⁷⁹

At the same time, Slovakia has not ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.⁸⁰

- Authorities' compliance with such legislation (law enforcement practice).

Slovak authorities generally observe migration legislation. However, the number of migrants arriving in Slovakia is insignificant. In 2013, Slovakia had 700,000 foreign nationals staying on its territory, most of which were located in Bratislava region. Most foreigners are Ukrainian and Czech nationals. 56% of migrants felt completely or partially integrated (this number was lower for Asian nationals — 32%). Only 46% of respondents felt they have equal rights to Slovak citizens.⁸¹ At the same time, 165,000 Slovak nationals live in other EU countries.⁸²

Every year, around 300–400 people receive Slovak citizenship. Most of these people come from Ukraine, Serbia and Czech Republic.⁸³ Meanwhile, asylum was granted to just 618 people in the past 20 years.

In 2011, Slovakia adopted a Migration Strategy until 2020. It provides for effective border control, constitutional and legal sovereignty, migration control, human rights, preventing discrimination and ensuring their integration, as well as involvement of NGOs in the integration process.⁸⁴

On January 29, 2014, Slovakia implemented the foundations of migration policy, focusing on increasing awareness of foreign nation-

als' life in Slovakia and protection from discrimination, racism and xenophobia.

However, integration of refugees remains a problem. For example, they are not provided with Slovak language courses and their diplomas are not officially recognised.⁸⁵

On December 14, the Ministry of Internal Affairs of Slovakia announced that deprived citizenship will be returned in 693 cases in accordance with the acting Citizenship Law, before the new changes to the law come into force (amendments from 2011). This comes amidst Constitutional Court facing difficulties ruling on the legitimacy of the 2011 amendments, adopted in response to the Hungarian law "On Hungarians abroad", which encroached on Slovakia's sovereignty. Since the trial period had expired, citizens who permanently reside in Slovakia will receive their passports back.⁸⁶ This primarily affects persons from Roma, Hungarian, German and Jewish ethnic groups who had been forced to abandon Slovakian citizenship in favour of another one.

- Discriminatory practices against immigrants.

No such cases have been recorded in 2014.

- Use of "ethnic crime" as justification for discrimination against migrants.

Slovak nationalists incorporate this idea in their campaigns. However, their target is the Roma community, rather than migrants.

- Social assistance for immigrants.

Migrants are provided with free emergency health care. The same applies to minors and persons subjected to inhumane treatment, exploitation, torture and victims of armed conflicts. Free healthcare is provided for refugees and persons under temporary protection.

After receiving asylum, migrants are sent to integration centres, where they are given Slovak language courses and prepared for life in the country.⁸⁷

- Negative attitude of the community towards immigrants, foreigners, and various ethnic groups.

While anti-Roma sentiments have been at the forefront in Slovakia (a petition was set up to reinstate K. Kormutova after she was sacked for such remarks⁸⁸), the main problem in Slovakia is fear of refugees.

Survey conducted in June 2015 indicated that 70.1% of respondents are hostile to the idea of welcoming North African and Middle Eastern refugees. 63.4% feel that refugees are a threat to national security.⁸⁹

Meanwhile, the number of refugees in Slovakia is relatively insignificant — between 400 and 500 people in the past several years.

Many refugees choose to move to other EU countries, which have their ethnic communities.

Presence of Criteria	Indicator	Score
×	Presence and improvement of migration laws.	5
×	Government's compliance with such legislation (law enforcement practice).	5
–	Discriminatory practices against immigrants.	0
–	Use of ethnic crime as justification for discrimination against migrants.	0
×	Social assistance for immigrants.	5
×	Negative attitude of the community towards immigrants, foreigners, various ethnic groups.	–5
	Total for section 6	10

7. Incitement of religious and ethnic hatred

Indicators

- Calls for ethnic and religious hatred in mass media, mass communications, and graffiti.

Slovak nationalists often make calls against the Roma and Hungarian communities (see Section 2 and 8).

On September 16, it was reported that a man in Sturovo (town bordering Hungary) was refused a train ticket when he spoke Hungarian language.⁹⁰

- Presence and popularity of radical nationalist literature, films, music. Ultranationalist rock bands and their concerts.

Juden Mord, led by Rasto (Rostislav) Rogel, is the most popular band among neo-Nazis in Slovakia. Peter “Konyka” Sredel, head of Zona A, also holds xenophobic views, advocating against multiculturalism, LGBT, migrants, Muslims and demanding Roma placed in ghettos.⁹¹

Presence of Criteria	Indicator	Score
×	Calls for ethnic and religious hatred in mass media and mass communications, graffiti.	–5
×	Presence and popularity of radical nationalist literature, films, music. Ultranationalist rock bands and their concerts.	–5
	Total for section 7	–10

8. Radical nationalist groups and parties

Indicators

- Presence of neo-Nazi and ultranationalist groups, movements, political parties (both in the centre and in the localities).

The largest and most prominent extreme right organisation in Slovakia is the Slovak National Party (SNP), which considers itself an heir to the Nationalist Party from 1920–1940s.

In 2011, Our Slovakia party has been established by Marian Kotleba. Same as SNP, the party declared itself an heir to Joseph Tiso's policies.

According to various sources, there are around 500 active members of neo-Nazi groups in the country and several thousand supporters.⁹²

- Presence of discriminatory demands in the programmes of these parties and in the statements of their leaders towards the members of minorities.

In 2012, SNP campaigned against “disproportional benefits” for “certain ethnic groups”, clearly referring to Roma. The party suggests forced labour for Roma, cutting their child benefits if they do not attend school and teaching children in special boarding schools to “remove them from the dangerous environment”. SNP also campaigned for criminal punishment for “illegal construction”, which was also aimed against Roma. The party intimidated voters with the “Hungarian threat” and the “Islamic offensive”.⁹³

In 2013, SNP positioned itself against same-sex marriage, multiculturalism and migration, which damages Christian values and historical features of the country, according to the party.⁹⁴

Our Slovakia talks about “Israeli aggression” which Slovakia should not take part in. However, Our Slovakia party's main focus is Roma, or as the party calls them — “gypsy extremists” and “parasites”. It poses itself against liberalism, which “breeds atheism, dangerous sects and sexual perversions,” and intimidates voters by saying that they can be “enslaved by foreign nationals, immigrants and ethnic minorities”. The party is decisively against LGBT community.⁹⁵

- Influence neo-Nazis and radical nationalists have over the civil society, including oppositional and human rights organisations.

Nationalists have limited support in elections. In 2012, SNP received 4.55% of votes, failing to pass into parliament.⁹⁶ In European Elections, the party gained 3.6% of votes. M. Kotleba's victory in Banská Bystrica governor elections has been more or less a random factor (see below).

- Influence neo-Nazis and radical nationalists have over the local legislative/executive bodies.

Marian Kotleba became governor of Banská Bystrica district on November 23, 2013, receiving 55% of votes. His victory was largely influenced by an extremely low voter turnout (17.29%) and higher level of political participation among nationalists.⁹⁷ Kotleba appointed his party colleagues to several positions across the region.⁹⁸

In 2014 local elections, his party passed 41 heads of rural communities and 841 local councillors. 17 Mayors, 110 heads of rural communities and 279 local deputies supported SNP in their campaign.⁹⁹ However, given that Slovakia has 130 cities and more than 2,700 rural communities, these results are insignificant.

- Influence neo-Nazis and radical nationalists have over the central legislative/executive bodies.

Nationalists are not represented in Slovakia's parliament and thus have no influence over the central government.

Presence of Criteria	Indicator	Score
×	Presence of neo-Nazi and ultra-nationalist groups, movements, political parties (both in the centre and in the localities).	-5
×	Presence of discriminatory demands in the programmes of these parties and in the statements of their leaders towards the members of minorities.	-5
×	Neo-Nazi and radical nationalist influence over the civil society, including oppositional and human rights organisations.	0
-/×	Neo-Nazi and radical nationalist influence over the local legislative/executive bodies.	-2.5
-	Neo-Nazi and radical nationalist influence over the central legislative/executive bodies.	0
	Total for section 8	-12.5

9. Public actions of extremists and radical nationalists

Indicators

- Participation of neo-Nazis and radical nationalists in mass actions prohibited by the authorities.

No such cases in 2014.

- Participation of neo-Nazis and radical nationalists in mass actions permitted by the authorities.

The largest demonstration was held in Banska Bystrica on March 14 by supporters of Our Slovakia party and Governor Marian Kotleba.¹⁰⁰

Another action was held in Nitra on March 13, dedicated to independence of the First Slovak State and Joseph Tiso in 1939.¹⁰¹

- Participation of neo-Nazis and radical nationalists in mass actions permitted by the authorities, with the participation of representatives from the legislative or executive bodies, law enforcement and security agencies.

Nationalist Governor of Banska Bystrica, Marian Kotleba, attended both actions held in March.

- Presence of “football xenophobia” and racism amongst sports fans.

No such cases have been recorded. However, in June, former TV host, Kristina Kormutova, sacked for anti-Roma remarks, became a press-secretary of Nitransk Knights club.¹⁰²

Presence of Criteria	Indicator	Score
–	Neo-Nazi and radical nationalist participation in mass actions prohibited by the authorities.	0
–/×	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities.	–2.5
×	Participation of neo-Nazis and radical nationalists in mass actions permitted by the authorities, with the participation of representatives from the legislative or executive bodies, law enforcement and security agencies.	–5
–	Presence of “football xenophobia” and racism amongst sports fans.	0
	Total for section 9	–7.5

10. Racist attacks, violence and terror

Indicators

- Vandalism in cemeteries, attacks on religious buildings.

On June 2, a Jewish cemetery in the Cifer village was desecrated.¹⁰³

On September 16, vandals desecrated a monument to St. Stefan — first King of Hungary — in Kosica. Anti-Hungarian writing was found near the Hungarian Scouts Union in Limbi.¹⁰⁴

- Interethnic clashes instigated by xenophobia and radical nationalism.

No such cases have been recorded in 2014.

- Cases of violence, including murder on racial, ethnic, and religious grounds.

16 cases of hate crime have been recorded by official sources in the first 9 months of 2014.

In the evening of May 19, 2014, Darius Rusnak the head of the Public Relations Office of the President allowed himself to derogatory remarks and threats towards the 2 female visitors of the “Prezidentka” bar and grill, who spoke to each other in Hungarian. 2 young men who stood up for the women were beaten.¹⁰⁵

- Terrorist attacks on the basis of radical nationalism and religious fanaticism.

No such cases have been recorded in 2014.

Presence of Criteria	Indicator	Score
×	Vandalism in cemeteries, attacks on religious buildings.	-5
-	Interethnic clashes instigated by xenophobia and radical nationalism.	0
×	Cases of violence, including murder on racial, ethnic, and religious grounds.	-5
-	Cases of hate-driven murders	0
-	Terrorist attacks on the basis of radical nationalism and religious fanaticism.	0
	Total for section 10	-10

11. Presence, popularity, and scope of antiracist and anti-Nazi movements and parties

Indicators

- Presence of antiracist and anti-Nazi movements and parties.

The largest antifascist organisation, Union of Antifascist Fighters, was established in 1945. By the end of 2014, the organisation had 18,000 members.¹⁰⁶ Bratislava Without Nazis is a civic initiative in the capital. There are also numerous informal antifascist youth organisations.

- Antiracist and antifascist movement activities (pickets, rallies, demonstrations).

On March 15, 2014, antifascists held demonstrations in Bratislava to remind the public about Joseph Tiso's fascist regime, which was established on this day in 1939.¹⁰⁷ 300 people took part in the event under the slogan "United Against Fascism", including Mayor Milan Francik and several prominent public figures and activists, as well as guests from the Czech Republic and United Kingdom.

On September 19–20, Bratislava hosted the International Conference of the exiles, refugees and victims of fascism — organised by the Union of Antifascist Fighters. The conference adopted a resolution addressed to the European Parliament and leaders of EU countries, which urged them to take measures against neo-fascism. They also protested against falsification of World War Two history.¹⁰⁸

On September 26, antifascist organisations adopted a joint declaration, where they condemned one-sided approach to World War Two history.¹⁰⁹

On November 25, Union of Antifascist Fighters urged the authorities to investigate M. Kotleba on charges of hate speech and extremism.¹¹⁰

- Presence of antiracist and antifascist civic initiatives.

Between August 31 and September 2, Spisska Kapitula in northern Slovakia held a symposium on the Catholic Church in Roma communities, organised by the local episcopate commission on Roma and minorities. The event was intended primarily for priests, monks and laymen who often work with Roma, and aimed to deepen the focus on Roma issues.¹¹¹

In October 2014, Institute for Economic and Social Studies (INESS) published a report called Roma and Social Benefits.¹¹² The subject of the study was the structure of social payments to large families (3 or more children) in areas with large Roma populations. Its goal was to identify the fiscal burden of "Roma benefits" on citizens of Slovakia.

The report concluded that the Roma population receives excessive amounts of benefits and thus represent a significant burden on public finance. This opinion is often used by extremism in their anti-Roma propaganda. Of 430 thousand Roma in Slovakia, only 24 thousand families are on child benefits. The total cost of various child benefits in 2012 amounted to 57 million euros, which is 8 million less than the one-off Christmas pension pay. Each Roma child from a large family receives 275 euros per year under this programme. All public costs related to social benefits constitute about 2.2% of the budget, the same amount the Ministry of Finance allocates for ineffective government purchases.¹¹³

Stopline.sk is a hotline for gathering information about cybercrime, including hate speech, since 2010. Another website, Beznenavisti.sk (Without Hate) was launched in 2013, funded by the EU.

Futbal Spaja (Football Unites) is an association supporting Roma football players.¹¹⁴

Presence of Criteria	Indicator	Score
×	Presence of antiracist and anti-Nazi movements and parties.	5
-/×	Antiracist and antifascist movement activities (pickets, rallies, demonstrations).	2.5
×	Presence of antiracist and antifascist civic initiatives.	5
	Total for section 11	12.5

12. Glorification of German national-socialism and Nazi Germany collaborators

I n d i c a t o r s

- Glorification of German National Socialism and/or its collaborators in the media, desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition.

No such cases have been recorded in 2014.

- Glorification of German National Socialism and/or its collaborators with the support of local authorities, demolition of monuments to soldiers of the anti-Hitler coalition, erection of monuments to the soldiers of Wehrmacht and Nazi butchers.

No such cases have been recorded in 2014.

- Glorification of German National Socialism and/or its collaborators in the decisions made by the authorities.

While there have not been cases of Nazi glorification, we can note that Article 422d equates crimes committed by Nazi and communist regimes.¹¹⁵ This can lead to justification of Nazism and local collaborationists.

- Historical revisionism, Holocaust denial.

On August 9, it was reported that a Catholic priest Emil Floris said that Jews are themselves guilty of the Holocaust, and the same can happen with Roma.¹¹⁶

Presence of Criteria	Indicator	Score
–	Glorification of German National Socialism and/or its collaborators in the media, desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition.	0
–	Glorification of German National Socialism and/or its collaborators with the support of local authorities, demolition of monuments to soldiers of the anti-Hitler coalition, erection of monuments to the soldiers of Wehrmacht and Nazi butchers.	0
–	Glorification of German National Socialism and/or its collaborators in the decisions, made by the authorities.	0
–/×	Historical revisionism, Holocaust denial.	–2.5
	Total for section 12	–2.5

13. Criminal prosecution of veterans, partisans of the anti-Hitler coalition, and antifascists

Indicators

- Public calls for repressions against the veterans and partisans of the anti-Hitler coalition, as well as antifascists.

No such cases were recorded in 2014.

- Restrictions on human rights and antifascist organisations imposed by the authorities, bans to entry or exit imposed on antifascists by the authorities, inaction of the authorities.

No such cases were recorded in 2014.

- Criminal prosecution of veterans, partisans of the anti-Hitler coalition and antifascists.

No such cases were recorded in 2014.

Presence of Criteria	Indicator	Score
–	Public calls for repression against the veterans and partisans of the anti-Hitler coalition, as well as antifascists.	0
–	Restrictions on human rights and anti-fascist organisations, bans to entry or exit imposed on anti-fascists, inaction of the authorities.	0
–	Criminal prosecution of veterans, partisans of the anti-Hitler coalition and antifascists.	0
	Total for section 13	0

14. Internatinal Aspect

I n d i c a t o r s

Participation of the monitored countries in the most significant international agreements on combating racism and discrimination against ethnic minorities.

Slovakia ratified the International Convention on the Elimination of all Forms of Racial Discrimination, Convention on the Rights of the Child, European Charter for Regional or Minority Languages, and the Framework Convention for the Protection of National Minorities. However, Slovakia did not sign the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and has not ratified the Additional Protocol to the Convention on cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems.

- Accession to new international agreements, as well as resolutions of the United Nations and other international organisations dedicated to combating Nazism, combating discrimination, or protecting rights of minorities, during the monitored period.

No such cases were recorded in 2014.

- International declarations and initiatives of the monitored countries and the leading politicians against discrimination, neo-Nazism and xenophobia.

No such cases were recorded in 2014.

Presence of Criteria	Indicator	Score
-/x	Participation in significant international agreements on combating racism and discrimination of ethnic minorities.	5
-	Accession to new international agreements and resolutions of various international organizations, aimed at combating Nazism, combating discrimination, or protecting minority rights.	0
-	International statements and initiatives of the monitored countries and their leading politicians, aimed against discrimination, neo-Nazism and xenophobia.	0
	Total for section 14	5

CONCLUSION

Implications for the development of the country and society, based on the analysis of factors and taking into account the aspects listed below.

Level of xenophobia in Slovakia is relatively low; however, nationalists' success in 2014 local elections showed that extreme right ideology is slowly gaining support. Discrimination of Roma (and Hungarians to a lesser extent) continues to be a big problem, despite of government efforts. Furthermore, anti-Roma rhetoric is common in the local media. Given that Slovakia's economy is not showing signs of improvement, the situation may deteriorate in the future.

1. Human Rights

- *Guarantees against all forms of discrimination.*

Anti-discrimination legislation is fairly extensive in Slovakia. However, some informal practices nullify these guarantees.

- *Adherence to norms of the fundamental human rights instruments (European Convention for the Protection of Human Rights and Fundamental Freedoms, European Charter on Human Rights, as well as in adherence to the Framework Convention for the Protection of National Minorities and the European Commission against Racism and Intolerance, etc.).*

Slovakia joined most major international agreements aimed at protection of minority rights. However, in practice, discrimination of minorities and Roma in particular is still common in the country, which goes against Slovakia's international obligations.

- *Differentiation in rights and freedoms of the titular nation and ethnic minorities.*

Such differentiation does not exist on a legislative level. However, there are discriminatory practices in law enforcement, as well as in employment and education. Roma and Hungarian communities are most affected by these practices.

- *Legislation enshrining inequality of minorities.*

Slovakia does not have such legislation.

- *Rulemaking in protection of minorities.*

On February 1, 2014, Slovakia enacted the law on organising public sports events, which prohibits display of racism and punishes football clubs that allow such practices.

- *Freedom of speech violations.*

No such cases have been recorded in 2014.

- *Legislation and law enforcement practices concerning migrants.*

Immigration legislations of Slovakia corresponds to European norms. Law enforcement practice is also satisfactory in this regard. However, authorities are not sufficiently effective in ensuring full integration of migrants through Slovak language courses.

2. State of society

- *Risk of violation or noncompliance with the acting laws directed at protecting the rights of minorities; Risk of discriminatory practices against members of minorities.*

There have been numerous cases of non-observance of relevant laws (even in court decisions in some cases) and discriminatory practices against Roma, Hungarians and LGBT. Meanwhile, police has been reluctant to investigate “carriers” of xenophobia.

- *Self-determination — how manifestations of xenophobia and extremism affect the identity of minorities; majority’s attitude towards minorities (growth of social phobias).*

Roma are perceived by the majority as a criminalised minority. These sentiments are indirectly supported by legislation (see Article 190 of the Criminal Code regarding “unwarranted benefits”). This results in the desire to segregate the Roma community.

Slovak elite is afraid of Hungarian minority seeking autonomy, which prompted them to adopt provisions on separatism to the Criminal Code. Hungarians, in turn, are looking to establish a national autonomy.

3. Socioeconomic development of the country

(Do manifestations of various forms of xenophobia and extremism affect the socioeconomic development of the country).

- *Standard of living.*

Slovakia ranks 38th in terms of standard of living.¹¹⁷ GDP growth in 2014 was 3.1%, accompanied by high level of unemployment — 11%

(25% among youth¹¹⁸). Anti-Roma sentiments are directly affecting their unemployment rate.

- *Economic impacts and instability.*

Economic problems in Slovakia are unrelated to xenophobia. On the contrary, economic instability is what gives rise to intolerance and xenophobia towards minorities that “leech of the taxpayer”.

- *Decline in production growth, emigration of the labour force.*

Slovakia suffered in the 2008 recession and continues to be one of the poorest countries in the region. Around 3% of the population has emigrated abroad.

4. Security and geopolitical stability in the region

- *Political stability in the country.*

Anti-Roma propaganda in the media could lead to mass clashes, as happened in the neighbouring Czech Republic. Government’s attempts to curb the attempts of Hungarian minority to achieve autonomy will only aggravate irredentism in their community.

- *Impact of xenophobia and extremism in the country on the issues of external security, on relations with third countries and the international security in the region as a whole.*

Slovakia is not in conflict with any of its neighbours. Internal problems related to xenophobia are unlikely to affect its international relations.

RECOMMENDATIONS

1. *General recommendations for the accession to international agreements and conventions*

Slovakia is recommended to support UN Resolution A/RES/67/154 “Glorification of Nazism: inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance”, as it will have a positive impact on its image. Furthermore, Slovakia is recommended to sign and ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Optional Protocol to the Convention on Cybercrime.

2. *General recommendations for adjustments to the legal framework*

Provisions regarding “separatism” and “unwarranted benefits” should be eliminated from the Criminal Code to support the Hungarian and Roma minorities respectively. Extremist motives should be officially recognised as aggravating circumstance in the commission of a crime.

3. *General recommendations for the executive bodies in the field of law enforcement and human rights*

Slovakia should improve its law enforcement practices regarding hate crime. First, the state must collect and publish information on such offences. Second, hate crime must be appropriately classified by the police. Reluctance to do so has been known to lead to further problems in other countries. Police must be more active to respond to xenophobic remarks made by extreme right politicians.

Slovakia should take measures to prevent interethnic hatred and hate crime in its roots. Political will to implement legislation and court rulings in protection of Roma and Hungarian minorities is extremely important.

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SUMMARY OF INDICATORS FOR 2014

Nº	Criteria	Score
1	Legislation (central, regional, municipal) and law enforcement practices that contribute to the development of radical nationalism	-10
2	Xenophobia and inflammatory statements by members of the authorities and media	-5
3	Legislation and law enforcement practice preventing the development of radical nationalism	12.5
4	Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism	5
5	Activities aimed at promoting tolerance and preventing extremism	5
6	Position of migrants and society's attitude towards immigrants, foreigners, different ethnic groups	10
7	Incitement of religious and ethnic hatred	-12.5
8	Radical nationalist groups and parties	-7.5
9	Public actions of extremist and nationalist groups	-7.5
10	Racist attacks, violence and terror	-10
11	Presence, popularity and size of anti-fascist and anti-racist movements	12.5
12	Glorification of German National Socialism and collaborators of Nazi Germany, historical revisionism, Holocaust denial	-2.5
13	Persecution of veterans and partisans of the anti-Hitler coalition	0
14	International Aspect	5
	Total	-7.5

UKRAINE

ASSESSMENT CRITERIA FOR FACTORS OF STABILITY/INSTABILITY

1. Legislation (central, regional, municipal) and law enforcement practices that contribute to the development of radical nationalism

I n d i c a t o r s

- Discriminatory legislation affecting minorities residing in the country in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.

Until 2014, Ukraine had no discriminatory legislation. February revolution brought with it attempts to introduced discriminatory laws. On February 23, Verkhovna Rada cancelled the law “On state language policy” which allowed Russian and other non-state languages to have an official regional status.¹ Acting President A. Turchinov did not uphold this decision, but it still shocked local minorities and quite possibly contributed to the events in eastern Ukraine.

Several regional regulations can be pointed out for their discriminative nature against the Russian-speakers. On September 26, 2013, it was reported that deputies of the Ternopol City Council, where Svoboda party nationalists hold majority of seats, introduced a provision to the rules of city development that prohibited the use of any language except Ukrainian in the external design of stores, catering outlets and other establishments.² On December 26, 2013, the resolution of the Odessa Administrative Court of Appeal came into force, invalidating the decision of the Odessa City Council (of July 8, 2011), which equated Russian language to Ukrainian as “a language of education and upbringing.”³

Armed conflict in southern and eastern regions of Ukraine prompted the government to adopt discrimination legislation.

Thus, on August 12, Verkhovna Rada of Ukraine (Parliament) adopted a bill № 4312a, which extended the detention period of terror-

ist suspects to 30 days without charge.⁴ Preventative detention will be carried out on order of the Head Security Service of Ukraine with the consent of prosecutor and without a court ruling. The main reason for preventative detention is “reasonable suspicion of terrorist activity”.

Separatists in Donbass also introduced their own discriminatory legislation. On May 15, a draft Constitution of Republic of Donetsk was announced, prohibiting abortion and same sex marriage. Draft document also declared Orthodox faith (Christian Eastern Orthodox Catholic Confession), professed by the Russian Orthodox Church as the official state religion.⁵

On October 4, deputies of the self-proclaimed Luhansk People’s Republic passed the law “On the protection of Christian traditions of the Luhansk people from the harmful effects of hostile states, such as the European Union, United States and Canada.” The law was essentially criminalising homosexuality, which could be punished with up to 5 years in prison or correctional labour from 2 to 4 years. Actions committed with violence or towards minors are punished by 8 years in prison or a death sentence.⁶

- Legislation restricting the voting rights of permanent residents of the country on the basis of ethnicity or country of origin.

Legislation that restricts the voting rights on such grounds is absent in Ukraine.

- Presence of legal norms and other regulations that legalise the radical nationalist ideology, its attributes and practices, as well as their distribution in the mass media and mass communication.

Attempts to introduce glorification of OUN-UPA (Organisation of Ukrainian Nationalists, 1920–1950s) in Ukraine’s legislation have been reported.

On July 10, Lviv City Council appealed to the President, asking to return the title of “Hero of Ukraine” to Stepan Bandera and Roman Shukhevych. “Thus you will confirm that you are an independent President of an independent Ukrainian state, for which the Organisation of Ukrainian Nationalists led by Stepan Bandera and the Ukrainian Insurgent Army led by Roman Shukhevych fought and gave their lives,” council’s statement said.⁷

On October 14, Petro Poroshenko cancelled the Defender of the Fatherland Day (February 23) and announced a new holiday — Defender of Ukraine Day, which will be celebrated on October 14 — when the Ukrainian Insurgent Army was first drafted. He noted that October 14th will mark ALL defenders of Ukraine during its rich history. Among other historical figures, he mentioned several members of the OUN and UPA.⁸

- Discriminatory practices against minorities in the field of registration, mobility, business, employment, education, housing, health-care, religion, etc.

We noted discriminatory practices against Roma, LGBT and “non-traditional” religions (in the conflict zone as well as in the rest of the country).

UN Economic and Social Council Committee on Economic, Social and Cultural Rights noted in the Sixth Periodic Report on Ukraine that many Roma do not have personal documents. The 2013 Strategy for Protection and Integration of Roma Minority and the related Action Plan was not well funded. UN Committee recommended Ukraine publishes data on Roma demographics and their situation, as well as simplify the process of receiving documents. In Odessa and Transcarpathia, Roma are still placed in “special schools” on the basis of their ethnicity.

Uzhgorod Roma are discriminated in Kiev area. They have limited access to drinking water, sanitation, healthcare and education.⁹

On April 18 and 22, pro-Russian activists attacked a Roma settlement in Slavyansk, demanding they leave the area immediately.¹⁰ Such attacks resulted in Roma leaving Donbass en masse.¹¹

Head of Nikolayev Regional Council Taras Kremin stated on July 4 that deputy of the council Valery Burkun refused to accommodate Roma travellers from eastern Ukraine in Zhovteny resort, citing their ethnicity. On July 8, Burkun himself said that he does not intend to expel anyone and that Nikolayev authorities are trying to get rid of Roma refugees, using him as a “scapegoat”.¹²

UN Committee for Economic, Social and Cultural Rights criticised Ukraine for having no official statistics on LGBT discrimination.¹³ In July 2014, gay pride event was cancelled in Kiev, with authorities unable to provide security for participants.¹⁴

Armed conflict in Ukraine prompted a rise in discriminatory practices against various religious organisations. Since May 2014, separatists in eastern Ukraine captured several Protestant churches — at least 13 cases. Jehovah’s Witnesses also came under fire (14 places of worship captures¹⁵), as well as Mormons (place of worship captured in Donetsk on June 26¹⁶). On September 8, Anratsita House of Warship for All Peoples was forcibly converted into an Orthodox church.¹⁷

At the same time, regions controlled by official Ukraine were no exception. In these areas, Russian Orthodox Church (Moscow Patriarchate) temples have been captured by “rivalling” churches.¹⁸

There were also cases of discrimination against “non-Slavs”. A local bar in Nikolayev started racially profiling its customers. In November, an African American was kicked out from the bar; in December,

Azerbaijani national was thrown out. It was reported that bar had caused similar scandals in 2009 and 2012.¹⁹

On July 2, a several dozen masked men, led by Kiev City Council deputy Igor Moseychuk, head of the Kiev Social-National Assembly Igor Krivoruchko and neo-Nazi activist Oles Vahny raided street merchants near Nivky station in Kiev, checking documents of non-Slavic merchants.²⁰

On August 18, it was reported that lists of “terrorist and separatist accomplices” were compiled by Verkhovna Rada Deputy Pavlovsky in Slavyansk and Kramatorsk. Lists consisted of secondary school teachers and members of local governments who are subject to dismissal or prosecution under the current Ukrainian laws.²¹

Transcarpathia region is in the most difficult situation due to its ethnic composition of Roma, Hungarian and Rusyns minorities.

Roma in the region are experiencing the full range of problems (see above); Hungarians are trying to achieve official use of their language in the region (which corresponds to the Ukrainian regional languages law); Rusyns — 450 thousand people — are demanding their recognition as a national minority in Ukraine as a whole. The latter demand is particularly undesirable for the current Ukrainian government, which perceive it as another separatist threat. In addition, their recognition as a national minority would have a “negative impact” on the demographics of the titular nation, according to government officials.

Meanwhile, if the government does not solve the problem in Transcarpathia, this region may become the next conflict area in the country. Except, unlike eastern regions, Transcarpathia region may have an actual interethnic conflict.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Discriminatory legislation affecting minorities residing in the country in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.	-2.5	-2.5	-5
-	Legislation restricting the voting rights of permanent residents of the country on the basis of ethnicity or country of origin.	0	0	0
×	Presence of legal norms or other normative documentation, which legalises the ideology of radical nationalism, its attributes and practices, as well as their distribution in the mass media and mass communication.	-2.5	-5	-5

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Discriminatory practices against minorities in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.	-5	-5	-5
	Total for section 1	-10	-12.5	-15

2. Xenophobia and inflammatory statements of the government and the media

Some officials made statements against the Russian language. On November 8 and 9, President Petro Poroshenko said that only Ukrainian language will have the official state language status, thus discriminating the large Russian-speaking population in the country.²²

On August 23, Ukrainian MP Oles Doniy stated that a regular cultivation programme of residents of eastern and southern regions must be carried out. “Otherwise, we are playing in Putin’s hand. Inactivity in the humanitarian sphere is helping Putin. Some say, we need to listen to Donbass and give them the Russian language. On the contrary, they need to have more Ukrainian books and TV shows, we need to attract more Ukrainian artists. There are many Russian speakers even in the National Guard, who need to partake in Ukrainian language more”.²³

On September 9, Glavkom newspaper published an interview where Commissioner for Ethnic and National Policy Gennady Druzenko talked about the disloyalty of minorities to the government. “Traditionally, there is the issue of gypsies, because it’s a problem of socialisation as well as language and culture. There are also attempts to use Hungarians in Ukraine and, partially, Romanians, to block mobilisation. The situation is exacerbated by demands of Hungarian autonomy”.²⁴

Members of the Svoboda party made numerous xenophobic statements.

On February 23, Oleg Tyagnibok, leader of the Svoboda party that is part of the united opposition, stated that new Ukraine should have a Ministry of National Identity.²⁵

Svoboda MP Irina Farion posted on Facebook about her dissatisfaction with President Poroshenko’s inaugural speech, part of which was in Russian language. She called it “servility” and “unprecedented disparagement of the Ukrainian language”.²⁶

On August 14, Irina Farion accused Ukrainian President Petro Poroshenko of dismissing senior officials originally from Lviv and re-

placing them with “ethnically marked” people like Lozhkin, Klimkin or Groisman. Immediately Poroshenko was accused of preparing for a special status for the language of invaders — Russian. Farion also demanded the return of “nationality” section in Ukrainian passports.²⁷

On September 30, Svoboda MP Irina Farion encouraged her supporters leaving to fight in the eastern regions. “We must take vengeance for each victim, each missing person, every neglect of Ukrainian language, culture and church. Because you are those who wear the body armour of our tradition, our Ukrainian essence, our Ukrainian purpose and obsession. This is an ethnic war. War of a muscovite against a Ukrainian, for Ukrainians being different, being more spiritual and independent.”²⁸

Member of parliament Irina Farion spoke at the procession dedicated to UPA heroes, “I don’t like quoting Hitler, but he said — Wars are won before the war. We see this in Crimea. Be vigilant, our enemies live among us. Their names end in -enko, -uki, -yuki, -chuki. They may wear the uniform, but their souls are not Ukrainian”.²⁹

On August 22, Members of Vinnytsia Regional Council from Svoboda party broke into Governor Roman Akselrod’s office and demanded his resignation due to his former membership in the Party of Regions and his Jewish origin.³⁰

On February 14, Udar party MP and First Deputy Chairman of the Verkhovna Rada Committee on Foreign Affairs Valentin Nalivaichenko told representatives of OSCE about anti-Semitism and xenophobia flourishing in the rank of Ukrainian “Berkut”, demonstrating the European parliamentary delegations anti-Semitic and xenophobic images and publication on “Berkut’s” pages in the social networks.³¹

Head of the Ukrainian disease control in Uman Larisa Kachanov said that Hasidic pilgrims who will visit a landmark in the city could infect locals with the plague, Ebola and other terrible diseases.³²

A number of politicians defended nationalists who set fire to a cinema that was supposed to screen an LGBT movie. Deputy of Kiev City Council I. Moseichuck called the arrested activists “prisoners of conscience” who acted against “propaganda of sodomite sin” and in protection of “health of the nation”.³³ His colleague and member of Svoboda Party Yu. Noevoy blamed the incident on “extremists who lobby anti-Christian and anti-family values”.³⁴

On December 10, Prosecutor of Zaporozhye told head of the region A. Sina that he is ready to buy him a one-way ticket to North Korea.³⁵

Xenophobic statements have been noted amongst the separatists. Vice Prime Minister of the Donbass People’s Republic Vladimir Antyufeev told the New Gazette on August 15 that the situation in Donbass is the fault of “Ukrainian fascists and European and American masons”.³⁶

On December 30, head of the “ataman Platov Cossack regiment” published a video message, accusing head of Luhansk People’s Republic of stealing coal with anti-Semitic remarks.³⁷

Xenophobic media publications have also been noted in the monitoring. On April 3, “Misto Vechirne” newspaper published an article that accused Hassidic Jews of ritual murder of children. “Beilis case” and an alleged story of ritual murder of school students in Crimea were given as evidence. Author advised parents to “be vigilant and protect their children”.³⁸

Monitoring recorded an enthusiastic reaction of several nationalists to the deaths of people in Odessa on May 2 (they were burned alive). MP from the national-democratic Fatherland party (“Batktivshchina”) Lesya Orobets commended on the incidents, “This day went down in history,” she wrote on a social network. “Odessa citizens, despite the betrayal of at least part of police, have held Odessa and proved to everyone that Odessa is Ukraine. At the cost of lives of patriots, we achieved an outstanding victory. Colorado Swarms [nationalist term for the Russian national movement] have been eliminated. Aggressors, who attacked first, were given a more than adequate response.” She accompanied her post with several photographs of headless corpses.³⁹

Svoboda MP Irina Farion also wrote about the death of 48 people in Odessa. “Bravo, Odessa. Pearl of Ukrainian Spirit. The birthplace of great nationalists Ivan and Yuri Lip. Let the devils burn in hell. Football fans are the best rebels. Bravo!”⁴⁰

Neo-fascist Right Sector posted a memo by Yevgeny Tromifenko on its official website. The text called the events of May 2nd a “bright page of our history. On this day, despite police efforts, not indifferent public eliminated the gatherings of Putin’s mercenaries and ordinary degenerates in Odessa. Alcoholics, drug addicts, other lumpen along with hired Russian activists and infiltrators all fled in shame from the outraged Ukrainian citizens”.⁴¹ After the tragic events, a number of Ukrainian users posted on social medias applauding the tragedy, joking and mocking the photographs of corpses, “gathered Colorado beetles in a bottle and burned them”,⁴² “the smell of May barbecue in Odessa”, “Colorados burned themselves down”, and so on.

On June 23, it was reported that artist A. Rozhkova, who was writing a comic against the war in eastern Ukraine, had a character with pronounced Jewish features as an oligarch.⁴³

I hope everyone understands that those who voted in Donetsk People’s Republic referendum must be deprived of the right to vote and be elected to national and local governments. We need to introduce a non-citizenship policy, like in the Baltics, to solve the problem of ‘cotton electorate’,” Ukrainian political scientist and chief editor of Khvilya magazine Yuri Romanenko wrote on August 21.⁴⁴

Political scientist T. Berezovets published an article on October 6, accusing Russia of preparing deportations of Crimean Tatars, citing their former leader M. Dzhemilev. According to him, population census in 2015 is planned in preparation of this action.⁴⁵

Xenophobic articles also appeared in the separatist media. On April 20, separatists in Slavyansk launched their own TV channel, replacing the frequency of Ukraine’s “Inter” and presenting it as a “powerful informational strike” on Ukrainian propaganda and “Zionist broadcasting”. The first programme aired on Adolf Hitler’s birthday (possibly coincidentally) and included a lecture by Konstantin Petrov, leader of Russian anti-Semitic Neo-Pagan Party.⁴⁶

On May 21, it was reported that a separatist commander Alexandr Mozhayev (known as Babai) urged President Vladimir Putin to “open a corridor” for people who want to fight for “Holy Russia” and destroy the evil of Western “Jew Masons”.⁴⁷

On December 5, Ukrainian newspaper XXI Vek published an article by Natalia Maximets, full of anti-Semitic remarks. President of Ukraine Petro Poroshenko was called a “Valtsman”, who “rewrote the Constitution” and Prime Minister Yatsenyuk was called a “known Hassid”.⁴⁸

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Xenophobia and inflammatory statements of the government and the media.	-5	-5	-5
	Total for section 2	-5	-5	-5

3. Legislation and law enforcement practice preventing the development of radical nationalism

Indicators

- Presence of anti-Nazi, anti-racist and anti-extremist legislation; legislation aimed against the incitement of ethnic and religious hatred in the country.

Article 24 of the Constitution of Ukraine prohibits any restriction of rights on the grounds of race, skin colour, religious beliefs, language and other characteristics. Ukraine’s Criminal Code also contains Articles punishing manifestations of racism and aggressive nationalism. In general, however, anti-racist and anti-Nazi legislation is underdeveloped.

On January 28, despite the protest of several deputies from the Party of Regions and the communists, Verkhovna Rada adopted another 4 laws instead of those repealed. These include:

- “On Amendments to the Ukrainian Criminal Code on responsibility for denial or justification of fascist crimes”.

- “On Amendments to Article 297 of the Ukrainian Criminal Code on responsibility for desecration or destruction of monuments dedicated to those who fought against Nazism during the Second World War — Soviet liberation soldiers, members of the partisan movement, underground, victims of Nazi persecution and internationalist soldiers and peacekeepers”.⁴⁹

On July 11, Supreme Council of the self-proclaimed Donetsk People’s Republic adopted the Law on the Prohibition of Propaganda of Fascism. The document recognises OUN (Organisation of Ukrainian Nationalists, led by Stepan Bandera), Congress of Ukrainian Nationalists and UNA-UNPA (Ukrainian National Assembly — Ukrainian People’s Self-Defence, which formed the Right Sector party in March 2014 as “nationalist organisations, not to be glorified henceforth.”

The law provides a full ban on propaganda and distribution of fascist and Nazi ideology, as well as “identifies a list of prohibited terms, mottos and slogans” and “resists the existing practice of justification of Nazism and Nazi criminals and their collaborators”.⁵⁰

- Presence and development of anti-discriminatory legislation.

The fundamental anti-discrimination acts in Ukraine are the laws “On the Principles of State Language Policy” and “On the Principles of Preventing and Combating Discrimination in Ukraine”, adopted in 2012.

The law on the principles of state language policy granted regions the right to empower certain languages with a “regional” status — i.e. equal to the official, Ukrainian language. This applies to all languages that, according to the population census, have at least 10% native speakers in the region (‘region’ refers to Oblast, Autonomous Republic of Crimea, district, city, town or village). If the language fulfils these criteria, it can be freely used in many fields instead of Ukrainian.

On May 13, Verkhovna Rada (Ukrainian parliament) adopted Law № 4581 “On preventing and combatting discrimination in Ukraine”. The law passed with 272 votes after several controversial norms had been removed. While the law defines the terms “discrimination”, “indirect discrimination” and “complicity in discrimination”, the norm on “declared intentions to discriminate” was removed after the protest of the radical nationalist Svoboda party”.⁵¹ In addition, “sexual orientation and gender identity” was removed from the list of grounds on which discrimination is prohibited.⁵²

The law “on the principles of preventing and combating discrimination in Ukraine” prohibits discrimination

Additions to Article 6 of the Law “On the principles of preventing and combating discrimination in Ukraine” prohibit (direct and indirect) discrimination, intention to discriminate, incitement to discrimination, aiding and abetting discrimination — committed by public and private sector. The law was signed by acting President Turchinov on May 29.⁵³

On October 16, parliament of Ukraine (Verkhovna Rada) adopted the law defining the self-governance of Donetsk and Luhansk regions, establishing the special status of the self-proclaimed republics.⁵⁴ One of the items of the law was the guarantee to use Russian language and its official status in Donetsk and Luhansk, primarily inhabited by Russian-speakers.

On May 7, Supreme Civil and Criminal Court of Ukraine included sexual orientation in the list of grounds on which discrimination is prohibited.⁵⁵

- Compliance of the government (central, regional, municipal), law enforcement and judiciary with anti-Nazi, anti-racist, anti-extremist, anti-discriminatory and hate crime legislation.

The final report of the Advisory Committee on the Framework Convention of the Council of Europe for the Protection of National Minorities, covering 2012–2014, noted positive efforts of Ukrainian government to ensure the rights of national minorities are respected in times of political crisis. “The Advisory Committee appreciates the conduct of ad hoc follow-up to monitoring in line with paragraph 36 of Resolution (97) 10 of the Committee of Ministers as one means of acting to better protect the rights of persons belonging to national minorities in crisis”.⁵⁶

On May 16, acting President Alexandr Turchinov signed a resolution that declared May 18th a national Day of Rights of Crimean Tatars, which would be celebrated annually.⁵⁷

On June 4, Cabinet of Ministers established a new position of the Government Commissioner for Ethnic-National Policy. The new official will be responsible for the coordination and implementation of the ethnic-national policy in Ukraine, including events to promote tolerance and prevent racial or religious hatred and various forms of discrimination. On June 18, G. Druzenko was selected for this position.⁵⁸

On July 5, armed members of police special units secured an Odesa synagogue, near which an anti-Semitic action was planned. However, the action never took place.⁵⁹

On August 20, President Petro Poroshenko appointed Mustafa Dzhemilev as the Commissioner for Crimean Tatar Affairs.⁶⁰

On May 20, Ukrainian parliament adopted a Memorandum of Peace and Harmony, prepared by Party of Regions MP Oleg Novin-

sky. “To de-escalate tensions in society, Verkhovna Rada calls upon all parties in the conflict to reach out to each other, abandon radical measures, hatred, and return to joint work to protect and develop a democratic, sovereign and united Ukraine, where people of all nationalities, political beliefs and religions will live in harmony.”⁶¹ The Memorandum called for the prevention of ethnic and religious enmity and promised the free use of Russian and other minority languages (Ukrainian is still to be kept as the single official language). Interestingly, the original version of the document contained calls to stop military operations in the eastern regions, but the section was removed from the final edition.

Extremism and the use of radical nationalist ideology in the actions of the new Ukrainian government was most criticised by the Communist Party and the Party of Regions, who largely represent eastern and southern regions of Ukraine — primarily Russian-speaking areas.

On July 25, Ukrainian Parliament issued a statement to the international community, where it accused separatists of not only persecution of Roma (which really took place), but also persecution of Jews. On May 14, Prime Minister Yatsenyuk delivered a video message to the World Forum of the American Jewish Committee, where he stated that separatist actions in Eastern Ukraine “are accompanied by intimidation of the Jewish population, persecutions of the long-suffering Crimean Tatars and violent attacks against Gypsies.”⁶²

On April 15, leaflets have been distributed around Donetsk, saying that “Jewish community leaders in Ukraine supported the Bandera junta in Kiev and are hostile towards the Orthodox Donetsk Republic.” Jewish people in the area were advised to register themselves with the Commissioner for National Affairs of Donetsk Republic (registration cost \$50). Ukrainian media presented it as the “Common Russian Fascist”.⁶³

This is very similar to the leaflets the Nazis were distributing during the Holocaust, which caused an uproar in the international community. European and American representatives expressed concern with anti-Semitism among the separatists.⁶⁴ However, it was later found that this was a hoax, committed either by pro-Ukrainian activists or other separatist groups, seeking to discredit their rivals.⁶⁵

- Struggle against hate crime (criminal cases against organisers and participants, guilty verdicts).

On March 29, Russian nationalist Anton Rayevsky was expelled from Ukraine for attempting to organise paramilitary formations in Odessa.⁶⁶

On April 4, National Expert Commission on the Protection of Public Morals recognised the article by Russian author Yuri Mukhin “In the company of polite people” as promoting national hatred.⁶⁷

On September 4, a similar decision was made towards a book by Polish author Ezhi Novak “Who should Jews apologise to?”⁶⁸

On August 18, President of Ukraine Petro Poroshenko signed the law № 1633-VII “On amendments to the Law On Police”, which allowed Ukrainian law enforcement to use assault weapons without notice in areas of anti-terrorist operations.⁶⁹ The document provides the law enforcement to use physical force, special means and firearms against persons who are recognised as terrorists.

On December 25, it was reported that leaders of the Hungarian nationalist party “Jobbik” were denied entry to Ukraine for 5 years.⁷⁰

On March 10, it was reported that a suspected murderer of a Jewish doctor in Lviv was acquitted.⁷¹ On March 13, Vinitsia court overturned the sentence towards the local head of Social-National Assembly Yuri Pavleno, sentenced for inciting hatred at an anti-immigration rally in February 2012.⁷²

- Unlawful use of anti-extremist legislation.

Unlike in previous years, there have been several such cases in 2014.

Persecution of politicians and organisations professing views other than the official position of the new government was very common.

On May 16, Verkhovna Rada registered a bill on the elimination of the Communist Party of Ukraine and its faction in the parliament. On May 20, acting head of Ukrainian Security Service Valentin Nalivaychenko accused the CPU of “mass riots, money laundering and attempts to overthrow the constitutional order”. Security Service reports regarding the CPU were transferred to the Ministry of Justice with the demand to dissolve the Communist Party.⁷³

As of July 24, Prosecution has initiated more than 300 criminal proceedings against members of the Communist Party of Ukraine.⁷⁴

On June 24, Ukrainian Security Service arrested an activist of “Israel for Ukraine without Bandera” Valery Ginsburg, for distributing antifascist leaflets and stickers with a crossed out swastika, as well as for organising protest actions in Babi Yar. Activist was brought on charges of “founding a terrorist group or organisation”.⁷⁵

On October 16, Ukrainian State TV and Radio Committee withdrew seven newspapers and eleven magazines from state certification.⁷⁶ This was done as part of “measures to clean the national information space of separatist press”, as the committee reports. The list of banned publications include “Russian language and literature in schools”, “Russian rock” and others.

In December, the State Agency for Cinema prohibited several Russian films (Mama 3, Taras Bulba, White Guard, Poddubny) and TV shows (Kremen, Kremen 2 and Cadets).⁷⁷ The reason for the ban

was “chauvinistic glorification of Russia and Russian values” that was found in these movies, as well as “creation of artificial nostalgia for Soviet traditions” and “imperial ideology, propaganda of the Russian World.”

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
-/×	Presence of anti-Nazi, anti-racist and anti-extremist legislation; legislation aimed against the incitement of ethnic and religious hatred in the country.	2.5	2.5	2.5
×	Presence and development of anti-discriminatory legislation.	5	5	5
-/×	Compliance of the government (central, regional, municipal), law enforcement and judiciary with anti-Nazi, anti-racist, anti-extremist, anti-discriminatory and hate crime legislation.	5	5	5
-/×	Struggle against hate crime (criminal cases against organisers and participants, guilty verdicts).	2.5	2.5	2.5
×	Unlawful use of anti-extremist legislation.	0	0	-5
	Total for section 3	15	15	10

4. Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism

Current President of Ukraine Petro Poroshenko made several such statements, albeit not supported by real actions. In his inaugural speech on June 7, President promised free use of Russian language in the regions. He also promised to respect the “right of local communities to their own nuances in historical memory, pantheon of heroes and religious traditions”. However, Poroshenko also declared the inviolability of Ukrainian as the only official language.⁷⁸

On June 22, Poroshenko said that local authorities in Donbass will “have the full right to use Russian language along with the official language. Communities will determine themselves under what monuments to lay flowers and what holidays to celebrate. Also, what churches to pray in”.⁷⁹

On June 27, President was interviewed by a French magazine *Figaro*. He called the Verkhovna Rada decision to deprive Russian of the regional language status a mistake. “We understand perfectly that we

will never return these regions by force. We need to fight for people's hearts and minds. We absolutely do not have any objections against the use of Russia as an official language," Poroshenko said.⁸⁰

However, these promises remained undelivered. On October 16, Parliamentary Speaker Alexandr Turchinov met with members of the Spiritual Administration of Muslims. One of the issues raised at the meeting was the development of ethnic-national policy and the re-establishment of the Committee on National Minorities of Ukraine. Turchinov said this is presently being discussed in parliament.⁸¹

Mufti Akhmed Tamim stressed that Ukrainian Muslims are making every effort to show that they are active citizens of Ukraine and consider it their second home. Speaker, in turn, said that he believes together Ukrainians, regardless of their nationality, will be able to defend their country and its territorial integrity.⁸²

On November 3, Petro Poroshenko Bloc published their official position regarding non-discrimination of LGBT citizens. The letter sent to Ukraine's National LGBT portal said that the government stands for equality of all its citizens, regardless of their sexual orientation or other characteristics. The government promised to introduce criminal responsibility for discrimination based on sexual orientation.⁸³

On September 24, reacting to the desecration of a menorah in Babi Yar, State Commissioner for Ethnic Policy said that xenophobia and anti-Semitism will remain alien to the Ukrainian society. He added that the desecration was an act of "provocation, designed to show the increased anti-Semitism in Ukraine".⁸⁴

On April 23, chairman of the Lviv regional administration Irina Seh urged various organisations to avoid public events dedicated to SS Galicia.⁸⁵

On January 27, Batkivshina (Fatherland) MP Segey Faermark spoke in a local school in Odessa, where he said that young generations should discuss the Holocaust, to see and assess this tragedy. He called for more history lessons on the Holocaust, saying that the government should pay attention to any manifestation of nationalism.⁸⁶

On May 10, Unity and Development Forum was held in Zaporozhe, organised by the Salam Association of Graduates. Head of Department of Culture, Tourism, Nationalities and Religions of Zaporozhe region Vladislav Moroko said that authorities will cooperate with all communities and minorities in the name of unity and integrity of Ukraine. Deputy Mayor of Zaporozhe on Executive Authorities Valery Edelev stated that the city is an integral part of Ukraine, where members of different races and nationalities live in harmony. "This will continue to be so," he noted. President of Salam Association Naufal Hamdani stressed the need for national unity and rejection of hatred — especially during this difficult period.⁸⁷

On December 10, Shevchenko University in Kiev held a roundtable dedicated to the rights of ethnic minorities in modern Ukraine. The event was attended by several leaders of local national communities, diplomats, human rights activists, public and government figures, as well as members of national minorities and non-governmental organisations. Rovshan Tagiyev talked about the importance of human rights for all people, and ethnic minorities in particular. Cooperation between government bodies and ethnic minorities has been discussed. Deputy of the Kiev City Council Alexander Kharchenko said that he believes that all equal rights for Ukrainian citizens are officially declared and regularly enforced. He referred to the symbolic, 1 hryvnia a year, rent for ethnic minority organisations, and an even lower one for religious organisations. However, he said, on a legislative level there is a need to develop a dialogue between the state and national minorities following the Western examples.⁸⁸

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism.	5	5	5
Total for section 4		5	5	5

5. Activities aimed at promoting tolerance and preventing extremism

There have only been a few government actions and initiatives aimed at combating xenophobia, mostly related to participations in various ceremonies and declarations.

On September 29, President Petro Poroshenko took part in the commemorative ceremony in Babi Yar. President lay flowers to victims executed by the Nazis during the Babi Yar tragedy. He noted that that day serves as a reminder to the world that war is dangerous and peace must be cherished. “Ukraine will never allow revival of fascism, persecutions based on ethnicity, language or anything else. Ukraine is and forever will be united.”⁸⁹

On June 25, Ministry of Education and Science opened another two-day conference — “World War Two and the Holocaust in School Curriculums and History Textbooks”. Events such as World War Two and the Holocaust must be studied in international context, conference participants decided. “This approach is key not just in discussions, but also in school textbooks,” Deputy Minister of Education and Science Pavel Polyansky noted.⁹⁰

On July 4, Kiev's Office of the Commissioner for Human Rights in Ukraine held a roundtable dedicated to LGBT rights. Sergei Ponomarev, head of non-discrimination department, noted crucial additions to the work of this body. Human Rights Ombudsman now has the right to appeal to court not just to protect a single individual, but create a kind of judicial precedents so that in future protection mechanisms can be extended to other citizens experiencing the same problem. Ponomarev regretted that people rarely turn to the Ombudsman to solve problems of LGBT discrimination and urged the LGBT community to be more engaged.⁹¹

A constituent meeting of the Council of Ethnic Harmony under the Cabinet of Ministers was held on August 14. The body will search of instruments and mechanisms to ensure harmony between the Ukrainian nation and all ethnic minorities and indigenous peoples. The Council will include members of Ministries of Culture, Education and Science, Social Policy, Internal Affairs, Foreign Affairs and many civil society, religious and educational institutions. The council will also include representatives of four national minorities.⁹²

On August 28, the first session of the Commission for Interethnic Relations discussed the proposal for creating an interdepartmental commission to counter manifestations of xenophobia and racial discrimination in Ukraine.⁹³ The following sessions were held on September 25⁹⁴ and November 24.⁹⁵

On September 29, Kiev hosted an exhibition dedicated to the victims of Babi Yar massacre, consisting of documents from state archives and the Institute of Jewish Studies.⁹⁶

On October 29, Kiev State Archive held an exhibition of documents dedicated to the 70th anniversary of liberation of Ukraine from the Nazi occupation, focusing on the role of ethnic minorities. "It is extremely important to remember the multinational component of these events," director of the archive Sofia Kamenova said. "We cannot forget that people of all nationalities stood side by side in that war".⁹⁷

On November 13, a conference on tolerance as the foundation for the consolidation of civil society in Ukraine has been held in Ukraine. The event, timed to the International Day of Tolerance, was organised by the Diplomatic Academy of the Ukrainian Foreign Ministry along with various Ministerial councils and several governmental and non-governmental institutions.⁹⁸

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Activities aimed at promoting tolerance and preventing extremism.	5	5	5
	Total for section 5	5	5	5

6. Position of migrants and society's attitude towards immigrants, foreigners, different ethnic groups

Indicators

- Presence and development of migration laws.

Ukraine is in an ambiguous situation. First of all, its outflow of migrants is higher than inflow. Up to 10–15% of the adult population leave the country as migrant workers every year (of them, around 1.5 million work in Russia). Labour migration plays an important part in Ukraine's economy.

Labour migration plays an important role in Ukraine's economy. In 2014, private money transfers from abroad amounted to 6.5 billion dollars, more than 8% of GDP.⁹⁹ This year, migration was supplemented with refugees from the eastern region, fleeing the armed conflict. Around 600 thousand people fled to Russia, and about 500 thousand fled to other regions in Ukraine.¹⁰⁰ Several tens of thousands of people left Crimea, following its incorporation into Russia (most were Crimean Tatars).

On the other hand, Ukraine serves as one of the largest corridors for immigrants from the “third world”, seeking to enter the European Union. Ukrainian Security Service (SBU) sometimes reports on various human trafficking channels to the EU through Ukraine.

Ukraine adopted laws regulating migration in the 1990s. These include the law “On refugees” (December 1993), “On the entry to Ukraine and exit from Ukraine of Ukrainian citizens” (January 1994), “On the legal status of foreign nationals” (February 1994). At the same time, Ukraine adopted various bylaws, normative acts and regulations, which ensured implementation of these laws. In the early 2000s, these laws were updated and adopted in new editions.

The Constitution of Ukraine grants foreign nationals, refugees and stateless persons, the rights, freedoms and obligations equal to those of Ukrainian citizens (Article 26), including freedom of mobility, freedom of residence, the right to freely leave the territory of Ukraine (Article 33), as well as prohibiting any violation of rights on the grounds of race, skin colour, religious beliefs, language or any other characteristics (Article 24).

Article 16 talks about the issues of ecological migrants, particularly persons who suffered from the Chernobyl incident.

In 2014, Ukraine's migration policy was guided by a 2011 *Conception of State Migration Policy*, signed by President Viktor Yanukovich. Previously, the country lacked a comprehensive document that would define the direction and principles of the state migration policy.

The Conception outlines comprehensive measures in migration policy aimed at combatting illegal immigration, regulating legal immigration and ensuring the rights of Ukrainian labour migrants abroad.

Certain measures were related to combating racism and xenophobia, as well as human trafficking and ensuring the rights of citizens who suffered from these criminal activities

Several laws were amended in 2012:

- “On education” and “On higher education”, which provided refugees and persons seeking additional protection with the right to education equal to Ukrainian citizens.
- “On social services”, which guaranteed these persons, including disabled persons, the right to social assistance equal to Ukrainian citizens.
- “On free legal assistance”, which guaranteed persons seeking refugee status the right to receive all kinds of legal assistance “until the decision on their refugee status or the status of a person requiring additional protection is established”.¹⁰¹

On September 5, 2013, Verkhovna Rada adopted a law to ratify the Agreement between Ukraine and the Republic of Poland on the social assistance of immigrants. This document regulates the issues of the mandatory state national insurance. So far, Ukraine concluded such agreements with 8 countries, including Spain, Portugal and Bulgaria. Similar agreements with Israel, Serbia and Luxembourg are being negotiated.¹⁰²

On November 19, 2014, Petro Poroshenko enacted the law “On the provision of rights and freedoms for internally displaced persons”. The law defines IDPs as Ukrainian citizens who permanently resides in the country and who was (forcibly or voluntarily) relocated from his place of residence in order to avoid the armed conflict, temporary occupation, violence, human rights violations and other emergency situations.

Internal Displacement is evidenced by a certificate of registration, which is obtained by appealing to the local state administration on social welfare. Temporary Displaced Persons are entitled to benefits of 2,400 hryvnia per month per family; 840 hryvnia for disabled persons and 420 for able-bodied persons.

IDPs in “difficult life situations” — disabled, elderly, etc. — have the right to additional social benefits in accordance to local regulations.

The law also states that local authorities must provide free housing (not including utilities) for up to six months, following the recognition of IDP status (this period can be extended, depending on the circumstances). In addition, the law provides for free food for IDPs until they are able to sustain themselves (but no more than for 1 month).¹⁰³

- Government's compliance with such legislation (law enforcement practice).

Corruption across all levels of government is the primary problem preventing effective implementation of the migration policy.

In the first half of 2014, State Border Service detained around 1,300 illegal migrants. 23 thousand people were denied entry.¹⁰⁴ In March 2015, it was reported that since October 2014 the Border Service and Security Service of Ukraine shut down 23 channels of illegal migration and detained 1,080 illegal migrants; 5,240 people were denied entry to Ukraine.¹⁰⁵

At the same time, there have been no investigation into discrimination against migrants in 2014.

- Discriminatory practices against immigrants.

On July 28, United Nations High Commissioner for Refugees reported on the large-scale practice of detaining refugees in Ukraine who do not have documents. They are put in prisons without the right to legal protection. In addition, the international legal norms on refugees and asylum seekers are not being observed. Immigration service takes at least a year to consider asylum applications, during which the subject does not have any rights. A person whose refugee status was denied, which happens often, could appeal the decision in court. This would extend the whole process for many years and the subject often lives in fear of being imprisoned for lack of identity documents.¹⁰⁶

When it comes to refugees from eastern Ukraine fleeing to other regions, Amnesty International reports that they received "limited support from the state, mostly relying on their own means and help of relatives and charities". The situation did not change even after the IDP law was passed.¹⁰⁷ Ukrainian refugees have complained about the reluctance of the government to work with them.¹⁰⁸

Roma migrants have also faced difficulties. On July 25, it was reported that Roma refugees who settled at a former resort in Kharkiv are periodically attacked by locals.¹⁰⁹ It is worth mentioning the refusal to house Roma refugees in Nikolayev (see discrimination section).

- Use of ethnic crime as justification for discrimination against immigrants.

The number of people whom residents of Ukraine could consider as "aliens" is fairly low; these people are usually concentrated in large cities, where they do not draw significant attention. Therefore, attempts to use ethnic crime to incite large-scale migrantophobia were so far unsuccessful. Migrantophobia is easily replaced with Russophobia and anti-Semitism.

- Social assistance for migrants.

Ukraine is a party to European Convention on the Legal Status of Migrant Workers, the Agreement on cooperation in the field of labour migration and social protection for migrant workers and the protocol to the said Agreement that regulates the border migration in the CIS, as well as the Convention on the Legal Status of Migrant Workers and Members of their Families of the Commonwealth of Independent States.

In addition, Ukraine is a party to 13 bilateral agreements on employment and social protection of migrant workers and 9 bilateral agreements on social security.

According to Ukrainian immigration laws, immigrants are provided with rights equal to Ukrainian citizens (except voting rights and conscription)

These are:

- The right to free medical care.
- The right to social protection equal to citizens of Ukraine. Foreign nationals even receive birth assistance, if they give birth in Ukraine.
- The right to low cost social and public services.
- The right to employment (for those who have a permanent residence permit)
- The right to engage in entrepreneurial activities, including simplified (subsidised) taxes (a system that was created to develop Ukrainian business, reduce unemployment and form the middle class).

Nevertheless, these rights do not extend to refugees, because — as mentioned above — Ukrainian employment laws does not provide for their legal employment and therefore, in accordance to the same legislation, majority of other social rights are also unavailable to them.

Asylum seekers have no access to free healthcare (including emergency aid); health services are often too expensive for refugees to take advantage of.¹¹⁰

- Negative attitude of the community towards immigrants, foreigners, various ethnic groups.

In 2014, it was reported that several negative stereotypes towards refugees from Donbass (conflict region in eastern Ukraine) exist in the society. Most common one is the belief that all eastern Ukrainians are separatists and “don’t want to work”. A rumour has been circulating Ukrainian people that Donbass refugees cannot be evicted if they fail to pay rent, which resulted in property ads saying “No Donbass refugees”.¹¹¹

On May 25, President of All-Ukrainian Jewish Congress received 2.25% of votes in presidential elections, which turned out to be more than Svoboda leader Oleg Tyagnibok and Right Sector leader D. Yarosh received (1.16% and 0.7% respectively).¹¹² This shows a fairly low level of political anti-Semitism in Ukraine. Interestingly, even extreme right organisations were making “pro-Jewish” actions. On April 10, leaders of Odessa Right Sector painted over anti-Semitic graffiti in the city.¹¹³

Nevertheless, there have been several anti-Semitic manifestations, particularly from those who considered February 2014 a “Jewish Revolution”.

On May 18, an oppositional rally at a place of tragic events in Odesa displayed an anti-Semitic poster, “Guilty of crimes against humanity: Hitler — Jew; Turchinov — Jew; Yatsenyuk — Jew”. Anti-Semitic graffiti was noted inside the House of Trade Union itself.¹¹⁴

In December, anti-Semitic leaflets appeared in Lubny village, targeting the new President, Prime Minister and Parliamentary Speaker.¹¹⁵

There have been manifestations of hostility towards the LGBT and Russian language.

Supporters of Maidan (political movement for association with Europe) exhibited Russophobia in their actions and statements. On May 13, leader of the *Vopli Vodoplyasova* rock-band Oleg Skripka called to ban the “alien” Russian language and culture, close all Russian-language TV channels and dismiss all workers who do not speak the state language.¹¹⁶

On December 4, Federation of Greek Societies of Ukraine received a letter from the Ukrainian World Union of Professional Teachers, where the latter organisation demanded that Greeks living in Ukraine stop communicating in Russian. “Greeks who are citizens of Ukraine must (in solidarity with the Ukrainian nation) forget the Putinist language and become part of the Ukrainian civil society, communicating only in Greek and the official language — enrich the Ukrainian culture with distinctive Greek customs and historical past,” the letter said.¹¹⁷

On June 18, Metropolitan Chernovtsy and Bukovina Onufry said that laws proposed by Europe are unacceptable for Ukraine. He said that Europe is showing Ukraine a way of life “without Christ”.¹¹⁸

In recent months, journalism and political language of both sides of the conflict in Ukraine started using various dehumanising terms to describe their enemies — “vata” (wool) or “vatniki” on the Ukrainian side, and “ukrop” (dill) or “ukropi” on the separatists’ side.¹¹⁹ There is also mockery and humiliation of victims, also used to intimidate the population. A good example of this is distribution of leaflets in Kharkiv, saying “Odessa Fried Chicken. Available at the nearest trade union,” alluding to the deaths of anti-Maidan activists in Odessa.¹²⁰

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Presence and improvement of migration laws.	5	5	5
-/×	Government's compliance with such legislation (law enforcement practice).	2.5	2.5	2.5
×	Discriminatory practices against immigrants.	-5	-5	-5
-	Use of ethnic crime as justification for discrimination against migrants.	0	0	0
×	Social assistance for immigrants.	5	5	5
×	Negative attitude of the community towards immigrants, foreigners, various ethnic groups.	-5	-5	-5
	Total for section 6	2.5	2.5	2.5

7. Incitement of ethnic and religious hatred

I n d i c a t o r s

- Calls for ethnic and religious hatred in mass media and mass communications, graffiti.

Cases of hate speech and graffiti in 2014 targeted Jews, Russians, members of UOC MP and LGBT.

On March 20, speaker at a pro-Russian rally said that Ukraine suffered from a “Zionist coup d'état”.¹²¹

On April 6, anti-Maidan protester shouted at their opponents, “Go back to Lviv, Jew-Masons”.¹²²

On January 20, graffiti saying “Death to Jews” was found in Grieving Mother Memorial in Poltava.¹²³

On February 2, graffiti “death to Jews” and “Zieg heil” was found at the Holocaust memorial in Aleksandria.¹²⁴

On February 28, another such graffiti was found in Simferopol.¹²⁵

On May 5, a Holocaust Memorial was desecrated in Novomoskovsk, Dnepropetrovsk region.¹²⁶

On November 12, anti-Semitic graffiti was found on a Jewish school in Kharkiv.¹²⁷

A group of thugs who attacked Russian Embassy with iron bars and Molotov Cocktails were carrying Nazi symbols (UPA symbols and other). They painted swastikas on the building and chanted slogans, such as “Russians to the gallows”.¹²⁸

On July 22, Lviv had a procession of football fans under Nazi slogans characteristic for the Ukrainian nationalist movement — “Ukraine is above all”, “Muscovites on knives”, “Glory to the nation —

death to the enemies”.¹²⁹ Similar slogans sounded on July 22 rally in Kharkiv.¹³⁰

On March 25, an unregistered National Democratic Worker’s Party of Ukraine sent a threatening letter to a representative of the Ukrainian Autocephalous Orthodox Church (Diocese of Cherkassy) abbot Alexander Shirokov. Ukrainian radicals demanded the priest to stop “any pro-Moscow enemy propaganda”. Otherwise, as stated in the proclamation of the National Democratic Workers Party of Ukraine, drastic physical and “exterminating” measures will be taken against him and his family.¹³¹

On August 23, activists of Kiev Veche attacked the construction site of an Orthodox temple in Kiev, painting “Death to the enemies”, “Death to Moscow Church” on the fence.¹³²

On October 6, supporters of the autocephalous Ukrainian Orthodox Church were distributing leaflets encouraging attacks on members of the UOC Moscow Patriarchate in Rovnensky region, western Ukraine. “Ukrainians! Putin’s fifth column — Moscow Church — is the main tool in destroying our spirit! Every penny left in the church of Moscow Patriarchate is a bullet for a Ukrainian soldier! Every candle lit in a Moscow Church is your husband, brother, groom burnt alive! Death to Moscow Popes!”¹³³

On June 8, Babylon gay night club was attacked by Donetsk activists, who shouted that such establishments should not exist in Donetsk.¹³⁴

“Trident” official website contains a message about disrupting an LGBT film in Kiev.¹³⁵

On December 3, Right Sector issued an “official message”, where it expressed its position towards the LGBT community. “We clearly separate people who are just sick with homosexuality and other sexual perversions from the continuous propaganda intended to legitimise perversions and destroy traditional family values.”

Message also said that Right Sector will oppose radical liberalist attempts to turn humanity into a “faceless” biomass.¹³⁶

- Presence and popularity of radical nationalist literature, films, music. Ultra-nationalist rock bands and their concerts.

Xenophobic literature is freely sold in Ukraine, including books arriving from Russia. Furthermore, there is a large amount of Russian and Ukrainian-language websites promoting xenophobia.

For example, you can always buy *Mein Kampf* at the Independence Square (Maidan) in Kiev. There, you can also purchase books such as, “Ukrainian Galicia Division (Kiev-Toronto, 1994), P.Shtepa “Moskovstvo”, M.Shestopal “Jews in Ukraine”, Istarkhov “Blow of the Russian Gods”, M.Kirilyuk “Jewish Dictatorship” (Poltava) and others. Accord-

ing to a political scientist Vladimir Kornilov, a book exhibition that was held in the House of Ukraine in September, was almost packed with Nazi literature. In November, Nicholas de Lange published his book “Judaism — the oldest religion in the world” in Ukraine. His book contained paragraphs demonising the Israeli state and placing the responsibility for the Holocaust on its own victims.

Extreme right and neo-Nazi rock concerts are also fairly common in Ukraine. It is worth pointing out popular bands such as “Komu Vniz”, “Sokira Peruna” and “Ten Solntsa”.

On July 13, a neo-Nazi concert was held in Kharkiv for the participants of voluntary battalions — “Eastern Brotherhood”.¹³⁷

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Calls for ethnic and religious hatred in mass media and mass communications, graffiti.	-5	-5	-5
×	Presence and popularity of radical nationalist literature, films, music. Ultranationalist rock bands and their concerts.	-5	-5	-5
	Total for section 7	-10	-10	-10

8. Radical nationalist groups and parties

Indicators

- Presence of neo-Nazi and ultra-nationalist groups, movements, political parties (both in the centre and in the localities).

The largest ultra-nationalist organisation in Ukraine is the All-Ukrainian Union “Svoboda”, which has significant representation in Ukrainian parliament and regional councils in western regions.

Svoboda organises summer camps, which aim to “bring up a nationalist from a regular Ukrainian. A lot of attention is paid to the physical education of the youth. Particular focus is made on disciplines such as various martial arts, shooting sports, and mountain climbing. Camp members receive first aid training, survival and orientation. Besides physical training, much attention is paid to the spiritual education of these young men. This includes the national-liberation movements of the 20th century”.¹³⁸

Right Sector, an organisation that was established during 2013 “Euromaidan” protests and united several nationalist groups, became relatively prominent in 2014. The organisation maintained its own armed units, which merged into Ukrainian Volunteer Corps in July 2014 (around 10,000 people).

One of the oldest organisations with historical roots, is the Ukrainian Nationalist Assembly — Ukrainian People’s Self-Defence (UNA-UNSO), adhering to “integral nationalism” ideology,¹³⁹ as well as anti-Semitism.¹⁴⁰ UNA was incorporated into the Right Sector, but UNSO continues as a non-governmental organisation.

In early September, Ukrainian TV Channel Inter broadcasted a story about family training camps organised by far right organisations in Ivano-Frankovsk and Transcarpathia, where women and children were given military training to participate in the war.¹⁴¹

Right Sector and UNSO became the foundation of volunteer battalions fighting in the south-east (Azov, Aidar, and others). They often demonstrate Nazi symbols and greetings.

All extreme right organisations were completely legal in 2014.

Following a number of Presidential decrees and resolutions (see Section 12), UNO-UNSA ideology became official in Ukraine; Stepan Bandera and Ukrainian Insurgent Army became national heroes.¹⁴²

- Presence of discriminatory demands in the programmes of these parties and in the statements of their leaders towards the members of minorities.

As a parliamentary party, Svoboda has to maintain a certain decorum. Its programme contains calls to develop Ukrainian culture and identity. In practice, however, the party interprets it as a call to assimilation of ethnic minorities and discrimination against their culture. In this regard, it is worth citing the aforementioned statements of Irina Farion. Svoboda made regular calls to harassment of various minorities part of its daily political agitation. The party demands nationally proportionate representation in government institutions (thereby implying that there are too many non-Ukrainians in these institutions), and advocates the introduction of an “ethnicity” clause in passports.

Right Sector itself noted that the interview was clearly provocative and claimed that “dishonest journalists intentionally asked provocative questions and took the responses out of context.” Organisation stated that it respects Polish rights to recognise their heroes. “Similarly, we hope that Poles themselves will abandon chauvinistic stereotypes and will also recognise our right to respect our heroes.”¹⁴³

Right Sector issued a statement to the Russian-speaking citizens of Ukraine on the social networks. The association claims that the “anti-people regime” is making every effort to tarnish the revolutionary movement and depict the Right Sector fighters as “extremists”, “terrorists”, “fascists” and “Russophobes”.¹⁴⁴ In an April interview, Dmintry Yarish said that Right Sector is very “cautious” of EU membership, which according to him “takes measures to nullify national identity, traditional family and implement anti-Christian policies”.¹⁴⁵

Right Sector denies having anti-Semitic views, even though some of its member organisations, such as the UNA or White Hammer, are blatantly anti-Semitic. The official ideology of the Right Sector is “integral nationalism”, based on social Darwinism and open racism.

Ukrainian nationalists aim to create a Ukrainian nation-state, which they interpret as a state built around the traditions of a titular nation (classic European model). Part of them define “nation” as just ethnicity.

- Neo-Nazi and radical nationalist influence over the civil society, including oppositional and human rights organisations.

Having entered a parliamentary coalition opposition in 2012, Svoboda party started dictating its will to other parties in the coalition. Opposition started demanding the release of nationalists arrested for hate crime as “political prisoners”, ban Russian language as primary, and so on. Nationalist influence on the opposition resulted in the removal of President Yanukovich from office, following mass protests in the end of 2013. Svoboda borrowed nationalist slogans from OUN-UPA and actively used them during the Maidan protests.¹⁴⁶

A petition was published on change.org, urging the public to show “understanding towards the young Ukrainian political nation”, because the support for nationalist views is often explained by “confusion and anxieties of people forced to live in difficult circumstances”.¹⁴⁷

MP Eduard Gurvits wrote on February 11 that anti-Semitic statements in Maidan were not “inflammatory” and “did not relate to any actions”.¹⁴⁸

After the revolution, convicted nationalists have been released as “political prisoners”.

Ukrainian journalists, politicians and civil activists started to categorically deny any allegations of extreme nationalist involvement in the voluntary units.¹⁴⁹ Within the same policy, clearly trying to maintain the image of a democratic Ukraine, Ukrainian media tried to silence the *attack on a synagogue in Kiev* on July 4. Adherents to this policy wrote on Facebook after the news broke out that such information should not be distributed, because they can be exploited by Russian propaganda.¹⁵⁰

As part of the same trend, adviser to the Minister of Internal Affairs A. Geraschenko told the BBC in July that Social National Assembly is not a nationalist organisation, but a “party of Ukrainian patriots”.¹⁵¹

On June 29, a rally was held near the Presidential Administration in protest of President Poroshenko’s decision to extend the ceasefire in the east. Hundreds of people gathered around the Presidential building, demanding active military action against separatists in Donetsk and Luhansk.¹⁵² On the same day, rally at the Maidan supported de-

mands to continue “anti-terrorist operations” in the east. Members of the “people’s gathering” applauded militants, members of Azov and Donbass battalions that were formed of extreme right organisations.¹⁵³

On October 15, Right Sector activists blockaded “Zaporozhstal” steel plant, demanding it is shut down, as it is causing environmental damage to the area.¹⁵⁴ This can be seen as evidence that extreme right armed units are still used to curb the competition.

- Neo-Nazi and radical nationalist influence over the local legislative/executive bodies.

Svoboda party has a strong influence in the regional legislative bodies of western Ukraine, essentially controlling regional councils of Lviv, Ternopol and Ivano-Frankivsk after the 2009–2010 elections. Municipal authorities in these regions are also under their control. Since February revolution, Svoboda members have been appointed as Governors of these regions. However, it should be noted that the party was unsuccessful in 2014 parliamentary elections, resulting in all three governors resigning.¹⁵⁵

A large scandal erupted around the elections in Donetsk and Luhansk People’s Republics on November 2 (besides the elections themselves, which were not recognised by the Kiev government). Presence of European right-wing and extreme right politicians was quite surprising — Ewald Stadler (Austrian Freedom Party), Jean-Luc Schaffhauser (MEP from the French Front National), chief editor of the radical right-wing monthly newspaper *Zuerst* Manuel Oxenrighter, as well as other extreme nationalists from Hungary, Belgium and Bulgaria.¹⁵⁶ At the same time, antifascism and rejection of Ukrainian nationalism were proclaimed as ideological foundations of the separatist movement in Eastern Ukraine.

- Neo-Nazi and radical nationalist influence over the central legislative/executive bodies.

After the removal of President Yanukovych from office in February 2014, Svoboda entered the ruling coalition. Its influence peaked in March 2014, when its members headed the General Prosecution and several senior positions in government (including Ministry of Defence I. Tenyukh, who was later removed from his post). Svoboda lost all its positions in government after losing parliamentary elections in 2014.

Most radical nationalists passed through into parliament as single-mandate deputies — all nationalist parties failed to receive more than 5% of votes.

On the other hand, mainstream parties have borrowed a lot of nationalist policies. On September 10, A. Biletsky was unofficially

announced in the top of the electoral list, which was certain to pass. However, when his radical views came to light, he was transferred out of the list as a single-mandate deputy. People's Front candidate in that constituency removed himself from the competition, thus ensuring Biletsky's victory.¹⁵⁷

Newly elected MPs include the leader of Right Sector Dmitry Yarosh, its Press Secretary Borislav Bereza, member of Right Sector Yuri Bereza, chairman of the Ukrainian National Assembly Yuri Shukhevich, commander of the Azov battalion Andrei Biletsky and his deputy Igor Mosiychuk, as well as Andrey Denisenko (Right Sector), Dmitry Linko (Brotherhood), Alexander Marchenko, Oleg Osuhovsky Mikhail Golovko, Andrei Ilienko Yuri Levchenko, Yuri Bublik (Svoboda) — altogether, 14 people.¹⁵⁸ This figure is several times less than the number of new MPs in 2013 from Svoboda alone.

Members of the Donetsk "Shakhter" football club stated that they will join the Azov battalion in the ATU zone, to participate in anti-terrorist operations in eastern Ukraine. Earlier a similar statement was made by the extreme right fans of Kiev Dinamo FC. Azov special battalion was formed by the Social National Assembly (SNA) and Patriot of Ukraine movement — both are open neo-Nazis and racists. Azov battalion also includes various small nationalist groups — "Mizantropik-Divizhin", D. Korchinsky's "Brotherhood" and others.^{159,160} Banners and chevrons of the Interior Ministry units depict a "wolf hook", which was the emblem of Patriot of Ukraine movement and SNA. These symbols were used by the SS and are popular among neo-Nazis around the world today. Chevron of the Azov battalion also hints towards the SS, using the unofficial name "Black Corps" (same name was used by the SS newspaper).¹⁶¹

The battalion consists of neo-Nazis from Russia, France, Italy, Belarus, Canada, Sweden, Finland, Norway, Croatia and Slovenia. They openly say that they are in Ukraine to "gain experience" to fight their battles in their countries.¹⁶² A prominent Moscow neo-Nazi Roman Zheleznov fled to Ukraine among other nationalists and joined the Azov battalion.¹⁶³ Right wing extremists from such groups can be found in other eastern battalions as well. For example, Aidar battalion, which is active in Lugansk region, contains a whole unit of Right Sector members from White Hammer group.¹⁶⁴

On November 8, it was reported that Vahid Bammatgiev, former head of the Committee on Sharia and State Law in the Chechen Republic of Ichkeria, was killed during an armed conflict in Donetsk.¹⁶⁵

In late November, a photograph was distributed around Ukrainian social media supposedly depicting members of the Ministry of Internal Affairs. The photo, allegedly taken in the Head Office of the Ministry in Kiev showed a group of skinheads gesturing a Nazi salute.¹⁶⁶ One

of the people in the photograph had a swastika tattoo. Artem Bonov, who posted the picture, used to serve in the Azov volunteer battalion, according to some sources.

Vadim Troyan, leader of Azov volunteer battalion, was announced as the head of the Ministry of Internal Affairs for Kiev Region in late November. This supports the numerous allegations that neo-Nazis and extremists are being recruited in legitimate government bodies.

Right Sector activists refused to lay down arms after Yanukovych's removal from office, establishing autonomous paramilitary units. On August 16, leader of a militant nationalist organisation — the Right Sector — Dmitry Yarosh issued an ultimatum, demanding the release of his comrades previously detained by police, close criminal cases against them and return their weapons. He gave the Ukrainian President Petro Poroshenko 48 hours to “sort out” the Ministry of Internal Affairs and clean it from all “anti-Ukrainian forces”. “In case of failure to comply with our demands, we will be forced to remove all our units from the frontlines, declare the general mobilisation of reserve battalions and begin our march to Kiev in order to conduct ‘quick reforms’ in the Ministry of Internal Affairs,” Yarosh said. On August 17, it was reported that the authorities have complied with his demands — the detainees were freed and documents for the dismissal of Deputy Minister of Integral Affairs Yevdokimov were submitted to the government.¹⁶⁷

On the other hand, there have been reports of Russian nationalists fighting for separatists in Donbass.¹⁶⁸

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Presence of neo-Nazi and ultra-nationalist groups, movements, political parties (both in the centre and in the localities).	-5	-5	-5
×	Presence of discriminatory demands in the programmes of these parties and in the statements of their leaders towards the members of minorities.	-5	-5	-5
×	Neo-Nazi and radical nationalist influence over the civil society, including oppositional and human rights organisations.	-5	-5	-5
×	Neo-Nazi and radical nationalist influence over the local legislative/executive bodies.	-5	-5	-5
-/×	Neo-Nazi and radical nationalist influence over the central legislative/executive bodies.	-2.5	-2.5	-5
	Total for section 8	-22.5	-22.5	-25

9. Public actions of extremist and nationalist groups

Indicators

- Neo-Nazi and radical nationalist participation in mass actions prohibited by the authorities.

On December 17, Kharkiv organisation of Russian nationalists — Historical-Social Christian Public Movement, or “Outcome” — attempted to hold a rally. Leader of the organisation, Oleg Novikov, said: “Not one dirty Jew that sits there in Kiev will come here... Khazar Khanate will not pass in our land!”¹⁶⁹

- Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities.

On January 1, a traditional mass procession dedicated to Stepan Bandera was held in Kiev by the Svoboda party.¹⁷⁰ A similar procession in Lviv also gathered around 1,000 people, chanting nationalist slogans.¹⁷¹

On April 27, Lviv held a “Greatness of Spirit March” dedicated to the establishment of SS Galicia division. During the Second World War, this division was formed of Ukrainian volunteers to fight the Soviet troops. According to various estimates, the action gathered from 300 to 500 people, who were protected against possible provocations by an impressive police force and Security Service. Participants of the procession held banners of SS Galicia and chanted various slogans, such as “Glory to the nation”, “Ukraine above all”.¹⁷²

On July 22, Lviv had a procession of football fans under Nazi slogans characteristic for the Ukrainian nationalist movement — “Ukraine is above all”, “Muscovites on knives”, “Glory to the nation — death to the enemies”.¹⁷³ Similar slogans sounded on July 22 rally in Kharkiv.¹⁷⁴

On October 14, multiple torchlight processions under the red-black flags of the Bandera movement were held across Ukraine.¹⁷⁵

Rallies and processions in Kiev dedicated to the Ukrainian Insurgent Army gathered at least 5 thousand people. Majority of participants were affiliated with the extreme right Svoboda party, the Right Sector and the “Azov” voluntary battalion. Traditional racist and fascist slogans accompanied the procession — “Glory to UPA”, “One race — one nation — one fatherland — one Ukraine”, “White man — Great Ukraine” and others.¹⁷⁶

Several thousand people organised a torchlight procession in Kharkiv, under the slogan “One united Ukraine” and “Bandera will come and restore order”.¹⁷⁷

On October 14, March of Glory was held in Lviv, which gathered around 200 people in SS Galicia uniforms.¹⁷⁸ Around 150 nationalists gathered near the monument to Taras Shevchenko in Odessa.

- Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities, with the participation of representatives from the legislative or executive bodies, law enforcement and security agencies.

Majority of the above-mentioned actions held by Svoboda party, particularly in the regions, were attended by either Verkhovna Rada deputies or members of regional councils aligned with this party. Often, these actions were accompanied by violence.

On August 3, activists of the Right Sector in Odessa arranged a ransacked Ani Lorak's concert and rioted near the Odessa police department. They claimed that Ani Lorak holds pro-Russian views, which is evidenced by her frequent performances in Moscow. Later, armed activists gathered on the Jewish Street near the police station, demanding resignation of its head and threatening riots all over Ukraine.¹⁷⁹

- Presence of “football xenophobia” and racism amongst sports fans.

Football racism became fairly widespread in Ukraine, in 2014. Fans of Karpaty FC (Lviv) are considered to be most radically-minded. Although, according to some reports, certain football players have been influenced by nationalist ideas alongside their fans. However, it would be incorrect to claim that nationalism is inherent to just this football club.

On September 15, it was reported that *Karpati* FC is changing its uniform to make it resemble the uniform of Ukrainian Insurgent Army. Football club also announced that it will change its logo to a red-black flag of UPA.¹⁸⁰

In late November, press liaison of the Ukrainian national football team Alexandr Glivinsky spoke at a round table on “Measuring patriotism in football — culture of fandom”. He said that he supports the legalisation of SS Galicia symbols in the country. “We will have to fight and defend our symbol — the trident, the blue-yellow flag, Roman Shukhevich and Stepan Bandera — because we still have to prove that they are not fascists, they were never fascists. It is the consequence of the Soviet propaganda, which tarnished us while Ukrainians were killed during the Holodomor and later.” According to him, the SS Galicia were the Sich Riflemen, not the German SS.¹⁸¹

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Neo-Nazi and radical nationalist participation in mass actions prohibited by the authorities.	-5	-5	-5

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities.	-5	-5	-5
×	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities, with the participation of representatives from the legislative or executive bodies, law enforcement and security agencies.	-5	-5	-5
×	Presence of “football xenophobia” and racism amongst sports fans.	-5	-5	-5
	Total for section 9	-20	-20	-20

9. Racist attacks, violence and terror

Indicators

- Vandalism in cemeteries, attacks on religious buildings.

53 cases of xenophobic vandalism have been noted in 2014 (46 in 2013). 23 of them were anti-Semitic; 46 — anti-Christian; 14 — other.

The following were the targets of anti-Semitic attacks: monument to victims of Nazism (Poltava, January 20), memorials to Holocaust victims (Kirovograd, February 2, Novomoskovsk, March 17 and May 5, Odessa, April 8, Nikolaev, 24 June and 3 July, s.Pyatydni, July 14, Chernihiv, 20 August Kiev (monument to the victims of Babi Yar), September 21 and November 17), a monument to the victims of the pogrom of the Civil War (Khmelnitsky, March 28), a synagogue (Zaporozhye, February 24, Simferopol, February 28, Nikolaev, April 19, Kyiv, September 24, Hust, 29 November), Jewish schools (Kharkov, November 12). 182183184185186187188189-190191192193194195196197198199

On May 23, residence of Kiev’s chief rabbi Yakov Dov Blaih in outskirts of Kiev was attacked.²⁰⁰ On June 26, a mikvah was desecrated in Uman.²⁰¹

On March 8, a Jewish memorial sign in Chigirin was desecrated.²⁰²

On July 14, vandals destroyed the grave of Rabbi Nahman.²⁰³ On the same day, desecrations of Jewish graves in Volyn region were reported.²⁰⁴

Bishop of the Zhytomyr diocese of the Ukrainian Orthodox Church (Moscow Patriarchate) reported that the Temple of Ioan-Bogoslovsky was vandalised in Solnechnoye village on the night of March 7–8.²⁰⁵

On June 6, unidentified male attempted arson of an Orthodox temple in Kiev.²⁰⁶

On August 15, Molotov Cocktails were thrown at two UOC MP temples.²⁰⁷

On August 23, activists of Kiev Veche attacked the construction site of an Orthodox temple in Kiev, painting “Death to the enemies”, “Death to Moscow Church” on the fence.²⁰⁸

On October 21, an arson attack was carried out on a temple in Nosovka village, Chernigovskaya region.²⁰⁹

On October 24, an explosive device was detonated at the entrance to the Sunday school in Sumy.²¹⁰

On December 3, an arson attack was made on UOC MP temple in Babi Yar.²¹¹

On December 7, an Orthodox temple in Mirnoe (Rivne region) has been desecrated and robbed.²¹²

There have been instances where fire was opened at temples. On July 16, a Temple of Serafim Sarovsky in Slavyansk was attacked by a mortar strike.²¹³

On August 7, a temple in Gorlovka was destroyed in the shelling.²¹⁴ On the same day, on August 7, a “Tenderness” temple was damaged in mortar strikes in centre of Lugansk.²¹⁵ On August 25, a shell hit the church of Ioan Kronstadtsky in Kirovskoe.²¹⁶ Three people were killed

On June 26, Right Sector and Ukrainian Patriot militants tried to raid a Tourist Hotel in Kiev, where a founding congress of Ukrainian Education and Science Trade Union was taking place.²¹⁷

Kiev gay bar, “Pomada”, was attacked on January 23 and July 5 and 6.²¹⁸ Some sources report that seven such attacks have been made between January and July 2014.²¹⁹

On October 29, a smoke bomb was thrown in a Kiev cinema that screened an LGBT film.²²⁰

On October 31, a group of aggressive young people wearing Right Sector symbols threatened to storm the cinema screening the film “Max and Others”.²²¹

On November 2, nationalists tried to break into Domino night club that was holding an transgender event Drag Queen Fest Odessa 2014.²²²

On January 16, memorial to 1944 Crimean Tatar deportations was desecrated in Generalskoye village.²²³

On March 11, Svalyansky department of the Ministry of Internal Affairs received a phone call from a representative of the Hungarian Cultural Society of Transcarpathia. Unknown perpetrators doused the monument dedicated to the migration of Hungarian tribes through Carpathians in an unknown liquid. The monument is located on the

Veretsky Pass, on the border of Transcarpathia and Lviv Regions. Vandals also set fire to the wreaths that were set at the monument.²²⁴

On May 4, Right Sector activists seized the House of Ruthenians in Mukachevo, Transcarpathia. According to witness reports, police joined the extreme right activists and helped them storm the building.²²⁵

504 monuments to Lenin have been demolished in 2014.²²⁶

- Inter-ethnic clashes instigated by xenophobia and radical nationalism.

Locals of Rivne (Western Ukraine) attacked students from other regions of Ukraine. More than 50 young people were trying to break into student halls on Stepan Bandera Street, shattering windows, breaking in doors and throwing gas bombs. Those who were inside managed to defend the building. Witnesses report that the student accommodation has been attacked twice.²²⁷

- Cases of violence, including murder on racial, ethnic and religious grounds.

In 2013, there were 26 attacks that can be classified as hate crime, resulting in 56 victims. Most cases were related to the armed conflict that erupted in 2014 (48 dead and 70 injured), which is why this year Odessa and Donbass regions had the most casualties this year.

Among others, 17 victims were African; 5 were Jewish; 2 were LGBT and 1 was Iraqi.

The largest hate crime recorded during the monitored period was the mass murder in Odessa's House of Trade Unions on May 2nd. On this day, extremist supporters of the current Kiev government, including members of the Right Sector and Kharkiv football fans, organised a procession "For Ukrainian Unity" and clashed with the supporters of federalisation. Activists on both sides were armed with weapons and firearms.²²⁸

After clashes on the city streets, Maidan supporters destroyed the camp of federalisation supporters and started throwing stones and Molotov Cocktails at the House of Trade Unions, where their rivals took shelter.²²⁹ Right Sector activists set fire to the building²³⁰ and prevented federalisation supporters from leaving the burning building, shooting windows and fire escapes, killing those who jumped from windows and tried to flee.²³¹ According to witness reports, attackers shot, beaten and strangled their victims.²³² As a result, 48 people were killed, majority of whom were burned in the House of Trade Unions.

On March 8, after an antifascist rally in Kharkiv, a minibus drove to the group of protesters heading home on the Pravda Avenue. Around 10 young men exited the vehicle and opened fire on the rally partic-

ipants. They then went on to beat the participants with batons and baseball bats. The vehicle that transported St George ribbons and flags was also badly damaged. Five people were taken to hospital.

On March 9, a 40 year old woman was assaulted for wearing a St George ribbon and giving directions in Russian language.²³³

On March 31, it was reported that a Poltava resident was brutally beaten after he displayed a Russian flag in his coffee shop, during the broadcast of sports games.²³⁴

On March 18, deputies from “Svoboda” attacked and assaulted the head of the First national TV channel, forcing him to quit his job. Svoboda activists Igor Miroshnichenko also insulted him, calling him a “moskalyuka” (derogatory term for Russians). This was confirmed by acting president of the First national TV channel Aleksandr Panteley-monov on air of Gromdsky TV.²³⁵ On April 27, an attack was made on the large-scale procession for united Ukraine, held by the fans of Dnepr FC and Metallist FC. The following clash resulted in several injuries. Media reported that the attackers wore St George ribbons. March participants were displaying the symbols of Ukraine.²³⁶

On May 16, far right youth activists attacked the leader of Communist Party of Ukraine and Presidential candidate Petr Simonenko, damaging his car.²³⁷ On May 20, a kidnapping was attempted against a Borotba association activist Denis Levin.²³⁸

On May 24, a pacifist artist Alexandr Kaminsky, who was calling for a peace rally near Verkhovna Rada, was attacked.²³⁹

On May 26, Maidan Self-Defence poured iodine on the former head of Kiev city administration Alexandr Popov.²⁴⁰

On September 23, cultural scientist Vasily Cherepanin was brutally beaten near his work in Kiev.²⁴¹

On November 7, the anniversary of the October Revolution of 1917, communist parties in Kharkiv, Mariupol and Melitopol have been attacked by right-wing radicals.²⁴²

In Kharkiv, activists of the Right Sector, Svoboda party and other extreme right organisations surrounded the solemn procession and started hurling stones and firecrackers at the communists. Luckily, nobody was injured. In Mariupol, communists were attacked by people holding Ukrainian national flags, the fight was averted by the police.²⁴³

On July 30, a car marked with “Dnieper” arrived at the residence of St. Alexandr-Nevisky Temple parishioner Igor Sergienko in Krasnoarmeyskoe (Donetsk). A number of armed men exited the vehicle and began insulting the priest, asking how much money he sends to Moscow and accused him of helping criminals. These men searched his home and demanded he leaves Ukraine and transferred all property documents for the temple to them.

A similar situation on the same day occurred with Archpriest Eugene Podgorny in Amvrosievsky District. His vehicle was searched at a control point, and the priest himself was insulted and accused of financing Donetsk People's Republic. He was assaulted and forced to remove his cross.²⁴⁴

In early August, locals of Bovsunny village were outraged by a sermon of a priest Vladimir, who called for peace at the funeral of a local who was killed in eastern Ukraine. Villagers accused the priest of separatism.²⁴⁵

On August 15, nationalists disrupted a service conducted by Vladimir Navozenko in Chervonaya Motovilovka village (Kiev region). Several dozen people arrived in the building with Ukrainian flags and Svoboda party symbols. They threatened the priest with violence and accused him of pro-Russian position and "support of terrorists". Nationalists gave him a week to leave the parish.²⁴⁶

Donbass separatists have also exhibited xenophobia. On July 4, supporters of Donbass People's Republic kidnapped a Greek Catholic Priest Tikhon Kulbaka, secretary of interfaith Council of Churches and Religious Organisations in Donetsk. His car was painted with swastikas and a note "Death to Bandera". On July 14, he was released.²⁴⁷

On February 10, an African national was beaten in Odessa.²⁴⁸

On March 16, two African nationals were beaten in Lutsk.²⁴⁹

On July 5, a group of teenagers attacked four dark-skinned passengers in Kiev's subway.²⁵⁰

On July 6, members of the Azov battalion came to the Freedom Square to "look for black people" and clashed with the Maidan Self-Defence.²⁵¹

Starting from early July, supporters of Lugansk People's Republic started arresting dark-skinned students — mostly from Nigeria — suspecting all of them of drug trafficking. According to various sources, more than 30 students have been arrested. Around a dozen of African students were used by separatists for forced labour — fortifying regional administration buildings.²⁵²

On January 11 and 17, two attacks on Jews have been made in Kiev, near Rozenber synagogue. An Israeli national, Gilel Verthaimer, 26, and Dov-Ber-Glikman, 33, sustained moderate wounds.²⁵³

On March 13, rabbi Gilel Koen was attacked in Kiev.²⁵⁴

On the night of July 4, three masked men threw empty bottles at a synagogue in Podol, and attacked two Jewish men on the next street, severely beating one of them. The second began calling for help and criminals fled.²⁵⁵

On October 28, shots were fired at an apartment owned by a Jewish family in Kiev. One person was injured.²⁵⁶

On June 8, Babylon gay night club was attacked by Donetsk activists, who shouted that such establishments should not exist in Donetsk.²⁵⁷

On May 25, Orthodox activists tried to attack a gay parade in Kiev, but were suppressed by police.²⁵⁸

On August 4, Iraqi student was attacked in Kiev.²⁵⁹

On September 30, MP Nestor Shufrich was attacked near Odessa state administration. Shufrich is known for holding antifascist views.²⁶⁰

- Nationalist or religious terrorist attacks.

The largest hate crime recorded during the monitored period was the mass murder in Odessa’s House of Trade Unions on May 2. The victims were antifascist activists, predominantly Russian-speaking residents. The act was committed by extremist members radical nationalist groups and neo-Nazi football fans.

Six people were shot during the clash between Maidan and anti-Maidan activists in the city centre. Trade Union House, where antifascists took cover, was set on fire by neo-Nazis. 34 people died in the fire and 8 people died trying to jump out of the building.²⁶¹

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Vandalism in cemeteries, attacks on religious buildings.	-5	-5	-5
-/×	Interethnic clashes instigated by xenophobia and radical nationalism.	0	0	-2.5
×	Cases of violence, including murder on racial, ethnic, and religious grounds.	-5	-5	-5
×	Cases of hate-driven murders	-5	-5	-5
×	Nationalist or religious terrorist attacks.	0	-5	-5
	Total for section 10	-15	-20	-22.5

11. Presence, popularity and size of anti-fascist and anti-racist movements

Indicators

- Antiracist and antifascist movements and parites.

There are several antifascist organisations in Ukraine — the International Antifascist Front (established in 2011), the Antifascist Committee of Ukraine (AFCU, established in 2006), Borotba, Young

Regions (a small youth wing of Party of Regions), and an anarchist association called Autonomous Resistance. Since 2011, there is also an all-Ukrainian Human Rights Movement “Ukraine Without Nazism”.

However, in 2014, their activity was restricted by the new government, which included the radical nationalist Svoboda party.

- Anti-racist and anti-fascist movement activities (pickets, rallies, demonstrations).

On January 3, Antifascist Committee of Ukraine issued a statement regarding neo-Nazism in Ukraine and urged the law enforcement to react to hate speech by initiating criminal investigations.²⁶²

On February 3–4, delegation of International Human Rights Movement “World Without Nazism” held a round table in the parliament building and presented White Papers of Hate. Members of the delegation met with President Yanukovich to discuss the problem of neo-Nazism in Ukraine.

April 10 was the 70th anniversary of liberation from fascist occupation. A flower-laying ceremony were held on the Glory Alley in Odessa, near the monument to the Unknown Sailor.²⁶³

On September 27, Peace Marches were held across Ukraine, despite resistance from the far right and the police. Pacifist rallies demanded an end to military actions and peaceful resolution of conflict in Donbass. Similar actions were planned in Kiev, Kharkiv, Odessa, Dnepropetrovsk, Zaporozhe and Nikolayev.²⁶⁴ President of the Paralympics Committee of Ukraine, Valery Sushkevych made a speech to support the rights of disabled persons. Around a thousand people attended each march, except in Odessa and Kharkiv, where the marches were dispersed by Right Sector activists and police.

- Anti-racist and anti-fascist movement activities (pickets, rallies, demonstrations).

Antifascists organised several conferences and round table. Friendship festivals and educational events have also been held across the country.

On April 28, the Executive Committee of the Public Movement “Ukrainian Choice” made a statement on the necessity to stop xenophobic and radical activities in Ukraine. Ukrainian Choice believes that propaganda of Nazism and racism elevated to the rank of national idea is sowing discord and enmity between the peoples. Furthermore, political and “cultural” activists must understand this, and therefore, their activities are aimed at inciting aggression and tension in the society.²⁶⁵

On May 9, a memorial complex was opened in Haschevatoe village (Kirovograd region), dedicated to the local Holocaust victims.

The opening, supported by local council, was attended by around a thousand people, including relatives of the local Jewish victims, who currently live abroad. Members of regional governments also took part in the event.²⁶⁶

On May 10, Unity and Development Forum was held in Zaporozhe, organised by the Salam Association of Graduates. Head of Department of Culture, Tourism, Nationalities and Religions of Zaporozhe region Vladislav Moroko said that authorities will cooperate with all communities and minorities in the name of unity and integrity of Ukraine. Deputy Mayor of Zaporozhe on Executive Authorities Valery Edelev stated that the city is an integral part of Ukraine, where members of different races and nationalities live in harmony. “This will continue to be so,” he noted. President of Salam Association Naufal Hamdani stressed the need for national unity and rejection of hatred — especially during this difficult period.²⁶⁷

On June 1, International Union organised a festive event for children of international families in Kiev.²⁶⁸

On June 19, Central house of Ukrainian Armed Forces in Kiev hosted a second All-Ukrainian Forum of National Minorities, under the name “We are a single nation”. Forum was organised by the NGO International Union and the Union of Ukrainian Jurists, as well as Ukrainian Foreign Ministry, “For Civil Society” Union and “New Generation of Ukrainian Scientists”. Participants of the Forum, among which were members of government, public and media, signed a recommendation to the country administration on immediate measures in ethnic-national policy.²⁶⁹

International Refugee Day was celebrated in Odessa on June 21, organised by the State Migration Service of Odessa region. Events were attended by government officials, MPs, various artists and locals.²⁷⁰

Despite the cancellation of Kiev Pride event after the decision of city authorities, a group of activist held a flash mob in the capital on July 5, to state the inadmissibility of restricting the right to peaceful assembly and freedom of expression.²⁷¹

Representative of Kiev Pride organisational committee and leader of Insight Elena Shevchenko stated, “The equality march has nothing in common with carnivals or entertainment events. I would like to respond to statements that it is not the time to conduct such Marches. Actually, this is the perfect time to come out and protect your rights on the street. So, let’s not say that today its time for one thing and tomorrow there will be time for another.”

Tatyana Mazur, CEO of Amnesty International in Ukraine said that the cancelled March must stress the importance of respecting the rights of all people — regardless of nationality, religion or sexual orientation.²⁷²

On July 5, National Conference on LGBT rights was held in Kiev.²⁷³

On July 22, civic association Romeni held a roundtable in Kharkiv, focusing on the problems of Roma refugees from Donetsk and Lugansk regions. The event was attended by representatives of various civil associations, volunteers, members of Departments of Social Protection, Education, Healthcare, Communication and Kharkiv authorities and many others. Roundtable assessed the whole range of problems that Roma people face during forced resettlement to Kharkiv region. Specialists presented consultations on social protection, placement of children in after-school and educational institutions, provision of healthcare and employment. The meeting discussed cooperation and coordination of efforts to solve the problems Roma refugees face.²⁷⁴

On September 29, a conference of national minorities was held in Mariupol. The main subject of the conference was the role of ethnic groups in Ukraine in the preservation and development of a democratic state. The conference was attended by members of the government and the parliament, as well as various non-governmental, religious, education and youth organisations.²⁷⁵

On December 2, National Pedagogical University of Drahomanov in Kiev held an exhibition on the rights and history of national minorities in Ukraine. Exhibition called "Razom" was organised with the support of Council of Europe and Kiev's education centre "Plenty of Tolerance". On display were photographs and stories of young members of various ethnic groups who live in Ukraine, as well as a short history of ethnic groups themselves.²⁷⁶

On December 10, Shevchenko University in Kiev held a roundtable dedicated to the rights of ethnic minorities in modern Ukraine. The event was attended by several leaders of local national communities, diplomats, human rights activists, public and government figures, as well as members of national minorities and non-governmental organisations. Rovshan Tagiyev talked about the importance of human rights for all people, and ethnic minorities in particular. Cooperation between government bodies and ethnic minorities has been discussed. Deputy of the Kiev City Council Alexander Kharchenko said that he believes that all equal rights for Ukrainian citizens are officially declared and regularly enforced. He referred to the symbolic, 1 hryvnia a year, rent for ethnic minority organisations, and an even lower one for religious organisations. However, he said, on a legislative level there is a need to develop a dialogue between the state and national minorities following the Western examples.²⁷⁷

Jewish communities organised commemorative events dedicated to victims of the Holocaust across Ukraine on January 27.²⁷⁸

Jewish community leaders said there is no “wave of anti-Semitism”. On February 24, President of the All-Ukrainian Jewish Congress (VEK) and co-chair of the European Jewish Parliament (EJP) Vadim Rabinovych issued a statement where he noted that the attitude towards the Jewish community in Ukraine is “tolerant and calm”, adding that there have been no “surges of anti-Semitism in Ukraine”. According to him, news of extreme anti-Semitism has a “provocative character” and does not improve the life of the Jewish community in Ukraine.²⁷⁹

On March 4, a teleconference between regional representatives and rabbis was held to assess the situation with anti-Semitism. All conference participants confirmed that there is no reason to worry — anti-Semitism levels have not surged.²⁸⁰

On March 21, heads of 25 Jewish communities in Ukraine signed an address to the Knesset, urging politicians not to involve the Jewish community in the conflict between Ukraine and Russia.²⁸¹

On April 28, Vadim Rabinovych condemned processions dedicated to Waffen SS Galicia in Lviv, calling on other presidential candidates to do the same.²⁸²

Chairman of the Association of Jewish Organisations and Communities, Joseph Zisels, made multiple statements, saying that the level of anti-Semitism has not increased.²⁸³ In March 2014, Zisels held a number of meetings with Ukrainian law enforcement to discuss measures against such manifestations.²⁸⁴

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Presence of antiracist and anti-Nazi movements and parties.	5	5	5
×	Antiracist and antifascist movement activities (pickets, rallies, demonstrations).	5	5	5
×	Presence of antiracist and antifascist civic initiatives.	5	5	5
	Total for section 11	15	15	15

12. Glorification of German National Socialism and collaborators of the Nazi Germany

I n d i c a t o r s

- Glorification of German National Socialism and/or its collaborators in the media, desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition.

There have been attempts to glamourize the image of nationalists from OUN-UPA. Teacher at the Ukrainian Catholic University Andrei

Pavlyshin was interviewed by *Lehaim* magazine, issued by the Federation of Jewish Communities in Russia. Pavlyshin tried to blame Poles for the Lviv pogrom in 1941 and rehabilitate the SS Galicia division, presenting it as a project to create an anti-Stalin army.²⁸⁵

In late November, press liaison of the Ukrainian national football team Alexandr Glivinsky spoke at a round table on “Measuring patriotism in football — culture of fandom”. He said that he supports the legalisation of SS Galicia symbols in the country.²⁸⁶

There have been no reported cases of desecration of antifascist monuments.

- Glorification of German National Socialism and/or its collaborators with the support of local authorities, demolition of monuments to soldiers of the anti-Hitler coalition, erection of monuments to the soldiers of Wehrmacht and Nazi butchers.

On January 1, Kiev and Lviv held large-scale processions dedicated to Stepan Bandera’s birthday and organised by Svoboda party.²⁸⁷

On April 27, Lviv held a “Greatness of Spirit March” dedicated to the establishment of SS Galicia division. During the Second World War, this division was formed of Ukrainian volunteers to fight the Soviet troops. According to various estimates, the action gathered from 300 to 500 people, who were protected against possible provocations by an impressive police force and Security Service. Participants of the procession held banners of SS Galicia and chanted various slogans, such as “Glory to the nation”, “Ukraine above all”.²⁸⁸

On October 14, multiple torchlight processions under the red-black flags of the Bandera movement were held across Ukraine — in Kiev, Lviv, Kharkiv and Odessa.²⁸⁹

- Glorification of German National Socialism and/or its collaborators in the decisions, made by the authorities.

On August 24, Ukrainian Independence Day, President Poroshenko mentioned the Ukrainian Insurgent Army, which collaborated with Nazi Germany during the Second World War, as heroes of Ukrainian history.²⁹⁰ Ukrainian television broadcasted documentary and feature films dedicated to Stepan Bandera.

On September 25, President of Ukraine Petro Poroshenko said that he considers the Ukrainian Insurgent Army (UPA) heroes and role models for modern Ukrainian patriots.

“OUN-UPA is a very important issue and very timely delivered. Previously, it split the country and therefore not given a priority. But today is a very good time. Who is a warrior who defends his country like a UPA soldier? If you paid attention, my inauguration speech and my speech during the State Flag Day mentioned UPA as heroes. This is my position.”²⁹¹

On September 29, President Poroshenko took part in laying flowers at the monument of OUN in Kiev. On Twitter, President wrote, “Laid flowers to the memorial Cross of the Organisation of Ukrainian Nationalists. Heroes never die. Glory to Ukraine!”²⁹² The flower laying ceremony was held on the day dedicated to the memory of victims in Babi Yar, who were executed by Ukrainian collaborationists.

On October 14, Ukraine passed the law that made the day of establishment of UPA a national holiday — Day of the Defender of Ukraine.²⁹³

Permanent Representative of Ukraine to the UN Yuriy Sergeyev said publicly justified Ukrainian nationalists on March 3, saying that accusations levelled against them at the Nuremberg trial were “falsified” by the Soviet Union.²⁹⁴

- Revision of history, Holocaust denial.

No such cases have been recorded in 2014. Public opinion poll held in September 2014 showed that 78% of Ukrainians believe that it is important for the modern Ukrainian society to maintain and study the life experiences of victims of Nazism.²⁹⁵

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Glorification of German National Socialism and/or its collaborators in the media, desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition.	-5	-5	-5
×	Glorification of German National Socialism and/or its collaborators with the support of local authorities, demolition of monuments to soldiers of the anti-Hitler coalition, erection of monuments to the soldiers of Wehrmacht and Nazi butchers.	-5	-5	-5
×	Glorification of German National Socialism and/or its collaborators in the decisions, made by the authorities.	-5	-2.5	-5
×	Historical revisionism, Holocaust denial.	-5	-5	0
	Total for section 12	-20	-17.5	-15

13. Persecution of veterans and partisans of the anti-Hitler coalition

Indicators

- Public calls for repression against the veterans and partisans of the anti-Hitler coalition, as well as anti-fascists.

Establishment of a new government, following the removal of Viktor Yanukovich from office after opposition's victory in Maidan protests have changed the situation in the country. Previously, extreme right activists were fairly vocal about their views and criticising their opponents; however, now they have started escalating to violent acts and censorship of TV and media. They advocated for the ban on the Communist Party and the previously ruling Party of Regions; participated in repressions against oppositional political forces.

Antifascists have been collectively labelled as “pro-Russian activists”, while political opponents are being dehumanised in the media. Special derogative terms have been made for such people — *koloradniki*, *vatniki* and *Putinoids*. Thus, younger generations are made to dislike, if not outright hate, their ideological antipodes.

There have been cases where private information of antifascist activists has been leaked.²⁹⁶

Any attempts to provide an alternative point of view have been curbed by nationalists. For example, prior to the arrival of the leader of Ukraine Without Nazism in Lviv, discrediting information about her was spread in the local media along with the date and time of her arrival.²⁹⁷

The largest example of such calls, however, took place in Odessa on May 2, 2014, when nationalists managed to provoke a mass clash with antifascists.²⁹⁸ The information about the clash was spread around in nationalist circles a long time before the incident.

Former officials under Yanukovich's government have been attacked across the country by nationalist activists.²⁹⁹

- Restrictions on human rights and anti-fascist organisations, bans to entry or exit imposed on anti-fascists, inaction of the authorities.

Most antifascist organisations and groups are facing serious restrictions. Some groups have been banned.³⁰⁰

In March 2014, activities of Ukraine Without Nazism have been almost completely suppressed. Borotba, a left-wing organisation, was subjected to serious repressions. Communist Party of Ukraine went on trial, which ended in its ban.

On June 3, Ukrainian women's rights organisation “Gift of Life” had its assets frozen for allegedly “financing separatism”.³⁰¹ This happened after the organisation received a bank transfer from the Russian Compatriot programme.

Thus, many antifascist and human rights organisations have been subjected to severe restrictions in 2014, which did not happen previously.

- Criminal prosecution of veterans, partisans of the anti-Hitler coalition and anti-fascists.

Borotba organisation was subjected to extreme repressions by both sides of the Ukrainian conflict.

In March and May, Kiev and Kharkiv offices of the organisation have been searched by police.³⁰² Several members of Borotba had their houses searched in May and June.³⁰³

On July 16, Ukrainian Security Service demanded ISPs block access to Borotba website, accusing it of spreading extremist materials. As a result, the organisation had to change its domain zone.³⁰⁴

On September 15, Borotba activist V. Voitsehovsky was arrested in Odessa (later released as part of prisoner exchange in December 2014).³⁰⁵

On December 21, four Borotba activists arrived in Donetsk to meet with local administration. Instead, they were arrested by Vostok division and spent two weeks behind bars.³⁰⁶

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Public calls for repression against the veterans and partisans of the anti-Hitler coalition, as well as anti-fascists.	0	0	5
×	Restrictions on human rights and anti-fascist organizations, bans to entry or exit imposed on anti-fascists, inaction of the authorities.	0	0	5
×	Criminal prosecution of veterans, partisans of the anti-Hitler coalition and antifascists.	-2.5	-2.5	5
	Total for section 13	-2.5	-2.5	-15

14. International Aspect

Indicators

- Participation in significant international agreements on combating racism and discrimination of ethnic minorities.

Ukraine joined all most important international obligations on combating racism and discrimination with the exception of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Ukraine also signed the Council of Europe Convention on Action against Trafficking in Human Beings, although it has not been ratified as of 2014.

- Accession to new international agreements and resolutions of various international organisations, aimed at combating Nazism, combating discrimination, or protecting minority rights.

No such cases have been recorded by the monitoring in 2014.

- International statements and initiatives of the monitored countries and their leading politicians, aimed against discrimination, neo-Nazism and xenophobia.

No such cases have been recorded by the monitoring in 2014.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Participation in significant international agreements on combating racism and discrimination of ethnic minorities.	5	5	5
–	Accession to new international agreements and resolutions of various international organizations, aimed at combating Nazism, combating discrimination, or protecting minority rights.	0	0	0
–	International statements and initiatives of the monitored countries and their leading politicians, aimed against discrimination, neo-Nazism and xenophobia.	0	0	0
	Total for section 14	5	5	5

CONCLUSIONS

Implications for the development of the country and society, based on the analysis of factors and taking into account the aspects listed below.

Ukraine’s position in the radical nationalism index has significantly worsened in 2014, putting it in the first place out of all monitored countries. The cause of this deterioration was radicalisation of the government and its right-wing nationalist supporters.

Political parties that came to power in 2014 have borrowed heavily from the nationalist rhetoric and ideology. As a result, Ukrainian nationalism from Stepan Bandera era de-facto became an official ideology.

Therefore, defeat of neo-Nazis from Svoboda party in parliamentary elections does not indicate reduced nationalist influence over voters, rather the fact that mainstream parties have armed themselves with aggressive nationalist slogans to gain more support.

Social protest against Yanukovich’s corrupt government resulted in the February revolution that brought to power liberal-nationalist forces, who set up a political regime that heavily borrowed from the neo-nationalist ideology — combining pro-Western slogans about the European Choice with the old doctrine of “integral nationalism” from OUN-UPA in 1930s-1940s.

Another factor that was reflected in Ukraine's score was a campaign of repressions and open terror against opponents and critics of the new regime, among whom were mostly left-wing and antifascist activists. Political opponents of the new government have been subjected to the full force of repressions and censorship in the country.

Demands for decentralisation in Ukraine, moved forward by so-called pro-Russian activists in Crimea, Donetsk, Luhansk, Kharkiv, Odessa and several other eastern regions, was not only rejected, but subsequently resulted in an armed conflict against the "separatists". It is important to note that at the start no one was demanding complete autonomy from Ukraine. It was the mass repressions and military actions that bred this separatism.

The result of this policy was the incorporation of Crimea into Russia, with the support of its population, as well as the armed conflict in eastern Ukraine and horrible terrorist actions, such as the one in Odessa on May 2, 2014.

ASPECTS

1. Human Rights

- *Guarantees against any form of minority discrimination.*

Rights of minorities do have a formal legislative base, however, in reality their protection is barely ensured. Ukraine does not have a body that would assess hate crime, which makes every court decision in this regard effectively illegitimate. The government is conducting the policy of glamorisation of radical nationalism, which also facilitates more discrimination.

Roma, Hungarians and Rusyns are in a particularly difficult position. The number of Russian schools is also decreasing.

- *Adherence to norms of the fundamental human rights instruments (European Convention for the Protection of Human Rights and Fundamental Freedoms, European Charter on Human Rights, as well as in adherence to the Framework Convention for the Protection of National Minorities and the European Commission against Racism and Intolerance, etc.).*

Ukraine is taking steps to align its legislation to European norms. It is one of the few post-Soviet countries, including Baltics, that joined the European Convention of Regional and Minority Languages. Furthermore, Ukrainian Law "On the Principles of the State Language Policy" became one of the few examples where a post-Soviet country provided minority languages with an official regional status. However, this work

has not been completed yet. After the removal of Viktor Yanukovich from his post, the new government tried to abolish this law.

- *Rights and freedoms of ethnic minorities compared to the titular nation.*

At the moment there are no such disparities, however their introduction is in the Svoboda party and Right Sector programme.

- *Legislation enshrining inequality of minorities.*

As of 2014, there was no such legislation in Ukraine.

- *Rulemaking in protection of minorities.*

In 2014, Ukraine adopted a law on combatting discrimination.

- *Freedom of speech violations.*

With the coming of a new government after February 2014, Russian TV channels, broadcasting an alternative view on the events in Ukraine, have been officially blocked in the country. Censorship of opposing views is common in the media and branded as “propaganda”. Some oppositional media outlets have been shut down; many journalists are not allowed entry into country; some are deported or even arrested. Hundreds of Russian films and programmes have been banned.

- *Legislation and law enforcement practices concerning migrants.*

Under the formally developed immigration legislation, immigrants are still often subject to discrimination by the law enforcement. Furthermore, police officers often demonstrate their racist views themselves.

Refugees in conflict zones are in a particularly poor situation in this regard. Local authorities do little to aid victims of the armed conflict.

2. State of society

- *Risk of violation or non-compliance with the acting laws aimed at protecting the rights of minorities; risk of discriminatory practices against members of minorities.*

In 2014, the monitoring recorded cases of discrimination against Roma, Hungarians, Rusyns, LGBT, “non-traditional” religions, and the Jewish community. There is a clear deficit of Russian schools in regions populated by Russian-speakers.

For example, in Poltava region, there are two schools who can de-jure offer Russian language classes, but this does not happen in prac-

tice due to position of education authorities. This is despite the fact that Russian-speakers constitute for 15% of the population.³⁰⁷

These facts reduce the opportunity to self-determination and split the society by alienating minorities from public life. Thus, separatist sentiments are growing and weakening the state. Fears of the Russian-speaking population has already resulted in loss of Crimea and a civil war in the eastern region.

- *Self-determination — how manifestations of xenophobia and extremism affect the identity of minorities; majority's attitude towards minorities (growth of social phobias).*

War in South-East Ukraine and incorporation of Crimea by Russia has activated Ukraine's civil nation. Surprisingly, this did not split the society along ethnic lines, even in the conflict area of Luhansk and Donetsk. This can be explained by the multi-ethnic composition of society and the similarities between Russian and Ukrainian languages.

Nationalist slogans and calls to “deal with the Russians” did not, in fact, mobilise people against Russian-speakers. Instead, it turned into a mass anti-Russian campaign, which included attacks on Russian businesses and banks, boycotts of Russian goods and repressions against dissidents — left-wing and antifascist activists.

Thus, Ukrainian civil or political nation is built upon anti-Russian sentiments and the gradual displacement of the Russian language — from the media (although both languages are still used in this area), from education and school curriculums.

However, as society grows tired of the war and economic problems, the number of people dissatisfied with this policy is growing. They are either leaving Ukraine or start actively expressing their opinion, which is so far only observed among ethnic minorities in Transcarpathia.

There are two processes of self-determination in Ukraine. First and most important one is political — expressed in striving for the “European Choice”. Those who adhere to this political view are branded “Westerners” and “nationalists”, while those who oppose it are called “Putinoids” and “vatniki”.

In reality, both groups are far from adhering to European values, which revolve around liberalism, personal responsibility and tolerance. Ukrainian population in its majority are closer to conservatism, collectivism and paternalism, which is characteristic for most post-Soviet countries. The main division is in attitude towards Russia and Ukrainian nationalism as an ideology. There are still many people who do not see the difference between Ukrainians and Russians and who perceive Ukrainian independence as a mistake.

The second process lies in that area — national identity. European model of a political nation based on traditions of the titular nation is ac-

cepted by many, but rejected by a significant part of the population too. The latter group of people continue to have the Soviet approach towards a nation as an international community united by a common idea.

As long as there is war, this idea is “protection of the common homeland”, but as soon as it finishes, deficit of such an idea will become more evident. In this regard, national minorities in Transcarpathia are becoming increasingly loud, demanding national autonomy and decentralisation. Policies introduced by the new government in 2014 were a catalyst to national self-determination of these minorities, which is perceived by Kiev officials as a new manifestation of separatism.

In light of these facts, we can predict growing social phobias towards these groups of the population, which will become yet another threat to political stability in the country.

3. Socio-economic development of the country

(Do manifestations of various forms of xenophobia and extremism affect the socio-economic development of the country).

- *Standard of living.*

According to Legatum Prosperity Index, Ukraine ranks 64th out of 142 countries.³⁰⁸ The price of Ukrainian hryvnia fell almost three times, while utility prices grew 26 times. Inflation and unemployment is growing. This caused a dramatic fall in the standard of living.

The government and the opposition both admit that Ukraine’s socio-economic problems are caused by not just the war in the east, but also poor management of the economy, which was highly dependent on Russia. Severance of ties with Russia during the conflict was the result of anti-Russian sentiments in the government and misjudged actions aiming to integrate into the EU.

- *Economic turmoil and instability.*

Economic problems in Ukraine are caused by mistakes of the new administration, which severed all economic ties with the East, without properly setting up relations with the West. High level of corruption, lack of middle class and the conflict in the East are causing additional stress on the economy. Xenophobia and mismanagement are among the top causes of these problems.

- *Decline in production growth, emigration of the labour force.*

Official data suggests a 10.7% decline in production in 2014. In 2013, this figure was only 4.3%.³⁰⁹ This was largely due to political decisions of the Ukrainian government, which severed ties with Russia with-

out orientating towards other countries. War and economic problems, along with xenophobia, are causing mass emigration from the country.

In 2014, Russia received 280 to 800 thousand Ukrainian refugees from the southeastern regions of the country.³¹⁰ Another 500 thousand relocated to western and central regions.³¹¹ A lot of Ukrainians move to other countries, which is caused by economic and political problems.

4. Security and geopolitical stability in the region

- *Political stability in the country.*

Ukraine's political stability is very low. Dehumanisations of parties in the civil war may split the country completely. Nationalist armed units, displaying Nazi symbols across the country, are not contributing to stability. South-east of the country is in the state of civil war.

- *Impact of xenophobia and extremism in the country on external security, relations with third countries and the international security in the region as a whole.*

Glorification of radical nationalists who are known to have been involved in genocide during the Second World War is damaging relations between Ukraine and the neighbouring countries, particularly Russia and Poland.

RECOMMENDATIONS

1. *General recommendations for the accession to international agreements and conventions*

Ukraine should support the UN Resolution A/RES/67/154 "glorification of Nazism: the inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance". Refusal to support it clearly stems from anti-Russian sentiments (unlike the position of the United States, for example, which has freedom of speech concerns regarding the resolution).

Official support of Ukrainian nationalist ideology and declaration of Bandera's nationalists as national heroes are damaging Ukraine's reputation. Changing this position and supporting the aforementioned resolution will improve its international image.

2. *General recommendations for adjustments to the legal framework*

Ukraine needs a coherent national policy. To achieve this, there has to be a specialised executive institution and a mechanism for implementing government initiatives in the regions.

Ukraine's language legislation also needs systematic improvement in accordance to recommendations of international organisations and based on the real demand to observe linguistic rights of all ethnic minorities in Ukraine.

Furthermore, given the increased activities of extreme right parties, Ukraine must support legislative initiatives and consolidate the activity of human rights activists aimed at preventing and prohibiting the practice of neo-Nazi ideology in Ukraine. Article 161 of Ukraine's Criminal Code — "Violation of the equality of citizens on the grounds of their race, ethnicity or religious beliefs", must be given a more precise formulation. Criminal cases related to this article must be taken under control. As for historical monuments and memorials, perhaps their fate must be decided by referendums.

It is necessary to revise legislation on religious organisations ("On freedom of conscience and religious organisations"), because it contradicts the Constitution of Ukraine and the principles of religious freedom. It is also necessary to change the electoral law and repeal the provision on the defeat in the right of convicted persons.

Ukraine needs a more detailed improvement of its migration and anti-discrimination legislation, particularly relating to refugees. Appropriate changes need to be made to the labour law, to remove barriers to employment of refugees.

3. *General recommendations for the executive bodies in the field of enforcement of law and human rights*

Neo-Nazi volunteer battalions must be disarmed, as they are not subordinate to the Ministry of Justice and are practically outside of government control. They are an unpredictable risk factor in the country.

Ministry of Justice and Ukrainian law enforcement should investigate the Svoboda party and the Right Sector.

Ministry of Justice of Ukraine is still reluctant to amend the decree (8.10.1998 N 53/5) "On the approval of the Instruction to appoint and conduct forensic examinations and expert investigations and scientific recommendations for the preparation and appointment of forensic examinations and expert investigations", which specifies expert organisations in various fields. Since it lacks the field of interethnic relations, any expert assessment on the presence (or absence) of incitement of ethnic hate cannot be considered an official examination. This significantly complicates the identification of manifestations of xenophobia and chauvinism.

State and public monitoring of the implementation of minority language rights is extremely relevant in 2014. Increased tensions in interethnic tensions in Transcarpathia are putting this issue at the forefront.

It is worth paying attention to recommendations of Council of Europe: determine a body that would coordinate work to combat racism and discrimination, ensure a fair and effective system of granting refugee status, and create an independent body to consider complaints regarding racist actions and racial discrimination of the law enforcement. It is necessary to re-establish an interdepartmental commission on combating racism and xenophobia

Law enforcement bodies in several regions should stop public reporting and focusing on ethnicities of perpetrators. On the other hand, there should be concise data regarding xenophobic crime.

It is necessary to adopt effective measures of combating corruption in executive bodies, which is one of the main reasons for discriminatory practices towards immigrants.

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³⁰⁸ http://finansiko.ru/uroven_zhizni_naseleniya_rossii_stran_mira_2014/

³⁰⁹ <http://www.ipnews.in.ua/index.php/2015/01/20/padenie-promyishlenno-go-proizvodstva-ukrainyi-uskorilos-v-2014-godu/>

³¹⁰ <http://www.kommersant.ru/doc/2653539>

³¹¹ <http://korrespondent.net/ukraine/events/3433194-kolychestvo-bezhentsev-v-ukrayne-vyroslo-do-420-tysiach>

SUMMARY OF INDICATORS FOR 2012–2014

Nº	Criteria	Score in		
		2012	2013	2014
1	Legislation (central, regional, municipal) and law enforcement practices that contribute to the development of radical nationalism	-10	-12.5	-15
2	Xenophobia and inflammatory statements by members of the authorities and media	-5	-5	-5
3	Legislation and law enforcement practice preventing the development of radical nationalism	15	15	10
4	Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism	5	5	5
5	Activities aimed at promoting tolerance and preventing extremism	5	5	5
6	Position of migrants and society's attitude towards immigrants, foreigners, different ethnic groups	2.5	2.5	2.5
7	Incitement of religious and ethnic hatred	-10	-10	-10
8	Radical nationalist groups and parties	-22.5	-22.5	-25
9	Public actions of extremist and nationalist groups	-20	-20	-20
10	Racist attacks, violence and terror	-15	-20	-22.5
11	Presence, popularity and size of anti-fascist and anti-racist movements	15	15	15
12	Glorification of German National Socialism and collaborators of Nazi Germany, historical revisionism, Holocaust denial	-20	-17.5	-15
13	Persecution of veterans and partisans of the anti-Hitler coalition	-2.5	-2.5	-15
14	International Aspect	5	5	5
	Total	-57.5	-62.5	-85

UNITED KINGDOM

ASSESSMENT CRITERIA FOR FACTORS OF STABILITY/INSTABILITY

1. Legislation (central, regional, and municipal) and law enforcement practices that contribute to the development of radical nationalism

I n d i c a t o r s

- Discriminatory legislation affecting minorities residing in the country in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.

Great Britain is the home of one of the oldest democratic systems in Europe, which has a legislation that almost completely abolishes any forms of discrimination and racism. Moreover, the United Kingdom is one of the few countries in the European Council that have joined all of the international agreements directed at protecting the rights of minorities. It is essential to take note that everything described above was achieved with no existing Constitution and a precedent-based legislation.

Nevertheless, even the British legislation has certain discriminating norms, the existence of which is defined by historical events and traditions, rather than the necessities of the contemporary society. For example, the British Act of Settlement (1701) does not satisfy the requirements of the European Convention for the Protection of Human Rights, as it deprives any Catholic person, or anyone married to a Catholic person, of the right to inherit the British throne. The same law bares a discriminatory attitude towards women, as it clearly states, that the right of the British throne succession belongs to the first-born male, and only in the case of absence of a male heir can the throne be inherited by a monarch's daughter.

Some elements of discrimination are also present in the legislation regulating the religious relations within the country. The English law prohibits any religion-based discrimination, as well as "inciting

religious hatred”, where “religious hatred” is defined as hatred towards a group of people that practice religious beliefs different from the majority. However, the legislation does not clearly define the term “religious belief”, which means that the final decision is always left to the court. In the United Kingdom there are only two officially recognised types of church: Anglican in England and Presbyterian in Scotland. Wales and Northern Ireland do not have any religions officially recognised by the state. The ministers of the officially recognised religions can be on government payroll in case they work in prisons or hospitals.

On May 14, 2014, UK adopted a new Immigration Act which introduced restrictions to immigrants’ rights.

- Legislation, limiting the voting rights of the permanent residents of the country based on their ethnic background or country of origin.

British legislation does not have such limitations.

- Presence of the norms in the legislation or other normative documentation that legalises the ideology of radical nationalism, its attributes and practices, as well as public propagation in media and mass communication.

British legislation does not have such norms.

- Discriminatory legislation affecting minorities residing in the country in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.

Racial discrimination still is an important issue in Great Britain. Discrimination in school is a common issue across the UK. According to the school expulsion statistic, children from Roma families are expelled 4 times more often than white children, and black children from families that have emigrated from the Caribbean are 3 times more likely to get expelled than white children.¹

75% of children from ethnic minority families have been called racist nicknames at some point, 42% of 16-year-old minority students have been subjected to racist abuse or bullying. 92% of Traveller children in Northern Ireland have not finished school.² Similar situation exists in universities. Research by Channel 4 news released on July 23rd, has found that students of BME backgrounds and prospective students from lower social class groups are still disadvantaged in higher education.³ Survey published on April 6 indicates the presence of racial discrimination in British universities. Almost 60% of minority employees and students of British universities said that they have faced discrimination.⁴

On September 25, it was reported that Camden girls school in London did not let a Muslim girl attend an exam wearing a niqab (which closes her face).⁵ BBC investigation, published in October 2013, revealed that real estate agents discriminate against black people on the housing market — landlords are reluctant to let their property to minorities.⁶

Roma and Traveller communities are at risk of eviction due to failing to register their rights to land. Local authorities provide inappropriate alternative lands and register them as “intentionally homeless” when they refuse.⁷

On October 9, 2014, it was reported that a pub in Birmingham said that only white employees must be in house when it hosts the English Defence League gathering.⁸

In late October, owner of Auto200 company in Haywood introduced a new option for his customers, allowing them to choose the nationality of their driver.⁹

On September 15, it was reported that a security guard of a sports store in Hertfordshire refused entry for two Jewish students.¹⁰

Racial profiling remains a problem in the British police force. According to police itself, 27% of inspections and searches in 2014 did not satisfy “reasonable grounds for suspicion”, being racially motivated.¹¹

On November 30, a sociological study published by Dr Nabil Khatab of Bristol University showed that Muslims are facing increasing discrimination at the labour market and have minimal chances of getting into administrative positions. Muslim men are 76% less likely to receive any job than white British Christians of the same age and qualification group. Muslim women, meanwhile, are 65% less likely to receive any job compared to Christian women.

The only ethnic religious group that has more chances of being employed than white Christians are Jews: Jewish women are 29% more likely to find successful employment and Jewish men are 15% more likely.¹²

On February 8, The Guardian reported on a leaked document which revealed that gay and lesbian asylum seekers were faced with humiliating and degrading questions during interviews by the Home Office.¹³

Great Britain also has certain unique discriminatory practices related to the deep-rooted traditions of ethnic and religious minorities. These minorities are 400 thousand members of Hindu and Sikh communities that belong to the „Untouchable” and Dalit castes. The discriminatory practices mentioned above were bullying in schools and at work, as well as not being given promotions by their managers belonging to hinger Hindu and Sikh castes. These events took place despite the fact that the 2010 Equality Act gives the government the right to regulate caste discrimination.¹⁴

Another widely acknowledged concept in Great Britain is the so-called “positive discrimination”, which is when an organisation (including government institutions) intentionally treats the disadvantaged minorities (Third World country citizens, LGBT community members, non-Christians, etc.) preferentially during the workforce selection process. Such a practice can, on the one hand, be beneficial for their integration into the society, but, on the other hand, can provoke discriminating actions towards the majority, i.e. the mentioned earlier situation with the Christians.

On June 10th it became known that the inspectors who checked a number of schools in Birmingham came to the conclusion that in five schools students were imposed Islam, violating the principles of the public education system in Britain.¹⁵ In some schools non-Muslims from the number of students and teachers were insulted or even beaten. Positions of authority in schools were given only to Muslims — often members of one and the same family. In some schools the administration actually introduced elements of Sharia, dividing forms into male and female.¹⁶ On July 22, it was reported that in some Birmingham schools, children were taught hatred to Christianity. The Commission of Inquiry has identified evidence of religious extremism in 13 schools and planting of radical Islamic values.¹⁷

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Discriminatory legislation affecting minorities residing in the country in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.	-2.5	-5	-5
-	Legislation restricting the voting rights of permanent residents of the country on the basis of ethnicity or country of origin.	0	0	0
-	Presence of legal norms or other normative documentation, which legalises the ideology of radical nationalism, its attributes and practices, as well as their distribution in the mass media and mass communication.	0	0	0
×	Discriminatory practices against minorities in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.	-5	-5	-5
	Total for section 1	-7.5	-10	-10

2. Xenophobia and hate inciting statements made by members of the authorities and media

The number of anti-Semitic statements had increased dramatically after the Gaza conflict broke out in July-August 2014.

On March 15, leader of the British National Party Nick Griffin said at the European Parliament that immigration is a “conspiracy mechanism of the leftists and Zionists” to “solve the problem of European Christians”.¹⁸

On May 6, former Mayor of London Ken Livingston said that Jews tend to vote Conservative, because they are rich.¹⁹

On August 8, George Galloway MP announced his constituency, Bradford, an “Israeli-free area”.²⁰ He urged the local authorities to make every effort to achieve this goal and get rid of Israeli goods and services, sever all academic cooperation and even ban Israeli tourists.²¹ Liberal Democrat MP David Ward supported Mr Galloway, stating that this protest should be held across the whole country, similar to campaigns against the apartheid regime in South Africa.²²

Several weeks prior to that, Mr Ward stated that if he lived in Gaze, he would also hurl rockets at Israel. Although, he later apologised for his statement.²³ On October 28, David Ward tweeted that MPs are being controlled by Israel.²⁴

On September 29, leader of the Labour Party Ed Miliband addressed Labour Friends of Palestine, a pro-Palestine organisation, where he defended his party’s support for the recognition of a Palestinian state within the concept of two states. He added that Israel’s actions are wrong and “unjustifiable”.²⁵

On October 19, British Conservative Andrew Bridgen talked about the “power of Jewish lobby in America”, speaking in Parliament.²⁶

On July 31, Mayor of Tower Hamlets, Luftur-Rahman — a Muslim of Bangladeshi origin — decided to hang the flag of Palestine over the city hall to “support the ceasefire”.²⁷

On August 5, Glasgow City Council decided to hang the Palestinian flag as a “gesture of humanitarian solidarity towards the innocent civilians in Gaza, who disproportionately suffered from the economic blockade and the intervention of Israeli army.”²⁸

In late November, Leicester City Council decided to prohibit the import and sale of goods made in Israel. Members of the Council, where the oppositional Labour party has 51 out of 55 seats, voted in favour of boycotting Israeli goods despite their leader, Ed Miliband, stating he is against any boycotts.²⁹ On Twitter, among trending hashtags, were “HitlerWasRight” and “HitlerDidNothingWrong”.³⁰

On September 28, British Muslim scientist Refi Shafi (known as Abu Rumaysah) posted a lesson online, where he stated that Jews are

corrupt by nature and Hitler was trying to prevent the implementation of the Protocols of Elders of Zion.³¹

In late September, Labour candidate to Walking Council (London) Vicky Kirby made a number of anti-Semitic tweets. In one of them, she wondered why Islamists are not attacking “the real oppressors — #Israel”. In another tweet, she reportedly said, “We invented Israel when saving them from Hitler, who now seems to be their teacher,” following this up with a promise to make sure her kids “teach their children how evil Israel is”.³²

Anti-Semitism is common in the British segment of the internet. By the end of 2014, it was reported that 68% of users encountered anti-Semitic manifestations online in the past 12 months.³³

Islamophobia is also widespread in the UK. On July 28, Prime Minister David Cameron wrote in *The Telegraph* about the need to control documents when opening bank accounts, issuing driving licenses, etc. to prevent illegal migration. Cameron announced that the right to family reunification will be considered by courts, taking into account the “public interest”. This arbitrary approach allows for abuse. He also announced the reduction of quotas for migrant employment, to facilitate employment of native British people.³⁴

On February 4, UKIP immigration spokesman and MEP, Gerard Batten has demanded Muslims sign a declaration rejecting violence and accepting the need to modify the Qur’an. Further he proposed a ban on building new mosques in Europe.³⁵

On April 21, a number of British politicians condemned the UK Independence Party (UKIP) for its election posters, which humiliated foreign workers and urged voters to “take back our country”.³⁶

Gary Port, a UKIP candidate in Greenwich, said: “I do not think it is clear whether the BNP is racist...”³⁷

UKIP member Andrew Lempitt said in late April that immigrants supposedly take jobs away from British..³⁸

On May 31st Pastor James McConnell, speaking to the congregation at the Belfast Whitwell Protestant Church called Islam “paganism” and a “satanic cult”. Additionally, the priest said that “Muslim cells” appeared across the whole of Britain threatening the Christian population.³⁹ Parishioner of the church, First Minister Peter Robinson spoke in support of James McConnell. Moreover, the politician announced condemnation of the “false prophecy”, which obviously meant Islam, to be any priest’s duty.⁴⁰

On June 18 First Minister of Northern Ireland Peter Robinson questioned whether the demonstration at a Nigerian national’s house was racist, saying that most likely it was caused by the housing shortage.⁴¹

On June 25, Conservative MP Michael Fabricant posted a comment online, where he said he wanted to kick a famous Muslim journalist Yasmine Alibhai-Brown “in the throat”.⁴²

On December 27, The Times awarded the UKIP leader Nigel Farage with “Briton of the Year” award. Mr Farage is known for his migrantophobic rhetoric. The newspaper said that no one did more to shape British politics in 2014.⁴³

On December 5, former Employment Minister and current Labour MP Frank Field said that while immigrants make a positive contribution to the economy, it is “a lot less than people think”.⁴⁴

On December 5, Lord Hodgson of Astley Abbots — a long-time head of a brewery — said that the increase of Muslims in Britain is “killing” the pub and brewing business, “In Nottingham, Leicester, Manchester, Leeds and Birmingham the increase of the non-drinking Muslim population has led to many pubs going bust.” He added that this is especially difficult for someone who gave 10 years of his life to building this business.⁴⁵

On June 13, Daily Mail published an article blaming migrants for the problems with the issue of new passports.⁴⁶

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Xenophobia and inciteful statements made by members of the authorities and media.	-5	-5	-5
	Total for section 2	-5	-5	-5

3. Legislation and law enforcement practices preventing the development of radical nationalism

Indicators

- Presence of anti-Nazi, antiracist and anti-extremist legislation, and legislation directed against incitement of ethnic and religious hatred in the country.

Presence of laws that are not only scattered between different types of discrimination (gender, race, skin colour, ethnic and national origin, nationality, etc.), but also have a different scope of influence for a number of people has irreversibly established the British anti-discrimination legislation as a highly complex field.

Over one hundred various normative acts prohibiting discrimination are currently in existence in UK. Main legislation aimed at preventing racism and extremism is the Race Relations Act (1976), which prohibits discrimination based on skin colour, race, nationality,

ethnic origin (acts of similar nature were previously passed in 1965 and 1968), and the Equality Act (2010) — a joint anti-discrimination law that was designed to harmonize the Equality Act of 2006 and the Equality Act (sexual orientation) of 2007. The latter act is also directed at shielding the population of UK from discrimination based on race, religious beliefs, sexual orientation, etc.

The English Criminal Law also has the so-called Public Order Act (1986), sections 18 and 19 of which outlaw any threatening, humiliating, or offensive statements or actions, which are either knowingly directed towards inciting racial hatred, or could possibly provoke such hatred (hate speech).

However, these acts are only enforceable in case the crime in question had both victims and eyewitnesses. Therefore the distribution of leaflets with racist content, does, in fact, fall under the jurisdiction of the act, but the leaflets themselves do not, which means they can still be distributed legally if it is done in secret and with no witnesses.⁴⁷

A similar legislation in Northern Ireland makes it illegal to make threatening, humiliating, or offensive statements that could incite hatred towards a part of the population, or induce fear. Section 5 of the previously mentioned Public Order Act (1986) bans the use or display of any threatening, humiliating, or offensive statements within the hearing or viewing distance of the individuals who could feel “harassed, alarmed, or distressed” by such statements.

According to the same Public Order Act (amended), the law can differentiate between the deliberate crimes aimed to incite racial hatred or contributing to the creation of such hatred (part 3), and actions carried out deliberately to incite hatred based on differences in religious beliefs or sexual orientation (part 3, section A).

In Scotland the Criminal Justice and Licensing (2010) legislation and Criminal Law (prejudice aggravating the crime) (2009) protect the victims of hate crimes through setting a heavier punishment for the crimes committed out of racial or religious hatred (2010 edition). In addition to the ones mentioned above, such reasons for committing a crime as victim’s sexual orientation, transgender identity or invalidity are also considered aggravating (2009 edition).

It is also worth mentioning the Human Rights Act 1998, which came into force in 2000 and brought British the legislation in compliance with the European Convention for the Protection of Human Rights and Fundamental Freedoms.

On June 16th a law banning forced marriage came into force. Cases where one or both spouses have given their consent under physical, psychological, financial, sexual or emotional pressure fall under this category of marriage. It is believed in the Cabinet that the law will help

save thousands of people facing such a problem each year.⁴⁸ The law is actually aimed at the eradication of this ugly phenomenon in the Muslim community.

- Presence and improvement of anti-discriminatory legislation.

The anti-discriminatory legislation of United Kingdom has a vast history.

The main piece of legislation aimed at prevention of discrimination in Great Britain is the already mentioned Equality Act (2010), which has a complex nature and prohibits discrimination in work relations, education, during the process of providing wares or services, and during the realisation of the freedom of unification.

An essential aspect of the British anti-discriminatory legislation is the use of closed list of possible bases for discrimination, which in the Equality Act (2010) received the name “protected characteristics”. These characteristics are age, invalidity, sex change, marital/civil partnership status, pregnancy and maternity, race, religion and beliefs, gender, and sexual orientation (section 4 of the Act).

Section 49 of the same act made it illegal for the local educational institutions and the administrations of local independent and special schools to create circumstances that would hinder the new students’ application and selection process based on their religious beliefs.

It is also vital to mention the Employment Equality (Religion or Belief) Regulations (2003)⁴⁹ which is a plank of United Kingdom labour law that bans employee discrimination based on their religious beliefs. Same rules apply to the equal treatment of employees despite their age (2006).⁵⁰

Great Britain has a number of laws directed at eliminating discrimination and guaranteeing equal rights for the minorities with regards to education. The fundamental legislation in this sphere is the Education Act (1996), which has been amended several times after its release. In Scotland the Education Act (1996) is complemented by such pieces of legislation as the Gaelic Language Act (2005), the Scottish Schools (Parental Involvement) Act (2006), etc.

The British anti-discriminatory legislation is generally compliant with the EU standards.

In 2013 Britain introduced new legislation that prohibits posting job advertisements with discriminating requirements like a specific gender, age, ethnic origin, ownership of a private car, or a specific first language.

- Compliance with anti-Nazi, antiracist, and anti-extremist legislation by the authorities (central, regional, municipal), law enforcement and judiciary, as well as their compliance with legislation

directed against incitement of ethnic and religious hate and compliance with anti-discriminatory legislation.

Generally, such legislation is strictly abided by. Nevertheless, there are still complaints about hidden forms of discrimination, such as individuals of Asian or African origin being detained by police more frequently,⁵¹ and discrimination of individuals from Eastern Europe during the employee selection process or when being provided services in financial organisations,⁵² etc.

The disproportionately high number of deaths of foreign nationals and minorities due to police brutality and use of excessive force during and after apprehension is a big problem.⁵³

The human rights activists also blame the government for the existence of institutional racism in the police force, where, according to their opinion, ethnic minorities are not sufficiently represented. For example, London is 40% populated by minorities, of whom only 10% are represented in the police force and mostly in low positions.⁵⁴

On January 28, it has emerged that the Greater Manchester Police has demanded a rewrite of a report on its recruitment policies after the report had concluded that the force was “institutionally racist”. The report also found severe problems with sexism and homophobia within the Greater Manchester Police force.⁵⁵

In May it was reported that the police only looks into 1% of the complaints regarding racism in the police. Over an eight-year period, from 7,983 allegations of racism in the police force only 77 cases were reviewed and only 3 have led to the dismissal of police staff.⁵⁶ On July 17th, new figures released by Police Scotland revealed that out of almost 300 complaints about racist behaviour by police officers, only nine in total were upheld over a period of five-and-a-half years.⁵⁷ On August 19th media outlets reported that Freedom of Information requests by the Press Association found officers made racist comments online. Of 828 cases in England and Wales from 2009 to February this year, 9% ended in resignation, dismissal or retirement. This indicates that the law enforcement is reluctant to engage in cases related to xenophobia.⁵⁸

Some law enforcement actions may be regarded as condoning xenophobia. In March, inquest jury returned a verdict about unlawful murder of Jimmy Mubengi — citizen of Angola, who died in 2010 after being detained on an airplane during his deportation. Despite this, the three guards in question have been released from all charges.⁵⁹

- Hate crime (criminal cases against organisers and participants, convictions).

In 2012 the government announced the development of a new programme aimed to fight the hate crimes, called “Challenge it, Re-

port it, Stop it”, which is largely based upon involving the citizens to fight against the evil that are hate crimes, specifically by preventing such crimes from happening in the first place.⁶⁰

The British police have been diligently monitoring all of the reported hate crimes and constructing a detailed statistic since 2008.

Hate crime rate had increased in 2014. Official report on hate crime in England and Wales, released in October 2014, showed that the hate crime rate had increased by 5%. During the reviewed period (October 2013 — October 2014), 44,480 hate crime cases have been reported, of which 84% (37,484) were motivated by racism, 10% — by homophobia and 5% — religion. 4% of victims were disabled and 1% were transgender.⁶¹

In May 2015, a similar report was released in Northern Ireland. In 2014/2015, there have been 3,419 hate crime and incidents, of which 1,517 were based on religion (18.1% more than in 2013), 1,356 were based on racism (38.1% increase), 334 were based on homophobia (19.3% increase), 138 were based on hatred towards the disabled (29% increase) and 21 cases were related to hatred towards transgender people (9.5% decrease).⁶²

Report in Scotland showed that only 5,388 cases of hate crime and hate incidents have been recorded in 2014. 3,785 of them were motivated by national hatred (8.75% reduction and lowest since 2003/2004), 841 — motivated by homophobia (5% reduction), 569 — religion (3% reduction). The number of hate incidents during football matches in Scotland fell by 6% (193 cases).⁶³

The most notable increase in such crime occurred in the capital. According to the Evening Standard, the total number of hate incidents in London had increased by 28% (from 9,965 to 12,749). Anti-Semitic incidents increased the most (from 209 to 495 — 138% increase),⁶⁴ which can be explained by the controversial Israeli operation in Gaza.

Thus, it can be concluded that hate crime rate had increased in England and Wales by 5% on average, by 20–25% in Northern Ireland, and decreased in Scotland by 6%.

Hate crime detection rate in the UK is around 50%. Though it must be said that British courts have been more active in applying tougher punishments for crimes motivated by hatred.⁶⁵

On February 13, a 53-year-old man was given a tougher sentence for racist abuse.⁶⁶

On February 17, two men have been sentenced to ten month and one man to eight month in jail, after they had attacked a Pakistani man in Ashford. They racially abused and spat at him, then physically assaulted their victim and dragged it onto the middle of the road where there was oncoming traffic.⁶⁷

On February 19, a gang of five has been sentenced after a racist attack at a Thai restaurant in Cambridge in June last year.⁶⁸

On March 5, a football fan who shouted racist abuse at an Jordan football player was fined £300 and prohibited from attending football games.⁶⁹

On March 13, soldier Warren Butler was sentenced to probation for publishing racist posts on Facebook.⁷⁰

On May 6, 2 men were sentenced to 2 years in prison for a racist attack on a Kuwaiti student at Bangor.⁷¹

On May 6, the court in the UK sentenced two women to pay fines for tearing up copies of the Koran and throw the scraps like confetti during a football match.⁷²

On May 9, an Englishman of Nazi views of Birkenhead in the Merseyside county was sentenced to 10 years in prison for the preparation of terrorist attacks in the region's mosques.⁷³

On May 22, London restaurant employee, born in Slovakia, was sentenced to 180 hours of community service for the demonstration of the Nazi greeting.⁷⁴

On June 16, 3 men who attacked a native of Asia in Widnes were sentenced to 4.5 years in prison.⁷⁵

On June 19, a Scottish man was sentenced to 4 years in prison for setting fire to a house of 3 Asian men in Clackmannanshire.⁷⁶

On June 19, a group of 3 people has been sentenced to a total of 52 years in prison for a murder of a Roma in Doncaster.⁷⁷

On June 20, an 18-year-old woman and a 39-year-old man was imprisoned for 12 and 9 months respectively, for the desecration of the Central Mosque in Edinburgh with bacon strips. The woman admitted that she was a member of the far-right Scottish Defence League.⁷⁸

On July 2, 21-year-old Andrew Steele, who threatened to burn down the central mosque in Edinburgh, was fined for 200 pounds and received an order to study history books.⁷⁹

In June, Declan McCuish was sentenced to 12 months in prison for xenophobic tweets against a black football player.⁸⁰

On July 2, Princess Theodora Sayn-Wittgenstein was sentenced by the Dundee sheriff court to a fine of 1,000 GBP for Islamophobic threats at the Oktoberfest party at the University of St Andrews.⁸¹

On July 4th a 45-year-old man has been given a 12-month sentence by Cardiff Crown Court for a racially motivated assault on a local shop owner in Pontymister, Wales. Mark Williams also caused over £3,000 worth of damage to the shop, the court heard.⁸²

On July 4, court banned a Christian doctor from talking about faith at work, after the allegations of abuse and discrimination made by a Muslim junior staff member.⁸³

On July 25, a police officer was found guilty of assaulting and abusing mentally ill Somali man in March of last year. Sargent Charles Pilbeam was given a two-year suspended sentence by Westminster Magistrates' Court.⁸⁴

On August 27, a man who drew anti-Semitic graffiti on his neighbour's door was sentenced to 6 months correctional labour.⁸⁵

On September 5, two men who were trying to mail a bomb and racist letters to lawyers from prison received several additional years to their sentences.⁸⁶

On September 18, two teenagers from Manchester were fined for desecrating a local Jewish cemetery in June.⁸⁷

On September 21, Tottenham FC player Benoît Assou-Ekotto was disqualified for three matches and fined 50,000 pounds for a series of tweets, supporting Nicolas Anelka — a football player who publically demonstrated an anti-Semitic gesture, “quenelle”.⁸⁸

On October 20, Liverpool Magistrates Court sentenced a 21 year old nationalist to one month in prison for sending anti-Semitic tweets to Luciani Bergeg MP.⁸⁹

On October 31, a man in Glasgow was sentenced to 250 hours community labour for assaulting a Muslim woman at a supermarket.⁹⁰

On November 2, Mr Campbell, 42, was sentenced to five months in prison for threatening to burn down a bus of Jewish women and children.⁹¹

On November 25, Guy Wallace, 20, was sentenced to 8 years in prison for unleashing a German shepherd and Staffordshire bull terrier on a Muslim taxi driver.⁹²

On December 13, Lee Joshua and his fellow supporters of the English Defence League — Jake Hill, James Harrington and Adam Bibi — were sentenced to 1 to 2 years in prison for racist actions during the Birmingham riots in July 2013.⁹³

On December 21, it was reported that Liverpool FC player Mario Balotelli was disqualified for one match, fined £25,000 and sent for compulsory educational courses for posting xenophobic tweets.⁹⁴

On December 31, owner of the Wigan FC Dave Whelan was fined £50,000 for racist comments against Jewish and Chinese people. He was also ordered to take part in a corresponding educational programme.⁹⁵

- Unlawful use of anti-extremist legislation.

There have been cases of so-called “excessive tolerance”. On July 22, it was reported that Mayor of Birmingham Albert Bore admitted that city authorities have avoided solving the issue of Islamised schools, fearing being accused of racism.⁹⁶

On July 28, government officials ordered St. Joseph Catholic Primary School in Epsom to change its policy. The school was ordered to stop favouring families who regularly attend Mass. The school states, in turn, that its policy is related to the local Catholic parish, which established this institution.⁹⁷

On August 4, it was reported that some members of the Arabic edition of the BBC were outraged by the fact that pork was being prepared next to their office.⁹⁸

On August 19, it was reported that Travelodge hotel network made a decision to remove the Bible from its hotels, due to “religious diversity and multiculturalism”.⁹⁹

Furthermore, on August 4, political activists who took part in anti-racist events complained to the IPCC that some police officers were trying to recruit them to spy on their colleagues.¹⁰⁰

On September 2, British Home Secretary Theresa May said the police in Rotherham turned a blind eye to multiple reports of child sex abuse in immigrant communities due to political correctness. She said that fears of being seen as racist should never get in the way of stopping child sexual exploitation, as she promised the Government would learn the lessons of the Rotherham abuse scandal.¹⁰¹

On October 28, British Court of Appeal upheld the decision to dismiss a Heathrow Airport duty-free shop employee, Nohad Halawi, after she was accused of religious discrimination. Halawi, a Christian, said there were double standards in issues related to Muslims. According to her, the administration ignored her complaint about discriminatory behaviour of Muslims, instead accepting an unfounded complaint against her. She said that the complaint relates to her defending a fellow Christian employee, whom Muslims ridiculed for wearing a cross.¹⁰²

In late October, Ashers Baking Company in Newtownabbey was ordered to pay a fine for refusing to serve LGBT customers.¹⁰³

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Presence of anti-Nazi, anti-racist and anti-extremist legislation; legislation aimed against the incitement of ethnic and religious hatred in the country.	5	5	5
×	Presence and development of anti-discriminatory legislation.	5	5	5
×	Compliance of the government (central, regional, municipal), law enforcement and judiciary with anti-Nazi, anti-racist, anti-extremist, anti-discriminatory and hate crime legislation.	5	5	5

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Hate crime (criminal cases against organisers and participants, convictions).	5	5	5
–	Unlawful use of anti-extremist legislation.	–5	–5	–5
	Total for section 3	15	15	15

4. Statements made by government representatives, members of the ruling party, and influential politicians against xenophobia and radical nationalism

On June 11, the British Prime Minister David Cameron promised to stop the attempts of Islamists to influence the public schools in Birmingham. This city is home to one of the UK's largest communities of people of Pakistan, which accounts for 13.5% of its population. "The protection of children is the primary responsibility of the government," — the British Prime Minister said — "This is why the reports of the alleged activities of Islamic radicals in Birmingham schools require a particularly harsh response."¹⁰⁴

On June 16, Mail published Prime Minister Cameron's statement that Britain has been too tolerant towards Muslims. He encouraged schools to promote national values among their students.¹⁰⁵

On June 22, David Cameron wrote a letter to an elderly LGBT activist to thank him for his actions. He said that he is proud of government activities in promoting equal rights for lesbians, gays, bisexuals and transgender people — including the legitimisation of same-sex marriage. He added that government welcomes positive changes in attitude towards equal marriage.¹⁰⁶

On September 1, Cameron spoke against anti-Semitism. On September 10, he wrote to Chief Rabbi of Great Britain Efraim Mirvis, saying that Great Britain makes it loud and clear that there are no excuses for anti-Semitism. He added that the government is making every effort to combat these manifestations.¹⁰⁷

Leader of the Liberal Democrats Nick Clegg condemned anti-Semitism in an article in Jewish News on October 10.¹⁰⁸

Minister for Sports, Tourism and Equality Helen Grant said at an anti-racism event that "Show Racism the Red Card" sends a clear signal that we will not tolerate racism on the [football] field or beyond.¹⁰⁹

On April 21, a number of British politicians condemned UKIP's election posters.¹¹⁰

On April 21, other political parties condemned UKIP for its racist election campaign in the European Elections.¹¹¹

On May 4, the House of Commons reported that the statement of the deputy from the Conservative Party P. Mercer, who called a female Israeli woman “a bloody Jew” was “one of the worst ever breaches of parliamentary rules”. Mercer himself apologised for his words.¹¹²

On May 4, it was reported that a British politician D. Bishop was expelled from the Conservative Party for anti-Muslim comments on Twitter¹¹³

The leader of the City Council of Brent, a member of the Labour Party, Muhammed Butt, condemned Islamophobic comments of Vockrodt, a candidate to city council from UKIP. “The vile comments of Vockrodt are deeply offensive,” — he said.¹¹⁴

On June 4, the First Minister of Northern Ireland P. Robinson apologised to the Muslim community for his Islamophobic comments and met with Muslim leaders.¹¹⁵

On July 9, Labour MP Yasmin Qureshi expressed that political commentaries and publications about Muslims in the media evoke associations with the attitude to the Jews in Nazi Germany.¹¹⁶

Conservative MP Robert Halfon condemned George Galloway’s anti-Israeli remarks, saying that he is sure that residents of Bradford will support him in this issue.¹¹⁷

On September 1, Labour leader Ed Miliband condemned anti-Semitism.

On September 18, former Secretary of State for Health during the Margaret Thatcher administration, Lord Norman Fowler, apologised for Section 28 of the Local Government Act that brought in the ban on schools from promoting homosexuality as a “normal family relationship”. The law was repealed in 2003. Lord Fowler told the Evening Standard: “We have come a long way. It [Section 28] was a great mistake and I think it’s now recognised as a great mistake and I would apologise for it. It was totally misjudged.”¹¹⁸

Mayor of Tower Hamlets said on March 22, “There is a worrying growth of racism in Europe”, he welcomed the Day Against Racism in London and condemned politicians who target immigrants.

Leader of the Greens Natalie Bennett said that anti-immigration rhetoric must be stopped.¹¹⁹

On October 19, member of the Tower Hamlets Council, Rabina Khan condemned the increasing anti-Muslim remarks by influential politicians. She said that distorted media coverage coupled with remarks by politicians are enough to damage the whole Muslim community.¹²⁰

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism.	5	5	5
	Total for section 4	5	5	5

5. Activities aimed at promoting tolerance and preventing extremism

In 2014, British universities were instructed to encourage friendly relations on campuses. In May 2014, government website promoting safety on campus was launched.

Department of Business, Innovation and Skills also appointed ten regional coordinators across England and Wales to provide support for preventing extremism in universities.¹²¹

The government allocates £2.175 million per year to ensure safety of Jewish objects in the UK.¹²²

2 million pounds are spent on education projects dedicated to the Holocaust, including a trip to Auschwitz. Since 1991, the project involved 25,000 school pupils and teachers. 5,000 teachers took part in seminars organised by the Centre for Holocaust Studies.

In 2010, the government appointed a special envoy for Holocaust issues.

Since 2011, the government provided more than 3.5 million pounds to the Close Neighbours programme of grants and subsidies for organisations that unite people of different religions and ethnicities. As of 2014, 692 projects have been funded.¹²³

Scottish government also finances “Auschwitz Lessons”, conducted by the Centre for Holocaust Studies.

In Northern Ireland, police works together with a Jewish organisation CST to ensure safe environment for Jewish communities.¹²⁴

In 2011, Welsh government adopted a Roma and Traveller Integration Programme.

In 2013, healthcare standards have been revised to include Roma and Travellers in the service.¹²⁵

In April, Home Secretary Theresa May announced a reform of law enforcement practice to prevent unlawful actions by police officers towards minorities. These include specification of “reasonable grounds for suspicion”, disciplinary measures against offending police officers and restrictions on Article 60, which allows detaining people for up to 15 hours without giving any grounds.¹²⁶

On August 28, 43 police officers agreed to a new code of conduct when conducting street searches.¹²⁷

Prosecutor General approved a strategy for combatting hate crime in May 2014. The strategy is aimed at improving transparency and effectiveness of investigation.¹²⁸

On July 23, Minister of Education Nicky Morgan announced that the government will strengthen the supervision of school councils and teachers. The latter would be dismissed if they are unable to protect children from various forms of extremism.¹²⁹

On October 31, Secretary of State for Education Nicky Morgan assured Muslim parents that there will be no large-scale hunt for faith schools, and the “Trojan horse” case in Birmingham was unique and unprecedented. “Peter Clarke’s [former head of counter-terrorism police department] report says that there was no radicalisation, terrorism or violent extremism in schools in Birmingham, but there were examples where a small number of people tried to impose a certain ideology,” she noted. Morgan urged Muslims to compete for headmaster positions in ordinary schools, as well as faith schools, and assured the religious minority that there is no prejudice towards Muslim headmasters.¹³⁰

On June 27, head of the counter terrorist department in Wales denied allegations that police cannot combat radicalisation of young Muslims. She added that police must work with other institutions to successfully combat radicalisation of young people.¹³¹

To avoid growth of racism in society, Northern Ireland prepared an “equality plan” to combat racial prejudices.¹³²

On August 28, head of the British Anti-Terrorist Committee Mark Rowley made a request for assistance in identifying people who went to Syria or showed signs of Islamic radicalism. He said that 69 people were arrested in the first half of 2014 for sponsoring terrorism or intending to fight in Syria.¹³³

On August 23, a Home Office project was announced, according to which Muslim organisations suspected of radicalisation will be shut down. Home Office Secretary Theresa May stated that more than 150 foreign nationals who were engaged in radicalisation of Muslims in 2010 were banned from entering the UK.¹³⁴

In June, Wales held a Month of History of Travellers and Roma.¹³⁵

On August 28, a memorial plaque was set up in Bristol, honouring the 1963 “bus boycott”, aimed against racism in employment.¹³⁶

On September 29, it was reported that the Labour party had dismissed Vicky Kirby as a member of Walking city council.¹³⁷

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Activities aimed at promoting tolerance and preventing extremism.	5	5	5
	Total for section 5	5	5	5

6. Status of migrants and society's attitude towards immigrants, foreigners, different ethnic groups

Indicators

- Presence and improvement of migration laws.

The main normative act regulating immigration in Great Britain is the "Immigration Act" (1971). The other pieces of legislation introduced later that affected the immigration right were the "Immigration Act" (1988), the "Asylum and Immigration Act" (1996), the "Immigration and Asylum Act" (1999), the "Nationality, Immigration and Asylum Act" (2002), and others.

An important role in the formation of migration legislation, including the legislation regulating the provision of asylum and the rights of refugees, is played by the "Human Rights Act" (1998). This legislation took effect in October 2000, which resulted in the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) being granted the status of a state law, which means it now could be used in British court. Consequently the norms related to the right to enter and reside in Great Britain were adjusted according to the said convention. The crucial points of this adjustment was that the individuals now possessed the right to appeal a ban to enter the country, as well as the fact that the British government could not deport political immigrants back to the countries where they were likely to get tortured or killed any more. The legislation also establishes the right of an individual or a family for a private life that is not to be intruded upon.

On February 6, 2008, British Parliament passed a new bill that changed the immigration rules and introduced a five-level immigration category determining system. According to the United Kingdom Immigration Act, all individuals can be divided into 4 major categories:

- British citizens.
- Citizens of Commonwealth (Australia, Canada, Cyprus, India, Pakistan, New Zealand, Nigeria, South Africa, Zambia, and other countries, most of which are former British colonies and territories currently dependant on Great Britain).

- Citizens of the European Union.
- Citizens of all other countries

Persons belonging to the first three categories have a right to live and work in the UK almost without any limitations. That leaves the Immigration mostly dealing with the last category.

The individuals belonging to the fourth category are required to obtain a visa and a Home Office work permit in case they want to find work in UK.

Britain has a rather advanced legislation regarding refugees. The main laws that were regulating this area in 2012 are:

1. *The Immigration, Asylum and Nationality Act (2006)*.
2. *The UK Borders Act (2007)*.
3. *The Criminal Justice and Immigration Bill (2007)*.

Generally, this legislation is consistent with the European immigration directives.

Immigration legislation of the United Kingdom is steadily shifting towards a more rigorous approach. It is aimed at reducing the inflow of immigrants and tightening control over asylum seekers.

In spite of everything mentioned above, UK, just like the other countries of the European Union, does sway its preference towards providing asylum to the refugees who are also highly qualified specialists. This led to Great Britain introducing the Points Based System (PBS) in February 2008, which is based on the corresponding EU policy. PBS is a programme aimed at selecting qualified immigrant specialists, who are then granted the right to enter the country and find employment without having to first find an employer willing to pay for their visa, as it was before.

On May 14th, the new immigration bill received the Royal Assent, becoming the Immigration Act. Prior to that it was considered by the committee for five days, three days were spent on the preparation of the report and it went to the final amendment stage passing through the House of Lords. At this stage the last amendment was made, which gave the state broad powers to deprive naturalized British citizens who are suspected of terrorism of their UK passports, potentially making them stateless.¹³⁸

- Compliance with such legislation (law enforcement practice).

In general such legislation is adhered to. In 2014, 125,800 people received British citizenship (208,000 in 2013). 5% of citizenship applications were rejected due to “poor conduct” or not satisfying permanent residency requirements. 50% of applications came from foreign nationals living in Britain for at least six years, others came from spouses, civil partners and children of British citizens. 17% were Indian, 10% — Pakistani, 5% — Philippian, 4% — Nigerian.¹³⁹

Some violations have been noted in connection with the policy of reducing immigration in Britain. For example, the European Commission considers the additional immigrant testing system existent in the UK — the so-called “Right-to-reside test”, to be a violation of the EU laws. Based on the results of this test government makes the decision on whether to provide the immigrants with various benefits and aid.

However, EU has its own standardised “Habitual residence test”, which all the European Union member countries are legally required to use as the basis for determining what benefits and aid are to be provided.¹⁴⁰

In 2013, UK had cut funding for free legal help for migrants, which means they now have to seek help from NPOs or pay legal fees.¹⁴¹

There are multiple complaints about the bad treatment of asylum seekers. The most serious accusations were voiced against the Yarl’s Wood Immigration Removal Centre, where the escaped refugees reported being sexually abused by the personnel.¹⁴²

Another violation of EU regulations is that immigrant children are being kept in facilities together with adults, even though the government has sworn to stop this practice a number of times.¹⁴³

On July 9th, an official report from the HM Inspector of Prisons has revealed that immigration centre staff at Haslar detention centre have blocked detainees from visiting websites of human rights organisations such as Amnesty International.¹⁴⁴

- Discriminatory practices against immigrants.

On March 18, British Ministry of Justice published a report stating that the detained foreign nationals are often subjected to violence and abuse from the law enforcement officers.¹⁴⁵ The report also identified 19 cases where people were detained without cause.¹⁴⁶ Another report, published on March 13, revealed 8 deaths within detention centres for illegal immigrants that were caused by poor medical care.¹⁴⁷

On June 30, it was reported that refugee women are being abused in Yarl’s Wood migrant centre.¹⁴⁸ Serco, a company that administrates the centre, stated that ten staff members who have been involved in this have been fired.¹⁴⁹ Tascor, a company responsible for deportations to Pakistan, was criticised by the Chief Inspector of Prisons for mistreatment of immigrants.¹⁵⁰

On July 9, Supreme Court of Great Britain has recognised the government initiatives surrounding immigration as discriminatory and illegal. The government planned to restrict legal assistance to only residents of the United Kingdom. Furthermore, on July 15, Home Office policy of accelerated detention of asylum seekers was recognised as having a “high risk of injustice”.¹⁵¹ The decision was upheld in Court of Appeal in December.¹⁵²

On September 5, Ahmed Rubel — a Bangladeshi national — died in Morton Hall migration centre. Staff of the centre ignored his health complaints.¹⁵³

At least 15,000 housekeepers arrive in the UK from Asia and Africa. Some employers abuse their workers, restricting their contact with the outside world, take away their documents and force labour. Introduction of “contact visas” has led to housekeepers being unable to leave their employers, as they are forced to leave the country immediately after losing work.¹⁵⁴

- The use of the “ethnic crime” theme in order to discriminate against immigrants.

The ethnic crime theme is the go-to topic for the nationalist parties and organisations, such as the British National Party, English Defence League, UK Independence Party, etc.

- Social assistance for immigrants.

Great Britain did not implement the Council Directive 2003/109/EC, which is the directive responsible for establishing the basic rights of the legal immigrants from foreign countries, effectively entitling them to the same rights as the “European” citizens. Consequently, the legal immigrants from non-EU countries do not obtain the permanent European resident status even after living in the UK for 5 years. Nevertheless, they are entitled to pretty much the same social benefits as the UK citizens, such as the right to free medical care, free education, housing subsidies, and unemployment benefits.

Non-EU nationals do not possess the right to apply for the EU Blue Card due to Council Directive EC 2009/50/EC also not being recognised by the UK. However, the existence of the Point Based System (PBS) makes it possible for the qualified professionals to enter the country and find a job without having an employer ready to pay for their visa lined up.

There have been serious problems in terms of medical care for migrants in temporary placement centres..¹⁵⁵

On January 23, it has emerged that the British government will limit the access to benefits for EU migrants. This means that migrants who are claiming jobseeker’s allowance cannot claim housing benefits as well. Furthermore, jobseeker’s allowance will only be available to EU migrants for up to 6 months from April onwards.¹⁵⁶

On February 19, it was reported that European migrants will face another new barrier before being able to claim state benefits in the UK. European migrants will have to have been earning £150 a week for three months before they can access most UK state benefits, Iain Duncan Smith has announced.¹⁵⁷

- Negative attitude of the community towards immigrants, foreigners, and various ethnic groups.

Despite the numerous education programmes, intolerance remains a problem in Great Britain. The British Social Attitudes poll, which was published in late May, showed that racial prejudice is very common in the UK. 29% of respondents in the survey said that they share certain racist prejudices.¹⁵⁸ Show Racism the Red Card held a survey amongst 3,000 Wales students, almost half of whom said that the term “coloured” is appropriate. 20% believed that calling the Chinese “chinks” is appropriate.¹⁵⁹

According to a report by the Institute for Jewish Policy Research published on July 18, 40% of surveyed orthodox Jews said that they have experienced anti-Semitic persecution or discrimination in the last 12 months. At the same time, the number of non-orthodox Jews who suffered from anti-Semitism is 17%.¹⁶⁰

Survey conducted in late December 2014 showed that 45% of respondents hold anti-Semitic beliefs. 25% thought that Jews love money more than other people, 20% believe that Jews are loyal to Israel more than Britain, 17% thought that Jews think they are better than everyone else, 13% believed that Jews talk too much about the Holocaust. Anti-Semitism is more common among UKIP supporters. British Jews themselves are pessimistic about their future in the UK — 45% think they have no future in Britain. 58% believe that they have no future in Europe. 45% believe themselves to be in danger from Islamic extremism. 63% thought that authorities are too lenient towards anti-Semites.¹⁶¹

On May 2 Pink Floyd’s front man Roger Waters urged musicians to boycott Israel, where, in his opinion, racist regime was set.¹⁶²

On July 20, it was reported that more than 50 cultural activists signed an open letter, protesting the inclusion of an Israeli show in Edinburgh’s annual Fringe Festival. According to them, Israel exploits artistic actions to “divert attention from the atrocities of its illegal occupation”.¹⁶³ The show was cancelled.

On August 4, National Student Union voted to boycott Israel, explaining it with seeking to fight all forms of racism.¹⁶⁴

On August 11, student dance group from Ben-Gurion University refused to participate in the largest international festival of culture in Edinburgh because of threats from Palestinian activists. Festival organisers could not guarantee the safety of the dancers.¹⁶⁵

On August 4, National Student Union voted to boycott Israel, explaining it with seeking to fight all forms of racism.¹⁶⁶

On August 21, a popular film director Ken Loach called for an “absolute boycott of all cultural events supported by the Israeli state”. Loach stated that Israel must become a “pariah state”.¹⁶⁷

On December 31, it was reported that a large publisher Harper Collins removed Israel from the atlases to be sold in the Middle East, to avoid possible dissatisfaction of its Arab customers.¹⁶⁸

On June 10th it became known that one of the leading Islamic UK organizations London Islamic Education and Research Academy (IERA) was in the center of a scandal because of anti-Semitic statements of its leader Abdur Raheem Green, who in the course of his preaching in Hyde Park said: “Why not remove the Jews as far as possible so that their stench would not bother us?”¹⁶⁹ According to a survey conducted by Populus, published on October 31, one of every seven young people in Britain sympathises with the Islamic State (IS) — a terrorist organisation in Syria and Iraq. Majority of these respondents were Islamists. However, experts warn that among the respondents supporting IS there is a small but significant portion of non-Muslims who are unhappy with the British government and its foreign policy.¹⁷⁰

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Presence and improvement of migration laws.	5	5	5
×	Government’s compliance with such legislation (law enforcement practice).	5	2.5	5
×	Discriminatory practices against immigrants.	-5	-5	-5
×	Use of ethnic crime as justification for discrimination against migrants.	-5	-5	-5
×	Social assistance for immigrants.	5	5	5
×	Negative attitude of the community towards immigrants, foreigners, various ethnic groups.	-2.5	-2.5	-5
	Total for section 6	2.5	0	0

7. Incitement of religious and ethnic hatred

Indicators

- Calls for ethnic and religious hatred in mass media, mass communications, and graffiti.

Most of these calls were aimed against the Muslim community.

On February 26, Legoland Windsor has been forced to cancel a Muslim fun-day at their premises after far-right groups had threatened members of staff and had pledged to picket the event.¹⁷¹

Crisis in Gaza resulted in calls against Jewish people and Israel.

On the 26th of July, a pro-Palestinian demonstration was held in central London, during which a man carried a placard which read: “Save Gaza! Hitler you were right!”¹⁷²

Statements against Eastern Europeans were also noted. On March 6, a wall in Belfast displayed a swastika and writing “Poles, Get Out!”¹⁷³

- Presence and popularity of radical nationalist literature, films, music. Ultranationalist rock bands and their concerts.

Generally the neo-Nazi literature and music cannot be considered very common or popular in the United Kingdom.

Nevertheless, the biggest neo-Nazi chain of promoters called “Blood & Honour”, which was founded in 1987 and named after the Hitlerjugend’s motto “Blut und Ehre”, is still active in the country. These promoters organise concerts and distribute recordings of bands belonging to the “RAC” genre — “Rock against Communism”. The Blood & Honour chain of promoters is supported worldwide by the bands that share neo-Nazi and nationalistic views.

The main theme explored in the RAC music is usually racial war, cities as war arenas against foes, bravery, and the final victory of the white man. An entire series of bands play this style of music in UK. Some examples would be English Rose, Celtic Warrior, Chingford Attack, Legion of St. George, White Law, etc.

In addition to that, Britain was also visited by such foreign neo-Nazi rock-bands as “Cirhoza 88” from Czech Republic, Greek band “Der Stürmer”, who are directly linked to the Golden Dawn Party, as well as “The Tattooed Motherfuckers”, “Short Cropped”, “Heroes”, “Baker’s Dozen”, “Kombatants”, “No Quarter”, “Pittbullfarm”, “Pressure 28”, and “Citizen Keyne”, all well-known in the European neo-Nazi communities.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Calls for ethnic and religious hatred in mass media and mass communications, graffiti.	-5	-5	-5
×	Presence and popularity of radical nationalist literature, films, music. Ultranationalist rock bands and their concerts.	-5	-5	-5
	Total for section 7	-10	-10	-10

8. Radical nationalist groups and parties

Indicators

- Presence of neo-Nazi and ultranationalist groups, movements, political parties (both in the centre and in the localities).

The main British neo-Nazi and radical far-right factions are British National Party, English Defence League, British Freedom Party, National Front (UK), and England First Party. UK Independence Party could also be considered relatively nationalistic

“British National Party” (BNP) was formed in 1980s from “National Front” (UK) Party. The party gained public support in 1999, after Nick Griffin had become the chairman. After defeat in 2014 elections, Nick Griffin was forced to leave BNP.

The far-right “English Defence League”, founded in 2009 by football fans from Luton, positions itself as a “rights organisation” against radical Islamism and for Muslim rights.¹⁷⁴ However, in October 2013, EDL leader Tommy Robinson left the organisation, saying that the organisation has become extremist.¹⁷⁵ On the other hand, EDL’s attempts to expand support by attracting Jewish and LGBT people have been called “cooperating with Zionism”.¹⁷⁶

Currently, EDL is split. United British Patriots is a new organisation consisting of former EDL members, however their actions have so far been limited to a few demonstrations.¹⁷⁷

The National Front (UK) is the oldest existing far-right radical political party (1967), which was in its prime in 1970s and 1980s.

The party supports “white family values” and “Fourteen Words” — a white nationalist slogan that says: “We must secure the existence of our people and a future for White Children”. The party openly collaborates with racist and neo-Nazi websites like Stormfront.

National Front Party treats history rather critically and tends to deny Holocaust, yet attempts not to use anti-Semitic rhetoric openly. The party claims that mainstream mass media and mainstream parties (including BNP) are a part of the “Zionist Occupational Government”.¹⁷⁸

The “England First Party” (EFP) is a small nationalist English party. In the period from 2006 to 2007 two EFP party members were elected as Blackburn and Darven region councillors.¹⁷⁹

UK Independence Party is moderately nationalistic. It stands for England leaving EU, drastic immigration restriction and the creation of jobs for British citizens.

Eastern European immigrants in London have set up their own branches of neo-Nazi organisations. Polish group “United Emigrants of London” consists of 200 members with unflattering reputation.¹⁸⁰

There is also the Nationalist Revival of Poland, which cooperates with the British nationalist organisations.¹⁸¹ Hungarian Jobbik party and the Greek Golden Dawn also have branches in London.

- Presence of discriminatory demands in the programmes of these parties and in the statements of their leaders towards the members of minorities.

BNP is decisively anti-immigration. Environmental section of its manifesto states that cutting immigration would reduce the stress on the green environment in the UK.¹⁸² Immigration was also called the main threat to the British identity.¹⁸³ In terms of foreign policy, BNP proposes agreements with Muslim countries to return all British Muslims to their homeland in return to non-intervention in these countries. BNP also proposes extra assistance to countries who agree to take their nationals back.¹⁸⁴

British Freedom Party proposes to abolish the Human Rights Act, which benefits only immigrants and criminals and prohibit immigration into the UK for the next five years. BFP advocates for deporting immigrants who committed any crime, Muslim nationals and illegal immigrants. The party wants to abolish institutions engaged in multiculturalism and equality.¹⁸⁵

National Front advocates for deportation of “non-whites” from Britain.¹⁸⁶

- The influence neo-Nazis and radical nationalists have over the civil society, including oppositional and human rights organisations.

In the elections to the European Parliament the ultra-right United Kingdom Independence Party (UKIP) got 27.5% of the vote, beating the leading Labour Party (25.4%) and conservatives (24%), and getting 24 seats in parliament.¹⁸⁷ The competing British National Party only got 1.1% of the vote did not get seats in the European Parliament.¹⁸⁸ The election results suggest the existence of a significant layer of voters demanding xenophobia (even if only a “soft” version thereof).

On November 10, it was reported that neo-Nazi activists are training for a “race war” in underground camps across Great Britain. They were trained in hand-to-hand combat and given lectures glorifying Adolf Hitler.¹⁸⁹

- Influence neo-Nazis and radical nationalists have over the local legislative/executive bodies.

Local elections in May 2014 were unsuccessful for radical nationalists. Candidates from BNP did not manage to get more than 5% of votes, with two exceptions. British Democratic Party managed to pass one candidate and one nationalist, formally from the BNP, passed as

an independent deputy. National Front did win any seats.¹⁹⁰ These results are explained by UKIP's success with nationalist voters.

However, there is evidence of informal influence at this level. For example, the PAP conference, which was supposed to be held in one of the schools in Bracknell Forest. Local council was very reluctant to cancel the conference after the story went public.¹⁹¹

- The influence neo-Nazis and radical nationalists have over the central legislative/executive bodies.

Nationalists do not have and significant influence over the central government of Great Britain. The only relatively large nationalist party, UKIP, only has a few seats in parliament.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Presence of neo-Nazi and ultra-nationalist groups, movements, political parties (both in the centre and in the localities).	-5	-5	-5
×	Presence of discriminatory demands in the programmes of these parties and in the statements of their leaders towards the members of minorities.	-5	-5	-5
-/×	Neo-Nazi and radical nationalist influence over the civil society, including oppositional and human rights organisations.	-2.5	-2.5	-2.5
-/×	Neo-Nazi and radical nationalist influence over the local legislative/executive bodies.	-2.5	-2.5	-2.5
-	Neo-Nazi and radical nationalist influence over the central legislative/executive bodies.	0	0	0
	Total for section 8	-15	-15	-15

9. Public actions of extremists and radical nationalists

Indicators

- Participation of neo-Nazis and radical nationalists in mass actions prohibited by the authorities.

Most actions in 2014 were anti-Semitic. On May 4, a demonstration was held in front of a Kosher restaurant in London.¹⁹² In September, two men in London displayed Nazi greetings on the street.¹⁹³ On September 19, a passenger on Bus 102, West Finchley (London), shouted anti-Semitic slogans.¹⁹⁴

On September 28, another such “bus incident” occurred in Golders Green.¹⁹⁵

On August 16, protesters staged a riot at a Birmingham Tesco superstore. The crowd destroyed all kosher products. All offenders were arrested.¹⁹⁶

On August 18, Sainsbury’s superstore in Holborn, London, removed all kosher food from the shelves, fearing a similar attack.¹⁹⁷

It has emerged that the far-right group “Britain First”, a splinter group of the BNP, has begun to carry out “Christian patrols” in the East London neighbourhoods of Whitechapel and Brick Lane, which are predominantly populated by BME communities.¹⁹⁸

On May 14, nationalists were distributing Islamophobic leaflets in Bradford.

On May 20, a similar action was held in East London.¹⁹⁹ Similar actions were also held in Glasgow and North Lancashire.²⁰⁰

On July 16, nationalists broke into a Southeast London mosque and demanded local imams remove separate entrances for men and women.²⁰¹

- Participation of neo-Nazis and radical nationalists in mass actions prohibited by the authorities.

English Defence League held a number of demonstrations across the country: Slough (February 1, 150 people²⁰²), Sunderland (March 29²⁰³), Rotherham (May 10, 400 people²⁰⁴), Newcastle (18 May, 400 people²⁰⁵), Colchester (May 22, 30 people²⁰⁶), Stevenage (June 7, 300 people²⁰⁷), Middlesbrough (June 29, 300 people²⁰⁸), Bolton (July 7, 100 people²⁰⁹), Bournemouth (August 9, 350 people²¹⁰), Batley (August 9, 300 people²¹¹), London (20 September, 400 people²¹²), Portsmouth (11 October, 40 people²¹³), Birmingham (11 October, 300 people²¹⁴), Luton (November 22, 300 people²¹⁵).

The largest action was held on September 13 in Rotherham, dedicated to “sexual crimes” of Muslims, gathering about 1,000 people.²¹⁶ Such demonstrations are used to mobilise supporters.

On January 18, PAP held a demonstration against the Muslim Brotherhood in London, gathering 25 people.²¹⁷ In July, the organisation announced a “national tour” across the country — several demonstrations in Glasgow, Newcastle, Sheffield and Wigan, accompanied by clashes with antifascists.²¹⁸ On November 1, PAP held a National Action Day in Rochester, gathering 80 people.²¹⁹

On June 14 and August 30, nationalists from the South-Eastern Alliance held a demonstration in Cricklewood, directed against Muslims.²²⁰

Scottish Defence League held demonstrations in Berwick and Edinburgh, gathering about 40–50 supporters.²²¹

On April 5, a White March was held in Swansea, organised by the National Front.²²²

On October 4, National Front held a demonstration in Newcastle, directed against Islam.²²³

On January 18, an anti-Muslim demonstration was held in Lincoln by Western England Patriots. They threatened antifascists taking part in a counter-demonstration.²²⁴

On January 26, Jobbik party supporters held a small rally in London.²²⁵

On March 15, English Volunteer Groups held a demonstration in London, gathering 100 people.²²⁶

Since 2008, nationalists from March for England have been holding St. George marches in Brighton on April 27th every year.²²⁷

On June 17, a racist demonstration was held in Belfast.²²⁸

On July 26, about 40 members of the Popular Front tried to protest against the “Asian invasion” in Gloucester.²²⁹

On October 25, Welsh Alliance held a demonstration in Cardiff.²³⁰

On August 9 and 29, British, Greek and Polish nationalists organised a rally at the Greek Embassy to support the Golden Dawn party.²³¹

All of these events received minimal support of the local population. In a number of cases, demonstrators had to find support in other regions.

A number of anti-Semitic demonstrations were caused by Israeli operations in Gaza. Pro-Palestinian rallies were held in London on July 19, 26 and August 9. The first one gathered 15,000 people.²³² Daily anti-Israeli rallies were held in Manchester since July 23.²³³

- Participation of neo-Nazis and radical nationalists in mass actions permitted by the authorities, with the participation of representatives from the legislative or executive bodies, law enforcement and security agencies.

MPs took part in the demonstration in London on July 19.

- Presence of “football xenophobia” and racism amongst sports fans.

Football xenophobia is a rather common phenomenon in Great Britain. A study conducted by KickItOut charity and published on March 18 showed that more than half of professional football players in England have witnessed or have been subjected to racist abuse.

The study showed that 57% of footballers have witnessed and 24% have been subjected to racist abuse. 7% were abused by their colleagues. 39% have witnessed homophobic abuse.²³⁴ Some footballers perceive this as part of the football culture.²³⁵

On February 4, player from the Welsh Prestatyn FC insulted his rival, Abe Dawson.²³⁶

On March 1, a 17-year-old footballer from Jordan was subjected to verbal abuse during East Stirling v. Peterhead game.²³⁷

On April 7, it was reported that Celtic FC player Lee Griffith sang racist songs.²³⁸

On Septmeber 13, Celtic player Alexander Tonev shouted verbal abuse at Aberdeen FC player Shaia Logan.²³⁹

On September 28, it was reported that Liverpool FC is deleting Jewish New Year’s wishes from twitter after numerous anti-Semitic comments from other users.²⁴⁰

On October 5, football fans shouted anti-Semitic abuse at Manchester Maccabi FC during a match with Curzon Ashton FC.²⁴¹

On November 20, owner of the Wigan Football Club Dave Whealan told The Guardian that Jews supposedly love money more than anyone else, they are “crafty people”, as are the Chinese.²⁴²

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Neo-Nazi and radical nationalist participation in mass actions prohibited by the authorities.	-5	-5	-5
×	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities.	-5	-5	-5
-	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities, with the participation of representatives from the legislative or executive bodies, law enforcement and security agencies.	0	0	-5
×	Presence of “football xenophobia” and racism amongst sports fans.	-5	-5	-5
	Total for section 9	-15	-15	-20

10. Racist attacks, violence and terror

Indicators

- Vandalism in cemeteries, attacks on religious buildings.

22 acts of xenophobic vandalism have been reported in 2014. 17 were anti-Semitic in nature, 1 was Islamophobic and 1 anti-Christian. Compared to 2013, anti-Muslim vandalism has sharply decreased.

The following synagogues have been vandalised: Belfast (18 and 19 July²⁴³), Kingston, Surbiton, Surrey (August 1²⁴⁴), London's Gove (August 9²⁴⁵), London (August 18).²⁴⁶

Swastikas were found on Jewish homes in Hendon (July 13), Stamford Hill (July 28 and 28 December) and Golders Green (August 8).^{247–250}

On November 17, unidentified persons damaged more than 40 vehicles parked in Stamford Hill, an area in London predominantly populated by Jews.²⁵¹

On December 18 and 22, anti-Semitic graffiti was found in a school in Stamford Hill.²⁵²

Jewish cemeteries have been desecrated in Manchester²⁵³ and Hereford²⁵⁴).

Brian Kingston, councillor for the DUP party, on August 12th declared there had been a spate of attacks, including the scrawling of anti-Israeli graffiti on the building and items being thrown at the plaque and the house.²⁵⁵

On August 16, it was revealed that racist vandals desecrated Muslim graves in Chatterton.²⁵⁶

On July 20, unidentified vandals attempted to set fire to St. Mary's Catholic Church in Belfast suburb, Newtownabbey.²⁵⁷

On May 15, a house of a Negro woman and her three children was thrown stones at in Belfast. The family was not injured.²⁵⁸

On May 20, a community centre was set on fire in Birmingham. It is suspected that the arson was committed due to ethnic hate.²⁵⁹

On June 1, a house in Belfast, the residence of Pakistanis, suffered a racist attack. Windows were broken. The attackers went back later that day to insult and threaten the residents with physical violence. After the attack 2 Pakistanis decided to leave Northern Ireland.²⁶⁰

- Interethnic clashes instigated by xenophobia and radical nationalism.

No such clashes were registered in 2014.

- Cases of violence, including murder on racial, ethnic, and religious grounds.

As was previously stated, Police in England and Wales reports 44,480 hate crimes (5% more than in 2012/2013).²⁶¹ Northern Ireland had a more dramatic increase in hate crime (See section 3).

In the first eight months of 2014, 847 anti-Semitic incidents have been reported — two thirds of which occurred in July-August.²⁶² In the first half of the year, 64% of anti-Semitic offences were committed by white people, but in the second half 50% were committed by Southern

Asians, 12% by Arabs, 5% by Africans and only 34% were committed by white people.²⁶³

These resulted in 3 dead and 46 injured. Most victims were in London (1 dead, 18 wounded), Colchester and Manchester (1 dead), Belfast and Glasgow (5 victims), Edinburgh and Ilkeston (3 victims), Bristol (2 wounded), Aysmut, Gateshead, Dundee, Lancashire, Leeds, Merinand, Chelmsford, Aylesbury (1 wounded). In terms of nationality of victims there were: 5 Asians, 6 Africans, 16 Jews, 3 immigrants from Eastern Europe, 2 Caribbeans, nationality of 16 victims cannot be accurately determined.²⁶⁴ Large number of Jewish victims (30%) is largely due to Israeli operation in Gaza.

On March 10, a sign was erected in the area of Dungannon saying “Attention landlords, leasing property to foreign nationals will not be tolerated”, the house of a foreign family was attacked with bricks and paint.²⁶⁵

In May, several Polish families were attacked, damaged and vandalised.²⁶⁶

On May 10, 20 EDL members attacked a group of antifascists in Rotherham.²⁶⁷

On June 21, Polish fascists of the Zjednoczeni Emigranci (ZE) group attacked a public music festival in Tottenham, in North London. The group of about forty men used stones and missiles. One Pole was injured.²⁶⁸

On June 26, it became known that a Muslim woman was killed in Colchester. She was a Saudi Arabia native and had come to Britain to study at the University of Essex.²⁶⁹

On July 29, eight houses and several vehicles were stoned in East Belfast.²⁷⁰

On August 16, police officers killed a black teenager Ryan Wilson. His parents found out about his death online.²⁷¹

In late November, member of the LGBT community Nazeem Mahmood committed suicide after his mother asked him to find a “cure” for his “disease”.²⁷²

On August 28, homes of two families from Sudan were attacked. Windows were smashed with stones in both houses.²⁷³

Interestingly, victims in Northern Ireland were predominantly EU nationals. This could be due to the long civil war in the region and the resulting expanded definition of “aliens”.

There have also been cases of racist abuse. On May 11, it was reported that singer Kissy Crawford was racially abused in Laugharne.²⁷⁴

On May 29th it became known that the only member of the British Parliament of Chinese origin, Anna Lo, who represented South Belfast in the regional parliament, has decided to retire from politics after the end of her term of office due to the constant stream of racist abuse. She

even wanted to leave Northern Ireland and live in England, however, when she announced her decision, her voters expressed their solidarity and forced her to change her decision.²⁷⁵

- Terrorist attacks motivated by radical nationalism or religious intolerance.

There was a number of terrorist attacks in Northern Ireland. In January, a gang of vandals threw rocks at homes of Polish families in Belfast. 7 such attacks occurred in a week.^{276, 277}

On January 28, nationalists set fire to cars belonging to Slovakian and Polish families.²⁷⁸

On March 8, two Romanian families' homes in the County Derry were attacked with nail bomb.²⁷⁹

On March 16, a Polish family living in a Loyalist area on the outskirts of Belfast have had to flee their home after several men attacked the families' house with a petrol bomb.²⁸⁰

In March, hooligans shattered the windows of a Polish family home in Belfast and blew up their car.²⁸¹

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Vandalism in cemeteries, attacks on religious buildings.	-5	-5	-5
-	Interethnic clashes instigated by xenophobia and radical nationalism.	-5	0	0
×	Cases of violence, including murder on racial, ethnic, and religious grounds.	-5	-5	-5
×	Cases of hate-driven murders	-5	-5	-5
×	Terrorist attacks on the basis of radical nationalism and religious fanaticism.	0	-5	-5
	Total for section 10	-20	-20	-20

11. Presence, popularity, and scope of antiracist and anti-Nazi movements and parties

Indicators

- Presence of antiracist and anti-Nazi movements and parties.

Contemporary antifascist movement in Great Britain, which has deep rooted antifascist traditions, was created in the 80s, when members of a left-wing group “Red Action”, as well as two members of the left-wing “Socialist Workers Party” founded the “Anti-Fascist Action”

(AFA). This movement actively opposed racist and Nazi groups and parties, particularly the British National Front. Antifascists openly engaged in fierce public confrontation with the far-right radicals, which caused them to be widely criticised by liberal politicians.

In 2001 the “Anti-Fascist Action” broke down into several small organisations and was replaced by a new anti-fascist movement called “United Against Fascism”, which today is the most influential and massive anti-fascist organisation.²⁸²

UAF and the National Union published Unity magazine, which is distributed for free amongst its members.²⁸³

Antifascist Network unites 27 independent and grassroots organisations against racism and fascism. Its aim is to support local communities in combatting the extreme right and provide legal help.²⁸⁴ There are 32 more antifascist organisations.²⁸⁵

In sports, these issues are tackled by “Show Racism the Red Card”.

Movement Against Xenophobia (MAX) is defending the rights of immigrants. MAX campaigns against certain changes to Immigration Act.²⁸⁶

British doctors established a Docs Not Cops movement in solidarity with the immigrants. A statement on their website says, “We are a group of people who have come together to fight against the health care measures in the 2014 Immigration Act, which will mean that all migrants are made to pay for healthcare. We think it’s unethical and unproductive to differentiate healthcare access based on national origin, and to punish the most vulnerable people in our society. In the long run, it only makes overall public health much worse. Though the government tell us that shutting migrants out of the NHS will save the taxpayer money, the truth is that untreated health conditions don’t go away. They become more serious and more expensive problems in the long run. The bottom line is that people could die because of this government policy.”²⁸⁷

- Antiracist and antifascist movement activities (pickets, rallies, demonstrations).

United against Fascism (UAF), being the most active existing anti-fascist organisation, uses the tactic of mass street demonstrations and count-rallies against Nazi events of similar nature. The organisation’s strategy is to find out the location of the Nazi rallies in advance and to match them with demonstrations or pickets of their own. Sometimes UAF simply blocks the path of the national-radicals, which is made easy by the fact that “United against Fascism” is capable of gathering anything from several hundred to several thousand people in a very short period of time.

In 2014, antifascists organised several counter-demonstrations, gathering more people than nationalists in most cases,²⁸⁸ except in Rotherham and Newcastle.²⁸⁹

During a demonstration in Swansea, antifascists managed to take a banner from their rivals.²⁹⁰ Some of the most notable cases are listed below:

On March 22nd of London, over 10,000 people gathered. Cardiff and Glasgow also held demonstrations on the same day.²⁹¹

On April 25, antifascists held a rally near Top Steiner clothes store, frequented by skinheads.²⁹²

On May 25, antifascists held a demonstration in Manchester.²⁹³

On May 31, Prime Minister of Northern Ireland Peter Robinson publicly apologised for supporting statements about Islam as evil.²⁹⁴

On June 23, UAF held a rally against the attack at a music festival in Tottenham.²⁹⁵

On July 5, antifascists visited a memorial to international brigades that fought in Spain.²⁹⁶

On September 18, commemorative actions dedicated to Greek antifascist P. Fissos were held in London, Brighton, Belfast and Derry.²⁹⁷

On September 27, 1,000 people took part in a demonstration in Doncaster, protesting UKIP. Leader of the Green Party urged media outlets to stop blaming low wages on migrants.²⁹⁸

On October 15, hundreds of students and equal rights campaigners staged a flash mob in Sainsbury's supermarket, where a few days previously a security guard threatened to kick out a lesbian couple for kissing.²⁹⁹

On November 26, 1,500 people were protesting at the US Embassy against police brutality towards African Americans.³⁰⁰

A number of public actions was organised by the Jewish community. In July, 100 people took part in cleaning the desecrated Jewish cemetery in Blakeley.³⁰¹

On September 1, a rally was held in London, organised by the Campaign Against Antisemitism (CAAS). Chief rabbi Ephraim Mirvis said that anti-Semitism is poisonous not only for Jews, but for all humanity.

“Whilst we are fortunate to live in a country where the fight against anti-Semitism is being led by our government, we have a collective responsibility to ensure that there will be zero tolerance of anti-Semitism in our society. The commitment and drive in this regard shown by grassroots activists across our community is to be commended”. Supporters bore banners reading: “Prosecute hate before it’s too late”, and “Zero tolerance for anti-Semites”.³⁰²

- Presence of antiracist and antifascist civic initiatives.

Show Racism the Red Card movement operates in the sports field, predominantly in football, cooperating with the English Premier League administration. In May 2013, it lobbied the FIFA decision to disqualify any football club that exhibits racism.³⁰³

Show Racism the Red Card includes training courses involving famous footballers, aimed at school and university students. 200 seminars organised in Wales were attended by 17,000 people.³⁰⁴ After taking part in the project, 70% of participants say they will not use racist rhetoric.³⁰⁵

On May 6, the organisation held an award ceremony in Manchester. The winner was a school film project “Our School” from Nottinghamshire.³⁰⁶

As a result, football clubs adopted a lot of changes. A football player or manager who uses xenophobic rhetoric will be sacked immediately.

On March 18, for example, Chris Marsden was sacked from Prestatine FC and disqualified from 12 matches.³⁰⁷

Manager of Endfield Town FC was sacked after anti-Semitic comments during a game with Wingate and Finchley.³⁰⁸

On November 27, English Football Association condemned D. Whealan’s xenophobic statements.³⁰⁹ Court of Appeal of the Scottish Football Association rejected Alexander Tonev’s appeal.³¹⁰

The organisation “Tell MAMA” has been monitoring cases of attacks on Muslims since February 2012. This organisation is partially funded by the UK government. The main target of “Tell MAMA” is to detect any anti-Islamic incidents and report them to the police. A significant amount of effort is also put into identifying and preventing displays of hate on the internet. The community also acts as a guide and advisor for the younger organizations, allowing them to utilize its vast knowledge and experience.³¹¹

In January, University of London study (claiming that migrants are receiving too much benefits) was disproved. Another allegation that migrants are the cause of housing shortage was proven wrong — the country has 700,000 empty houses, of which almost half has been that way for six months.³¹²

Antifascists were also campaigning against BNP leader Nick Griffin, which contributed to his defeat in the European elections.

On June 14, antifascists organised a conference dedicated to combatting racism and fascism, which was attended by 400 people.³¹³

UAF representatives said that they intend to continue to make sure that fascist parties are unsuccessful in British politics.³¹⁴

On August the 1st, race equality activists have authored an open letter to the three main party leaders Miliband, Cameron and Clegg,

demanding changes in the way that the government deals with race equality and immigration.³¹⁵

On November 21, antifascists managed to cancel the conference “Britain first” in Berkshire.³¹⁶

On June 3, the Anglican Church announced that it forbids clergy to join the far-right parties such as the British National Party or the National Front. Members of the clergy, who associate themselves with the extreme right, now may lose their rank.³¹⁷

On August 4, former head of the Anglican Church, Archbishop Rowan Williams sharply criticised the idea of “British values”, recently voiced by British Prime Minister David Cameron. Speaking at an Islamic festival and addressing thousands of guests, Archbishop said that the idea of “British values often provokes Islamophobia, especially in schools and media”. Williams supported the idea of cooperation between Muslims and Christians.³¹⁸

On December 31, The Catholic Bishops’ Conference of England and Wales criticised HarperCollins publishing house for excluding Israel from the atlas intended for schools in the Middle East. Head of the International Relations Department Declan Lang said that such actions will reinforce Israel’s belief that part of the Arab world is hostile towards it and it will not facilitate trust and peaceful co-existence of Palestinians and Israelis.³¹⁹

On May 21, Muslim leaders of Northern Ireland addressed the police on the issue of the irresponsible and Islamophobic comments of the Christian pastor from Belfast made during his sermon.³²⁰

On June 7, it became known about the Muslim bicycle ride from Glasgow to London, organised to raise funds to help the needy and to overcome negative stereotypes about Islam.³²¹

On July 14, religious leaders of Muslim communities in the UK condemned the actions of Islamic State (previously known as the Islamic State of Iraq and the Levant or ISIL). Leaders issued a video statement to young Muslims, which was broadcasted on local TV channels and posted online. They warned young people against participating in clashes with government forces in the territory controlled by the rebel extremists.³²²

On August 27, it was reported that the Muslim Council of Britain (MCB) condemned the “psychopathic violence” of the Islamic State, calling on Muslims to jointly oppose the “poison of extremism”.³²³

Jewish Students Union condemned the National Student Union’s participation in the anti-Israel boycott, noting that this decision will only divide student groups and impede on interfaith relations.³²⁴ Jewish Students Union issued a new guide in September to help students identify and tackle anti-Semitism on campus.³²⁵

On September 7, capital of Wales hosted an exhibition devoted to the contribution of Muslims in rescuing Jews during the Holocaust.

The exhibition was brought by the Chairman of NSW Jewish Board of Deputies Stanley Soffa.³²⁶

On August 14, Vicky Beeching told an American homophobic activist Scott Lively on Channel 4 that his views are harmful to people.³²⁷

On July 17, Tesco superstore chain apologised to a client who was refused service by a staff member, due to the presence of pork and alcohol in his shopping basket.³²⁸

On July 31, chairman of the Committee on Regional Equality at Council of Edinburgh Foysol Choudhury told Edinburgh Evening News, “Any form of anti-Semitic hatred, expressed in any shape of form, should not and cannot be tolerated... we would like to encourage people to report any type of hate crime.”³²⁹

Hertfordshire sports store apologised for anti-Semitic statements of the security guard, who was soon sacked.³³⁰ On October 24, Auto200 drivers from Asia went on strike against the option for customers to choose the race of their drivers.³³¹

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Presence of antiracist and anti-Nazi movements and parties.	5	5	5
×	Antiracist and antifascist movement activities (pickets, rallies, demonstrations).	5	5	5
×	Presence of antiracist and antifascist civic initiatives.	5	5	5
	Total for section 11	15	15	15

12. Glorification of German national-socialism and Nazi Germany collaborators

I n d i c a t o r s

- Glorification of German National Socialism and/or its collaborators in the media, desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition.

On August 9, it was reported that one of UKIP MEPs William Etheridge recommended candidate MPs to use Hitler’s rhetoric techniques.³³²

- Glorification of German National Socialism and/or its collaborators with the support of local authorities, demolition of monuments to soldiers of the anti-Hitler coalition, erection of monuments to the soldiers of Wehrmacht and Nazi butchers.

No such cases have been recorded in 2014.

- Glorification of German National Socialism and/or its collaborators in the decisions, made by the authorities.

No such cases have been recorded in 2014.

- Historical revisionism, Holocaust denial.

No such cases have been recorded in 2014.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
-/×	Glorification of German National Socialism and/or its collaborators in the media, desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition.	-5	-5	-2.5
-	Glorification of German National Socialism and/or its collaborators with the support of local authorities, demolition of monuments to soldiers of the anti-Hitler coalition, erection of monuments to the soldiers of Wehrmacht and Nazi butchers.	0	0	0
-	Glorification of German National Socialism and/or its collaborators in the decisions, made by the authorities.	0	0	0
-	Historical revisionism, Holocaust denial.	0	-5	0
	Total for section 12	-5	-10	-2.5

13. Criminal prosecution of veterans, partisans of the anti-Hitler coalition, and antifascists

Indicators

- Public calls for repressions against the veterans and partisans of the anti-Hitler coalition, as well as antifascists.

No such incidents were recorded in 2014; however, a discussion blaming antifascists for the aggressive behaviour of the neo-Nazis did appear in the media. UKIP leader Nigel Farage said on May 11 that he was forced to hire bodyguards due to violent antifascist activists. UAF denied these allegations.³³³

- Restrictions on human rights and antifascist organisations imposed by the authorities, bans to entry or exit imposed on antifascists by the authorities, inaction of the authorities.

No such cases have been recorded in 2014.

- Criminal prosecution of veterans, partisans of the anti-Hitler coalition and antifascists.

No such cases have been recorded in 2014.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
–	Public calls for repression against the veterans and partisans of the anti-Hitler coalition, as well as anti-fascists.	0	0	0
–	Restrictions on human rights and anti-fascist organizations, bans to entry or exit imposed on anti-fascists, inaction of the authorities.	0	–5	0
–	Criminal prosecution of veterans, partisans of the anti-Hitler coalition and antifascists.	0	0	0
	Total for section 13	0	–5	0

14. International Aspect

Indicators

- Participation of the monitored countries in the most significant international agreements on combating racism and discrimination against ethnic minorities.

Britain has accepted all the major international documents targeting protection of human rights. During the contemplated period Britain hasn't joined any new international agreements or resolutions in this field.

- Accession to new international agreements, as well as resolutions of the United Nations and other international organisations dedicated to combating Nazism, combating discrimination, or protecting rights of minorities, during the monitored period.

No such cases have been recorded in 2014.

- International declarations and initiatives of the monitored countries and the leading politicians against discrimination, neo-Nazism and xenophobia.

No such cases have been recorded in 2014.

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
×	Participation in significant international agreements on combating racism and discrimination of ethnic minorities.	–5	–5	–5

Presence of Criteria	Indicator	Score in		
		2012	2013	2014
–	Accession to new international agreements and resolutions of various international organizations, aimed at combating Nazism, combating discrimination, or protecting minority rights.	0	0	0
–	International statements and initiatives of the monitored countries and their leading politicians, aimed against discrimination, neo-Nazism and xenophobia.	0	0	0
	Total for section 14	5	5	5

CONCLUSIONS

(Implications for the development of the country and society, based on the analysis of factors and taking into account the aspects listed below.)

United Kingdom has somewhat improved its position in the index of radical nationalism, but it continues to lead in terms of xenophobia and hate crime. During the monitored period, we noticed an increase in such crime and incidents — up to 25% in Northern Ireland. Amendments to the Immigration Act has complicated the position of immigrants, making them more susceptible to abuse by authorities. In particular, these amendments introduce restriction for immigrants on the labour market and social welfare,³³⁴ which is technically against Article 8 of the European Convention on Human Rights. Therefore, they can be considered as discriminatory.

Furthermore, the entire concept that lies behind the new immigration regulation system appears somewhat unethical, as the British government is planning to reduce immigration not by constructing administrative barriers, but, rather, by decreasing social motivation for immigrating to UK through limiting immigrants' access to social and medical aid programmes.

ASPEKTS

1. Human Rights

- *Protecting the minorities from all forms of discrimination.*

Great Britain still has one of the most advanced minority rights protecting legislations in the world.

However, the existing law enforcement practice is still carried out in such a way that discrimination against Gypsies and nomads is still a substantial problem in Great Britain. Members of ethnic minorities are the ones most often stopped by the police for random security checks, cases of race or caste (for people of Indian origin) discrimination at work are also quite common, there are even cases of racist abuse among children in secondary schools. Gypsies and people of African and Caribbean origin experience racial discrimination when searching for employment as well as in the medical sphere.

All of this makes it quite transparent that even though the UK legal system is well-adjusted for protection of minorities, it still does not mean that these mentioned minorities will be completely shielded from discrimination.

- *Adherence to norms of the fundamental human rights instruments (European Convention for the Protection of Human Rights and Fundamental Freedoms, European Charter on Human Rights, as well as in adherence to the Framework Convention for the Protection of National Minorities and the European Commission against Racism and Intolerance, etc.).*

The United Kingdom signed, ratified and is fulfilling the main requirements of the international agreements related to human rights. At the same time there is evidence of the British government breaching these regulations with regards to immigrants and individuals accused of collaborating with terrorist organisations.

- *Differentiation in rights and freedoms of the titular nation and ethnic minorities.*

On the legal level, no such differentiation between the rights of the indigenous British citizens and ethnic minorities exists. Yet, at the same time, existence of discriminatory practices against both immigrants and British citizens provides evidence that de-facto discrimination has not been eliminated from the British society.

- *Legislation enshrining inequality of minorities.*

No such legislation existed in the UK during the observed period.

- *Rulemaking in protection of minorities.*

In 2014, Britain introduced legislation that prohibited forced marriage, which is primarily designed to protect Muslim women.

- *Freedom of speech violations.*

Freedom of speech in Great Britain is a multidimensional concept that includes freedom to express any opinion, both privately and pub-

licly, freedom of press, and freedom of art in any manifestation. When regulating the freedom of speech, national legislation sets certain restrictions. Such restrictions include the unacceptability of defamation, rebellious incitement, racial hatred propaganda, obscene language and pornography, blasphemy, disrespect towards court, and breach of personal life confidentiality. Taking into account everything mentioned above, no freedom of speech violations were registered in Great Britain in 2014.

- *Legislation and law enforcement practices concerning migrants.*

In general Great Britain has rather well-developed immigration legislation. However, in 2014 Britain introduced tougher provisions to the Immigration Act, making entry into the country and application for social benefits more difficult. When it comes to law enforcement, migrants often face discrimination (including a case of medical negligence that resulted in a death).

2. State of society

- *Risk of violation or noncompliance with the acting laws directed at protecting the rights of minorities; Risk of discriminatory practices against members of minorities.*

Discriminatory practices against certain population groups are, without doubt, a more serious threat for the British society than radical far-right parties and organisations, which currently do not hold any serious influence over the average citizens. It is worth noting that at the moment Great Britain is being equally successful at battling the discrimination against minorities and battling hate crimes through combining law enforcement practices with public organisation activity.

Discrimination against minorities in recruitment and in education, as well as in medical and social aid, is definitely affecting the standard of living in the UK

- *Self-determination — how manifestations of xenophobia and extremism affect the identity of minorities, as well as identification of minorities on the part of the majority (growth of social phobias).*

UKIP's success in the European Elections and sociological surveys indicate that a significant part of the British population (quarter to half) are hostile towards minorities. This issue is particularly acute in Northern Ireland, where the society is still in the civil war mindset and is particularly unwelcoming towards immigrants. Minorities themselves are ready to integrate in the British society.

3. Socio-economic development

(Do manifestations of various forms of xenophobia and extremism affect the socioeconomic development of the country).

- *Standard of living.*

UK ranks 16th in the world in terms of standard of living.³³⁵ Therefore, extremism is not reflected in the socio-economic situation in the country.

- *Standard of living.*

UK economy is relatively strong. In 2014, its GDP increased by 2.9%, while unemployment was low at 5.6% (although youth unemployment is at 16%). Xenophobia does not influence the economy.

- *Decline in production growth, emigration of the labour force.*

Great Britain does not display a tendency for emigration of employable citizens; in fact, despite the economic crisis, the country still attracts large numbers of immigrants. Moreover, the social aid system for the unemployed is very attractive for the immigrants, as it provides unemployed individuals with financial benefits almost equal to minimum wage.

4. Security and geopolitical stability in the region

- *Political stability in the country.*

Political stability remains rather strong in the United Kingdom. Activity of the extreme right is balanced by antifascists. However, increase in xenophobia (wave of Islamophobia in 2013 and anti-Semitism in 2014), and activity of radical Islamists indicate that the situation may destabilise without intervention.

- *Impact of xenophobia and extremism in the country on the issues of external security, on relations with third countries and the international security in the region as a whole.*

At the present time no such impact is observed. Great Britain remains one of the Western World leaders actively protecting the European values. Ireland is the only country that can be affected by growth of xenophobia in the UK.

RECOMMENDATIONS

1. *General recommendations for the accession to international agreements and conventions*

Great Britain has already accepted all international conventions and agreements related to protection of human rights. United King-

dom's refusal to accept multiple resolutions of the United Nations General Assembly that attempt to prevent Nazism glorification is the result of Britain's authorities' fear that these resolutions might contradict the fundamental human right for freedom of self-expression.

2. *General recommendations for adjustments to the legal framework*

In general, British anti-discriminatory and anti-racism legislation is rather well-developed. The issues related to xenophobia, racism, and extremism arise in British society not because of defects in legislation, but because of weak law enforcement practice.

UK should abolish the restrictions imposed in the Immigration Act in 2014, as they give ground for abuse, rather than reduce the flow of illegal immigrants.

It is also necessary to clarify the concept of "religious beliefs" in the anti-discriminatory legislation, because the ambiguity of the current definition allows many individuals who abuse religious people — especially in the workplace, to avoid prosecution.

UK must adopt the Anti-Defamation Act that would eliminate the currently existing defamation-related free speech abuse loopholes.

Finally, British government needs to take drastic measures against "caste discrimination" and do everything possible to introduce a congruent law.

3. *General recommendations for the executive bodies in the field of law enforcement and human rights*

It is vital that strict measures are taken to eliminate still existing in the UK discriminatory practices against racial, ethnic, sexual, and religious minorities in the spheres of recruitment, health services, education, etc.

Preventing discriminatory practices against immigrants and refugees — especially the ones belonging to ethnic minorities, and their children is also essential.

Extra attention should be directed at preventing institutional racism in British law enforcement. Educational courses and trainings for the police officers could prove valuable for achieving this goal.

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SUMMARY OF INDICATORS FOR 2012–2014

Nº	Criteria	Score in		
		2012	2013	2014
1	Legislation (central, regional, municipal) and law enforcement practices that contribute to the development of radical nationalism	-7.5	-10	-10
2	Xenophobia and inflammatory statements by members of the authorities and media	-5	-5	-5
3	Legislation and law enforcement practice preventing the development of radical nationalism	15	15	15
4	Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism	5	5	5
5	Activities aimed at promoting tolerance and preventing extremism	5	5	5
6	Position of migrants and society's attitude towards immigrants, foreigners, different ethnic groups	2.5	0	0
7	Incitement of religious and ethnic hatred	-10	-10	-10
8	Radical nationalist groups and parties	-15	-15	-15
9	Public actions of extremist and nationalist groups	-15	-15	-20
10	Racist attacks, violence and terror	-20	-20	-20
11	Presence, popularity and size of anti-fascist and anti-racist movements	15	15	15
12	Glorification of German National Socialism and collaborators of Nazi Germany, historical revisionism, Holocaust denial	-5	-10	-2.5
13	Persecution of veterans and partisans of the anti-Hitler coalition	0	-5	0
14	International Aspect	5	5	5
	Total	-30	-45	-37.5

RATING TABLE
 LEVEL OF RADICAL NATIONALISM
 IN EUROPEAN COUNTRIES
 (2014)

Nº	Country	Score in 2014
1	Ukraine	-85
2	Latvia	-62,5
3	Italy	-52,5
4	Estonia	-52,5
5	Hungary	-42,5
6	Greece	-40
7	United Kingdom	-37,5
8	France	-37,5
9	Lithuania	-35
10	Bulgaria	-32,5
11	Moldova	-32,5
12	Poland	-32,5
13	Russia	-27,5
14	Romania	-27,5
15	Germany	-25
16	Czech Republic	-15
17	Finland	-10
18	Croatia	-10
19	Ireland	-7,5
20	Slovakia	-7,5
21	Albania	-5

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(на английском языке)

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