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Europe and Central Asia Regional Overview Covering events from January to December 2003

Governments across Europe and Central Asia continued to use the so-called "war on terror" to undermine human rights in the name of security. Among the steps taken by governments were regressive moves on "anti-terrorist" legislation, attacks on refugee protection, and restrictions on freedom of association and expression. Simplistic rhetoric about security, immigration and asylum, together with an upsurge in populism, bolstered racism and discriminatory practices towards minorities across the region. The lack of political will shown by the European Union (EU) to confront human rights violations within its own borders was increasingly disturbing, particularly in light of the planned accession of 10 new member states in 2004. Those responsible for violations, including torture or ill-treatment, continued to enjoy impunity.

'War on terror'

Under the auspices of combating "terrorism" governments continued to undermine human rights in law and practice. By the end of the year, 14 foreign nationals who could not be deported remained interned in the United Kingdom (UK) under legislation that allowed for indefinite detention without charge or trial, principally on the basis of secret evidence. Those detained in the UK under "anti-terrorism" legislation were held in high-security facilities under severely restricted regimes.

Spain continued to ignore long-standing recommendations by various international bodies to introduce greater safeguards for suspects held under "anti-terrorist" legislation, and indeed planned to more than double the time which certain people could be held incommunicado. The authorities also closed the only entirely Basque-language newspaper and 10 people associated with it were held under "anti-terrorist" legislation in moves that appeared to be injurious to the right to freedom of expression.

The authorities in Uzbekistan used the "war on terror" to justify a continuing clampdown on religious and political dissent. At least 6,000 political prisoners remained in jail there and members of independent Islamic congregations were among those who faced detention and intimidation. In Turkmenistan, a wave of repression continued, following an alleged assassination attempt in November 2002 on the President, with scores of 198 people convicted after blatantly unfair trials amid credible allegations of torture and ill-treatment.

Government efforts to limit asylum provisions and immigration benefited from the new language of "national security" and "counter-terrorism", with an emphasis on control rather than protection. In Italy, for example, there were fears that some asylumseekers were forced to return to countries where they risked grave human rights violations and that some individuals, expelled on grounds that they posed a danger to national security and public order, had no opportunity to challenge the decision in fair proceedings. The human rights perspective remained lacking from the thinking of the EU on asylum, which continued to promote a further sealing off of the EU at the expense of international protection obligations.

Racism

Racism, discrimination and intolerance, including anti-Semitism and Islamophobia, continued to be a major concern across the region. Manifestations included institutional racism in the spheres of economic, social and cultural rights.

Discrimination against Roma was widespread in many states in the region, often affecting virtually all areas of life including access to education, housing, employment and social services. Many people seeking to return home after being displaced by war in the western Balkans faced discrimination on ethnic grounds, particularly with regard to accessing employment, education and health care. This acted as a barrier against the return and reintegration of minorities.

Racist application of citizenship laws in the Russian Federation meant that certain ethnic minority groups - including members of the Meskhetian population in one region - remained effectively stateless, and as such were denied access to pensions, child benefits and higher education.

Racism continued as a backdrop to human rights abuses by law enforcement officials in the administration of justice. Reports of race-related ill-treatment by law enforcement officials came from a distressingly wide range of states, including Belgium, Bulgaria, France, Greece, Italy, Poland, the Russian Federation, Slovakia, Slovenia and Spain. There was also a lack of due diligence by some states in investigating and prosecuting assaults by private actors on minorities, ethnic as well as religious. In Georgia, for example, religious minorities continued to face harassment, intimidation and violent attacks, while the police failed to provide adequate protection for those targeted or show vigour in prosecuting those allegedly responsible.

Lack of human rights protection

Torture and ill-treatment were reported from across the region, including in Albania, Moldova, Romania and Serbia and Montenegro, where reports of such treatment were common and credible. In Turkey, torture and ill-treatment in police detention remained a matter of grave concern, despite some positive legislative reforms. In Germany, an intense public debate on the permissible use of torture occurred after it emerged that a senior police officer had ordered a subordinate to use force against a criminal suspect. Some states, such as Belgium, Italy and Switzerland, lacked fundamental safeguards against ill-treatment in police custody.

In other states, such as Greece, Macedonia, Portugal and Spain, there were reports of reckless or excessive use of firearms, sometimes resulting in deaths. In several countries, conditions in prisons as well as in detention facilities holding asylum-seekers and unauthorized immigrants, were cruel and degrading. In some states, people with mental disabilities were treated inhumanely - in social care homes in Bulgaria, and through the use of cage beds in the Czech Republic, Hungary and Slovakia. Many states lacked independent scrutiny mechanisms to address such violations, a problem compounded by the continued failure to accept accountability at EU level for human rights observance by member states.

In some states impunity for human rights violations continued. In Turkey, the ratio of prosecutions of members of the security forces to complaints of torture and ill-treatment filed by members of the public continued to be pitifully low. Russian Federation security forces continued to act with virtual impunity in the conflict in the Chechen Republic, amid ongoing reports of their involvement in torture and "disappearances". Continued impunity for wartime violations remained a concern in the western Balkans. Although some people suspected of war crimes were transferred to the custody of the International Criminal Tribunal for the former Yugoslavia, others continued to evade arrest, some apparently protected by authorities in Bosnia-Herzegovina, Croatia and Serbia and Montenegro. Thousands of "disappearances" that occurred during the 1992-1995 war remained unresolved. Although there were some domestic prosecutions for war crimes, lack of political will and deficiencies in the domestic justice systems led to continued widespread impunity.

In Belarus, Turkmenistan and Uzbekistan, dissent from official policies in civic, religious and political life was systematically and often brutally repressed. Human rights defenders in a number of countries faced threats and detention, including in Turkey where a range of laws and regulations was used to frustrate their activity, and in Azerbaijan where a campaign by the state-sponsored media against

several prominent human rights defenders culminated in violent attacks on their offices and raised fears for their safety and that of their families. In both these countries, as well as in other states such as Italy, Greece and Switzerland, police were reported to have used excessive force against demonstrators.

The lack of effective redress for human rights violations in countries in Europe compounded concerns about proposals under consideration which Amnesty International Report 2004 would have the effect of curtailing redress available at the regional level in the European Court of Human Rights. Member states of the Council of Europe proposed adding new admissibility criteria to the only international human rights court where individuals enjoy the right of direct petition.

Violence against women

Human rights violations against women and girls continued across the region. In the context of trafficking and forced prostitution, there were concerns that victims were being failed by the judicial systems in source, transit and destination countries. Domestic violence was also an entrenched problem across Europe and Central Asia, from Belgium to the Russian Federation. Contributory factors included states regarding domestic violence as belonging to the "private sphere"; a lack of legal provisions in some states specifically prohibiting or criminalizing domestic violence; a lack of specialist police units and training; insufficient provisions to provide protection to victims; and court decisions which did not always reflect the gravity of such offences.

Death penalty

There were some positive moves on the death penalty during the year. Armenia abolished capital punishment in peacetime, Kazakstan announced a moratorium on executions pending legislation on abolition, and Kyrgyzstan maintained its moratorium on executions. Tajikistan, while retaining the death penalty, reduced its scope. However, in recent years Tajikistan and the two other retentionist states in the region, Belarus and Uzbekistan, have continued to carry out executions. The level of executions was believed to be particularly high in Uzbekistan, where scores of people have been executed in recent years after unfair trials, frequently amid allegations of torture, and with corruption an integral part of the investigation, trial and appeal in such cases. In Belarus, Tajikistan and Uzbekistan, the clemency process and executions themselves were shrouded in secrecy, compounding the punishment inflicted not only on the prisoners but also on their families. Executions took place in secret, with family members and friends denied the chance to say goodbye; in many cases families were not told for months whether their relative was alive or had been executed. They were also not told where their loved one was buried. None of these three countries published comprehensive statistics on their use of the death penalty.

Action for human rights

Although human rights remained under attack across the region, action to promote and protect fundamental rights continued. Many voices highlighted that human rights and security are not incompatible, but indivisible and interdependent. Human rights defenders continued their work despite harassment, intimidation and detention. Social movements responded to a range of human rights concerns in the region, bringing together activists across borders, with forums such as the Second European Social Forum in Paris, France, in November providing opportunities for regional coordination of popular activism. Strong regional intergovernmental bodies, including the Council of Europe and the Organization for Security and Co-operation in Europe, continued to play key roles in promoting and protecting human rights. 200 Amnesty International Report 2004.

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