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Situation of human rights defenders in the countries of the European Union

This report is not exclusive and is based on the recent cases reported by human rights defenders (HRDs) to Front Line Defenders.

In 2020 the work of HRDs in certain EU member states was heavily impacted by restrictive measures authorities adopted to deal with the COVID-19 pandemic. The right to peaceful assembly was seriously restricted in many countries and HRDs were obliged to develop new forms of peaceful protest, such as online demonstrations, parallel simultaneous protests in small groups, or socially distanced demonstrations, which removed safety in numbers as a security strategy. In May, protesters in Poland took to their cars to avoid breaking lockdown restrictions in order to protest violations of the Constitution by the government.

Financial difficulties proved a significant challenge to defenders across the region as many were forced to pause their voluntary work in order to secure their own financial survival. Many defenders switched from their previous HRD work to humanitarian work, leading fundraising efforts for hospitals in need of medicine and equipment and providing care for particularly vulnerable segments of their community. The lockdowns, closure of schools and the increased care demands of at-risk family members affected the ability of Women human rights defenders (WHRDs) to work. Being the main caregivers in many families, women defenders were forced to combine their human rights activity with an increased amount of work in the domestic sphere.

In 2020, HRDs in EU member states more at risk were defenders of refugees and migrants, LGBTIQ+ defenders and WHRDs. The increasingly hostile climate for asylum-seekers, refugees and migrants, affected those who tried to assist them. Pandemics reinforced concerns for “public security”, and in many countries migrants were presented as “super spreaders of virus” dangerous to local population. The restrictions linked to the pandemics, affected the work of migrant rights defenders and their ability to access the camps and informal settlements of migrants. In France, members of the NGO Utopia 56 working with migrants in Calais, were fined multiple times for violating COVID-19 regulations¹. LGBTIQ+ defenders and WHRDs continued to be perceived in many countries as challenging “traditional” values.

CROATIA

⑩ Pressure on a family member of migrant rights defender Tajana Tadić

On 13 January 2021, the appeal of the partner of migrant rights defender Tajana Tadić against a decision issued by the Ministry of Interior on 11 May 2020 to revoke his refugee status, which was granted in 2018, was rejected. On 27 January 2021, he submitted an appeal to a higher administrative court.

Tajana Tadić is a program manager with **Are You Syrious** (AYS), a human rights organisation created in 2015 in Croatia supporting migrants on the Balkan migration route. AYS provides migrants with legal aid and psycho-social support, runs integration programs for children and adults, produces reports and analysis denouncing violent pushbacks and other illegal practices by the authorities, and

¹<http://www.utopia56.com/fr/actualite/covid-19-utopia-56-lauberger-migrants-determinees-a-poursuivre-leur-travail-humanitaire>

contributes to the reshaping of policies through advocacy work. AYS is part of the **Border Violence Monitoring Network**, which in January 2020, published its first annual report alledging torture of asylum seekers by Croatian authorities at EU external borders.

Tajana Tadić partner is an Iraqi citizen who arrived in Croatia on 26 April 2017 and was granted refugee status on 7 September 2018. The pair met at AYS during his asylum application process. He has been volunteering with AYS, assisting asylum seekers with translation and taking part in the educational and integration programs of the NGO.

Tajana Tadić's partner has been harassed by police on multiple occasions in relation to the woman human rights defender's activities for the protection of migrant rights. On 9 October 2019, he received a phone call summoning him to the police station at Petrinjska Street No. 30 for an interview allegedly concerning "the register of persons who have entered the Republic of Croatia". On 10 October 2019, he arrived to the police station where he was questioned, among other things, about his relationship with Tajana Tadić, people who he met in the Centre for Asylum Seekers, as well as some people he's not acquainted with. In addition, content on his mobile phone was checked by a police officer, without a warrant. During the interview, he was asked by a police officer to meet informally at a cafe and was told that he should help police by providing them with information about other refugees. When he refused, the police officer reportedly started to threaten him with revocation of his refugee status, and deportation to Iraq. Following the interrogation, the police officer confiscated his residence permit despite the fact that such an action was illegal, and returned it only after Tajana Tadić's intervention.

AYS and Tajana Tadić have been targetted by Croatian authorities since 2018, when the Minister of the Interior, Davor Božinović, sent a written reply to Member of Parliament Peđa Grbin to his question about the circumstances surrounding the death of Madina Hussiny, a six-year old Afghan girl, at the Croatia-Serbia border. In the letter, the Minister accused AYS of encouraging illegal migration to Croatia. The statement by Minister Božinović was reported by numerous media, seriously damaging the reputation of the NGO. Not long after its publication, AYS was subjected to judicial harassment, where the Ministry of Interior implicitly sought to ban the work of AYS association.

In 2018, AYS were been subjected to several instances of police harassment, police questioning of staff members and beneficiaries and vandalism of its premises. On 17 April 2018, the evening before a press conference hosted by AYS and the Centre for Peace Studies on police pressure and intimidation, police officers arrived at the private address of Tajana Tadić's parents. They summoned Tadić to an interview with officers from the Croatian National Police Office for Suppression of Corruption and Organised Crime scheduled to take place at the same time as the press conference. The interview was linked to a case filed by Madina Hussiny's family against unidentified perpetrators in the ranks of the Croatian police, accusing them of death by negligence.

GREECE

The Greek government persisted in voicing its suspicion of NGOs working with refugees and migrants while several human rights organisations operating in the country reported difficulties in complying with restrictive NGO legislation introduced at the end of 2019, and failed to re-register their organisations. Hostility towards NGOs and refugee and migrant rights defenders increased in February after Turkey stopped preventing refugees and migrants trying to cross its borders into

Europe, which had been closed since 2016. There was an increase of attacks on NGO members at the Evros border and the Aegean islands, especially in Lesbos, Chios, Kos and Naxos. Those attacks included physical assaults, arson and the prevention of NGO boats from docking. In March, the **Chios People's Warehouse** was destroyed in an arson attack while in Lesbos the same month, a refugee and migrants shelter run by NGO **One Happy Family** was also burnt to the ground.

Migrants rights defenders were subjected to physical and verbal attacks, short term detention, smear campaigns and arson attacks on their property. These incidents were largely under-reported because human rights defenders and aid workers prioritised cooperation with the authorities; even if it's extremely fragile, it could be beneficial to the protection of migrants.

⑩ Criminal investigation against four humanitarian organisations

In October 2020, the Greek authorities opened a criminal investigation into four international humanitarian organisations assisting refugees and migrants, namely **Mare Liberum**, **FFM**, **Sea Watch** and **Josoor** on charges of espionage, smuggling and participation in a criminal organisation.

The only source of information about the investigation was the press release of 28 September 2020 published by the Lesbos Police Directorate. The criminal file and the names of the allegedly investigated NGOs were leaked to Greek media outlets and triggered a smear campaign against the NGOs, including allegations of imminent arrest of its members.

At the time of writing of present report, none of the individuals concerned have received any official communication regarding the ongoing investigation against them.

In December 2020, the Greek authorities adopted a law preventing NGO workers from publicly sharing any information related to the operations or residents of refugee camps in the country, including any concerns about potential violations against asylum seekers in those camps.

ITALY

⑩ 4 migrant rights defenders from “Juventa” crew charged for rescue operation at sea

On 2 March 2021, the Trapani Prosecutor Office brought charges of “aiding and abetting illegal immigration to Italy” under Article 12 of the Italian Immigration Act against 21 individuals and the three humanitarian organisations, **Save the Children**, **Médecins sans Frontières** (MSF) and German NGO **Jugend Rettet** (‘Youth Rescue’). If convicted, the charges carry a possible imprisonment sentence of 5-20 years and a fine of 15,000 euros per person that was rescued during the search and rescue operations.

Among those charged are four crew members of the rescue ship “Juventa”, operated by Jugend Rettet. The “Juventa” first began conducting search and rescue operations in the central Mediterranean in July 2016 and has since saved more than an estimated 14,000 lives, with the support of more than 200 volunteers at sea.

The charges were brought against the rescue boats following a three year investigation into search and rescue missions that occurred in 2016 and 2017. Besides the “Juventa”, at least two other rescue boats

are facing charges: “Vos Hestia”, operated by the humanitarian organisation Save the Children; and “Vos Prudence”, run by MSF.

⑩ Police search at the house of migrant rights defenders Lorena Fornasir and Gian Andrea Franchi

In the early morning of 23 March 2021, Italian police raided the house of migrant rights defenders Lorena Fornasir and Gian Andrea Franchi. During the raid, the police confiscated their mobile phones and laptops, as well as the account ledgers for their organisation La Linea d'Ombra and other materials. The search is believed to be related to the investigation opened against Gian Andrea Franchi on charges of ‘aiding and abetting illegal immigration for profit’ under Article 12 of the decree n. 286, of the 1998 Immigration Act. According to the information provided to the migrant rights defender Gian Andrea Franchi, he is being charged in relation to sheltering a migrant couple and their two sons for one night in his home, and then driving them to the train station the following day.

Lorena Fornasir, a 68 year old psychotherapist and Gian Andrea Franchi, an 84 year old retired teacher are both active migrants and refugee rights defenders. Since 2015, Lorena Fornasir and Gian Andrea Franchi have been welcoming and providing medicine, clothes, water and food to migrants in the square in front of Trieste’s main train station. In 2019 they founded "La Linea d'Ombra" in Trieste, a volunteer organisation that raises funds to support migrants in need. The migrant rights defenders and volunteers are known for their “feet washing” tradition: as migrants arrive to Trieste after having walked barefoot for miles, in dire conditions, their feet are often bleeding and in need of medical treatment. Lorena Fornasir and Gian Andrea Franchi frequently cross the border and provide basic assistance, such as food and clothes, to migrants stuck at the Croatian border and in informal camps in Bosnia and Herzegovina.

POLAND

⑩ Defenders of reproductive rights

Massive WHRD-led protests in Poland followed a ruling by the Constitutional Court in October 2020 that the termination of fetuses with congenital defects, even when the fetus would not survive outside the womb, would no longer be permitted. In what were some of the largest protests in 30 years, going on in more than 400 communities all over the country², tens of thousands of mostly women demonstrators forced the delay in the implementation of the ruling. The demonstrations were met with excessive use of force, the criminalization of peaceful protesters, and incitement to violence against protesters by public officials. On 27 January 2021, the ruling of the Constitutional Court was published and came into effect, provoking a new wave of protests.

⑩ Elżbieta Podleśna, Anna Prus and Joanna Gzyra-Iskandar acquitted in “Rainbow Virgin Mary” case

²<http://strajkkobiet.eu/mapa-wydarzen/>

On 3 March 2021, Elżbieta Podleśna, Anna Prus and Joanna Gzyra-Iskandar were acquitted by the court of Plock of the charges of “offending religious beliefs” under article 196 of the Criminal Code of Poland. The charges were brought against the women human rights defenders in response to their posting of stickers and posters depicting the Virgin Mary with a rainbow halo to promote LGBTIQ+ rights. The costs of the trial will be borne by the state.

On 29 April 2019, Elzbieta Podlesna, Anna Prus and Joanna Gzyra-Iskandar pasted posters depicting the Virgin Mary (known as Black Madonna of Częstochowa), with a rainbow halo around her head and shoulders, in support of LGBTI+ rights. In the early morning of 6 May 2019, the apartment of Elzbieta Podlesna was searched by the police, her equipment seized and she was detained for several hours. In July 2020, Elzbieta Podlesna, Anna Prus and Joanna Gzyra-Iskandar were accused of “publicly insulting an object of religious worship in the form of this image which offended the religious feelings of others” under article 196 of the Criminal Code.

⑩ Two LGBTI+ defenders detained

On 3 and 4 August 2020, Margot and Lania, two LGBTI+ rights defenders who go by pseudonyms for security purposes, were arrested in Warsaw for placing rainbow flags into the hands of several statues in the Polish capital. On 6 August 2020, Margot and Lania were released from prison and charged with "insulting monuments" under Article 261 of the Criminal Code.

Margot and Lania are LGBTI+ rights defenders and activists from “Stop Bzdurom” (Stop Bullshit), an initiative created in response to “Stop Pedophilia”, a campaign that publicly associates LGBTI+ people with pedophiles. The initiative also protests the so-called self-proclaimed “LGBT-free zones” that have been declared in an estimated 30% of the country. “Stop Bzdurom” uses performances and street actions to bring public attention to discrimination against LGBTI+ people.

SPAIN

⑩ Catalan human rights defender Jordi Cuixart sentenced to nine years in prison

Since October 2017, Jordi Cuixart has been in pre-trial detention, facing up to 25 years of prison on charges of “rebellion”. The allegations were brought against him in connection to the promotion of a peaceful demonstration in Catalonia by the human rights defender on 20 September 2017 and the referendum on the independence of Catalonia on 1 October 2017.

Jordi Cuixart is the president of Òmnium Cultural, a non-governmental organisation, which was founded in 1961 in response to censorship and persecution of Catalan culture by the Franco dictatorship. Òmnium Cultural has been working to promote and preserve Catalan language and cultural heritage ever since its establishment. Serving its purpose, the organisation has also founded and sponsored various awards and literary contests for works published in Catalan. Upon the restoration of democracy in Spain, Omnim Cultural has been actively involved in the promotion and defence of human rights in Catalonia. Over the last few years, the association has helped to organise a number of peaceful demonstrations in support of the right of people in Catalonia to decide their political future freely and democratically.

On 14 October 2019, he was found guilty on charges of sedition and sentenced to 9 years in prison.

On 31 March 2020, the Supreme Court of Spain threatened that civil servants in the Catalan regional government who authorise house arrest for political prisoners would face penal sanctions. The process

of temporary release for prisoners was initiated in response to the Covid19 crisis as a measure to create more space in prisons. This stalled a process that human rights defender Jordi Cuixart, who had previously been granted temporary release, would have been eligible for.

On 18 May 2020, the Public Prosecutor opposed Jordi Cuixart's request to be released whilst waiting for his appeal to be reviewed by the Constitutional Court of Spain.

Front Line Defenders is concerned by the continued detention and further restriction of Jordi Cuixart's detention regime, particularly in the context of the COVID-19 pandemic, at a time when the UN High Commissioner for Human Rights, Michelle Bachelet, has called for the release of all human rights defenders detained for expressing dissenting views. Front Line Defenders calls for immediate release of Jordi Cuixart as it believes that his imprisonment is motivated by his legitimate and peaceful work in defence of the rights to freedom of peaceful assembly and expression.

SWEDEN

⑩ Human rights defender and journalist Sajid Hussain found dead

On 23 April 2020, the body of disappeared human rights defender and journalist Sajid Hussain was recovered from a river in Uppsala, Sweden. Sajid Hussain, a Pakistani journalist and Baloch rights activist, had sought refuge in Sweden as he was compelled to leave Pakistan in 2012 due to threats to his life. On 2 March 2020, the human rights defender went missing, after he was last seen boarding a train from Stockholm to Uppsala. His body was found nearly two months later.

Sajid Hussain was the editor of the Balochistan Times news website and had been a critical voice against human rights violations committed by the Pakistani state, especially the military, against the Baloch community in Pakistan. He worked as a journalist in Pakistan for several years covering issues of corruption and human rights violations. In 2012 the human rights defender was forced to leave Pakistan due to serious threats against his life. He arrived in Sweden in 2017 and was granted political asylum in 2019. Despite being forced to leave Pakistan, Sajid Hussain continued his peaceful human rights work and advocacy in exile. He started the Balochistan Times which covered the human rights context in Balochistan including abuses, detentions, and enforced disappearances by the Pakistani military in the troubled region. At the point of his disappearance, Sajid was due to start a masters program at the Uppsala university, and his wife and two young children aged nine and five years were to join him in Sweden.