

**AMNESTY**

**INTERNATIONAL**

**REPORT 2021/22**

**THE STATE OF THE WORLD'S  
HUMAN RIGHTS**



**AMNESTY  
INTERNATIONAL**



# AMNESTY INTERNATIONAL

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# CONTENTS

## ANNUAL REPORT 2021/22

Abbreviations vii	Cuba 140
Preface ix	Cyprus 142
Global Analysis 14	Czech Republic 143
Africa regional overview 19	Democratic Republic of the Congo 145
Americas regional overview 27	Denmark 149
Asia-Pacific regional overview 35	Dominican Republic 150
Europe and Central Asia regional overview 44	Ecuador 151
Middle East and North Africa regional overview 53	Egypt 152
Country entries 63	El Salvador 157
Afghanistan 64	Equatorial Guinea 159
Albania 68	Eritrea 160
Algeria 69	Estonia 161
Andorra 72	Eswatini 162
Angola 72	Ethiopia 163
Argentina 75	Fiji 165
Armenia 77	Finland 166
Australia 78	France 167
Austria 80	Gambia 170
Azerbaijan 81	Georgia 172
Bahrain 83	Germany 174
Bangladesh 85	Ghana 176
Belarus 89	Greece 178
Belgium 92	Guatemala 181
Benin 93	Guinea Republic 183
Bolivia 95	Haiti 185
Bosnia and Herzegovina 96	Honduras 186
Botswana 98	Hungary 187
Brazil 99	India 190
Bulgaria 104	Indonesia 193
Burkina Faso 106	Iran 197
Burundi 108	Iraq 201
Cambodia 111	Ireland 205
Cameroon 113	Israel and the Occupied Palestinian Territories 207
Canada 116	Italy 211
Central African Republic 118	Japan 214
Chad 120	Jordan 215
Chile 122	Kazakhstan 217
China 124	Kenya 220
Colombia 130	Kosovo* 223
Congo (the) 135	Kuwait 224
Côte d'Ivoire 137	Kyrgyzstan 226
Croatia 139	Latvia 228

Lebanon 229  
Lesotho 232  
Libya 234  
Lithuania 238  
Madagascar 239  
Malawi 241  
Malaysia 242  
Maldives 244  
Mali 245  
Malta 247  
Mexico 249  
Moldova 253  
Mongolia 255  
Montenegro 256  
Morocco/Western Sahara 258  
Mozambique 261  
Myanmar 263  
Namibia 266  
Nepal 268  
Netherlands 270  
New Zealand 271  
Nicaragua 272  
Niger 273  
Nigeria 276  
North Korea 280  
North Macedonia 282  
Norway 284  
Oman 284  
Pakistan 286  
Palestine (State of) 290  
Papua New Guinea 293  
Paraguay 294  
Peru 296  
Philippines 298  
Poland 301  
Portugal 303  
Puerto Rico 304  
Qatar 305  
Romania 308  
Russian Federation 309  
Rwanda 314  
Saudi Arabia 316  
Senegal 320  
Serbia 322  
Sierra Leone 324  
Singapore 325  
Slovakia 326  
Slovenia 328  
Somalia 329  
South Africa 332  
South Korea 335  
South Sudan 338  
Spain 341  
Sri Lanka 344  
Sudan 347  
Sweden 350  
Switzerland 351  
Syria 353  
Taiwan 357  
Tajikistan 358  
Tanzania 360  
Thailand 362  
Togo 365  
Trinidad and Tobago 366  
Tunisia 367  
Turkey 371  
Turkmenistan 375  
Uganda 377  
Ukraine 380  
United Arab Emirates 384  
United Kingdom 386  
United States of America 390  
Uruguay 394  
Uzbekistan 396  
Venezuela 398  
Viet Nam 403  
Yemen 406  
Zambia 410  
Zimbabwe 412

# ABBREVIATIONS

**ASEAN**

Association of Southeast Asian Nations

**AU**

African Union

**CEDAW**

UN Convention on the Elimination of All Forms of Discrimination against Women

**CEDAW Committee**

UN Committee on the Elimination of Discrimination against Women

**CERD**

International Convention on the Elimination of All Forms of Racial Discrimination

**CERD Committee**

UN Committee on the Elimination of Racial Discrimination

**CIA**

US Central Intelligence Agency

**COVAX**

Covid-19 Vaccines Global Access, directed by the GAVI vaccine alliance, CEPI and the WHO

**Covid-19**

Coronavirus disease-19

**ECOWAS**

Economic Community of West African States

**EU**

European Union

**European Committee for the Prevention of Torture**

European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment

**European Convention on Human Rights**

(European) Convention for the Protection of Human Rights and Fundamental Freedom

**GDP**

Gross domestic product

**ICC**

International Criminal Court

**ICCPR**

International Covenant on Civil and Political Rights

**ICESCR**

International Covenant on Economic, Social and Cultural Rights

**ICRC**

International Committee of the Red Cross

**ILO**

International Labour Organization

**International Convention against Enforced Disappearance**

International Convention for the Protection of All Persons from Enforced Disappearance

**LGBTI**

Lesbian, gay, bisexual, transgender and intersex

**MP**

Member of Parliament

**NATO**

North Atlantic Treaty Organization

**NGO**

Non-governmental organization

**OAS**

Organization of American States

**OCHA**

United Nations Office for the Coordination of Humanitarian Affairs

**OHCHR**

Office of the United Nations High Commissioner for Human Rights

**OSCE**

Organization for Security and Co-operation in Europe

**PPE**

Personal protective equipment

**TRIPS**

Trade-Related Aspects of Intellectual Property

**UK**

United Kingdom

**UN**

United Nations

**UN Convention against Torture**

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

**UN Refugee Convention**

Convention relating to the Status of Refugees

**UN Special Rapporteur on extrajudicial executions**

UN Special Rapporteur on extrajudicial, summary or arbitrary executions

**UN Special Rapporteur on extreme poverty**

UN Special Rapporteur on extreme poverty and human rights

**UN Special Rapporteur on freedom of expression**

UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

**UN Special Rapporteur on racism**

UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

**UN Special Rapporteur on torture**

UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

**UN Special Rapporteur on toxics and human rights**

UN Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes

**UN Special Rapporteur on violence against women**

UN Special rapporteur on violence against women, its causes and consequences

**UNHCR, the UN refugee agency**

Office of the United Nations High Commissioner for Refugees

**UNICEF**

United Nations Children's Fund

**UPR**

UN Universal Periodic Review

**USA**

United States of America

**WHO**

World Health Organization



# PREFACE

How did people fare under the power politics of 2021? Were rights upheld better amidst the world's chaotic contests for profit, privilege and position? Were rights holders better recognized, respected and protected as the Covid-19 pandemic continued and conflicts deepened?

In 2021, slick slogans were the mantra: “we will build back better”. Promises too were dangled: promises of a “global reset” of the economy; of a global “common agenda” to curb corporate abuse, of a sustainable and green recovery, of transformational global solidarity. But slogans, it transpired, meant little, promises were not to be kept and more people were failed in more places more often.

Faced with other options, still governments picked policies and pursued paths that took more of us further away from dignity and rights. The systemic inequalities that drove the pandemic were further entrenched, not systematically reduced. The cross-border flows of health services and supplies that could have broadened access to care often did not come to pass. The intergovernmental cooperation needed to avert further disaster and mitigate human rights crises rarely materialized.

A year ago, writing my first preface for Amnesty's annual report, I had ardently hoped that 2021 would see nations and peoples travel further down the road to an inclusive recovery from Covid-19. With scientific breakthroughs, won at an unprecedented pace, putting the pandemic's end within our reach, it seemed possible. So, what went wrong?

Instead of giving us genuine and meaningful global governance, the world's leaders retreated into their caves of national interest. Instead of providing greater safety to more people, leaders pushed us closer to the abyss of insecurity and, at times, war. Instead of stamping out the practices and strategies that divide us, leaders pitched our nations into self-defeating contests for wealth and resources, and conflict. Instead of upholding the universal human rights norm of equality, racism became further hardwired into the working of the international system, determining even who lived and who did not – adding to the cruel history of whose lives matter and whose do not.

2021 should have been a year of healing and recuperation. **Instead, it became an incubator for greater inequality and instability**, not only in 2021, not just for 2022, but for the decade ahead.

2021's astronomical waves of Covid-19 infections, illness and death was maddeningly predictable and distressingly avoidable. As wealthy governments congratulated themselves for their vaccine roll-out, by the year's end their rampant vaccine nationalism had left more than half the world unvaccinated or only partially vaccinated. Low immunization rates allowed new variants to flourish, putting us all at risk of vaccine-resistant mutations and lengthening the pandemic. Booster shots were delivered to citizens of rich nations while millions in the Global South, including those most at risk of serious illness or death, still awaited their first jab. In September, Amnesty International found that developed countries were sitting on half a billion surplus doses, enough to fully vaccinate several of the world's least-vaccinated nations. Their

dumping of surplus doses allowed to expire was a shocking symptom of a world without moral compass; a world that has lost its way. While companies' CEOs and investors bagged big profits, those desperately needing the vaccine were told to wait. And die.

In the midst of the Covid-19 pandemic, new conflicts were incubated, and unresolved conflicts deepened. In Afghanistan, Burkina Faso, Ethiopia, Israel/Palestine, Libya, Myanmar and Yemen, to name a few, conflict caused violations of international human rights and humanitarian law on a vast scale. In far too few instances did the needed international response come; in far too few cases were justice and accountability provided. Instead, conflict expanded. Extending over time, its impacts worsened. The numbers and diversity of intervening parties rose. New theatres of conflict opened. New weapons were tested. More deaths and injury were exacted. Life was cheapened.

In no other place was the world's decaying order more evident than in Afghanistan where, following the withdrawal of all international troops, the collapse of the government, and the takeover of the country by the Taliban, Afghan women and men on the front line of the fight for human rights and democratic values were left to fend for themselves.

Meanwhile, the global failure to build a global response to the pandemic sowed the seeds of greater conflict and greater injustice. Rising poverty, food insecurity and government instrumentalization of the pandemic to repress dissent and protests – all were well planted in 2021, watered by vaccine nationalism and fertilized by greed of the richer countries.

Such a legacy of 2021 was also evident at the COP26 climate conference. Plagued by short-termism and thwarted by selfishness, a fortnight of negotiations ended in betrayal. Governments betrayed their people by failing to agree a deal to prevent catastrophic climate warming. In doing so, swathes of humanity were condemned to a future of water scarcity, heatwaves, flooding and starvation. The very governments who turn migrants away at their borders sentenced millions to flee their homes in search of safety and better living conditions. Countries already floundering in unsustainable levels of debt were left without sufficient climate finance to tackle deadly environmental change

**2021 incubated further acceptability of racist policies and ideologies** whose practices forced millions to live at the very edge of life itself. We saw this in vaccine producers steadfastly refusing to share their knowledge and technology with low-income countries, preventing the expansion of manufacturing needed to close the gap. We saw this again in many wealthy governments' refusal to support global initiatives such as the proposed TRIPS waiver which could have scaled up vaccine production. We saw this in governments' policies predicated on "risk of death" as an acceptable deterrent for the record number of refugees, migrants, internally displaced people and asylum seekers; policies that went so far as to criminalize those trying to save lives. We saw this again and again in the rise of public political discourse demonizing minorities, pitching arbitrary ideas of freedoms (including of "freedom to hate") into toxic contest against universal rights, norms and standards that are there to protect us from racism and sexism. We saw this in the withdrawal of essential services for sexual and reproductive health with devastating consequences for women and girls in particular.

If in 2021 those in power lacked the ambition and imagination to tackle humanity's gravest adversaries, the same cannot be said for the people they should have represented. In 2021, people across the world stood up not only for their own rights but in solidarity for the rights of all. They demanded better institutions, just law and a fairer society. The Nobel Committee recognized courageous exemplars of that dedication and vision when it awarded the 2021 Nobel Peace Prize to two journalists – Maria Ressa of the Philippines and Dmitry Muratov of Russia – for their brave stances against corrupt leadership and press restrictions in their respective countries.

People the world over rose up, even in the face of authorities' cruel repression and governments who at times used the pandemic as a smokescreen to deny the right to protest. In 2021, at least 67 countries introduced new laws to restrict freedom of expression, association or assembly.

Yet people would not be deterred from making their voices heard. In more than 80 countries, people rose to protest in vast numbers. In Russia, rallies in support of opposition leader Aleksei Navalny went ahead in the face of unprecedented numbers of mass arbitrary arrests and prosecutions. Farmers in India demonstrated against three contentious farming laws until December when India's federal government bent to the wisdom of people power and repealed the legislation. Throughout 2021, people kept rising – in Colombia, Lebanon, Myanmar, Sudan, Thailand, Venezuela and many more countries.

The world over, in 2021, lawyers, academics, NGOs, victims and their families tirelessly pursued justice for human rights violations, war crimes and crimes against humanity. Some landmark rulings were won. In February, two courageous Vietnamese children, with the support of a London-based law professor, won their case at the European Court of Human Rights against the UK's criminalization of trafficking victims. In June, Alieu Kosiah, a former commander of a rebel group in Liberia, was found guilty in Switzerland for war crimes and crimes against humanity and sentenced to 20 years' imprisonment. Innovative strategic litigations and criminal complaints were filed by NGOs against big multinational companies including Nike, Patagonia and C&A for their complicity in forced labour in the Xinjiang region of China.

In 2021 civil society and journalists also took on Big Tech. The Pegasus Project – a major collaborative effort between human rights experts and investigative journalism – uncovered state surveillance of government critics and human rights defenders, shining a light on the underhand tactics deployed to crush dissent. In November, a US court allowed WhatsApp to proceed with its case against NSO group, the creator of Pegasus spyware, marking a major watershed moment for disclosure of information in court. The year also saw the largest fines to date against leading tech companies for breach of data protection and privacy laws, including Amazon (fined €746 million), WhatsApp (€225 million) and Grindr (€6.34 million).

NGOs, backed by ordinary people, also fostered positive developments in international norms and mechanisms. Civil society organizations including Amnesty International successfully lobbied the UN Human Rights Council to recognize the right to a clean, healthy and sustainable environment and to create Special Rapporteurs on human rights and climate change and on human rights in Afghanistan.

If governments won't build back better – as they build back broken – we are left with little option. We must scrutinize every decision and fight every attempt to muzzle our voices. But we must also step up and towards each other. We must build together a more tangible, demanding and insistent movement for global solidarity – people to people to people. If our leaders won't lead us to rights, then rights must lead us to each other.

For that we must organize, support and enable a global movement for justice. We know that ultimately our futures and our fates are intertwined and interdependent – people to planet. We know it. We must live it. We need to take charge – human rights charge – and demand together global governance for the rights of each one of us, to the exception of none of us, in the interests of all of us. Now, let's together – all of us – incubate that.

**Agnès Callamard,**  
**Secretary General Amnesty International**

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**GLOBAL ANALYSIS AND REGIONAL OVERVIEWS**



# GLOBAL ANALYSIS: THREE KEY TRENDS

The year 2021 was a year of hope and promises: everyone's hope that vaccines would stop the devastation caused by the Covid-19 pandemic and promises by governments and groupings like the G7 and G20 to "build back better". However, this was often merely lip service, with some governments even redoubling their exploitation of the pandemic to entrench their own positions.

This analysis explores three key trends arising from Amnesty International's 2021 human rights research in 154 countries: health and inequalities, civic space and Global North pushback on refugees and migrants.

## HEALTH AND INEQUALITIES

Vaccines provided hope for an eventual end to the pandemic, which, according to the WHO had claimed at least 5.5 million lives by the end of 2021, though some estimates suggest the actual number of deaths could be two to three times higher. Many governments pledged to support global vaccination coverage, and the G7 and the G20 made notable commitments. However, despite efforts by some governments in the Global South in particular, international cooperation largely failed. High-income countries stockpiled millions more doses than they could use, leaving some countries able to vaccinate their entire populations three to five times over. In September it was estimated that a handful of these countries were still sitting on over 500 million surplus vaccine doses. While the EU had a vaccination rate of over 70%, many countries in the Global South were still waiting for access to a first shot. By the end of the year, less than 8% of Africa's 1.2 billion people had been fully vaccinated, the lowest vaccination rate of any continent in the world and a far cry from the WHO's 40% vaccination target by the end of 2021. Such global vaccine inequality further entrenched racial injustice.

Rich countries such as EU member states, Norway, Switzerland and the UK also systematically blocked attempts to boost global production of vaccines, which would have increased low and middle-income countries' access to them, by refusing to support the temporary waiver of intellectual property rights. Meanwhile, pharmaceutical companies, backed by powerful governments, heavily prioritized delivery of vaccines to high-income countries. The main companies at the helm of Covid-19 vaccine production monopolized intellectual property and blocked technology transfers, lobbying aggressively against measures that would expand the global manufacturing of these vaccines. This was in spite of most companies receiving billions of dollars in public funding, and all the while making staggering profits from the pandemic. Three – BioNTech, Pfizer and Moderna – were set to earn US\$130 billion by the end of 2022.

National vaccination programmes presented a mixed picture. Some national health services successfully delivered national vaccination programmes thanks to scientific approaches, information campaigns and dedicated health workers. However, other government vaccination programmes were characterized by a lack of transparency and consultation, and impacted by corruption. Others deprioritized or actively excluded many in particularly vulnerable situations, including migrants and refugees, internally displaced people, rural and Indigenous communities, prisoners, the homeless and other undocumented people, along with other groups facing historical discrimination. In Russia vaccination of the homeless and undocumented migrants was complicated by a requirement for identity documents and medical insurance, often unavailable to such groups. In Nicaragua some media reports

pointed to favouritism in vaccinating government supporters first, regardless of their risk profile for Covid-19. Many countries, such as in the Americas region, also failed to create special protocols to ensure culturally appropriate interventions in the vaccination of Indigenous peoples.

Further, unscrupulous messaging and manipulation by those seeking to spread confusion for their own gain, including politicians and even leaders, coupled with irresponsible social media companies, fuelled misinformation and exacerbated vaccine hesitancy. Conflict and crises also impacted vaccination programmes, and the right to health more generally, for instance in Yemen and Ethiopia through attacks on civilian infrastructure and restrictions on humanitarian access. Equally in Afghanistan and Myanmar, the political turmoil brought their already fragile healthcare systems to the brink of collapse.

Human rights to health and through health were arguably never more pertinent or at risk. There was an opportunity to use the huge global investment and medical breakthroughs to improve delivery of healthcare. However, governments around the world failed to show leadership. They failed to reverse the widespread neglect and underfunding of these services over decades or to address limited and unequal access to healthcare. These were both major reasons for the scale of the crisis faced by health systems facing the dual challenge of responding to Covid-19 and providing regular health services. The failure was felt in particular by racialized minorities, migrant workers and older people, as well as women seeking sexual and reproductive healthcare. Some authorities exacerbated the situation by actions such as denying the existence of Covid-19 cases, dismissing risks or banning vaccines from certain countries for political reasons. In some African countries including Congo, Nigeria and Togo, health workers had to go on strike or protest to demand action on dysfunctional health systems or payment of months of salary arrears. Elsewhere, including in Europe, some governments took reprisals against health workers who spoke out about the stress on health services.

Meanwhile, the pandemic and responses to it continued to have a devastating impact in many countries on other economic and social rights, trapping hundreds of millions in extreme poverty. Increased debt resulting from the pandemic negatively impacted possibilities for the necessary investment in essential social services, and the much-promised economic recovery was undermined by limited debt relief. The very limited debt relief of US\$45 billion agreed by the G20 in April 2020, which was extended twice to the end of 2021, only translated into US\$10.3 billion in actual relief to more than 40 eligible countries. This shortcoming was further compounded by the fact that this initiative only resulted in a suspension of debt repayments and the 46 countries that applied still made US\$36.4 billion in debt payments. It also failed to deal with the issue of private creditors' debt repayments, only 0.2% of which were suspended.

At the same time, 2021 signalled some opportunities which governments could seize to lay the groundwork for corporate accountability and effective responses to future pandemics, if they place human rights at the heart of these efforts. The World Health Assembly agreed in December to kick-start a global process to draft and negotiate an international instrument to strengthen pandemic prevention, preparedness and response, although no meaningful reference to human rights was included by the end of the year. Any such treaty will have only a limited impact unless it is accompanied by a comprehensive reform of global health law and a transformational change in the working of governments within such institutions. In addition, after decades of failure to achieve any consensus, the G20 governments struck a deal on some reform of the global taxation system. This, though flawed and not enough, was a step in the right direction to address one of the most intractable and damaging global issues – corporate tax evasion and aggressive tax avoidance.

## CIVIC SPACE

Instead of providing room for discussion and debate on how best to meet the challenges of 2021, the continuing trend was for governments to suppress independent and critical voices, with some even using the pandemic as a pretext to shrink further the civic space. During the year, many governments redoubled efforts to impose and/or implement repressive measures to target their critics, with many of these measures framed ostensibly to curb the spread of misinformation about Covid-19. In China, Iran and beyond, authorities arrested and prosecuted individuals who criticized or challenged their Covid-19 responses. Across the globe, governments unduly prevented and dispersed peaceful protests, sometimes using the pretext of regulations to prevent the spread of Covid-19. Several governments, notably in Africa, the Middle East and North Africa and Asia, blocked or heavily restricted access to the internet and social media; in countries like Eswatini and South Sudan, the internet was sometimes disrupted in an effort to derail planned protests. Attacks on journalists, critics and human rights defenders, including those defending the rights of women and LGBTI individuals, were a prominent part of this backlash against free expression.

A retrograde trend was the preparation and introduction of new legislation restricting the rights to freedom of expression, association and peaceful assembly. Based on Amnesty International's monitoring, such legislation was introduced during the year in at least 67 of the 154 countries covered in this report, including Cambodia, Egypt, Pakistan, Turkey and the USA. At the same time, restrictions introduced in 2020 with the stated intention of tackling Covid-19 were maintained even when the public health situation had changed.

Human rights defenders and government critics remained vocal and uncowed, although they were assaulted by governments and powerful corporations with a widening array of tools. These included arbitrary detention and unjust prosecution, intimidatory and baseless lawsuits, administrative restrictions and other threats as well as violence, including enforced disappearance and torture. There was increased use of strategic lawsuits against public participation (SLAPPs) to target and harass human rights defenders, including in Kosovo against activists that raised concerns over the environmental impact of Austria-based Kelkos Energy's hydropower projects. The Andorran government also brought a case for criminal defamation against an activist for speaking out on women's rights at a UN expert forum. Defenders were arbitrarily detained in at least 84 of the 154 countries monitored by Amnesty International, including 17 of the 19 countries in the Middle East and North Africa. The Americas remained one of the world's most dangerous regions in which to champion human rights, with scores of human rights defenders killed in at least eight countries. Events in Myanmar and Afghanistan saw human rights defenders face greater violence and intimidation than before, as human rights gains were reversed. In some countries, governments took dramatic steps to close down NGOs and/or media outlets, such as in Russia and the Hong Kong region of China, in actions that might previously have been considered unthinkable. In Afghanistan, more than 200 media outlets were shut down across the country after the Taliban took over. In a particularly brazen attack, Belarus used a fake bomb threat to divert a civilian aircraft so it could arrest an exiled journalist on board. Marginalized groups daring to claim their place in public life and lead human rights struggles faced a particular set of risks and challenges, ranging from discrimination and exclusion, to racist and gender-based attacks, both offline and online. Governments also increasingly used technological tools, including spyware, to target journalists, human rights defenders, political opponents and other critical voices. In a combination of restrictions from the pandemic and ongoing repression, NGOs in many countries, from India to Zimbabwe, faced new challenges in carrying out activities or accessing foreign funding.

Attacks on civic space, minority communities and dissenting views were also driven by non-state actors, sometimes armed, sometimes in complicity with states. This was evident in India,



where Dalits, Adivasis and Muslims continued to face widespread abuses and hate crimes. In Brazil, killings of environmental activists by non-state actors continued unabated. In Europe, in a context characterized by increasing racism, islamophobia and antisemitism, minority communities such as Muslims, Jewish people and others often faced rising hate crimes, including in Austria, France, Germany, Italy and the UK.

In the face of protests, 2021 saw an increased trend for governments to securitize civic space, criminalizing peaceful assemblies, militarizing their policing, using national security powers in the face of protest movements, and otherwise introducing regulations to crack down on demonstrations. The response to protests by security forces was heavy-handed: Amnesty International documented the use of unnecessary and/or excessive force against demonstrators in at least 85 of the 154 countries monitored, across all regions. Security forces regularly misused firearms and less-lethal weapons, including tear gas and rubber bullets, unlawfully killing hundreds and injuring many more. In some countries there was a continuing trend towards the militarization of state responses to protests, including the use of armed forces and military equipment. Compromised judiciaries failed to prevent or even facilitated attacks against protesters, as well as human rights defenders and other critics.

Governments often followed up with arrests and prosecutions, and increasingly used technological means, including facial recognition and other forms of surveillance, to identify protest leaders and participants.

## **GLOBAL NORTH PUSHBACK – REFUGEES AND MIGRANTS**

There were unfolding mass displacements in 2021 caused by emerging and entrenched crises. Events in places such as Afghanistan, Ethiopia and Myanmar led to new waves of displacement. Thousands continued to leave Venezuela and the ongoing conflict in the Democratic Republic of the Congo alone caused 1.5 million people to leave their homes in 2021. Globally, millions of people continued to flee their countries due to human rights violations related to conflict and violence, inequality, climate change and environmental degradation, with ethnic minorities among those most affected. According to the UNHCR, the UN Refugee Agency, as of mid-2021 there were 26.6 million refugees and 4.4 million asylum seekers worldwide. Most remained in camps for years, for example in Bangladesh, Jordan, Kenya, Turkey and Uganda, many living in constant fear of being returned back to countries they fled seeking safety.

At a grassroots level, solidarity grew for people on the move, as seen in an increasing number of countries, now 15, offering some form of sponsorship scheme allowing communities to welcome refugees. Such solidarity was too often woefully lacking, however, at the national and international level. Xenophobic narratives about migration were still allowed to permeate public opinion, especially in the Global North, while domestic policies hardened further. A full dozen countries in the EU called on the bloc's executive to dilute refugee protection rules. The international community failed to provide adequate support and, worse, restricted access to safe havens.

Too often, such people on the move were also subjected to a litany of abuses – and impunity reigned for patterns of widespread violations such as pushbacks, torture and sexual violence. Many governments eschewed their responsibilities to provide protection and violated rights in their attempts to keep refugees and migrants from reaching their territory and averting spontaneous arrivals. The tactic of pushbacks became increasingly normalized, some at new flashpoints such as the Belarus/EU border. US border control officials carried out mass pushbacks of over a million refugees and migrants at the US-Mexico border using Covid-19 public health provisions as a pretext. Similarly, governments increasingly sought to externalize national asylum application procedures (even in the face of flows of refugees whom they claimed to want to support, such as from Afghanistan). Governments also continued a trend of

deploying surveillance and data-driven technologies as means of securitizing and entrenching violence at borders. Such border technology was often used in white-majority countries disproportionately, in a systemically discriminatory manner against people of colour.

The situation was also frequently dire for those managing to cross borders. Many authorities continued to unlawfully arrest and indefinitely detain refugees and migrants, often without valid legal grounds or allowing them to challenge the legality of their detention. Some governments also engaged in unlawful deportations; Amnesty International documented credible allegations that refugees or migrants had been unlawfully returned to their countries or pushed across borders in at least 48 of 154 countries monitored in 2021. In Libya thousands were forcibly disappeared following disembarkation by EU-backed Libyan coastguards, while hundreds more were forcibly expelled without due process and left at land borders. Malaysia deported over one thousand people back to Myanmar despite the real risk of persecution and other serious human rights violations.

Many governments discriminated unlawfully against people on the move, including refugees and asylum seekers. In Peru, around a million migrants, including half a million regularized asylum seekers, were not able to access rights such as healthcare. However, pressure to prevent widespread labour abuses against migrant workers continued to be catalysed by the spotlight on high-profile projects such as preparations for the 2022 men's football World Cup in Qatar. This led to further reforms in some countries, although major concerns remained. There were also increasing calls to phase out the detention of migrants, particularly migrant children.

## **RECOMMENDATIONS**

**In order to fulfil their promises, governments and institutions should build their pandemic recovery and crisis response firmly on a human rights framework, and facilitate real dialogue with civil society as partners in reaching solutions.**

**All governments should put in place measures, including legislation, to prevent vaccine developers from impeding access to Covid-19 vaccines. Richer countries in particular must redistribute surplus Covid-19 vaccine stocks to lower-income countries and ramp up debt relief to facilitate economic recovery. Pharmaceutical companies should prioritize deliveries where they are needed the most. Social media companies must take concrete action to respond adequately to the dissemination of false or misleading information.**

**Governments should stop using the pandemic as an excuse to silence independent reporting and debate and urgently lift all undue restrictions on the rights to freedom of expression, association and peaceful assembly. In tandem, governments should adopt or expand laws ensuring the creation of a safe and enabling environment for people to come together for the defence and promotion of human rights, and repeal or amend legislation which hinders the legitimate activity of NGOs, including seeking, receiving and utilizing funding. It is also crucial that governments revoke regimes that require prior authorization to hold peaceful assemblies, and ensure that emergency and other restrictive measures adopted during the pandemic do not become the “new normal”. They should impose tighter controls on the export and import of equipment that can have a legitimate law enforcement function but be readily misused, like batons, tear gas, pepper spray and rubber bullets.**

**Governments must fulfil their obligation to protect people seeking international protection, respect and safeguard their rights and enable them to remain in their territory, in decent conditions, until a durable solution is found. They should stop pushbacks and externalization, and support community sponsorship. Governments must end abuses including discrimination against migrants, stop detaining migrant children, and deepen reforms to end labour abuses.**

# AFRICA REGIONAL OVERVIEW

Civilians continued to pay the price of protracted armed conflicts in Africa. Parties to the conflicts in Burkina Faso, Cameroon, the Central African Republic (CAR), the Democratic Republic of the Congo (DRC), Ethiopia, Mali, Mozambique, Niger, Nigeria, Somalia and South Sudan committed war crimes and other serious violations of international humanitarian and human rights law. In certain cases, such violations amounted to crimes against humanity. The pursuit of justice for victims proved largely to be elusive. Conflicts displaced millions, yet the humanitarian and security situations in refugee and internally displaced people (IDP) camps remained precarious.

As conflicts raged, the Covid-19 pandemic tore through Africa with a devastating impact on human rights. Governments' efforts to stem its tide were hindered by the global vaccine inequality created by pharmaceutical companies and wealthy nations. By the year's end, less than 8% of the continent's 1.2 billion people had been fully vaccinated. The pandemic led to school closures and disruption to learning, with children in conflict-affected countries experiencing additional difficulties in accessing education. In several countries, forced evictions were carried out regardless of the pandemic, leaving tens of thousands homeless.

Measures to curb the spread of Covid-19 provided governments with a justification for repressing the right to dissent and other freedoms. Many governments banned peaceful protests, citing health and safety concerns. When people defied bans and poured onto the streets, security forces used excessive force to break them up. Authorities also continued to silence human rights defenders or to criminalize them. Governments took measures to close civic space and curtail media freedom, and weaponized sedition, terrorism and criminal defamation laws.

Gender discrimination and other forms of inequality remained entrenched in African countries. Major concerns included spikes in gender-based violence, limited access to sexual and reproductive health services and information, early and forced marriages, and the exclusion of pregnant girls from schools. Meanwhile, LGBTI people faced harassment, arrest and prosecution for their real or perceived sexual orientation or gender identity.

Several countries were particularly affected by drought aggravated by climate change, while concerns relating to environmental degradation emerged in others.

## UNLAWFUL ATTACKS AND KILLINGS

Targeted attacks on civilians and civilian infrastructure were pervasive in every conflict in the region. In Cameroon's Far North region, Boko Haram and the Islamic State in West Africa (ISWAP) had killed at least 70 civilians in around 51 attacks by 24 October. In CAR, national forces and their allies targeted a mosque in February, killing 14 people. The UN Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) said that 228 civilians were killed between June and October as a result of the conflict. In Ethiopia, the Tigray People's Liberation Front (TPLF), national security forces, and militia groups were responsible for the massacre, in many cases based on ethnic identity, of hundreds of civilians, including in the towns of Bora, Edaga Berhe and Adi-Goshu. In Niger, the Islamic State in the Greater Sahara (ISGS) attacked villagers and traders in the Tillabéri and Tahoua regions. Three such attacks between January and March resulted in at least 298

civilian deaths. In North East Nigeria, Boko Haram and ISWAP carried out at least 30 attacks causing more than 123 civilian deaths.

Indiscriminate attacks that killed and injured civilians were also common in each of the region's conflicts. In CAR, improvised explosive devices killed at least 15 people in the first half of the year. In Ethiopia, an airstrike by the Ethiopian military on a market in Edaga Selus village in Tigray killed more than 50 civilians and wounded many more. Similarly, an artillery attack, allegedly by TPLF forces, killed six people in a residential area in Debre Tabor town in Amhara region. In Mozambique's Cabo Delgado conflict, the Dyck Advisory Group, a private military company hired by the government as a quick reaction force, fired machine guns and dropped explosives indiscriminately from their helicopters, often failing to distinguish between civilian and military targets.

In North East Nigeria, at least 16 people were killed and 47 injured in February when Boko Haram fired rocket-propelled grenades on parts of Maiduguri city, Borno state. In September, nine people were killed and several injured during a military air strike in Buwari village, Yobe state. In Somalia, the UN documented 241 civilian deaths and 295 injuries between February and July. The armed group, Al-Shabaab, caused 68% of the casualties during indiscriminate attacks; the rest were attributed to state security forces, clan militias, and international and regional forces including the African Union Mission in Somalia.

Almost all actors involved in Africa's armed conflicts deployed sexual violence as a war tactic. In CAR, MINUSCA documented 131 such cases, including 115 rapes, between January and June. In DRC, conflict-related sexual violence remained widespread – at least 1,100 women were raped in North Kivu and Ituri alone between January and September, according to the UN. In Ethiopia, parties to the conflict committed widespread rape against women and girls in Tigray and Amhara. In South Sudan, the UN estimated that state security forces and non-state armed actors committed at least 63 incidents of conflict-related sexual violence, including rape, gang rape and forced nudity. In Niger, members of the Chadian contingent of the G5 Sahel raped two women and an 11-year-old girl in April in Tera, Tillabéri region.

Blockades and restrictions on humanitarian access were also used as a war tactic in some conflicts. In Burkina Faso, the Group for the Support of Islam and Muslims (GSIM) blockaded Mansila town, Yagha province, causing food insecurity among the population. In Mali, GSIM blockaded many villages and communities, restricting villagers' free movement and access to farmland and water, to force them to cease collaboration with the army. Denial of, and restrictions to, humanitarian access by armed groups and vigilante groups or governments continued in Cameroon, DRC, Ethiopia and South Sudan. This contributed to leaving over 5 million people in Ethiopia, 19.6 million in DRC, and 8.3 million in South Sudan in dire need of humanitarian assistance according to UN estimates, particularly food and medicine.

In several countries, many people were killed in spates of inter-communal violence and political unrest. In Cameroon, people, healthcare facilities and schools in anglophone Northwest and Southwest regions were targeted by suspected armed separatists. These abuses happened in the context of growing inter-communal tensions. In Ethiopia, ethnic violence claimed at least 1,500 lives in Afar, Amhara, Benishangul-Gumuz, Oromia and Somali regions. In Nigeria, inter-communal violence between herders and farming communities, as well as attacks by bandits, resulted in more than 3,494 deaths. In South Africa, violence triggered by former president Jacob Zuma's arrest resulted in at least 360 deaths.

## **IMPUNITY**

In almost every country, perpetrators of crimes under international law, and other serious human rights violations and abuses, enjoyed impunity. In Burkina Faso, two members of armed group Ansaroul Islam were convicted on terrorism-related charges, but no significant progress was made in the investigation into the unlawful killing in 2019 of 50 people and the

enforced disappearance of 66 others, allegedly by the armed group Koglweogo in Yirgou village, Sanmatenga province. In CAR, the Special Criminal Court announced that it had issued 25 arrest warrants, but none of them have been successfully implemented to date. While the government established a Commission of Inquiry to investigate violations committed by all parties since the beginning of the offensive by armed group Coalition of Patriots for Change (CPC), it did not make its report or next steps public.

In DRC, at least 80 army and police officers were prosecuted in North Kivu, South Kivu, Ituri, Tanganyika and Kasai provinces for serious crimes including sexual violence. Former Congolese warlord Roger Lumbala was arrested by French authorities over war crimes and crimes against humanity. However, many other perpetrators of crimes under international law in DRC continued to enjoy impunity. In Mali, trials on terrorism charges took place but there were concerns about whether they met international fair trial standards. Meanwhile, there was little progress in the investigation of crimes under international law committed by armed groups and the military.

In Rwanda, Jean-Claude Iyamuremye, accused of being a leader of the Interahamwe militia in Kicukiro commune during the 1994 genocide, was convicted of genocide and sentenced to 25 years in prison. Two genocide suspects were extradited from the USA to Rwanda to stand trial while another suspect was extradited from the Netherlands. In South Sudan, the government seemingly prioritized truth over trials, continuing to delay and block the establishment of the Hybrid Court for South Sudan. In Sudan, the year ended without anyone being held accountable for the killing of at least 100 protesters on 3 June 2019. Authorities also continued to fail in their obligation to transfer Omar al Bashir and two other suspects to the ICC to answer charges of crimes against humanity, genocide and war crimes in Darfur.

## **ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

### **RIGHT TO HEALTH**

The Covid-19 pandemic continued to tear through Africa with a devastating impact on human rights. Nearly 9 million cases and more than 220,000 deaths were recorded during the year. South Africa remained the epicentre of the pandemic, in terms of reported cases and deaths. Governments' efforts to stem the tide of Covid-19 were hindered by inequality in the global distribution of the vaccine, created by pharmaceutical companies and wealthy nations. Pharmaceutical companies prioritized delivering vaccines to high-income countries, who in turn stockpiled more doses than they could use. Rich countries also blocked attempts to increase supplies to low and middle-income countries by supporting the temporary waiver of intellectual property rights and increased sharing of technology and know-how.

Covid-19 vaccines were mainly supplied to African countries through the COVAX facility, the Africa Vaccine Acquisition Trust and bilateral donations. Too often, supplies were insufficient, or their arrival times unpredictable, making it hard for governments to build trust among their populations and structure effective roll out campaigns. In countries like DRC, Malawi and South Sudan vaccine deliveries arrived with short expiry dates forcing authorities to destroy supplies or return the bulk for reallocation to other countries. Supply problems made it more difficult to ensure vaccines reached vulnerable groups, including older people and those with chronic conditions. Internal factors impeding effective vaccination programmes in Africa included inequality, vaccine hesitancy and national insecurity. Less than 8% of Africa's 1.2 billion people were fully vaccinated at the year's end, the lowest rate in the world and a far cry from the WHO's 40% vaccination target.

The Covid-19 pandemic continued to highlight the region's chronic lack of investment in health sectors over many decades. The already inadequate healthcare systems in most

countries were severely strained, especially during the pandemic's third wave. In Somalia, only one hospital in Mogadishu, the capital, handled all Covid-19-related cases across south central regions for much of the year. With about 91% of their beds occupied during July, private and public hospitals in the Gauteng province of South Africa struggled to cope. In Congo, DRC, Nigeria and Togo, health workers went on strike or organized sit-ins to denounce dysfunctional health systems or to demand months of unpaid salaries. Allegations of corruption, including in relation to Covid-19 funds, further undermined health sectors in many countries, including Cameroon and South Africa.

## **RIGHT TO EDUCATION**

School closures and other disruptions to learning due to the pandemic remained a major concern. In Chad, girls' enrolment in secondary schools fell from 31% in 2017 to 12% in 2021 due to school closures and high rates of early and forced marriage. In South Africa, approximately 750,000 children had dropped out of school by May, over three times the pre-pandemic number of 230,000. In Uganda, where schools began a phased reopening in February but closed again in June, the National Planning Authority predicted that more than 30% of learners would not return to school.

Children in conflict-affected countries experienced unique and profound difficulties in accessing education. In Burkina Faso, Cameroon and Niger, Boko Haram, GSIM, ISGS and other armed groups continued to prohibit "western education" and committed war crimes by attacking schools. Meanwhile, threats and violence continued to deter teachers from going to work. In Burkina Faso, UNICEF reported that 2,682 schools remained closed, affecting 304,564 students and 12,480 teachers. In CAR, the CPC attacked or occupied at least 37 schools between January and June. In Niger, 377 schools in the Tillabéri region had closed by June, by which time over 50% of seven-to-16-year-olds nationwide were not enrolled in schools, according to UNICEF.

## **RIGHT TO HOUSING**

Despite the Covid-19 pandemic, forced evictions were recorded in several countries, leaving tens of thousands homeless. In Ghana, Kenya and Nigeria, forced evictions were mainly carried out in urban centres, involving the demolition of hundreds of homes built on what the respective governments called illegal settlements. Other forced evictions in the region were driven by economic interests. In Uganda's Kiryandongo district, more than 35,000 people were forcibly evicted from their homes to make way for industrial farming projects. In Zimbabwe, thousands of villagers were driven from their land in Chisumbanje to allow a fuel company to expand its sugarcane fields.

On a positive note, courts in Kenya and Uganda affirmed the right to housing and condemned forced evictions. The Supreme Court of Kenya ruled that the 2013 eviction of residents of City Carton, an informal settlement in Nairobi, the capital, violated their right to housing. The Constitutional Court of Uganda found that the Wildlife Authority had illegally evicted the Batwa Indigenous people from their ancestral land in the Mgahinga forest in the south-west.

# **REPRESSION OF DISSENT**

## **PROTESTS AND THE USE OF EXCESSIVE FORCE**

Measures to curb the spread of Covid-19 provided a pretext for the repression of peaceful dissent and other rights which continued unabated across the region. The first instinct of many governments was to ban peaceful protests, citing health and safety concerns, including in

Cameroon, Chad and Côte d'Ivoire. Meanwhile, in countries like Eswatini and South Sudan, organizers were arrested beforehand, and the internet disrupted in what may have amounted to efforts to derail planned protests. Security forces used excessive force to break up peaceful protests of hundreds or thousands of people who defied bans. In over 12 countries, including Angola, Benin, Chad, Eswatini, Guinea, Nigeria, Sierra Leone and Sudan, many people died when security forces fired live ammunition. In Eswatini, the violent dispersal of pro-democracy protests that began in May resulted in 80 deaths and more than 200 injuries by October. In Sudan, at least 53 people died when security forces used live ammunition to disperse protests against the October military coup.

Peaceful protesters also faced arbitrary arrest and prosecution. In Chad, at least 700 people protesting against the electoral process and later against the establishment of the transitional government were arrested. In DRC, three activists arrested in North Kivu for organizing a peaceful sit-in to protest mismanagement in a local healthcare administration remained in detention. In Eswatini, at least 1,000 pro-democracy protesters, including 38 children, were arbitrarily arrested.

## **HUMAN RIGHTS DEFENDERS AND FREEDOM OF ASSOCIATION**

The defence of human rights remained an act of courage. Authorities sought to silence human rights defenders or to criminalize them. Along with opposition activists, they were arrested and judicially harassed in many countries, including Benin, Congo, DRC, Eswatini, Kenya, Niger, Rwanda, Senegal, Tanzania, Zambia and Zimbabwe.

In DRC, two whistleblowers were sentenced to death in their absence after they revealed financial transactions made for the benefit of individuals and entities under international sanctions. In Rwanda, Yvonne Idamange, a YouTuber, was sentenced to 15 years in prison for criticizing government policy. Authorities in Congo, Niger, Zambia and elsewhere used criminal defamation laws to intimidate and muzzle critics. Trumped-up charges were brought against critics under Eswatini's terrorism and sedition laws.

Some human rights defenders paid the ultimate price. Joannah Stutchbury, an environmental activist in Kenya, was shot dead at her home in July after receiving death threats. Two journalists were also killed in Somalia.

Laws and policies to restrict the space for NGOs were introduced or implemented in several countries. In Togo, the government suspended the granting and renewal of NGO licences. The Ugandan government ordered the immediate suspension of 54 organizations for allegedly failing to comply with NGO legislation. In Zimbabwe, NGOs were directed to submit work plans to authorities before carrying out activities in Harare, the capital. The High Court ruled that the directive was unconstitutional. Subsequently an amendment to the Private Voluntary Organizations Act regulations, allowing for the closure of organizations suspected of funding, or campaigning for, politicians during elections was gazetted.

## **MEDIA FREEDOM**

Governments continued to curtail media freedom. In Angola, Burkina Faso, DRC, Madagascar, Senegal, Tanzania, Togo and elsewhere newspapers and radio and TV stations were suspended. In some countries, such as Ghana and Zambia, authorities stormed media houses disrupting live programmes and destroying property. In Zambia, for example, unidentified people set fire to Kalungwishi radio station in Chiengi district in June. In Nigeria, media organizations staged a campaign tagged "Information Blackout" to protest against two bills which threatened to tighten media regulation and undermine access to information.

Internet disruptions and shutdowns and suspension of social media were recorded, including in Eswatini, Niger, Nigeria, Senegal, South Sudan, Sudan, Uganda and Zambia. In June,

Nigerian authorities suspended Twitter after the site deleted a controversial tweet from President Buhari for violating its community rule.

## **RIGHTS OF REFUGEES, MIGRANTS AND INTERNALLY DISPLACED PEOPLE**

Conflicts that raged across the region continued to displace millions from their homes, including 1.5 million people in DRC during 2021, bringing the total number of IDPs in the country to 5 million. In Somalia, where more than 2.6 million people were internally displaced in previous years, 573,000 people fled their homes between January and August. Most of the region's refugees were hosted by a handful of countries, including Cameroon, Chad, DRC, Ethiopia, Kenya, Niger, Rwanda and Sudan while Uganda had the largest refugee population in Africa with over 1.5 million. Paradoxically, some host countries, such as DRC and Ethiopia, also produced large numbers of refugees.

The humanitarian and security situations in nearly all the region's refugee and IDP camps remained precarious. Lack of adequate access to food, water, education, health and housing, sometimes because of blockades and restrictions of humanitarian access, was common. In March, the Kenyan government gave UNHCR, the UN refugee agency, a 14-day ultimatum to close the Kakuma and Dadaab refugee camps. The threat was later retracted, and the closure of the camps postponed to June 2022. In Niger, ISGS attacked settlements inhabited by Malian refugees in Intikane, Tahoua region, killing dozens of people. In Tanzania, the police and intelligence services, in cooperation with the Burundian intelligence services, continued to use violence, arbitrary arrests, strict encampment policies and threats of deportation to pressure Burundian refugees to leave the country.

## **DISCRIMINATION AND MARGINALIZATION**

### **WOMEN'S AND GIRLS' RIGHTS**

Gender discrimination and inequality remained entrenched in African countries. Major concerns documented in the region included spikes in gender-based violence, limited access to sexual and reproductive health services and information, the persistence of early and forced marriage, and the exclusion of pregnant girls from schools.

Restrictive lockdown measures enforced by governments to curb the spread of Covid-19 contributed to soaring rates of sexual and gender-based violence across the region. Gender-based violence reached crisis levels in South Africa where official crime statistics showed a 74.1% increase in all sexual offences. There were also at least 117 cases of femicide in the first half of the year.

Specific cases of gender-based violence in the region triggered public outrage and calls for action. Women in Chad protested in the streets against sexual violence and a culture of impunity for perpetrators after the gang rape of a 15-year-old girl was filmed and shared on social media. In South Africa, the killing of Nosicelo Mtebeni, a 23-year-old law student, by her boyfriend led to a public outcry. Her body was dismembered and placed in a suitcase and in plastic bags.

While gender-based violence spiked, access to protection and support services for survivors, as well as to sexual and reproductive health services and information, remained limited across the region. Early and forced marriages persisted in many countries. In Namibia, it emerged that a four-year-old's parents had married her to a 25-year-old man when she was two. In



Equatorial Guinea, a ban on pregnant girls attending school continued. In Tanzania the Ministry of Education announced in November that it would lift a similar ban.

Legislative proposals to address specific forms of gender discrimination were introduced in Côte d'Ivoire and Madagascar. In Sudan, the cabinet approved the country's ratification of the Maputo Protocol and CEDAW. Other positive reports included a judgment in favour of survivors of sexual and gender-based violence in Nigeria and the presidential pardon of 10 girls and women who were released from prison for abortion-related offences in Rwanda.

## **PERSONS WITH ALBINISM**

In Eastern and Southern Africa, persons with albinism and their families continued to live in fear for their lives. Violent attacks against persons with albinism were recorded in Malawi where a man was killed in February and the body of another was found in August. In Zambia, two children, aged two and nine, were mutilated in separate attacks in June and July.

## **LGBTI PEOPLE'S RIGHTS**

LGBTI people continued to face harassment, arrest and prosecution for their real or perceived sexual orientation or gender identity. In Benin, three transgender women were forced to undress before being beaten and robbed by a group of men in Cotonou; the attack was filmed and shared on social media. Filmed attacks on LGBTI people were also common in Senegal, where conservative groups organized a protest calling for the criminalization of consensual same-sexual relations. In Cameroon, two transgender women accused of such acts were sentenced to five years' imprisonment but released pending appeal. In Namibia, police accused a transgender woman of faking her identity to avoid prosecution and subjected her to transphobic harassment in custody. A new law in Taraba state, Nigeria, contained a provision for life imprisonment for transgender people.

In Kenya's Kakuma and Dadaab refugee camps, LGBTI refugees were routinely harassed and attacked. Chriton Atuherwa's death, after suffering severe burns from an arson attack in Kakuma camp, illustrated the government's inadequate protection of LGBTI refugees from homophobic attacks.

In Cameroon, police officers raided the offices of Colibri, an HIV/AIDS prevention and treatment group in Bafoussam, West region, and arrested 13 people on charges related to consensual same-sexual conduct before releasing them days later after they were forced to undergo HIV tests and anal examinations. In Ghana, where a bill further criminalizing LGBTI people was introduced in parliament, the LGBTI+ Rights Ghana offices were searched and closed by police officers. Police also arrested 21 LGBTI activists for unlawful assembly during a training session. Charges against them were later dismissed. The Malagasy interior ministry suspended an annual LGBT event.

On a positive note, the Botswana Court of Appeal upheld a high court judgment that declared a law criminalizing consensual same-sexual relations unconstitutional; in Uganda, Cleopatra Kambugu announced that she was the first trans woman to obtain a Ugandan identification card and passport recognizing her female gender.

## **CLIMATE CHANGE AND ENVIRONMENTAL DEGRADATION**

Several countries in the region were particularly impacted by drought aggravated by climate change. In Angola, low rainfall caused the worst drought in 40 years. Malnutrition peaked due to lack of food, safe water and adequate sanitation, with women, children and older people disproportionately affected. Southern Madagascar was affected by severe drought impacting those reliant on subsistence agriculture, livestock and fishing as their main sources of

livelihood. In South Africa, a drought disaster was declared in the Eastern Cape, Northern Cape and Western Cape provinces in July.

Concerns relating to environmental degradation emerged in several countries, including Botswana, Congo, DRC, Ghana, Namibia and South Africa. In Botswana and Namibia, oil exploration licences continued to be granted in environmentally sensitive areas in the Okavango River basin to Canadian-based mining company ReconAfrica, despite their adverse impact on climate change and on the rights of local residents, including Indigenous peoples, a point also made by the UNESCO World Heritage Committee. Extensive pollution was caused to the Tshikapa and Kasai rivers and their tributaries in southern DRC. The government said the pollution was caused by a spillage upstream from a diamond mining and processing company based in northern Angola. The disaster led to at least 40 deaths, hundreds of cases of severe diarrhoea, and wiped-out aquatic life.

## **RECOMMENDATIONS**

**Despite some positive developments, 2021 was a difficult year for human rights in Africa. African governments and relevant non-state actors must take bold actions to address the many concerns that arose during the year, as follows:**

**All parties to armed conflicts must protect civilians, not least by ending targeted and indiscriminate attacks on civilians and civilian infrastructure. This includes taking all steps to ensure that refugees and internally displaced people are protected and given full access to humanitarian aid, including food, water and shelter.**

**Governments must bolster efforts to fight impunity by undertaking thorough, independent, impartial, effective and transparent investigations into crimes under international law and by bringing suspected perpetrators to justice.**

**In the absence of adequate Covid-19 vaccine supplies, governments should continue to prioritize the vaccination of groups at most risk, as well as those in hard-to-reach areas. They must cooperate at regional and international levels to strengthen their national healthcare systems and provide transparent information about health budgets.**

**Governments must immediately take action to protect women's and girls' rights to equality, health, information, education, and to allow them to live free from gender-based violence and discrimination, including by ensuring that survivors of such violence, during the Covid-19 restrictions, continue to have access to police protection and justice, to shelters, helplines and community support services.**

**Governments must end the harassment and intimidation of human rights defenders and activists, drop all charges against those facing prosecution, and immediately and unconditionally release those who are arbitrarily detained or imprisoned. They must respect media freedom, including by ensuring that media outlets can operate independently.**

# AMERICAS REGIONAL OVERVIEW

**Even before the Covid-19 crisis, the Americas had the highest rates of income inequality of any region in the world. The continent's uneven economic recovery during the year made little impact on the wide-ranging consequences of decades of structural inequality. Despite implementing various programmes to tackle the consequences of the pandemic, many governments failed to protect the social, economic and cultural rights of their most vulnerable populations – and often undermined them further with discriminatory policies and practices.**

In 2021, 1.5 million people lost their lives due to Covid-19 in the Americas, which continued to have the world's highest per capita death toll from Covid-19. Limited and unequal access to healthcare was a major cause, compounded by poorly funded health systems, inadequate social protection policies and measures for marginalized communities, and a lack of adequate access to vaccines. The impact of the pandemic on Indigenous peoples was made particularly acute by ongoing inadequate access to sanitation, health services and social benefits.

Many governments did not do enough to prioritize sexual and reproductive health. Essential services were lacking and access to abortion services remained criminalized in most countries.

Violence against women and girls remained a major concern throughout the region. Investigations into cases of gender-based violence, including domestic violence, rape, homicide and femicide, were often inadequate.

The right to freedom of expression was under threat in several countries, with dozens of journalists and government critics threatened, censored, attacked and detained. Police and other security forces cracked down on peaceful protests in many countries with excessive use of force, arbitrary detentions and, in some cases, unlawful killings.

Impunity for these and other human rights violations and crimes under international law remained a serious concern in more than half the countries in the region. Attacks on judicial independence also increased.

Tens of thousands of people fled their countries due to human rights violations related to violence, poverty, inequality and climate change. However, many governments continued to prohibit the entry of refugees, asylum seekers and migrants, and violated international law by forcibly returning, without proper consideration of their claims, those who did make it across borders.

The landmark Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement) finally came into force in April. However, acts of environmental destruction continued in many countries and the Americas remained one of the world's most dangerous regions for those defending environmental and human rights.

## ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Despite an upturn in economic growth during the year, these gains were insufficient to reverse the 2020 economic downturn, which saw record unemployment, falling incomes and increases in poverty and inequality.

In Argentina, Brazil, Guatemala, Haiti, Nicaragua and Venezuela the hardship was particularly severe. By June, 40.6% of the Argentine population was living in poverty. In Brazil, 56% of the population faced food insecurity. In Haiti, nearly half of the population was in need

of food assistance. And in Venezuela, 94.5% of the population was living in income poverty and 76.6% in extreme poverty.

Inequality and discrimination remained prevalent region-wide. According to the UN Economic Commission for Latin America and the Caribbean (ECLAC), the average unemployment rate for women in the region was 12.7% compared to 9.7% for men.

Many governments failed to protect the social, economic and cultural rights of those in the most vulnerable situations and some even further undermined them. For example, forced evictions increased in Paraguay – particularly among Indigenous and rural communities – without effective judicial remedies or the offer of resettlement alternatives. According to the Zero Eviction campaign, 23,500 Brazilian families were evicted from their homes between March 2020 and October 2021, during the pandemic. In the USA, the Supreme Court struck down efforts to extend a federal moratorium on evictions.

In Venezuela more than 3,000 protests took place in the first half of the year as the country's food distribution system failed to meet nutritional needs and access to medical assistance, drinking water, food and fuel further deteriorated.

## RIGHT TO HEALTH

The pandemic continued to have a devastating impact in many countries where access to healthcare and vaccines was limited and unequal.

With 2.3 million deaths from Covid-19 since the beginning of the pandemic, the region accounted for 45% of the global total of deaths, despite representing just 13% of the world's population.

Widespread neglect and underfunding of public health services was a major reason for the scale of the crisis. In several countries, the number of doctors and nurses per capita was far below the threshold that the WHO considers necessary for delivering basic health services in the world's poorest countries.

In Venezuela, there was a lack of protective equipment and local NGOs reported that more than 800 health professionals had died from Covid-19 since March 2020. A chronic lack of oxygen and insufficient hospital capacity contributed to Peru becoming the country with the highest number of deaths per capita in the world. In Brazil, President Jair Bolsonaro responded to the Covid-19 pandemic with a mixture of denial, negligence, opportunism and contempt for human rights.

By late August, over half of the population of North America was fully vaccinated against Covid-19 – compared to just a quarter in Latin America and the Caribbean. A month later, data science company Airfinity estimated that developed countries were sitting on over 500 million surplus vaccine doses.

Some higher-income countries actively blocked the expanded production of vaccines. By the end of the year, Canada had still not granted a compulsory licence for the Canadian pharmaceutical company Biolyse to produce 20 million doses of the Johnson & Johnson vaccine, with the first 15 million going to Bolivia.

By the end of the year, overall vaccination coverage was similar in North and South America, with over half of the population fully vaccinated. However, there remained considerable disparity between countries in the region. While Canada, Chile and Uruguay had fully vaccinated three quarters or more of their population, Guatemala and Venezuela had only reached a fifth of their population, while Nicaragua and Haiti had only reached less than 6% and 1% respectively.

Government vaccination programmes frequently overlooked or actively excluded those at risk of Covid-19, including, in many cases, migrants and refugees. Many countries failed to create

special protocols to ensure culturally appropriate vaccination programmes tailored for Indigenous peoples.

In some cases, health workers were excluded from vaccination programmes. For example, in Nicaragua, health workers only started being vaccinated in May – long after others; some media reports pointed to favouritism in vaccinating government supporters first, regardless of their risk profile for Covid-19.

## **SEXUAL AND REPRODUCTIVE RIGHTS**

Many governments did not do enough to prioritize sexual and reproductive health. Essential services were lacking and safe abortion services remained criminalized in most countries. The Dominican Republic, El Salvador, Haiti, Honduras, Jamaica and Nicaragua maintained total bans on abortion.

Despite Argentina's landmark decriminalization and legalization of abortion within the first 14 weeks of pregnancy at the end of 2020, other countries failed to follow suit. In Chile, a bill decriminalizing abortion within the first 14 weeks of pregnancy was rejected. In Colombia, the Constitutional Court failed to decide on a case of decriminalization of abortion filed by Causa Justa, a broad coalition of NGOs. In the Dominican Republic and El Salvador efforts to decriminalize abortion under much more limited circumstances failed to receive legislative approval.

In Honduras, in January, Congress passed a constitutional reform making it harder to remove the bans on abortion and same-sex marriage – although a challenge to the total ban on abortion was pending before the Supreme Court of Justice at the end of the year.

In the USA, state governments introduced more abortion restrictions in 2021 than in any other year. In Texas, a near-total abortion ban was enacted, criminalizing abortion as early as six weeks into pregnancy.

A rare example of limited progress was the decision in April by Ecuador's Constitutional Court to decriminalize abortion on the grounds of rape.

## **INDIGENOUS PEOPLES' RIGHTS**

Indigenous peoples in the Americas continued to face inadequate access to their rights to water, sanitation, health and social protection, as well as a lack of culturally appropriate mechanisms to protect their rights to health and livelihoods – all of which exacerbated the impact of the Covid-19 pandemic.

The plight of Indigenous peoples in Argentina, Brazil, Bolivia, Canada, Colombia, Ecuador, Nicaragua, Paraguay and Venezuela was particularly acute.

In Brazil, Indigenous peoples lacked protection from land invasions, deforestation and mining, as well as the spread of Covid-19. In August, the Articulation of Indigenous Peoples of Brazil submitted an unprecedented statement at the ICC, accusing the Bolsonaro government of genocide and ecocide.

In many countries – including Guatemala, Honduras, Mexico, Paraguay, Peru and Venezuela – governments continued to allow major extractive, agricultural and infrastructure projects to proceed without obtaining the free, prior and informed consent of Indigenous peoples affected, and sometimes despite judicial orders to suspend operations.

In Bolivia, Chile, Colombia, Nicaragua, Paraguay and Peru, Indigenous peoples were injured and killed in violent attacks and shootings by state security forces or armed civilians.

In Canada, the remains of hundreds of Indigenous children buried at former residential schools – established by the Canadian government and administered by churches – were located. Many Indigenous people, associations, organizations and band councils denounced

this as genocide and called for justice. In September, Canada's Federal Court ordered Ottawa to pay Can\$40,000 (approximately US\$32,000) to each of approximately 50,000 First Nations children forcibly separated from their families.

## **FREEDOM OF EXPRESSION AND ASSEMBLY**

The rights to freedom of expression, association and assembly came under threat in several countries in the region.

Journalists and government critics were intimidated, harassed, threatened, censored, criminalized or denied access to public information in Brazil, Canada, Cuba, El Salvador, Guatemala, Mexico, Nicaragua, Uruguay and Venezuela.

In February, the Inter-American Commission on Human Rights (IACHR) granted precautionary measures in favour of 34 staff members of El Salvador's El Faro digital newspaper who had been subjected to harassment, threats and intimidation.

In Venezuela, several media broadcasts were banned and a leading newspaper was fined for defamation of a high-ranking government official. A local NGO reported more than 290 attacks on journalists.

In Colombia, the Foundation for Press Freedom reported 402 attacks on the press documenting the social protests.

Following Cuba's largest demonstration in decades on 11 July, the IACHR received reports of violent attacks on the media by police and government supporters and the arrest of at least 10 journalists.

Restrictions, repression and bans on peaceful protest further undermined freedom of expression in Colombia, Cuba, Mexico, the USA and Venezuela.

The Colombian government issued measures restricting the movement of transport and people to prevent participation in protests scheduled in various cities on 20 July. In Cuba, hundreds of people were detained during the historic protests on 11 July and in October the government banned another march to call for their release. Meanwhile, US lawmakers in at least 36 states and at the federal level introduced more than 80 pieces of draft legislation limiting freedom of assembly, with nine states enacting 10 such bills into law.

## **EXCESSIVE USE OF FORCE**

Excessive use of force was employed to repress protests in many countries – including Argentina, Chile, Colombia, Honduras, Mexico, Paraguay, Puerto Rico and Venezuela.

The OHCHR verified 46 deaths (44 civilian and two police officers) during Colombia's National Strike demonstrations in April and May, as well as 49 reports of sexual violence. In Venezuela, the police, military and pro-government armed groups attacked at least 59 protests – resulting in the death of one protester and the injury of seven others.

In Mexico, the police used unnecessary and excessive force, arbitrary detentions and even sexual violence to silence women protesting against gender-based violence.

In Chile, updated figures from the Public Prosecutor's Office and the National Institute of Human Rights showed there had been more than 8,000 victims of state agents violence since protests began in October 2019.

Excessive use of force in police operations to tackle crime also resulted in significant loss of life. In Brazil, 6 May saw the most deadly operation ever by police in Rio de Janeiro which left 27 residents of the city's Jacarezinho favela dead. In November, a further nine people died as the result of another police operation in Rio de Janeiro's Complexo do Salgueiro favela.

In November, police in Buenos Aires, Argentina, shot and killed 17-year-old footballer Lucas González in his car as he left a grocery store.

In the USA, at least 888 people were reported killed by police using firearms, with Black people disproportionately impacted. Six US states still had no use-of-force statutes and, of those that did, none complied with international law and standards regarding the use of lethal force. The US Senate also failed to introduce the George Floyd Justice in Policing Act – a bill providing a bipartisan set of proposals to reform certain aspects of policing in the USA.

## **ARBITRARY DETENTIONS AND ENFORCED DISAPPEARANCES**

Cases of arbitrary detention were reported in many countries including Colombia, Cuba, Mexico, Nicaragua, Venezuela and at the US Naval Base in Guantánamo Bay.

According to the Campaign Defending Freedom, 3,275 people were arbitrarily detained in the context of Colombia's National Strike. The Working Group on Enforced Disappearances recorded that the whereabouts of 327 people disappeared, remained unknown at the end of the year.

The Cuban authorities arbitrarily imprisoned hundreds of people for exercising their rights to freedom of expression and peaceful assembly in the context of the 11 July protests.

In Nicaragua, in the months leading up to the re-election of President Daniel Ortega in November, police arbitrarily detained or forcibly disappeared dozens of human rights defenders, journalists and government opponents, including seven potential presidential candidates.

According to the Venezuelan human rights organization Foro Penal, the country's security forces arbitrarily detained 44 political activists, students and human rights defenders during the year. Some detainees died in custody, including three whose arbitrary detention was politically motivated.

Despite US President Biden's stated intention to close the detention facility at the US Naval Base in Guantánamo Bay, 39 men remained arbitrarily and indefinitely detained in the facility; 10 could face the death penalty.

## **HUMAN RIGHTS DEFENDERS**

The Americas remained one of the world's most dangerous regions in which to defend human rights.

Human rights defenders were killed in several countries including Brazil, Colombia, Guatemala, Haiti, Honduras, Mexico, Peru and Venezuela.

A report by the NGO Global Witness described Colombia as the country with the highest recorded number of attacks on environmental and human rights workers in the world.

Human rights defenders were also subjected to threats, violence, prosecutions, arbitrary detention and unlawful surveillance in Bolivia, Chile, Cuba, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua and the USA.

Venezuela saw one of the sharpest deteriorations in the situation of human rights defenders. According to the Centre for Human Rights Defenders and Justice, in 2021 there were 743 attacks on activists – an increase of 145% compared to 2020.

## **IMPUNITY AND ACCESS TO JUSTICE**

Impunity for human rights violations and crimes under international law – as well as a lack of access to justice, truth or reparation – remained a serious concern in more than half of the countries in the region.

Judicial independence came under sustained attack in Brazil, Bolivia, El Salvador, Guatemala, Honduras, Nicaragua, Paraguay and Venezuela.

For example, in El Salvador, the new Legislative Assembly adopted a series of measures limiting the independence of the judiciary – including the removal of members of the Constitutional Chamber of the Supreme Court of Justice and the Attorney General. In Guatemala members of the judiciary who play key roles in the fight against impunity for cases of serious human rights violations and corruption were removed or prevented from taking up their positions.

In the run-up to November's elections, Nicaragua's President Daniel Ortega continued to use judicial and legislative bodies to implement repressive tactics, while thousands of victims of human rights violations awaited justice for crimes committed by state agents under his rule.

In Venezuela, the justice system played a significant role in state repression of government opponents, while victims of human rights violations and crimes were left unprotected. In November, ICC Prosecutor Karim Khan announced the opening of an investigation into possible crimes against humanity in Venezuela.

In Argentina, Peru and Uruguay some progress was made in bringing to justice those suspected of criminal responsibility for crimes under international law committed in the 1970s, 1980s and 1990s.

In April, the US government rescinded sanctions against the ICC Office of the Prosecutor personnel that were imposed by the previous administration – though it continued to reject the ICC's jurisdiction over alleged war crimes committed by US military personnel in Afghanistan, Iraq or elsewhere.

## **VIOLENCE AGAINST WOMEN AND GIRLS**

Measures to protect women and girls were inadequate throughout the region and investigations into cases of gender-based violence were often flawed.

In Mexico, for example, violence against women continued to be widespread. There were 3,427 killings of women registered during the year, of which 887 were under investigation as femicides. Investigations by the State of Mexico Attorney General's Office into cases of women who disappeared before being killed were seriously flawed. Mexican security forces also used excessive force, arbitrary detentions and sexual violence against women protesters.

In Colombia, where the Colombian Femicide Observatory reported 432 femicides in the first eight months of the year, security forces also regularly committed acts of sexual violence against women.

Both Paraguay and Puerto Rico declared states of emergency because of increased violence against women. There were also significant increases in violence against women in Peru and Uruguay. In Puerto Rico, 511 cases of domestic violence were filed by May – a sharp increase compared to the same period in 2020. In Peru, 146 women were victims of femicide in 2021, compared with 136 in 2020. Furthermore, 12,084 women disappeared between January and October and 25% of femicides in Peru are previously reported as disappearances.

In Venezuela, the Attorney General's Office announced the existence of 72 prosecutorial offices specialized in criminal investigations into gender-based violence. However, local NGOs questioned their effectiveness and the Centre for Justice and Peace documented 125 femicides between January and June.



## **LGBTI PEOPLE'S RIGHTS**

The Americas saw some limited progress in the recognition of the rights of LGBTI people – but overall legislation was blocked and LGBTI people continued to be the targets of discrimination, violence and killings in several countries.

Argentina introduced new identity cards recognizing people who identify as non-binary, and in June Congress passed a law to promote the employment of trans people.

In the USA, the Biden administration took steps to repeal the previous administration's discriminatory policies toward LGBTI people. Nonetheless, hundreds of state-level bills were also introduced that would curtail the rights of LGBTI people.

Elsewhere in the Americas, LGBTI people faced lethal violence. Brazil's National Association of Transvestites and Transsexuals reported that 80 transgender people were killed in Brazil in the first half of the year and Colombia's Transgender Community Network reported that 30 trans people had been killed by November.

## **REFUGEES' AND MIGRANTS' RIGHTS**

Tens of thousands of people – mostly from Guatemala, Haiti, Honduras and Venezuela – fled human rights violations related to violence, poverty, inequality and climate change during the year.

Governments – including those of Canada, Chile, Curaçao, Mexico, Peru, Trinidad and Tobago, and the USA – prohibited the entry of refugees, asylum seekers and migrants and forcibly returned those that did make it across their borders without proper consideration of their refugee and asylum claims.

US border control officials carried out mass pushbacks of over a million refugees and migrants at the US-Mexico border using Covid-19 public health provisions as a pretext.

Canadian immigration detention practices also continued to violate international human rights law, including the rights of people with disabilities and children.

Mexico sent thousands of troops to shut down its southern border with Guatemala. Immigration authorities illegally turned back or deported thousands of people to Guatemala and launched major operations in Mexico to intercept and repatriate unaccompanied children, in violation of their rights.

Thousands of people – mostly from Venezuela – tried to enter Chile on foot, with at least 20 dying en route. In April, Chile imposed new restrictions on migrants' ability to regularize their status and hundreds of people were deported in what may have amounted to mass expulsion without due process.

In Peru, around a million migrants, including half a million regularized asylum seekers, were not able to access rights such as healthcare.

Tens of thousands of Haitian refugees sought international protection, but governments across the region failed to shield them from a range of violations, including detention and unlawful pushbacks, extortion, racial discrimination and other abuses, including gender-based violence by armed groups.

## **FAILURE TO TACKLE CLIMATE CRISIS**

Despite some positive developments during the year, action on climate change remained limited, in turn undermining human rights across the continent.

The Escazú Agreement came into effect on 22 April, but by the end of the year, Cuba and Venezuela had yet to sign it and 12 countries had not ratified it.

In February, the new US administration rejoined the Paris Agreement and sought to reverse hundreds of laws and policies that had been passed during the previous administration to deregulate the environmental and energy sectors.

Nevertheless, elsewhere progress on tackling climate change was disappointing. By encouraging deforestation and extraction of natural resources in the Amazon, Brazil's President Bolsonaro exacerbated the impact of the climate crisis on Indigenous peoples' lands and territories, leaving a legacy of environmental destruction. According to the NGO Imazon, the Brazilian Amazon had the highest deforestation rate for the month of August in 10 years. Bolivia passed regulations that incentivized logging and the burning of forests. Canada continued to subsidize the fossil fuel industry. Despite re-engaging with the world on climate change, the new US administration continued to approve oil drilling projects on federal land. And Mexico, the world's 11<sup>th</sup> largest greenhouse gas emitter, failed to present any new emission reduction targets at the UN conference on climate change.

## **RECOMMENDATIONS**

**Governments have a duty to guarantee the right to health without discrimination and should pay particular attention to marginalized groups and others at greater risk from Covid-19. They must guarantee access to economic, social and cultural rights, with special efforts to address the disproportionate impact of the pandemic on those facing multiple forms of discrimination and marginalization, including the violations resulting from the historic marginalization of and discrimination against Indigenous peoples. They must also ensure access to sexual and reproductive rights, including access to safe abortion services.**

**Governments must respect and facilitate the exercise of the rights to freedom of expression and assembly, including ensuring that journalists are able to carry out their legitimate work free of harassment and violence. They must recognize the legitimate work of human rights defenders and create an environment conducive to enabling them to carry out their work in safety and stop responding to social protests or criticism with repression and by resorting to arbitrary detention and enforced disappearance to silence opponents.**

**Governments must ensure that law enforcement protocols and practices are consistent with international standards and that any breaches of such standards are properly investigated and those suspected of criminal responsibility are brought to justice in fair trials before ordinary civilian courts. They must refrain from undermining the independence of the judiciary so that the right to access to justice, truth and reparation can be a meaningful reality for those under its jurisdiction. They must also address the impunity that surrounds violence based on gender or sexual orientation and identity. They must take urgent steps to address violence against women and girls and its root causes and to protect LGBTI people from all forms of violence and eliminate the discrimination that underpins the range of human rights violations they experience.**

**Governments must fulfil their obligation to protect people seeking international protection, respect and safeguard their rights and enable them to remain in their territory, in decent conditions, until a durable solution is found.**

# ASIA-PACIFIC REGIONAL OVERVIEW

Several countries in the Asia-Pacific region descended into full-blown human rights crisis during the year. In Myanmar, widespread opposition to the military coup in February was met by a ferocious response from the military in which hundreds of people were killed and thousands arbitrarily detained. The Taliban takeover in Afghanistan in August was accompanied by war crimes and the abrupt curtailment of women and girls' hard won fundamental rights and freedoms. In China, crimes against humanity persisted against Muslims living in Xinjiang, and the human rights situation deteriorated, particularly in Hong Kong. Failures over many years to embed respect for human rights and to hold perpetrators accountable for human rights violations directly contributed to these unfolding human rights catastrophes.

Many governments continued to use the Covid-19 pandemic as a pretext for clamping down on rights. New laws were enacted in several countries to criminalize the spreading of "fake" or "false" information about Covid-19, and existing laws used to silence critics and prevent and disperse protests.

This reflected a growing intolerance of dissent in the region. Controls on the media and internet tightened in many countries. Political opponents and others who criticized government policies or actions were subjected to increasingly harsh restrictions and punishments. Excessive force was frequently used against peaceful protesters, and governments across the region not only failed to protect the rights of human rights defenders, but actively prevented them from carrying out their vital work.

Many governments remained ill-prepared to respond to new surges in Covid-19 infections. Their failure to adequately fund health sectors, tackle corruption, and protect rights at work of health workers resulted in thousands of people being denied adequate access to healthcare and avoidable deaths.

Beyond Afghanistan, the situation of women and girls worsened in many countries in the context of the pandemic and related restrictions. In the absence of adequate social support, women working in the informal sector were among those plunged further into poverty. Across the region, women and girls continued to face high-levels of sexual and gender-based violence for which there was little or no accountability. Campaigns were waged against LGBTI people in several countries. Across the region, Indigenous people increasingly suffered the effects of environmental degradation.

Tens of thousands of people in Afghanistan and Myanmar were forcibly displaced or sought refuge across borders. However, many were unlawfully returned from neighbouring countries to situations where they were at serious risk of human rights violations. Elsewhere, governments refused entry to asylum seekers and detained and ill-treated refugees and migrants.

## REPRESSION OF DISSENT

The space for dissent narrowed in the Asia-Pacific region. The new military government in Myanmar sought to silence opposition to its coup by violently cracking down on country-wide protests, and arresting members of the former ruling party and pro-democracy activists. In the immediate aftermath of its takeover in Afghanistan, the Taliban curtailed media freedoms and used force to break up protests against its policies. In North Korea, anyone considered to be a threat to the country's leadership or political system was interned in prison or sentenced to

“reform through labour”. Authorities in many other countries harassed, arrested, detained and, in some cases killed, political opponents and others critical of them.

## **FREEDOM OF EXPRESSION**

Governments continued to justify repressive laws and other measures that unduly restricted freedom of expression as necessary to prevent the spread of disinformation about Covid-19. The government of Malaysia enacted an ordinance giving it unfettered powers to silence critics under the guise of preventing “fake news” about Covid-19. In China, Bangladesh, Fiji and Viet Nam, authorities arrested and prosecuted individuals who criticized Covid-19 responses. Sri Lankan authorities issued threats of disciplinary action against health sector employees who spoke to the media about their concerns on the response there.

Independent media came under assault across the region. In Myanmar, the military authorities closed news publications, revoked the licences of media outlets and arrested journalists. Journalists were also detained, beaten and harassed in Afghanistan where new media regulations effectively prohibited any criticism of the Taliban; by October, more than 200 media outlets had closed down.

Defamation suits were brought against bloggers and journalists by the Singaporean authorities, and spurious accusations of financial irregularities used to shut down the independent news site The Online Citizen. Indian authorities raided offices of a Hindi-language news daily following its reporting on the mass dumping of bodies of Covid-19 victims along the River Ganges. In the Philippines, the work of journalist Marie Ressa was recognized when she was awarded the Nobel Peace Prize, but she faced decades in jail for pending cases brought against her for her criticism of government.

Many governments sought to further control access to and sharing of other online information. The Singapore government enacted a new law that gave it sweeping powers to remove or block online content where “foreign interference” was suspected. New legislation in Cambodia required all internet traffic to pass through an oversight body charged with “monitoring” online activity. In China, the authorities ordered internet service providers to sever access to websites that “endangered national security”, and blocked apps on which controversial topics such as Xinjiang and Hong Kong were discussed. In Pakistan, draconian legislation to censor online content was also enacted.

Authorities in many countries also used existing laws to arrest and prosecute dissenting voices, including journalists, activists and educators. In Indonesia, the Electronic Information and Transaction Law, which carries a prison sentence of up to six years, was used against at least 100 people for their legitimate criticisms of official policies or actions. The Chair of Amnesty International India, Aakar Patel, was arrested and charged with “creating communal disharmony” after tweeting concerns about hostility towards the Ghanchi Muslim community. Nepal authorities used the Electronic Transactions Act to arbitrarily detain those who criticized the government and ruling party leaders. After a two-year hiatus, the Thai authorities resumed their use of *lèse majesté* laws. A former civil servant, who was among over 116 people charged under these laws for criticizing the monarchy, was sentenced to 87 years’ imprisonment.

## **FREEDOM OF ASSEMBLY AND ASSOCIATION**

Waves of protest took place throughout the region in response to political developments, the mishandling of Covid-19 responses, workers’ rights and other issues.

Regulations designed to prevent the spread of Covid-19 were used in some countries to prevent and disperse peaceful protests. In Malaysia, the authorities used Covid-19 control laws and other legislation to further intensify its crackdown on rights to peaceful assembly, including vigils for Covid-19 victims which were arbitrarily dispersed and participants

harassed, arrested and fined. In the Maldives, authorities also cited Covid-related health guidelines to break-up protests, particularly those organized by political opposition groups. In Mongolia, prohibitions on demonstrations under Covid-19 restrictions were also used to arbitrarily disperse peaceful protests and to arrest, detain and fine protest organizers.

Excessive force was used against peaceful protesters in at least 10 countries in the region. The military in Myanmar responded to country-wide protests against the coup with extreme violence using lethal tactics and weapons appropriate only for battlefield use against peaceful protesters. The numbers of protesters killed had reached close to 1,400 by years' end.

In India, police used batons in August to beat farmers who were peacefully protesting against contentious farming laws. Security forces in Indonesia used water cannons, rubber batons, and baton rounds to disperse peaceful demonstrations against the renewal in July of the Special Autonomy Law for Papua.

Riot police in Thailand repeatedly responded with violence to protests calling for political reform and improved handling of the pandemic, indiscriminately firing rubber bullets and tear gas canisters at short range at protesters, bystanders and journalists. In one incident, several children were injured and one died after live ammunition was used against protesters. Excessive use of force by law enforcement agencies in Pakistan against demonstrations, including in support of Pashtun rights, resulted in scores of people being injured and at least one death.

New blows were also struck to the right to freedom of association as governments across the region employed an ever-wider range of measures against political parties and activists, trade unions and NGOs.

In Cambodia, mass trials of members of the banned opposition party, the Cambodia National Rescue Party, took place in which nine senior leaders were found guilty in their absence and sentenced to up to 25 years in prison. In Viet Nam, a citizen journalist who had applied to be an independent candidate in National Assembly elections was arrested and sentenced to five years' imprisonment.

The full and chilling effects of Hong Kong's 2020 National Security Law (NSL) became visible during the year. At least 61 civil society organizations disbanded due to the law, including Hong Kong's largest professional union. All possibility of organized political opposition effectively ended following the arrest of dozens of opposition party members in January. In October, Amnesty International announced the closure of its two offices in Hong Kong due to the risk of reprisals under the NSL.

Pressure on national and international NGOs in India also increased where dozens of organizations working on human rights and environmental-related issues had their licences suspended, registration cancelled or were required to seek government clearance for any funds received or disbursed. In the Maldives, a widely respected NGO, the Maldivian Democracy Network, continued to be investigated by the authorities.

## **HUMAN RIGHTS DEFENDERS**

Human rights defenders were killed in several countries, including in Afghanistan where they were the target of unlawful killings by non-state actors. Following the Taliban takeover, many fled the country or went into hiding, including commissioners and staff of the Afghan Independent Human Rights Commission. In the Philippines, human rights and environmental defenders were among those accused of links to communist groups, or "red tagged", which effectively gave security forces licence to kill them.

The Chinese authorities intensified their crackdown on human rights defenders. Many were detained for lengthy periods, and reports of torture and other ill-treatment against them was common. Several human rights lawyers and activists detained in previous years remained

missing. Meanwhile, in Hong Kong, 24 people were given prison sentences for peacefully commemorating the victims of the 1989 Tiananmen Square crackdown.

Elsewhere, including Bangladesh, Cambodia, India, Indonesia, Malaysia, Mongolia, Nepal, Singapore, Sri Lanka Thailand and Viet Nam, human rights defenders were harassed, threatened, detained, prosecuted and/or imprisoned. In Indonesia, physical assaults, digital attacks, threats and other forms of attack against over 357 human rights defenders were reported during the year. Human rights defenders, journalists and activists were among hundreds of people imprisoned in Bangladesh under the Digital Security Act. In Nepal, police detained 13 activists in October who were peacefully demanding impartial investigations into the death of one woman and the disappearance of another in Banke district.

The extent of surveillance of human rights defenders by some governments also became increasingly apparent. In India, where many human rights activists were officially designated “enemies of the state”, a massive unlawful surveillance operation against human rights defenders was revealed. In Viet Nam, an investigation by Amnesty International revealed a campaign of unlawful surveillance targeting human rights defenders both within the country and overseas.

In a positive development, Mongolia passed a law that consolidated legal protections for human rights defenders. However, rights activists, including herders working on environmental and land rights issues, continued to face threats, intimidation and prosecution for their legitimate activities.

## **RIGHT TO HEALTH**

Underinvestment and corruption contributed to the continuing inability of public health sectors in the region to respond adequately to the Covid-19 pandemic. In some countries, severe shortages of staff, beds and equipment meant that Covid-19 patients were unable to access adequate healthcare. This resulted in thousands of preventable deaths, including in India and Nepal, both of which experienced steep surges in infections during the year. In India, as well as the Philippines, there were concerns about lack of transparency or irregularities in the handling of government funds for the pandemic response.

Political turmoil in Afghanistan and Myanmar brought already fragile health care systems close to collapse. The suspension of aid to Afghanistan’s health sector by international donors resulted in the closure of at least 3,000 healthcare facilities, including Covid-19 hospitals. In Myanmar, access to healthcare was impeded by numerous attacks on health facilities and personnel.

Access to Covid-19 vaccines was problematic in some countries. Authorities in North Korea denied that Covid-19 existed in the country and turned down offers of millions of vaccine doses through the COVAX initiative. Nepal did not receive its expected supply of vaccines, and 1.4 million people had to wait for months to receive a second dose.

Misinformation also contributed to low uptake in some countries. In Papua New Guinea for example, where only 3% of the population had been vaccinated by the end of the year, the government failed to provide timely, accessible information about the virus and vaccine programme.

Authorities in some countries continued to ignore calls to reduce prison populations to limit the spread of Covid-19. Some 87,000 cases were recorded among detainees in Thailand’s unsanitary and overcrowded prisons. In Pakistan, vaccines were reportedly prioritized for prisoners, and some prisoners in Sindh state were released as a preventative measure. However, prison authorities in other states stopped reporting infection rates among detainees.

Harsh lockdown measures also undermined the rights to health and adequate food in some countries. In Viet Nam, residents in Ho Chi Minh City were not permitted to leave their homes

for weeks on end, leaving many in a position of severe food insecurity and hunger. Similar measures were imposed by the authorities in Cambodia in several cities, seriously impacting access by residents to food, healthcare and other essential goods and services.

## **WORKERS' RIGHTS**

The pandemic continued to place enormous strain on health workers across the region. In many countries they worked in intolerable conditions without adequate protection or remuneration. In Mongolia, health workers were subjected to harassment by the authorities and physical assaults by frustrated and desperate patients. In India, community health workers were not given adequate wages or PPE. In Indonesia, disbursement of incentive payments to health workers in recognition of their work during the Covid-19 pandemic were delayed.

The socio-economic impacts of the pandemic and associated restrictions also continued to bite, disproportionality impacting those who were already marginalized, including people who lacked secure employment and regular incomes. In Nepal, for example, Dalits and people living in poverty, including daily wage earners, were hit by the worsening economic situation there. In Viet Nam, women migrant workers, including street vendors, suffered especially severe effects, with many reporting food insecurity and inability to meet other basic needs.

## **REFUGEES' AND MIGRANTS' RIGHTS**

Events in Afghanistan and Myanmar led to new waves of displacement in the region. Following the chaotic evacuation from Kabul airport in August, many fled overland towards Pakistan and Iran, but the Taliban imposed restrictions on departures and border closures compromised their right to seek asylum in third countries. By year end, over one million undocumented Afghans had been returned from Iran and Pakistan, most of them involuntarily.

Asylum seekers and migrants from Myanmar were also forcibly returned or refused entry by other countries in the region. Thai border guards pushed back approximately 2,000 Karen villagers who were fleeing military air strikes. Authorities in Malaysia deported over 1,000 people back to Myanmar despite the serious risk of persecution and other human rights violations.

The human rights situation in Myanmar also made voluntary repatriations of Rohingya refugees in Bangladesh impossible. However, their rights continued to be restricted in Bangladesh where they were also vulnerable to violence. More than 19,000 were transferred to a remote island, Bhasan Char, where they were denied their right to freedom of movement.

In several other countries, refugees and migrants were subjected to prolonged detention and ill-treatment. In Japan, asylum seekers and irregular migrants were held in indefinite detention. An investigation into the death of a Sri Lankan woman in immigration custody there found that her medical care had been inadequate. Australian authorities continued to indefinitely and arbitrarily detain refugees and asylum seekers both within the country and offshore. Detained asylum seekers in New Zealand were subjected to ill-treatment, although in a positive move, the government announced an independent review into the practice of detaining asylum seekers in criminal detention facilities solely on immigration grounds.

In countries including Malaysia, Singapore, South Korea, Taiwan and Viet Nam, Covid-19 preventive measures unfairly discriminated against migrant workers.

## **WOMEN'S AND GIRLS' RIGHTS**

There were major setbacks to the rights of women and girls in the region. In Afghanistan, 20 years of progress towards enhanced protection and promotion of women's rights was rolled back overnight. Women were excluded from representation in the new Taliban administration and prevented from working in many sectors. Girls' access to education was severely restricted, and women human rights defenders, journalists, judges and prosecutors faced threats and intimidation. Protests in support of women's rights were met with violence by the Taliban.

Sexual and gender-based violence, already endemic in many countries of the region, was exacerbated in the context of states' responses to Covid-19. Increased rates of gender-based violence were reported, for example, in Bangladesh, Fiji, Papua New Guinea and Sri Lanka.

Demands for accountability for violence against women and stronger protections made little headway. The Chinese government conducted a smear campaign against exiled women formerly detained in the Xinjiang region who spoke out about sexual violence in so-called "re-education centres". In Pakistan, a domestic violence bill was passed by parliament but opposition from conservative parties reportedly led the government to request a religious advisory body to review it. In the meantime, lack of accountability for sexual and gender-based violence there remained common. No progress was made in Nepal towards reforming constitutional provisions which denied women equal citizenship rights, or removing overly restrictive statutory limitations for rape.

## **LGBTI PEOPLE'S RIGHTS**

LGBTI people continued to be persecuted or otherwise face discrimination in law and practice in many countries in the region. Consensual same-sex sexual relations remained criminalized in some countries.

Anti-LGBTI campaigns were waged in several countries. In Malaysia over 1,700 people were sent to government-run rehabilitation camps designed to change the "lifestyle" and "sexual orientation" of LGBTI people. Chinese authorities continued their campaign to "clean" the internet of LGBTI representation. Effeminate looking men were banned from appearing on television and the social media accounts of LGBTI organizations shut down. In Afghanistan, the Taliban made it clear that they would not respect LGBTI rights.

Small advances were made in the recognition of same-sex marriages in Taiwan, but LGBTI people continued to face discrimination.

## **INDIGENOUS PEOPLES' RIGHTS**

Commercial interests and environmental degradation increasingly encroached on the traditions and livelihoods of Indigenous people in the region, and their legal protections were watered down in at least one country. In Bangladesh, Indigenous peoples experienced scarcity of resources because of increasing deforestation and land-grabbing. Indigenous people in Papua New Guinea protested the impacts of deep-sea mining for minerals and metals on their livelihoods and culture. An Indigenous community in Malaysia filed a judicial review against the Selangor state government challenging plans to evict them from their land to make way for a tourism project. In Nepal and Thailand, Indigenous peoples who had been forcibly evicted in previous years were not permitted to return or provided with alternative land or livelihoods.

In Fiji, parliament passed amendments to the iTaukei Land Trust Act which removed the requirement for consent for mortgages and leases issued on land owned by Indigenous peoples, leading to protests in which over a dozen people were arrested. Courts in Taiwan took



some steps to realize the rights of Indigenous peoples to their land and traditional hunting practices, but existing legislation still provided inadequate protections.

In Cambodia, Indigenous peoples and grassroots forest defenders were denied access to their traditional lands for conservation activities. There and elsewhere, efforts to protect their lands met with arrests and violence. In Indonesia, Indigenous peoples in North Sumatra and Riau provinces were violently assaulted by private security guards employed by paper companies when trying to stop eucalyptus trees being planted on their lands.

In the Philippines, Indigenous peoples and Indigenous peoples' rights activists were arrested and killed. Unknown assailants shot dead a village chief, Julie Catamin, who was a witness in a case relating to a police raid in December 2020 in which Tumandok community leaders were arrested and others killed. In India, Dalit and Adivasi (Indigenous) women remained at particular risk of sexual violence by men from dominant classes.

## **CRIMES UNDER INTERNATIONAL LAW**

Amnesty International gathered conclusive evidence that the Chinese government committed crimes against humanity, including imprisonment or other severe deprivation of physical liberty, torture and persecution against predominantly Muslim ethnic groups living in Xinjiang. Despite their claims to the contrary, the government continued a campaign of arbitrary mass detention, combined with violence and intimidation to root out Islamic religious beliefs and Turkic Muslim ethno-cultural practices.

Parties to the conflict in Afghanistan committed serious violations of international humanitarian law, including war crimes. Ethnic Hazaras were frequently targeted, including during the Taliban offensive and takeover. More than 100 former members of security forces were forcibly disappeared or extrajudicially executed by the Taliban and nine surrendered Hazara soldiers were executed in Daykundi alone. Several massacres by the Taliban of Hazara civilians also took place, including in Ghazni and Daykundi provinces.

In Myanmar, the military was responsible for indiscriminate attacks and attacks directed against civilians. It also blocked humanitarian access to internally displaced populations. Two humanitarian workers from Save the Children were among those killed by the military in eastern Kayah State in December.

## **TORTURE AND OTHER ILL-TREATMENT**

Limited progress was made on preventing torture and other forms of ill-treatment which remained pervasive in a significant number of countries in the region. There were moves in both Pakistan and Thailand to criminalize torture. However, proposed legislation in the latter was not fully consistent with international standards. In Sri Lanka, new regulations issued under the Prevention of Terrorism Act potentially placed detainees at increased risk of torture.

Torture and ill-treatment continued to be reported in these and other countries. In Myanmar, the widespread use of torture or other ill-treatment against people detained for their opposition to the coup was documented, in some cases resulting in death. Chinese authorities continued to use torture against detainees in Xinjiang and beyond and prosecuted those who spoke out about their experiences. In Nepal, torture and other ill-treatment were widely used in pretrial detention to extract "confessions" and intimidate detainees. There had yet to be any convictions under the 2017 Criminal Code, which criminalized these practices. Deaths in custody or shortly after release remained all too common in Malaysia, attributable, at least in some cases, to beatings and other ill-treatment sustained while in detention.

# IMPUNITY

Impunity for serious human rights violations and crimes under international law remained a serious concern in a significant number of countries.

Justice continued to be denied to victims of crimes under international law and other grave human rights violations committed during past armed conflicts in Nepal and Sri Lanka. In Nepal, transitional justice mechanisms failed to resolve a single case. Following repeated failures by the Sri Lankan government to advance justice domestically, the UN Human Rights Council adopted a resolution to establish a mechanism to gather evidence of international crimes committed by parties to the conflict.

In the absence of domestic-level progress, the International Criminal Court (ICC) proceeded with investigations in two countries. However, its investigation in the Philippines into crimes against humanity committed in the context of the “war on drugs” was suspended while the ICC considered a deferral request from the government. The ICC also resumed investigations in Afghanistan, but by focusing only on acts committed by the Taliban and Islamic State – Khorasan Province, while ignoring war crimes committed by the Afghan government security forces and by US military and intelligence personnel, it risked both its reputation and further entrenching impunity. Australian authorities failed to take any action against members of its Special Forces referred for investigation in 2020 in connection with alleged war crimes committed in Afghanistan.

Impunity continued to facilitate human rights violations elsewhere, including in India where enforced disappearances and torture and other ill-treatment were committed on a widespread and systematic basis. In Pakistan, a bill proposing amendments to the Pakistan Criminal Penal Code to criminalize enforced disappearances was presented before parliament but was insufficient to protect against this crime. In Bangladesh, the government denied responsibility or claimed that the security forces were acting in “self-defence” rather than investigating cases of alleged disappearances and unlawful killings. Indonesian security forces continued to commit unlawful killings in Papua and West Papua largely with impunity.

# RECOMMENDATIONS

**Despite a few positive developments, the erosion of respect for and protection of human rights continued in the Asia-Pacific region. Afghanistan and Myanmar’s tragic descents into crisis were unsurprising in a region where human rights are too often ignored, governments increasingly intolerant of criticism, discrimination against women and girls and marginalized groups pervasive, and impunity rife.**

**Governments must respect and facilitate the exercise of the rights to freedom of expression, peaceful assembly and association. Laws that limit these rights, including restrictive regulations on media, internet access and NGOs, should be revoked and the arbitrary arrest and detention of government critics ended. The legitimate work of human rights defenders must be respected and protected.**

**Governments must learn lessons from challenges faced in responding to the Covid-19 pandemic and commit to higher levels of investment in healthcare systems and protecting the rights to health.**

**Increased concerted efforts are needed by governments across the region to reverse setbacks to the rights of women and girls in the context of the pandemic, and to tackle sexual and gender-based violence. Pressure must also be intensified on the Taliban government in Afghanistan to reverse its roll-back of rights and freedoms of women and girls.**

Governments worldwide should refrain from returning any person to Afghanistan, or Myanmar, regardless of their immigration status, until human rights protections can be guaranteed. Detention of asylum seekers on the basis of immigration status alone must end.

Governments must bolster efforts to fight impunity by undertaking thorough, independent, impartial, effective and transparent investigations into crimes under international law and by bringing suspected perpetrators to justice. Full cooperation should be extended to international justice processes.

# EUROPE AND CENTRAL ASIA REGIONAL OVERVIEW

Authoritarianism was on the march in Europe and Central Asia in 2021. A number of states demonstrated an unprecedented brazenness in their disregard for human rights, which threatened to make human rights commitments a dead letter and turn regional organizations into meaningless forums for empty “dialogue”. In some countries such tendencies were evidenced in continuing state overreach and the erosion of judicial independence, in clampdowns on freedoms and the muzzling of dissenting voices. Human rights defenders across the region faced restrictions, unjust prosecutions and intimidation.

Throughout the region xenophobic narratives about migration permeated public opinion, while policy hardened further. The fortification of the EU’s external frontiers continued apace, while many countries openly announced the number of illegal pushbacks at their borders. “Pushback” is an anodyne term for what were frequently horrifically violent practices. A full dozen countries in the EU called on the bloc’s executive to dilute refugee protection rules.

Racism against Black people, Muslims, Roma and Jewish people grew. Many countries witnessed a backlash against the Black Lives Matter protests of 2020, fear of migration reinforced prejudices against Muslims, and Roma faced further social exclusion under the Covid-19 pandemic and Jewish people experienced a significant increase in verbal and physical attacks. It was difficult not to see racism in the vaccine and climate policies of European countries towards the rest of the world. By contrast within Europe vaccination rates were relatively high although numbers in some Eastern European and Central Asian countries remained persistently low.

Racism often went hand in hand with sexism and homophobia. While some countries marked progress in women’s rights, several continued their backsliding. The authoritarian turn was also marked by legislative initiatives stigmatizing and restricting the rights of LGBTI people. Authoritarian backsliding, combined with the impact of Covid-19 and the Taliban takeover in Afghanistan, may have set women’s and LGBTI rights back decades in some countries.

The internal backsliding was accompanied by more aggressive international relations. The aftermath of the conflict between Armenia and Azerbaijan continued to exact a deadly toll. At year’s end Russia had amassed troops on the border with Ukraine; war on the European continent seemed increasingly possible.

## STATE OVERREACH

State overreach and disregard for traditional checks and balances were part of the authoritarian trend. In Russia the country’s main opposition politician, Aleksei Navalny, received a lengthy prison sentence on politically motivated charges and Russia ignored orders by the European Court of Human Rights (ECtHR) to free him. In Belarus the government used a fake bomb threat to divert a civilian aircraft so it could arrest exiled journalist Raman Pratasevich who was on board.

A number of governments continued to overstep the limits of legitimate action under the smokescreen of Covid-19, migration “crises”, and combating terrorism/extremism. Thus,

Poland, Lithuania and Latvia declared states of emergency which failed to meet international standards and severely limited media and NGO work at the border.

Governments deployed increasingly sophisticated technical means for use against critics. The Pegasus Project revealed that Hungary, Poland, Azerbaijan and Kazakhstan used Pegasus spyware from surveillance company NSO Group against human rights defenders, journalists, and others, while the German government admitted that it had purchased the technology. Thousands of files were leaked showing widespread surveillance by Georgia's state security services of journalists, civil activists, politicians, clerics and diplomats.

Some faced a reckoning for past practices. In North Macedonia, the former head of the secret police and others were convicted for unlawful wiretapping. The ECtHR ruled that UK bulk interception of communication powers lacked safeguards against abuse. At the same time, in Switzerland, a referendum approved a new counter-terrorism law providing police with far-reaching powers. The withdrawal from Afghanistan did not occasion any rethink of state overreach in surveillance or other abuses in combating terrorism.

## **EROSION OF JUDICIAL INDEPENDENCE**

One key feature of state overreach was the erosion of judicial independence. Poland continued its defiance of attempts by European organizations to halt the destruction of the independence of the country's judiciary, confronting the EU with its greatest rule of law crisis to date. In a series of judgments, the ECtHR and the Court of Justice of the European Union (CJEU) found that Poland's judicial changes failed to meet fair trial requirements. In response, Poland's Constitutional Tribunal ruled that Polish law had primacy over EU law and that the right to a fair trial under the European Convention on human rights was incompatible with the constitution, prompting a rare inquiry by the Council of Europe Secretary General.

The situation was worse in Belarus, where authorities weaponized the justice system to punish victims of torture and witnesses of human rights violations. In Georgia, the arrest and degrading treatment in detention of prominent opposition leaders including former president Mikheil Saakashvili raised concerns about judicial independence. Multilateral organizations noted that a new constitution in Kyrgyzstan could encroach upon judicial independence.

Turkey took only cosmetic steps around the judiciary, but failed to address the deep flaws in the system. It resisted pressure to implement key judgments of the ECtHR and faced a rarely used infringement proceeding at the end of the year.

## **FREEDOM OF EXPRESSION, ASSEMBLY AND ASSOCIATION**

### **FREEDOM OF EXPRESSION**

Many governments sought to silence criticism, muzzle civil society organizations that could aggregate grievances, and deter protests on the streets. In some countries the primary dangers to media freedom were smear campaigns, online harassment of journalists, especially women, and threats. In Bosnia and Herzegovina, journalists faced almost 300 defamation suits, mostly from politicians, while the total for Croatia was over 900. In Bulgaria, the Czech Republic and Slovenia, the authorities encroached on public service media.

In Poland, women's and LGBTI rights activists continued to face harassment and criminalization. In Romania, reporters investigating corruption were questioned by law enforcement simply for their journalistic work. In Kosovo, an Austrian energy company dropped intimidatory lawsuits against environmental activists who spoke publicly about the impact of construction of hydropower plants on the country's rivers.

Further to the east, numerous civil society activists and journalists who sought to express dissenting views were criminally prosecuted for legitimate activities, and insulting public

figures was also criminalized in more countries. Kazakhstan and Russia increasingly used anti-extremism legislation to repress dissent.

In Belarus, the authorities continued to imprison activists and journalists, all but eliminating any vestige of independent expression and peaceful dissent. Allegations repeatedly suggested that the Belarusian authorities pursued dissenting voices in exile: evidence proposed that the murder of journalist Pavlo Sheremets was planned by these authorities, while Belarusian exile Vital Shyshou was found hanged in a park in the Ukrainian capital following his complaints of threats from Belarusian security services. Some Turkmenistani internet users reported they were forced to swear on the Qur'an that they would not use virtual private networks to access the internet.

## **FREEDOM OF ASSEMBLY**

Many countries enacted or maintained disproportionate restrictions on peaceful assemblies, while police often engaged in unlawful use of force or discriminatory policing against protesters. Greece continued to use the pandemic as a smokescreen to unduly restrict the right to freedom of peaceful assembly, including by introducing a third blanket ban on public outdoor assemblies and dispersing several peaceful demonstrations. Cyprus also maintained a blanket ban. The Turkish authorities continued to arbitrarily restrict freedom of peaceful assembly, arbitrarily detaining hundreds of people, subjecting them to unlawful use of force, and prosecuting them for simply exercising their rights.

In Belarus the right to peaceful protest effectively ceased to exist, and thousands fled the country in fear of reprisals. In Russia even individuals mounting single-person pickets were routinely prosecuted, and in Moscow facial recognition was reportedly used to identify and punish peaceful protesters. In Kazakhstan restrictive legislation led to frequent denials of requests to hold peaceful demonstrations.

There was no progress in criminal complaints by 40 people in Serbia injured by police during a demonstration in 2020. In the UK, prosecutors decided not to prosecute Black Lives Matter protesters and in Northern Ireland, police took steps to refund fines to 72 protesters. However, a controversial draft police bill envisaged drastically expanding police powers to unduly restrict protests and foresaw draconian penalties for violations.

At the end of 2021, Covid-19-related restrictions sparked large protests in Austria, Belgium, Croatia, Italy, and the Netherlands. Some demonstrations were marked by violence and led to dozens of arrests and injuries among protesters and law enforcement.

## **FREEDOM OF ASSOCIATION**

Freedom of association continued to be under threat across the region. A law imposing arbitrary restrictions on NGOs was repealed in Hungary, but replacement legislation raised new concerns and the CJEU found another piece of legislation – criminalizing assistance to migrants – in breach of EU law. In Greece, restrictive regulations on the registration of NGOs working with migrants and refugees remained in place. The Turkish authorities used the recommendations of the Financial Action Task Force as a smokescreen for new legislation facilitating harassment of NGOs.

In the east, authorities increasingly linked civil society activity to political activities, and made the violation of restrictive freedom of association rules punishable by imprisonment. Russia systematically deployed “foreign agent” and “undesirable organization” legislation to cripple or ban large numbers of civil society and media organizations, and liquidated Memorial, one of the country’s most respected human rights organizations, allegedly due to violations of the “foreign agent” law.

By year’s end in Belarus over 270 civil society organizations had been arbitrarily dissolved or were being forcibly closed. In a BBC interview Alyaksandr Lukashenka conflated NGOs with

the political opposition, promising to “massacre all the scum that you [the West] have been financing”. In Uzbekistan violation of restrictive rules on “unlawful formation of a public association or religious organization” remained punishable by imprisonment.

## HUMAN RIGHTS DEFENDERS

States continued to breach their obligation to ensure a safe and enabling environment for human rights defenders. Defenders of people on the move faced administrative restrictions, criminal prosecutions and police harassment. Women’s and LGBTI rights defenders faced harassment, unjust prosecution, threats and smear campaigns.

Migrants’ rights defenders continued to face criminalization, including in Cyprus, France, Greece, Italy and Malta. Court cases continued against individuals and NGOs in Italy and Greece. 2021 also saw acquittals of some migrants’ rights defenders, for example in the Stansted case in the UK.

Authorities in Poland appealed against the acquittal of three women defenders who had been charged for “offending religious beliefs” for posters depicting the Virgin Mary with a rainbow halo. Women defenders advocating access to safe and legal abortion care faced smear campaigns and death threats.

In Turkey, human rights defenders faced baseless investigations, prosecutions and convictions. The most emblematic case was that of Osman Kavala, who remained in detention after four years facing new charges despite an ECtHR ruling calling for his immediate release.

In Russia reprisals against human rights defenders were widespread and egregious. When human rights lawyer Ivan Pavlov was arbitrarily charged with “divulging the results of a preliminary investigation” he left Russia and was placed on a “wanted” list. The ECtHR held that the authorities failed to properly investigate the abduction and murder of Natalia Estemirova. In Belarus activists from all sectors of society were persecuted. At year’s end seven members of Viasna, the country’s leading human rights organization, had been arbitrarily detained and dealt lengthy criminal sentences or were awaiting sentences. Azerbaijani government critic Huseyn Abdullayev remained in prison although the UN Working Group on Arbitrary Detention deemed his detention arbitrary and called for his release.

## REFUGEES’ AND MIGRANTS’ RIGHTS

2021 saw new border fences built, the erosion of the protection regime, and widespread acceptance of death and torture at the borders as a deterrent to irregular migration.

Greece designated Turkey a safe country for asylum seekers from Afghanistan, Somalia, and other countries. The efforts of Denmark to rescind the residence permits of Syrian refugees and return them to Syria marked a new low. A number of countries returned Afghan asylum seekers until shortly before the takeover by the Taliban.

Belarus authorities facilitated the creation of new migration routes through Belarus to the EU, violently pushing migrants and refugees towards the borders of Poland, Lithuania and Latvia, which abrogated the right to seek asylum at the border and legalized pushbacks. By year’s end numerous people were stuck at the borders, while several died. “Older” migration routes from Turkey to Greece, the Central Mediterranean to Italy, and Morocco to Spain continued to feature violent pushbacks, while those saved at sea faced long delays before disembarkation.

Many countries openly announced the number of people “prevented” from entry, which often meant summary returns without assessing protection needs. The numbers announced in Turkey and Hungary reached the tens of thousands, while those at Belarus’ borders with Poland, Latvia and Lithuania surpassed 40,000.

Many other countries engaged in summary, unlawful, forcible transfers of refugees and migrants without consideration of their individual circumstances, then denied doing so, including Bosnia and Herzegovina, Croatia, Greece, and North Macedonia. Ethnic Kazakhs fleeing Xinjiang in China faced prosecution for crossing the Kazakhstani border illegally.

Some courts recognized the illegality of such actions. The constitutional courts of Serbia and Croatia ruled that police had violated the rights of people in pushbacks. The ECtHR ruled that Croatia violated the rights of an Afghan girl who was killed by a train after being pushed back to Serbia in 2017. Courts in Italy and Austria found that chain expulsions of asylum seekers to Slovenia and Croatia were in breach of international law. Despite these rulings, however, accountability for pushbacks or ill-treatment was rare.

The EU and Italy remained complicit in funding “pullbacks” by the Libyan coastguard to Libya, where migrants faced serious rights violations. By October more than 27,000 refugees and migrants had been captured in the Central Mediterranean and returned to Libya by Libyan coastguards.

## **DISCRIMINATION**

Racism and discrimination against Black people, Muslims, Roma and Jewish people became more overt in many contexts. In the UK, a government report dismissed concerns about institutional racism, while a new police bill augured more discrimination against Black, Gypsy, Roma and Traveller communities. The Danish authorities removed references to “ghettos” from legislation, but continued to enforce social housing limits on residents of “non-Western background.” In moves justified to counter radicalization and terrorism, Austria and France stepped up surveillance of Muslim communities, raided mosques and/or shut down organizations monitoring Islamophobia. In Germany, there were 1,850 antisemitism and other hate crimes against Jewish people officially reported up to 5 November 2021 – the highest number since 2018 – while steep spikes in reported similar incidents were also recorded in, Austria, France, Italy and the UK.

## **ROMA**

Roma continued to experience harassment and discrimination, including segregation in education, housing and employment. Roma communities remained over-policed and under-schooled. Two high profile fatalities of Roma at the hands of police in the Czech Republic and Greece echoed the death of George Floyd in the USA.

After years of campaigning by activists, the Czech senate voted for a bill to compensate thousands of Roma women who were unlawfully sterilized by the authorities between 1966 and 2012. The government of Slovakia officially apologized for the forced sterilization of thousands of Roma women, but had yet to put in place an effective compensation mechanism.

## **LGBTI PEOPLE'S RIGHTS**

LGBTI people continued to suffer discrimination and violence across the region. A number of countries discussed or adopted legislation stigmatizing or discriminating against LGBTI persons, including Poland and Hungary. In Serbia, the president declined to sign a law on civil partnerships. Some politicians engaged in homophobic speech or actions, including in Bulgaria and Turkey.

Consensual sex between men was a criminal offence in Turkmenistan and Uzbekistan. Russia’s “gay propaganda” law fuelled discrimination against LGBTI people, and in Georgia a journalist died when a mob attacked Tbilisi Pride offices.



# WOMEN'S RIGHTS

## SEXUAL AND REPRODUCTIVE RIGHTS

Access to safe and legal abortion continued to be a central human rights issue in Andorra, Malta, Poland, San Marino and elsewhere. In Poland a Constitutional Tribunal ruling that abortion on the ground of serious fetal impairment was unconstitutional entered into force. In the year following the ruling, 34,000 women contacted the NGO Abortion without Borders, which facilitates travel abroad for abortion care and advice.

In Andorra defamation charges remained ongoing against a defender who had raised concerns about the country's total ban on abortion before the UN. In a positive development, a popular vote in San Marino legalized abortion.

## VIOLENCE AGAINST WOMEN AND GIRLS

The picture remained mixed with regard to violence against women. While Turkey withdrew from a landmark treaty on combating violence against women, the Istanbul Convention, Moldova and Liechtenstein both ratified it. Further, Slovenia reformed its rape law to make it consent-based, and rape legislation reforms were also underway in the Netherlands, Spain and Switzerland.

Violence against women remained widespread, however. The Russian Women's NGO Consortium found that 66% of women murdered from 2011-2019 had been victims of domestic violence. Uzbekistan's interior ministry rejected a request from the NGO NeMolchi about prosecutions for violence against women, stating it was "to no purpose". In Azerbaijan women's rights activists and journalists were blackmailed and subjected to gender specific smear campaigns, while women's rallies on domestic violence were violently dispersed. The Taliban takeover in Afghanistan strengthened efforts in Central Asia to promote "traditional" values. In Ukraine homophobic attacks continued and there were reports of lack of services for survivors of domestic violence in the non-government controlled areas of Donbas.

## RIGHTS TO HEALTH AND SOCIAL SECURITY

The Covid-19 pandemic continued to have a significant impact lessened to some extent by high rates of vaccination of many countries in the region, especially in the EU. The pandemic put immense pressure on underfunded and overstretched health systems.

Some states derogated from the European Convention on Human Rights, and several declared extended medical emergencies and imposed new lockdowns and other restrictions, as further waves of infections and new mutations emerged.

Vaccine inequality within the region became more pronounced, often because of high levels of vaccine hesitancy. Thus, in Iceland, Malta, Portugal and Spain more than 80% of the population was vaccinated, while in Armenia, Belarus, Bosnia and Herzegovina, Georgia, Kyrgyzstan, Tajikistan and Ukraine less than 30% was vaccinated. In some cases, undocumented migrants and people from groups historically facing discrimination faced challenges in accessing vaccines. Deaths continued to disproportionately affect older people.

Europe made considerable pledges for vaccine donations, but global vaccine inequality was exacerbated by the EU, Norway, Switzerland and the UK continuing to block a waiver on intellectual property rights (TRIPS) that would greatly increase the numbers of vaccines being produced, particularly in the global south.

In Donbas in Ukraine local medical facilities were reportedly overwhelmed with patients while lacking sufficient medical personnel and supplies, including vaccines. In Turkmenistan

authorities continued to deny Covid-19 cases but in July introduced mandatory vaccination for adults.

Covid-19 pushed more and more workers into precarity in the absence of comprehensive social protection schemes. Especially vulnerable were women and migrant workers. In Austria, migrant women live-in care workers experienced abuse, discriminatory and unfair wages and excessive working hours. In Italy, health and care home workers who raised concerns about unsafe working conditions in care homes or sought to unionize were subject to disciplinary measures and reprisals. In Armenia the pandemic exacerbated the heavy burden of unpaid care work on women and girls.

## **HUMAN RIGHTS IN CONFLICT ZONES**

Little change in conflict zones in countries of the former Soviet Union meant that development remained impeded, and freedom of movement and the right to health were heavily impacted for residents on both sides of lines of contact.

The 2020 Armenia-Azerbaijan conflict saw over 100 people killed or injured during the year by mines planted by Armenian forces in areas ceded to Azerbaijan. There was no accountability or justice for victims of war crimes committed during that conflict, and over 40 ethnic Armenians captured after the ceasefire remained in captivity, reportedly in inhumane conditions. The majority of 40,000 Azerbaijani civilians displaced during the 2020 conflict returned to their homes but mines, destruction of infrastructure and lost livelihoods prevented the return of over 650,000 displaced during the 1990s. Some 36,000 ethnic Armenians remained internally displaced.

The conflict in the Donbas region of Ukraine continued as the government and the Russian-backed separatists accused each other of ceasefire violations, and the UN monitoring mission reported at least nine new cases of arbitrary detention by Ukraine's secret security service. At year's end Russia had assembled large troop numbers on its border with Ukraine, sparking fears of a possible invasion.

Movement was restricted in and out of government-controlled territory in the breakaway Georgian regions of Abkhazia and South Ossetia/Tskhinvali Region. Torture and other ill-treatment continued: there was no effective investigation into the 2020 death in custody of Inal Dzhabiev in South Ossetia/Tskhinvali Region; and Anri Ateiba died following detention in Abkhazia.

## **FAILURE TO TACKLE CLIMATE CRISIS**

Europe has a special responsibility to the rest of the world to tackle the climate crisis due to its role in global emissions to date and its wealth. Nevertheless, European countries and the European Union continued to fail to adopt emission reduction targets, including fossil fuel phase-out policies, aligned with their level of responsibility and with the imperative of keeping the rise of global temperatures within 1.5°C. At the annual UN climate change negotiations (COP26), European countries also opposed the establishment of a global financial facility to provide financial support to developing countries facing loss and damage as the result of the climate crisis. However, Scotland and the Belgian region of Wallonia committed dedicated funding for loss and damage.

Activists used litigation to compel governments to curb emissions and combat climate change with legal victories in Belgium, France and Germany. In a landmark case brought by civil society organizations, a Dutch court ordered Shell to cut its global carbon emissions by 45% by the end of 2030 compared with 2019 levels, anchoring its decision, among other arguments, in the responsibility of business enterprises to respect human rights. In Georgia

construction of a hydropower plant was cancelled following protest around environmental safety concerns.

## HUMAN RIGHTS AT HOME AND IN THE WORLD

The authoritarian turn was accompanied by increasing disengagement from multilateral organizations. The OSCE seemed powerless to halt the slide towards conflict, while major countries ignored its advice and dismissed its monitoring, if they allowed it to take place at all. The Council of Europe was unable to compel member states to implement ECtHR judgments and fulfil their obligations. The EU was paralysed by rule of law crises and unwilling to enforce its own rules on the rights of migrants and refugees.

Russia and China continued to build and wield influence, particularly in the east. The two countries undermined the international human rights framework and Russia backed Belarus's crackdown against its own population. Economic and political sanctions applied by the EU against Russia and Belarus failed to stem the unrelenting tide of repression.

In the UK, legislation was adopted which could facilitate impunity for crimes committed abroad. The Overseas Operation Act introduced restrictions on legal proceedings related to overseas military operations, including time limits for civil claims and a presumption against prosecution for most offences committed over five years ago.

However, some positive initiatives were adopted. In March, the Council of Europe adopted a recommendation on measures against the trade in goods used for the death penalty, torture and other ill-treatment. Some countries took steps to curb irresponsible arms transfers. Germany prolonged an arms export moratorium to Saudi Arabia – but not to others involved in the conflict in Yemen. In France, NGOs launched legal proceedings to ensure transparency of arms transfers to Saudi Arabia and the United Arab Emirates. Switzerland adopted a law regulating the export of arms, prohibiting transfer to states in internal conflict or at risk of serious or systematic human rights violations.

## RECOMMENDATIONS

The foregoing should be a wake-up call for governments to recommit to human rights and collectively enforce states' obligations. Thus far, a sense of urgency has been shown primarily by climate activists and human rights defenders, but both are under strong pressures from governments and corporations. The cause of human rights needs more champions now, or the gains of recent decades risk being destroyed.

**Governments should recognize the crucial role played by human rights defenders, rather than stigmatizing and criminalizing their activities. The space for all to exercise the rights to freedom of expression, association and peaceful assembly must be protected from state overreach under various pretexts. States must stop the slide to surveillance societies, respect the rule of law, and end the erosion of judicial independence.**

**Governments must also redouble their efforts to prevent discrimination against Black people, Muslims, Roma and Jewish people and ensure that state actors refrain from mainstreaming stigmatizing rhetoric and implementing policies that target these communities.**

**In the face of the continuing Covid-19 pandemic equal access to vaccines within and across countries both in the region and beyond is urgent, and cooperation between states imperative, to ensure that treatment and vaccines are acceptable, affordable, accessible and available to all.**

As people fleeing conflict and poverty continue to die on land and sea attempting to reach safety, governments must expand the provision of safe and regular pathways of migration, particularly for people in need to come to Europe, including humanitarian visas, resettlement, community sponsorship and family reunification.

Governments must urgently combat the frequently hidden emergency of violence against women and girls, prioritizing the elimination of gender-based violence and addressing its root causes. More steps are also needed to eliminate all forms of discrimination, in law and practice.

Governments must increase their emission reduction targets and implement adequate and human rights-consistent policies, including phasing out the use and production of fossil fuel through a just transition. They should also urgently scale up climate finance to lower-income countries and commit to providing additional dedicated funding for loss and damage in lower-income countries.

# MIDDLE EAST AND NORTH AFRICA REGIONAL OVERVIEW

The second year of the pandemic continued to expose the failure of many governments across the region to prioritize adequate access to health, including Covid-19 vaccines, for their populations, with the notable exception of some Gulf countries.

Freedom of expression remained severely restricted as governments introduced further draconian legislation criminalizing free speech; they continued to censor the internet and invest in digital surveillance equipment. Human rights defenders faced criminal prosecutions, imprisonment, administrative restrictions, threats and intimidation. Civil society organizations saw their activity criminalized. Security forces across the region used unlawful force to crush peaceful protests.

Overcrowding and insanitary conditions put prisoners in the region at increased risk of Covid-19, a situation that was exacerbated by inadequate healthcare and torture or other ill-treatment in prisons. Impunity prevailed for members of security forces, militias and armed groups reasonably suspected of crimes under international law and serious human rights violations.

Parties to armed conflicts committed war crimes and other serious violations of international humanitarian law. Authorities restricted humanitarian aid in Syria and Yemen, exacerbating the poor state of healthcare systems which were already depleted. Other military powers fuelled violations through illicit arms transfers and direct military support to belligerents.

Authorities continued to arrest and indefinitely detain refugees and migrants, often without legal grounds. Jordan and Lebanon continued to host over 3 million refugees from Syria but thousands of them continued to be deported or to return due to a range of push factors. Authorities across the region failed to protect low paid workers from job or wage loss. Migrant workers were particularly vulnerable given that the kafala (sponsorship) system ties their residency to employment in many countries.

Impunity for violence against women, ranging from sexual harassment to so-called “honour” killings, continued unchecked by any state commitment to hold perpetrators to account. Authorities heavily repressed the rights of LGBTI people, arresting many for their real or perceived sexual orientation or gender identity and subjecting some men to forced anal examinations. Across the region, members of religious and ethnic minorities faced entrenched discrimination.

## RIGHT TO HEALTH

In Egypt, Iran, Libya and Tunisia, Covid-19 vaccine roll-outs were characterized by lack of transparency and consultation, delays in prioritizing at-risk groups, and failure to ensure equitable and fair access for marginalized groups, including refugees and migrants, internally displaced persons, prisoners, the homeless and other undocumented people. Access to vaccines was also often affected by political considerations. In Iran, delays in the vaccine roll-out were largely attributed to the Supreme Leader’s January decision to ban vaccines produced in the UK and USA; once the ban was lifted in August, vaccinations accelerated to reach over 80% of the population receiving the first dose by the end of the year. In Tunisia, by mid-July daily confirmed deaths per million was the second highest in the world and a dearth

of vaccines meant only 6% of the population had been vaccinated. Yet after President Kais Saied dissolved parliament and claimed exceptional powers, vaccine roll-out accelerated and by the end of the year 46% of the population had been vaccinated. In an act of institutionalized discrimination, Israel left out around 5 million Palestinians under military occupation in the West Bank and Gaza from its vaccine campaign.

Tunisia and Morocco introduced mandatory vaccine passes for all those entering public or private workplaces, and for travel outside of the country. In Tunisia, the decree on the vaccine pass infringed on other rights, allowing employers to suspend unvaccinated workers without pay.

With the exception of Gulf states and Israel, the second year of the pandemic exposed the shortcomings of health systems across the region, and the challenges of accessibility and affordability of adequate healthcare. In Lebanon, the government failed to ensure access to fuel for critical health facilities, including hospitals, or roll out any social protection plan in the midst of an economic collapse. In November it lifted subsidies on medicines without ensuring access to essential supplies for those unable to afford spiralling prices, including patients with severe chronic conditions. In Egypt, a national budget adopted in June failed to meet the constitutionally mandated allocation of 3% of GDP to health, and reduced spending on health insurance and medicine.

The Syrian government actively contributed to ongoing shortages in the health sector in north-east Syria by restricting delivery of humanitarian aid, impacting cancer and diabetes patients. In Libya, where armed groups and militias continued to attack health care and humanitarian workers, several Covid-19 isolation facilities were closed due to damage or lack of equipment and infrastructure.

## FREEDOM OF EXPRESSION

Authorities across the region continued to arrest, detain and prosecute individuals solely for their peaceful expression, often using subjective penal code provisions criminalizing “insult” to prosecute criticism of the authorities, including their response to the pandemic, and imprison critics. A court in the Kurdistan Region of Iraq sentenced five activists and journalists to six years’ imprisonment each for acts related to their use of social media and journalistic work, under vaguely worded laws, while the Kurdistan Regional Government (KRG) justified speech-related prosecutions as necessary for “national security reasons”. In one particularly flagrant case, in Saudi Arabia Abdulrahman al-Sadhan was sentenced to 20 years’ imprisonment and a travel ban of equal duration for his tweets that were critical of the government’s economic policies. In Morocco, a court sentenced YouTuber Jamila Saadane to three months in prison for “insulting” state institutions after uploading videos accusing the authorities of covering up prostitution networks and human trafficking. In Algeria, the authorities increasingly used vaguely worded terrorism-related charges to prosecute people for their legitimate political speech or activism.

Governments across the region introduced further draconian legislation criminalizing free speech. In Libya, parliament passed a cybercrime law that severely limits free expression online, allows for government surveillance and censorship, and punishes with imprisonment the dissemination of content deemed “immoral”. In Egypt, the president ratified a law criminalizing the publication of information on pandemics on vaguely worded grounds. The Iranian authorities arrested and prosecuted six people for discussing legal action against the government’s failure to secure access to Covid-19 vaccines. The Tunisian Ministry of Health barred all but a selected list of public sector health workers from speaking publicly about the Covid-19 pandemic, threatening them with disciplinary action or criminal prosecution if they do not comply.

Governments across the region continued to censor the internet. Authorities in Egypt and Palestine persisted in blocking access to websites and the Iranian authorities blocked social media platforms.

## **RIGHT TO PRIVACY**

Governments also continued to invest in expensive digital surveillance equipment such as Pegasus spyware by surveillance company NSO Group to target human rights defenders. In July, Forbidden Stories, a coalition of news organizations with the technical support of Amnesty International, revealed the extent to which Pegasus spyware was being used across the region, with the governments in Bahrain, Morocco, Saudi Arabia, and the United Arab Emirates being identified as potential clients. In July, a Moroccan court sentenced journalist Omar Radi, who was often critical of the authorities, to six years in prison on charges of espionage and rape after a trial which did not meet international fair trial standards. He had been targeted for surveillance by the Moroccan authorities through a “network injection” on his iPhone between January 2019 and January 2020.

## **HUMAN RIGHTS DEFENDERS AND FREEDOM OF ASSOCIATION**

Human rights defenders across the region continued to pay a heavy price for their bravery with the authorities seeking to silence and punish them for their work. Saudi Arabian authorities resumed their relentless crackdown on all dissent with a spate of sentences: courts sentenced five defenders to prison terms of up to 20 years on charges solely related to their human rights work, often combined with lengthy travel bans. In Israel and the Occupied Palestinian Territories, the Israeli Ministry of Defence designated six prominent Palestinian civil society organizations as “terrorist”, based on secret information which they could not see or challenge, effectively criminalizing them and crippling their activity. This while Israel continued to prevent international human rights monitors and investigators, including from the UN, entry.

In Egypt, human rights defenders remained subject to politically motivated criminal investigations, extrajudicial probation measures, unjust imprisonment, travel bans, asset freezes and arbitrary inclusion on the “list of terrorists”, which in effect banned them from civic work. In Libya, militias and armed groups ramped up their attacks on civil society activists through abductions, threats and intimidation ahead of presidential elections, which were indefinitely postponed on 22 December, two days before they were scheduled to begin.

## **PROTESTS AND THE UNLAWFUL USE OF FORCE**

Despite frequent bans on public gatherings as part of government Covid-19 measures, people staged protests throughout the year in many countries in the region, usually to demand socio-economic rights. In Tunisia, police arrested more than 1,500 people during the January wave of demonstrations. Protest movements in Algeria, Iraq and Lebanon continued throughout the year as protesters faced arrest, beatings and at times prosecutions solely for participating in peaceful demonstrations.

Security forces across the region used unlawful force in dispersing protests, often using excessive or unnecessary force. In Iran, security forces used unlawful force, including live ammunition and birdshot, to crush mostly peaceful protests, leading to at least 11 deaths and hundreds of injuries including loss of eyesight. They also carried out mass arbitrary arrests of protesters and bystanders and tampered with internet access during protests. In Iraq, KRG authorities arrested over 100 individuals for taking part in protests; and Iraqi security forces

resorted to excessive use of force, including live ammunition, to disperse protests between January and May. In Lebanon, in a rare occurrence in January, security services used live ammunition in the northern city of Tripoli after clashes over the economic collapse, detained dozens and subsequently brought them before the military justice system. Jordanian authorities responded with force, including heavy use of tear gas, against protesters who had mobilized against worsening economic conditions, and arrested members of the teachers' trade union to prevent a solidarity march.

In May and June, Israeli police used excessive force against Palestinian citizens of Israel demonstrating against evictions in East Jerusalem and military strikes on Gaza, and carried out mass arrests of organizers and participants of protests. Most of those arrested were charged with misdemeanours unrelated to violence. The death in custody of a prominent critic of the West Bank Palestinian authorities sparked demonstrations across Palestinian towns which the authorities met with excessive and unnecessary force. Demonstrators and bystanders were arrested and allegedly tortured.

## **DETAINEES' RIGHTS**

Prisoners across several countries were held in cruel and inhuman detention conditions, characterized by overcrowding, poor ventilation and hygiene, and lack of sufficient food and water – putting them at increased risk of Covid-19 and other infectious diseases. Overcrowding was common due to arbitrary detention practices, including prolonged pretrial detention without effective appeal such as in Egypt, indefinite detention for migration status, such as in Libya, or administrative detention, such as in Israel and Palestine. In some countries, prison visits were banned during national lockdowns and at times for longer, without providing prisoners with alternative means of communicating with their families.

Across the region, authorities failed to provide detainees with adequate healthcare, sometimes deliberately to punish dissent. Many governments failed to ensure the timely vaccination of prisoners: in Iran, prisoner vaccination did not begin until August. In Egypt, some prisoners held for political reasons including those who were at risk due to their older age or pre-existing medical conditions were excluded from the prisoner vaccine roll-out.

## **TORTURE AND OTHER ILL-TREATMENT**

Torture and other ill-treatment in official and unofficial places of detention continued in at least 18 countries, including during interrogation to extract “confessions” and indefinite solitary confinement in dire conditions. Authorities in Egypt, Iran, Libya and Saudi Arabia failed to carry out investigations into the causes and circumstances of suspicious deaths in custody following reports of torture, including deliberate denial of healthcare. In Lebanon 26 cases were reported of Syrian refugees, including four children, held on terrorism-related charges, facing torture by military intelligence officers and others. The authorities failed to investigate the torture claims even when detainees told the court they had been tortured. Prominent political critic Nizar Banat died in the custody of Palestinian Preventive Security forces after they arrested and tortured him in Hebron, southern West Bank. An autopsy found fractures, bruises and abrasions all over his body.

Legislation in several countries in the region retained corporal punishment including flogging, amputation, blinding, stoning and crucifixion. Floggings were carried out in Iran and Libya.

## **DEATH PENALTY**

Countries in the region retained the death penalty, including for offences not involving intentional killing and for acts protected under international law including consensual same-



sexual relations. Death sentences were passed after grossly unfair trials by counter-terror, military, emergency or revolutionary courts in Egypt, Iran, Libya and Saudi Arabia. Executions were carried out in at least six countries, sometimes in secret without last family visits.

In Iran and Saudi Arabia, authorities executed young men convicted of crimes committed when they were under the age of 18.

## **IMPUNITY**

Impunity for members of security forces, militias and armed groups reasonably suspected of crimes under international law and serious human rights violations, including unlawful killings, torture, enforced disappearance and rape, prevailed across the region. In Libya, authorities continued to integrate into state institutions, appoint and promote commanders and members of abusive militias and armed groups, including those under sanction by the UN Security Council. Saif al-Islam al-Gaddafi, wanted by the ICC for his role in the violent suppression of protests against his father's rule in 2011, remained at large and presented himself as a candidate for presidential elections. In Iran, Ebrahim Raisi, rose to the presidency instead of being investigated for crimes against humanity related to the mass enforced disappearances and extrajudicial executions of 1988. In Lebanon, authorities repeatedly obstructed throughout the year the investigation into the Beirut port explosion of 2020, taking numerous steps to shield politicians and officials from the investigative judge's summons.

In Tunisia, President Kaïs Saïed's July dissolution of parliament was followed by 10 new military trials of civilians, four for criticizing the president, a marked increase compared to the previous years. Ten trials against members of security forces for human rights violations as part of the transitional justice process, dragged on for a third year without verdict.

At the international level, some steps were taken in the pursuit of accountability. In October, the UN Human Rights Council extended the mandate of the Fact-Finding Mission to investigate crimes under international law committed in Libya since 2016. August saw the start of the trial of former Iranian official Hamid Nouri, arrested in Sweden for alleged involvement in prison massacres in 1988, under the principle of universal jurisdiction.

At least four European states investigated and prosecuted individuals suspected of committing war crimes or other crimes under international law in Syria through their national courts. February saw the sentencing in Germany of a former Syrian security officer for crimes against humanity for his role in aiding and abetting the torture of detained protesters in Damascus.

In a retrograde move, however, intensive lobbying by Saudi Arabia and Bahrain forced the termination of the UN's Group of Eminent International and Regional Experts on Yemen, the only international, impartial investigative mechanism for international humanitarian law violations in Yemen.

## **APARTHEID**

Israel maintained a system of oppression and domination over Palestinians through territorial fragmentation, segregation and control, dispossession of land and property, and denial of economic and social rights, which amounted to the human rights violation and internationally wrongful act of apartheid. Israel perpetrated unlawful acts against Palestinians with the intent to maintain this system, including forcible transfers, administrative detention and torture, unlawful killings, denial of basic rights and freedoms and persecution which constituted the crime against humanity of apartheid.

## ARMED CONFLICT

Years of armed conflict and insecurity continued to afflict the lives of civilians in Iraq, Libya, Syria and Yemen, where fluctuating levels of violence by state and non-state actors reflected shifting alliances on the ground and the interests of external backers. The conflicts' multiple actors committed war crimes and other serious violations of international humanitarian and human rights law.

Almost all parties carried out indiscriminate attacks that killed and injured civilians in the form of air strikes, in the case of those with air power, and shelling of residential areas with artillery, mortars and rockets. In Libya, while the national ceasefire mostly held, sporadic localized clashes between armed groups and militias in residential areas led to casualties among civilians and damage to civilian infrastructure. In Yemen, the Saudi Arabia-led coalition as well as Huthi forces continued to conduct unlawful attacks killing and injuring scores of civilians, including hitting camps for internally displaced people, and civilian objects such food distribution facilities. In Syria, the government, supported by Russian forces, conducted attacks in north-west Syria that hit residential buildings, markets and hospitals.

The transfer of weapons used to commit war crimes and other violations continued. Russia, Turkey and the UAE violated the UN arms embargo on Libya, by retaining foreign fighters and military equipment in Libya. Armoured vehicles manufactured and exported from the UAE were used in raids against refugees and migrants in Tripoli in October.

Restriction of humanitarian access in Libya and Syria remained a tactic of some actors. Politically motivated sporadic attacks on water infrastructure by armed actors in Libya affected access to water for millions of Libyans. In Syria, government forces besieged thousands of civilians in Daraa al-Balad between June and September, during which time it prevented aid organizations from delivering food, medical supplies and other life-saving aid.

During the armed conflict in May, Israeli and Palestinian armed groups committed apparent war crimes in the Gaza Strip. At least 242 Palestinians were killed, including 63 children, and thousands injured. More than 74,000 Palestinians were displaced. Palestinian armed groups in the Gaza Strip carried out unlawful attacks, firing thousands of indiscriminate rockets towards Israel, most of which were intercepted by Israel, but 13 people in Israel died as a result.

## RIGHTS OF REFUGEES, MIGRANTS AND INTERNALLY DISPLACED PEOPLE

Authorities continued to arrest and indefinitely detain refugees and migrants, often without legal grounds or allowing them to challenge the legality of their detention. In October, Libyan security forces and Tripoli-based militias used unlawful lethal force and other violence to arbitrarily round up over 5,000 men, women and children from sub-Saharan Africa.

In Libya, Saudi Arabia and Yemen, state and non-state actors continued to subject refugees and migrants to a litany of crimes including unlawful killings, indefinite arbitrary detention in life-threatening conditions, torture and other ill-treatment, rape and other sexual violence. In Libya thousands were forcibly disappeared following disembarkation by EU-backed Libyan coastguards, while at least 2,839 were forcibly expelled without due process and left at land borders with Chad, Egypt and Sudan. In Yemen, Huthi de facto authorities arbitrarily detained hundreds of migrant men, women and children, mostly Ethiopian and Somali nationals, in poor conditions for indefinite periods. In March, authorities responded to a hunger strike by firing projectiles into a building housing 350 migrants, igniting a fire that killed 46 male detainees. In June, the UAE arbitrarily detained at least 375 African migrant workers, held

them incommunicado for up to six weeks in poor conditions, stripped them of all their belongings and then deported them. Syrian government forces subjected refugees, including children, who returned to Syria between 2017 and 2021 to arbitrary detention; torture and other ill-treatment, including rape and other sexual violence; and enforced disappearance.

In Qatar, authorities failed to properly investigate the deaths of migrant workers, thousands of whom had died suddenly and unexpectedly in the past decade despite passing mandatory medical tests before travelling to the country. This failure, which precluded any assessment of whether the deaths were work-related, denied the workers' bereaved families the opportunity to receive compensation from the employer or authorities. In Egypt, authorities forcibly returned 40 Eritreans to Eritrea without due process or giving them the opportunity to claim asylum.

In Libya, Syria and Iraq, tens of thousands of internally displaced persons were unable to return to their homes due to insecurity, fear of reprisals, or lack of essential services. They faced additional barriers in securing access to healthcare including Covid-19 vaccines, education, housing and employment opportunities. The Iraqi government's drive to close almost all camps for internally displaced people in the beginning of the year rendered thousands in secondary displacement or homeless.

## **WORKERS' RIGHTS**

Authorities across the region failed to protect low-paid workers from job or wage loss, including as a result of the economic impact of the pandemic. Governments also repressed workers' right to strike and failed to protect workers unfairly dismissed for participating in strikes. In Egypt, authorities continued to penalize workers for expressing their opinions or for their alleged dissent. New legislation allowed for the automatic dismissal of public sector employees on the "list of terrorists", while a court sanctioned the dismissal without compensation of a public sector company worker for "publicly expressing his political opinions". However, reforms to improve protection for migrant workers were announced in several countries, particularly in the Gulf, where they make up a very high proportion of the workforce.

## **WOMEN'S AND GIRLS' RIGHTS**

Across the region, violence against women and girls went mostly unpunished by criminal justice systems. So-called "honour" killings continued to take place in Jordan, Iraq, Kuwait and in Palestine with the authorities failing to take action to prosecute the perpetrators. Proposed legislation on addressing violence against women in Iran contained some welcome provisions including on the establishment of safe houses, but failed to define domestic violence as a separate offence, criminalize marital rape and child marriage, and favoured reconciliation over accountability in cases of domestic violence.

Additional legislative changes in Iran further undermined women's reproductive rights, severely restricting access to contraception, voluntary sterilization services and related information. In Libya, authorities failed to provide protection or redress for women and girls from rape and other sexual and gender-based violence as well as killings, torture and unlawful deprivation of liberty by militias, armed groups, and other non-state actors. In Yemen, Huthi authorities pursued a campaign of detention and enforced disappearance of women and girls, targeting those perceived to be challenging Huthi-enforced gender norms.

Women across the region continued to face entrenched discrimination in law, including in relation to marriage, divorce, child custody, inheritance and, additionally in Saudi Arabia and Iran, employment and political office. Proposed legislative changes to personal status laws in Egypt further undermined women's autonomy and retained discriminatory provisions.

## LGBTI PEOPLE'S RIGHTS

Across the region, LGBTI people faced arrest and prosecution, and at times anal testing amounting to torture, on the basis of their real or perceived sexual orientation or gender identity. Criminal courts continued to treat consensual same-sex sexual relations as a crime, often issuing sentences against men, and sometimes women, either under public decency laws or dedicated provisions. In Egypt, a court convicted four men of engaging in same-sex sexual relations and sentenced them to prison terms ranging from six to nine years. Authorities also failed to protect LGBTI people from violence by non-state actors. A young man who self-identified as a non-binary gay was murdered in Iran after his military exemption card identified him as having a “perversion”. Two police officers in Tunisia insulted and violently assaulted the LGBTI activist Badr Baabou, who heads the prominent Tunisian LGBTI rights group DAMJ, telling him the beating was retaliation for filing complaints against police and “defending whores” and gay people, about whom they used derogatory language.

In a partially positive move, the Moroccan parliament passed a law stating that the gender assigned at birth to “hermaphrodite” newborns can be changed later in life but did not extend to allowing transgender people to transition.

## RELIGIOUS AND ETHNIC MINORITIES

Across the region, members of religious minorities faced entrenched discrimination in law and practice including in their right to worship. In some countries, including Egypt and Iran, members of religious minorities and individuals born to parents identified as Muslim by authorities were arrested, prosecuted and arbitrarily detained for professing their faith or expressing non-sanctioned beliefs. In Iran, three Christian converts were sentenced to imprisonment on the basis of new legislation prescribing up to five years' imprisonment for insulting “divine religions” or for engaging “in proselytizing”.

Ethnic minorities in Iran and Libya faced discrimination curtailing their access to employment, political office and essential services including education and healthcare, and violating their linguistic and cultural rights. In Libya, students from the Tabu tribe in al-Kufra were unable to access the city's only university based in a neighbourhood controlled by rival armed groups. In Iran, ethnic minorities remained disproportionately affected by death sentences imposed for vaguely worded charges such as “enmity against God”.

## RECOMMENDATIONS

**Authorities should ensure that the healthcare they provide, including vaccines, is delivered without discrimination, that healthcare workers are adequately protected and that any restrictions on rights to combat the pandemic are strictly necessary and proportionate.**

**Governments must halt all investigations or prosecutions related to peaceful expression, repeal subjective provisions that criminalize “insult”, and decriminalize defamation. They must also recognize their obligations to respect and guarantee the right to defend human rights by ensuring that human rights defenders are able to work free from arbitrary arrest and prosecution, threats, attacks, and harassment.**

**Governments must end the litany of crimes against refugees and migrants. They should respect and protect the right to asylum, ending the arrest and arbitrary detention of refugees and migrants solely on the basis on their migration status. They should end all deportations of refugees and ensure they are protected from refoulement. Governments should also extend labour law protections to migrant workers, including migrant domestic workers, and abolish the kafala system.**

Parties to armed conflicts must abide by international humanitarian law, in particular ending direct attacks against civilians or civilian infrastructure and indiscriminate attacks. Military powers must halt arms transfers where there is a significant risk that they will be used in violation of international law, as was the case in the ongoing conflicts in the region.

Authorities should ensure that their law enforcement officers comply with international standards on the use of firearms and less-lethal weapons, investigate the unlawful use of force and hold law enforcement officers to account, and uphold the right to freedom of peaceful assembly.



**AMNESTY**

**INTERNATIONAL**

**REPORT 2021/22**

**A-Z COUNTRY ENTRIES**



# AFGHANISTAN

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## Islamic Republic of Afghanistan

Head of state and government: **Mohammad Hassan Akhund (replaced Mohammad Ashraf Ghani in September)**

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**Parties to the conflict in Afghanistan continued to commit serious violations of international humanitarian law, including war crimes, and other serious human rights violations and abuses with impunity. Indiscriminate and targeted killings reached record levels. Human rights defenders, women activists, journalists, health and humanitarian workers, and religious and ethnic minorities were among those targeted by the Taliban and non-state actors. A wave of reprisal killings was unleashed during the Taliban takeover of the country. Thousands of people, predominantly Shia Hazaras, were forcibly evicted. The limited progress made towards improving women's rights was sharply reversed under Taliban rule. Rights to freedom of assembly and expression were drastically curtailed by the Taliban. Access to healthcare, already severely compromised by the pandemic, was further undermined by the suspension of international aid.**

## BACKGROUND

The conflict in Afghanistan took a dramatic turn with the withdrawal of all international troops, the collapse of the government, and the takeover of the country by Taliban forces.

On 14 April, US President Joe Biden announced that remaining US troops in Afghanistan would be withdrawn by 11 September. A subsequent Taliban military offensive overran the provinces and reached the capital, Kabul, on 15 August, causing the government to collapse and President Ghani to flee the country. In early September, the Taliban announced an interim government.

An evacuation operation accompanied the final withdrawal of US and NATO forces, which was brought forward to 31 August in the face of Taliban gains. Some 123,000

people were airlifted in chaotic conditions from Kabul airport, including thousands of Afghan nationals at risk of reprisals from the Taliban.

The already precarious humanitarian situation deteriorated further in the second half of the year due to the conflict, drought, the Covid-19 pandemic and an economic crisis exacerbated by the suspension of foreign aid, the freezing of government assets, and international sanctions against the Taliban. In December, the UN warned that some 23 million people faced acute food insecurity and hunger, including more than 3 million children at risk of death from severe malnutrition.

## INDISCRIMINATE ATTACKS AND UNLAWFUL KILLINGS

Government forces under the leadership of President Ghani, as well as non-state actors, carried out indiscriminate attacks with improvised explosive devices and air strikes, killing and injuring thousands of civilians. According to the UN Assistance Mission in Afghanistan, civilian casualties reached record levels in the first half of the year, sharply increasing in May as international military forces began to withdraw. By June, 5,183 civilian deaths or injuries had been recorded, including 2,409 women and children. More than two-thirds (68%) were attributed to the Taliban and other non-state actors and 25% to Afghan National Defence and Security Forces (ANDSF) and other pro-government forces. On 29 August, a US drone strike killed 10 members of one family in Kabul, including seven children. The US Department of Defense later admitted acting in error and offered financial compensation to the victims' relatives.

Non-state groups deliberately targeted civilians and civilian objects throughout the year. A bomb attack on Sayed-ul-Shuhada High School in West Kabul on 8 May killed or injured more than 230 people, nearly all girls.<sup>1</sup> On 26 August, a suicide attack outside Kabul airport carried out by the armed group Islamic State – Khorasan Province (IS-K) resulted in at least 380 casualties, mostly



Afghans seeking evacuation. Three separate attacks took place in October on Eid Gah Mosque in Kabul and two Shia-Hazara mosques in the cities of Kandahar and Kunduz, reportedly killing dozens and injuring hundreds of others.

The Taliban and other armed actors were responsible for numerous targeted killings throughout the year, including of human rights defenders, women activists, humanitarian and health workers, journalists, former government officials and security force members. Religious and ethnic minorities were at particular risk.

During its offensive and following its takeover, the Taliban carried out reprisal and extrajudicial killings of people associated with the former administration, including members of the ANDSF. On 19 July, the Taliban abducted and killed two sons of former Kandahar provincial council member Fida Mohammad Afghan. Former police officers, particularly women, were also targeted. Also in July, Taliban fighters killed nine ethnic Hazara men in Mundarakht village in Malistan district, Ghazni province.<sup>2</sup> On 30 August, in Kahor village in Khidir district, Daykundi province, the Taliban extrajudicially executed nine ANDSF members after they had surrendered, and killed two civilians, including a 17-year-old girl, as they attempted to flee the village. All were ethnic Hazaras. On 4 September, Banu Negar, a former member of the police force in Ghor province, was beaten and shot dead by Taliban fighters in front of her children. A further 100 former members of the security forces were killed or forcibly disappeared by the Taliban between mid-August and the end of December.

## **FORCED DISPLACEMENT AND EVICTIONS**

Between January and December, some 682,031 people were displaced by fighting, adding to the 4 million already displaced by conflict and natural disasters.

The Taliban forcibly evicted thousands of people from their homes and land in Daykundi and Helmand provinces and also

threatened to evict residents of Balkh, Kandahar, Kunduz and Uruzgan provinces. Evictions particularly targeted Hazara communities, as well as people associated with the former government. In June, the Taliban ordered Tajik residents of Bagh-e Sherkat in Kunduz province to leave the town in apparent retaliation for their support of President Ghani's government. In late September, more than 740 Hazara families were forcibly evicted from their homes and land in Kindir and Tagabdar villages in Gizab district, Daykundi province.

## **REFUGEES' AND MIGRANTS' RIGHTS**

The Taliban takeover increased the number of Afghan refugees entering neighbouring countries. After evacuations from Kabul airport were stopped, thousands of desperate Afghans sought land routes to Pakistan and Iran. Tens of thousands crossed into Pakistan before it closed its borders on 2 September to most Afghans. Only the Torkham crossing point was open to those holding gate passes. In November, the Norwegian Refugee Council reported that 4,000-5,000 Afghans were crossing the border to Iran every day.

The right of Afghans, including those at risk of reprisals, to seek asylum in third countries was compromised by Taliban-imposed restrictions on departures, including often insurmountable challenges in obtaining passports and visas. There were fears that border restrictions by neighbouring countries would force Afghans to make irregular journeys using smugglers, placing them at further risk of human rights abuses.

## **WOMEN'S AND GIRLS' RIGHTS**

Prior to the Taliban takeover, women and girls continued to experience gender-based discrimination and violence. After the Taliban takeover, they lost many of their fundamental human rights. Despite reassurances from the Taliban that women's rights would be respected, the limited progress made in the previous two decades was quickly reversed.

## **WOMEN'S PARTICIPATION IN GOVERNMENT AND THE RIGHT TO WORK**

Women were severely under-represented in the final round of the failed peace talks, with just four women in the government delegation and none in the Taliban delegation.<sup>3</sup> Four cabinet posts were held by women under President Ghani's administration; women were excluded altogether from the Taliban's interim government. Shortly after coming to power, the Taliban disbanded the Ministry of Women's Affairs (MoWA) and its provincial offices.

In August, a Taliban spokesman told reporters that women should refrain from attending work until "proper systems" were put in place to "ensure their safety". In September, women employed in government ministries were told to stay at home while their male colleagues resumed work. There were reports of women being barred from their workplaces or sent home in different parts of the country – with the exception of women working in the passport office, airport and health sector. In some cases, women were reportedly escorted home from work by Taliban fighters and told that they would be replaced by their male relatives.<sup>4</sup>

Women lawyers, judges and prosecutors were effectively dismissed from their jobs and forced into hiding. They faced reprisals from men whom they had convicted and imprisoned for domestic and other gender-based violence, who were subsequently freed from prison by the Taliban. There were reports of ex-prisoners and Taliban fighters ransacking the homes of female judges.

### **RIGHT TO EDUCATION**

On taking power, Taliban leaders announced that a "safe learning environment" was required before women and girls could return to education. Boys were permitted to resume school in mid-September, but the situation for girls remained unclear. At the end of the year, except in Kunduz, Balkh and Sar-e Pul provinces, the majority of secondary schools remained closed to girls. Intimidation and harassment of teachers and pupils led to low attendance rates, particularly among girls,

even where schools and other education facilities were open.<sup>5</sup>

### **SEXUAL AND GENDER-BASED VIOLENCE**

Violence against women and girls remained widespread but chronically under-reported. In the vast majority of cases, no action was taken against perpetrators. Between January and June, the MoWA registered 1,518 cases of violence against women, including 33 murders. Beatings, harassment, forced prostitution, deprivation of alimony, and forced and early marriages remained the main manifestations of violence against women. There was no government data available for the second half of the year.

Violence against women escalated further from August when women's legal and other support mechanisms began shutting down – in particular when women's shelters closed. The Taliban's ending of institutional and legal support for women left women at risk of further violence, and they feared the consequences of reporting incidents.

### **HUMAN RIGHTS DEFENDERS**

Human rights defenders faced intimidation, harassment, threats, violence and targeted killings. A spike in attacks that began in late 2020 continued into 2021. According to the Afghan Human Rights Defenders Committee, at least 17 human rights defenders were killed between September 2020 and May 2021, while hundreds more received threats.

From late August, the Taliban occupied all 14 offices of the Afghanistan Independent Human Rights Commission, forcing its staff to flee the country or go into hiding. Door-to-door searches by Taliban fighters looking for human rights defenders and journalists were reported, and NGO workers and their families were beaten.

### **LGBTI PEOPLE'S RIGHTS**

On 29 October, the Taliban spokesperson for the Ministry of Finance said that LGBTI rights would not be recognized under sharia law. Afghanistan's Penal Code continued to criminalize consensual same-sex sexual relations.

## FREEDOM OF EXPRESSION AND ASSEMBLY

The Taliban forcibly dispersed peaceful protests across Afghanistan, including using gunfire, electroshock weapons and tear gas, and beat and lashed protesters with whips and cables. On 4 September, a protest in Kabul involving around 100 women demanding the inclusion of women in the new government and respect for women's rights was dispersed by Taliban special forces, reportedly with tear gas and electroshock weapons. Women protesters were beaten. On 7 September, the Taliban shot and killed Omid Sharifi, a civil society activist, and Bashir Ahmad Bayat, a schoolteacher, as they protested against the Taliban in Herat province. Eight other protesters were injured. On 8 September, the Taliban's Ministry of the Interior issued an order banning all demonstrations and gatherings "until a policy of demonstration is codified".

Despite assurances that it would respect freedom of expression, the Taliban severely curtailed media freedom. Journalists were detained and beaten and had equipment confiscated, particularly when covering protests. Media workers, particularly women, were intimidated, threatened and harassed, forcing many to go into hiding or leave the country. House-to-house searches for journalists were conducted, particularly those working for western media outlets. On 20 August, Taliban members broke into the home of a journalist working for the German media outlet Deutsche Welle. Unable to find him, they killed one of his relatives and injured another. By late October, more than 200 media outlets had closed. The Afghan Journalist Safety Committee announced that at least 12 journalists had been killed and 230 assaulted in the 12 months to November 2021.

## RIGHT TO HEALTH

The already weak health sector was further damaged in August by the suspension of international aid to the System Enhancement for Health Action in Transition Project for

Afghanistan (Sehatmandi). As of November, 3,000 health clinics had closed due to lack of funding. The multi-donor project was the main source of support for quality health care, nutrition and family planning services across Afghanistan. In September, the WHO warned of a rapid decline in public health conditions, including escalating rates of measles, diarrhoea and polio in children.

Lack of emergency preparedness and the poor state of public health infrastructure meant that Afghanistan was already ill-equipped to deal with a mid-year surge in Covid-19 cases. Internally displaced people living in overcrowded conditions with insufficient access to water, sanitation and health facilities were at particular risk.<sup>6</sup> As of 15 November there had been at least 7,293 deaths from Covid-19. About 7% of the population were vaccinated.

Health workers and health facilities came under attack throughout the year. Nine polio vaccinators were shot and killed in Nangarhar province in the first six months of the year.<sup>7</sup> In October, the Taliban committed to supporting the resumption of a nationwide polio vaccination campaign and to permit the involvement of women frontline workers. They also committed to provide security and safety for all frontline health workers.

## IMPUNITY

On 27 September the Prosecutor of the ICC announced plans to resume investigations into crimes committed in Afghanistan, but focused only on those crimes allegedly committed by the Taliban and IS-K. The decision to "deprioritize" investigations into possible war crimes committed by the National Directorate of Security, ANDSF, US armed forces and the US Central Intelligence Agency risked further entrenching impunity and undermining the legitimacy of the ICC.<sup>8</sup>

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1. "Afghanistan: Unspeakable killings of civilians must prompt end to impunity", 10 May
  2. "Afghanistan: Taliban responsible for brutal massacre of Hazara men – new investigation", 19 August
  3. "Afghanistan: Unravelling of women's and girls' rights looms as peace talks falter", 24 May

4. *The Fate of Thousands Hanging in the Balance: Afghanistan's Fall into the Hands of the Taliban*, (Index: ASA 11/4727/2021), 21 September
5. "Afghanistan: Taliban must allow girls to return to school immediately – new testimony", 13 October
6. "Afghanistan: Oxygen and vaccines urgently needed as Covid-19 infections surge", 11 June
7. "Afghanistan: Despicable killing of female polio vaccine workers must be investigated", 30 March
8. *Afghanistan: ICC Prosecutor's Statement on Afghanistan Jeopardises his Office's Legitimacy and Future* (Index: IOR 53/4842/2021), 5 October

## ALBANIA

### Republic of Albania

Head of state: **Ilir Meta**

Head of government: **Edi Rama**

**In April, parliamentary elections confirmed the third mandate for the ruling Socialist Party. The right to privacy of around 900,000 citizens was violated. Violence persisted against women, journalists and LGBTI people. The absence of a specialized medical institution made implementation of European Court of Human Rights and High Court rulings impossible.**

### RIGHT TO PRIVACY

In early April an unlawful database holding the personal data of some 900,000 citizens and used by the Socialist Party for electoral purposes was leaked days before the elections. A total of 162 citizens sued the Socialist Party for violation of data protection law. In December, two other databases were leaked, causing public outrage. They held personal data such as salaries, workplaces and type of car owned for more than 600,000 taxpayers.

In July, the Constitutional Court nullified certain provisions of the Law on the State Police which had allowed the police to conduct mass surveillance of citizens without prior court authorization. Those provisions were found unconstitutional as they imposed illegal limitations on the right to privacy.

### FREEDOM OF EXPRESSION

In April, the Special Anti-Corruption Structure seized the database containing the personal data of 900,000 citizens (see above: Right to privacy) from the news portal Lapsi.al, which had made it public. Concerns arose regarding freedom of expression, protection of sources and intimidation of journalists. The European Court of Human Rights (ECtHR) issued an interim measure ordering the authorities to cease seizing any data from the news portal.

While filming a police operation in July, journalist Ergys Gjencaj was physically attacked by officers. He was detained and his phone was confiscated.

### CRUEL, INHUMAN OR DEGRADING TREATMENT

In July, following the ECtHR decision on *Strazimiri v. Albania*, the High Court ordered that Arben Strazimiri be moved from prison facilities to a specialized medical institution, in order to end the inhuman and degrading treatment he had suffered.

### RIGHT TO HEALTH

In August, the Ministry of Health ordered compulsory Covid-19 vaccination for high-risk groups such as medical staff, teachers and students.

According to the Ombudsman, the number of people infected with Covid-19 far outnumbered the treatment packages for which they could be reimbursed. Patients diagnosed during March-November 2020, as well as those tested positive by private health institutions, were not eligible to be reimbursed for medication.

### LGBTI PEOPLE'S RIGHTS

LGBTI people remained subject to discrimination and harassment. A transgender woman was beaten in the street. In June, the Civil Registry prohibited a lesbian couple from registering as parents.

### VIOLENCE AGAINST WOMEN AND GIRLS

Women candidates faced hate speech during the electoral campaign in March.

Violence against women sparked public outrage. By early December, 2,754 protection orders had been issued, but were poorly implemented. According to State Police, of all murders committed during the year, 30% were by men against their domestic partners; 16 women were killed. In May, one woman was murdered at Elbasan District Court after her divorce hearing.

## **RIGHT TO A FAIR TRIAL**

Justice reform continued slowly. The ECtHR upheld the legitimacy of the vetting process in the case of a constitutional judge who was dismissed, after assessing her claims for violations of the rights to fair trial and privacy.

## **REFUGEES' AND MIGRANTS' RIGHTS**

In August, the prime minister announced that Albania would temporarily host 4,000 people from Afghanistan. By October, 866 had arrived and were granted temporary protection status for one year.

# **ALGERIA**

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**People's Democratic Republic of Algeria**

Head of state: **Abdelmadjid Tebboune**

Head of government: **Aimene Benabderrahmane**  
(replaced **Abdelaziz Djerad** in June)

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**Authorities continued to arrest, prosecute, detain and convict activists linked to the mass, peaceful protest movement known as Hirak, as well as human rights defenders and journalists for expressing their views or covering protests. Courts increasingly resorted to terrorism-related charges to prosecute and detain activists and journalists for their alleged ties with two unregistered political organizations. Authorities disbanded a prominent association. They also ordered at least three churches to close and prosecuted at least six Christians for exercising their right to freedom of religion. Thousands of asylum seekers and migrants were expelled to Niger without due process. Discrimination against women in law and practice continued, and**

**consensual same-sex sexual relations remained criminalized.**

## **BACKGROUND**

Following legislative elections in June, which saw the lowest turnout in 20 years, a new government was established in July.

In August, Algeria cut diplomatic ties with Morocco.

According to the Algerian authorities, about 14.6% of the Algerian population was vaccinated against Covid-19 by December.

## **FREEDOM OF EXPRESSION**

Authorities arrested and detained hundreds of political and civil society activists as well as journalists for expressing their views or for doing their jobs, prosecuting them under vaguely worded Penal Code provisions.<sup>1</sup>

From April onwards, authorities increasingly resorted to terrorism-related charges to arrest and detain human rights defenders, journalists and other individuals for their legitimate political activism or speech. Those targeted included members or perceived members of the unregistered political organizations Rachad and the Movement for the Self Determination of Kabylie (MAK), which in May the authorities declared were "terrorist" organizations.

In April, a court in Oran city in west Algeria prosecuted a group of 15 activists, human rights defenders and journalists – including Kaddour Chouicha, Jamila Loukil and Said Boudour – for "terrorism" for exercising their right to freedom of expression.<sup>2</sup> In October, a judge transferred their files to a dedicated anti-terrorism chamber inside a court in the capital, Algiers.

In September, judicial authorities used terrorism-related charges to provisionally detain two journalists, Hassan Bouras and Mohamed Mouloudj, for their online criticisms of the authorities and alleged ties with Rachad and the MAK.<sup>3</sup>

Authorities also violated the right to freedom of expression in other ways during 2021. In April, a tribunal in Algiers ordered the provisional detention of five Hirak activists for videos they published online, including one

that denounced the alleged sexual abuse of a boy in police custody. In July, authorities arrested and provisionally detained Fethi Ghares, leader of the Social and Democratic Movement (MDS), for publicly criticizing the authorities during a press conference at the party's headquarters.

In May, the High Council of Magistracy dismissed Sadedin Merzoug, a judge and a founder of the Club of Algerian Magistrates, for expressing support for Hirk and democracy.

Authorities arbitrarily arrested at least three journalists for their work and prosecuted them on charges related to their reporting. They also closed two TV channels on security-related grounds and suspended two other channels for a week because of programmes they broadcast. In May, a tribunal in Algiers sentenced journalist Kenza Khatto from Radio M to a three-month suspended prison term for covering a protest.

In September, the Appeal Court in Algiers postponed the appeal of journalist Khaled Drareni to 2 December, to rule on his two-year prison sentence for covering Hirk protests.

In October, a tribunal in Tamanrasset city in the south sentenced on appeal journalist Rabah Karèche to a year in prison with six months suspended for “harming national security” and “spreading false news”.

## **FREEDOM OF ASSOCIATION AND ASSEMBLY**

Hirk protests, which halted in 2020 due to Covid-19, resumed in February on a sporadic basis, with the authorities at times arresting, prosecuting and detaining peaceful protesters. In May, a court in Algiers ordered the pretrial detention of peaceful protesters Fatima Boudouda and Moufida Kharchi in connection with a demonstration on 21 May in Algiers, pending investigation on charges of “incitement to unarmed gathering” and “conspiracy against the state”. They were still detained at the end of the year.

In November, a court in Algiers sentenced Nacer Meghne, president of the cultural association SOS Bab El-Oued, to eight

months' imprisonment and a fine for “harming the national interest” and “incitement to unarmed gathering”.

Authorities cracked down on associations and political parties who they perceived as organizing activities that did not conform with the law. In May, the interior ministry announced that only authorized protests were allowed. Hundreds of peaceful protesters were arrested and detained during the year.<sup>4</sup>

In April, the interior ministry asked the Administrative Tribunal to suspend two political parties, the Socialist Workers Party and the Union for Change and Progress.

On 13 October, the Administrative Tribunal dissolved the Youth Action Rally (RAJ) association.

## **TORTURE AND OTHER ILL-TREATMENT**

Police continued to ill-treat activists and peaceful protesters during protests and in custody.<sup>5</sup>

On 26 March, in El Bayadh city in west Algeria, police arrested Hirk activist Ayoub Chahetou and raped him in custody by inserting a finger into his anus, according to his testimony. A judge refused to hear his testimony. Chahetou was sentenced — on appeal — to six months in prison, of which two months were suspended.

## **FREEDOM OF RELIGION AND BELIEF**

Authorities used Decree 03-06 of 2006, which restricts the exercise of religions other than Islam, and the Penal Code to prosecute or convict at least 11 individuals for “exercising cults other than Islam” or “insulting” Islam.

In February, a court in Oran city sentenced on appeal Rachid Seighir, a Christian pastor and owner of a bookshop, and Nouah Hamimi, who worked in the bookshop, each to one year in prison and a fine for material that was in the shop. The two men were awaiting a ruling by the Supreme Court.

In April, a tribunal in Algiers convicted Islamic scholar Said Djabelkheir to three years in prison for “offending” Islam in online posts that, among other things, referred to some texts in the Qur'an as myths. On 4 May,

a tribunal in Chéraga, a suburb of Algiers, sentenced activist Amira Bouraoui to two years in prison for “offending” the Prophet Muhammad in online posts about him. The verdict was confirmed on appeal on 18 October.

In December, a judge in Ain Defla city in north Algeria sentenced Foudhil Bahloul, a Christian convert, to a six-month prison sentence and a fine for illegally “accepting donations”.

On 7 July, authorities ordered the sealing and closure of three Protestant churches in Oran city.

## RIGHT TO HEALTH

Between July and mid-August, a third wave of Covid-19 led to hundreds of deaths and a shortage of oxygen supplies.

The National Syndicate of Practitioners of Public Health recorded 470 deaths of health sector workers due to Covid-19 between March 2020, when the pandemic began, and August 2021.

## REFUGEES’ AND MIGRANTS’ RIGHTS

Authorities continued to detain asylum seekers indefinitely while seeking to facilitate their deportation before their asylum claim had been fully evaluated. Irregular migration remained punishable by up to two years in prison. From December 2019 to June 2021, authorities arbitrarily detained in degrading and insanitary conditions seven Yemeni asylum seekers registered with UNHCR, after originally denying them access to the UN refugee agency.

Authorities continued to round up and collectively expel asylum seekers and migrants across the Niger border without due process or individual evaluations of their protection needs, often forcing them to walk long distances in the desert before reaching the nearest town in Niger. Expelled migrants often reported or bore signs of physical abuse. Between January and August, the project Alarm Phone Sahara documented the expulsions of at least 16,580 individuals, including children.

Algerian media reported interceptions by Algeria’s coastguard of migrants’ dinghies heading for Spain. One such interception returned Hirak activist Brahim Laalami, who was subsequently sentenced to three months in prison for irregular exit. At least 29 migrants attempting to reach Europe died off the coast of west Algeria between April and June.

Despite government efforts to vaccinate Sahrawi refugees in camps in Tindouf from the beginning of May, the Covid-19 wave in July resulted in over 63 deaths of refugees.

## WOMEN’S RIGHTS

The Penal Code and Family Code continued to unlawfully discriminate against women in matters of inheritance, marriage, divorce, child custody and guardianship.

Algerian law still does not explicitly recognize marital rape as a crime. The Penal Code’s “forgiveness clause” continued to allow rapists to escape punishment if their victims pardon them.

Authorities took no steps to address violence against women. The women’s group *Femicides Algérie* recorded at least 55 femicides in 2021, saying that the police had failed to adequately investigate those cases or prosecute those responsible.

## LGBTI PEOPLE’S RIGHTS

The Penal Code continued to criminalize consensual same-sex sexual acts, which remained punishable by up to two years’ imprisonment and a fine.

## DEATH PENALTY

Courts continued to hand down death sentences; no executions were reported.

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1. “Algeria: Repressive tactics used to target Hirak activists two years on”, 22 February
  2. “Algeria: Drop trumped-up charges against three human rights defenders”, 17 May
  3. “Algeria: Stop using bogus terrorism charges to prosecute peaceful activists and journalists”, 28 September
  4. “Algeria: Scores detained in escalation of crackdown against activists”, 24 June

5. "Algeria: Islamic scholar sentenced to three-year prison term for 'offending Islam'", 22 April

# ANDORRA

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## Principality of Andorra

Co-heads of state: **Joan Enric Vives Sicília** and

**Emmanuel Macron**

Head of government: **Xavier Espot Zamora**

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**Access to abortion remained fully criminalized. A woman human rights defender faced criminal charges after raising concerns about women's rights, including access to abortion, at a UN committee.**

## HUMAN RIGHTS DEFENDERS

In January, three UN Special Rapporteurs and the Working Group on discrimination against women and girls called on the Andorran authorities to put an end to the apparent retaliation against Vanessa Mendoza Cortés for her engagement with UN human rights mechanisms.

In February, Vanessa Mendoza Cortés, president of the organization Stop Violence, appeared before a judge to answer charges brought by the public prosecutor in 2020 following a complaint by the Andorran government as a result of her intervention at the CEDAW Committee, and statements she made in 2019 to the press, calling for the decriminalization of abortion and an improvement to women's rights.<sup>1</sup> The original charges against her included offences of slandering the co-prince and government institutions. In June, the public prosecutor dropped two charges of slandering with prison sentences but kept the charge against the prestige of the institutions involving a fine of up to 30,000 euros.

All criminal charges against Vanessa Mendoza Cortés were still pending at the end of the year.

## SEXUAL AND REPRODUCTIVE RIGHTS

A discriminatory and harmful total ban on abortion was still in place. As a result, people

in need of abortions were compelled to travel to France and Spain to seek the healthcare they needed. In March Andorra rejected all UPR recommendations to decriminalize abortion.

## FREEDOM OF EXPRESSION

Defamation and related offences against public officials and institutions remained a criminal offence. In March the Andorran authorities rejected a UPR recommendation to decriminalize defamation in line with international human rights standards.

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1. "Andorra: Defamation charges against activist who raised rights concerns before UN Committee must be dropped", 16 February

# ANGOLA

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## Republic of Angola

Head of state and government: **João Lourenço**

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**Security forces continued to carry out serious human rights violations, including dozens of unlawful killings, using excessive and unnecessary force. The police violated the rights to freedom of expression while peaceful protesters faced arbitrary arrest and detention. Pastoral communities had their land expropriated for use by commercial farmers. The government responded inadequately to secure food and water for victims of land dispossession, drought and displacement. The embezzlement of state funds undermined the government's ability to alleviate widespread economic hardship and address the failing health sector.**

## BACKGROUND

Concerns remained over the rising cost of living and Covid-19-related economic and social devastation. Public awareness of inequity, especially among the young, grew in response to the shocking contrast of images of starving people in rural areas, particularly in the southern region, and opulence in the capital, Luanda. While most Angolans faced severe food shortages, the "Operation Crab"



investigation, led by the State Information and Security Services and the Criminal Investigation Service (SIC), uncovered millions in embezzled public funds in various currencies, and other assets, in the private homes of 24 senior government officials. The president was compelled to fire eight of them, most of whom were military generals and close to him, but public scepticism remained.

## **UNLAWFUL KILLINGS**

Security forces used excessive force to crack down on peaceful protests, killing dozens of protesters. In January, they shot and killed dozens of activists who were peacefully protesting against the high cost of living in the mining town of Cafunfo in Lunda Norte province. In addition to shooting at peaceful protesters on the streets, the security forces hunted them down in surrounding neighbourhoods and forests. While the exact numbers killed and injured remained unknown, reports emerged of bodies dumped in the nearby Cuango river.<sup>1</sup>

Although Lunda Norte province is rich in minerals, its residents lived in devastating poverty with poor education, health, transportation, water and sanitation services. To survive, many people, especially young men, practised artisanal mining of diamonds; some had been killed by diamond company security guards over many years. Suspected perpetrators of these killings enjoyed impunity for their crimes.

## **ARBITRARY ARRESTS AND DETENTIONS**

The authorities continued to arbitrarily arrest and detain peaceful protesters and community leaders. For example, following the violent repression of a peaceful protest on 8 February, the SIC arrested José Mateus Zecamutchima, the leader of the Lunda Tchokwe Protectorate Movement. They accused him of “association with evil-doers and armed rebellion” and “leading the rebellion to overthrow the government”, and transferred him from Lunda Norte to a detention centre in Luanda. He was denied contact with his lawyer and remained in detention.

On 30 May, the police in Cabinda arrested and detained several protesters after violently ending their procession and confiscating their property, including mobile phones and bags. The demonstration was part of a larger five-province protest against hunger, unemployment and the unaffordable cost of living.

## **FREEDOM OF EXPRESSION AND ASSEMBLY**

Economic and social crises and human rights violations fuelled an increase in protests throughout the country. However, security forces stepped up nationwide operations to prevent them from taking place. For example, on 4 February, the police stopped members of the Contestatory Civil Society in Luanda from peacefully protesting to demand political alternatives to the 45-year rule of the government party, the People’s Movement for the Liberation of Angola (MPLA). Again, on 21 August, the police prevented civil society groups from conducting a protest in Luanda. The groups, who had organized under the consortium United Angola Movement, were peacefully protesting against human rights violations, increasing economic and social misery, and in favour of the newly announced United Patriotic Front, a union of opposition political parties set to challenge the MPLA in the 2022 general election.

On 30 August, the police prevented activists from gathering in front of parliament to protest against the new electoral law under parliamentary debate. On 25 September, they stopped hundreds of Angolan Student Movement members from peacefully protesting against fee increases in public and private secondary and post-secondary institutions.

Attacks on media freedom continued as the authorities suspended private television channels’ licences, while opposition militants prevented journalists from doing their work. On 19 April, the Ministry of Telecommunications, Information Technologies and Social Communication (MINTTICS) suspended the licences of television channels Zap Viva, Vida TV and TV

Record Africa Angola, resulting in hundreds of job losses. MINTTICS alleged that these companies were operating under provisional registrations and would remain suspended until they regularized their status. The three media companies were taken aback by the suspensions, saying they had not received prior information or notification of any administrative procedure against them.<sup>2</sup>

On 11 September, National Union for the Total Independence of Angola militants prevented TV Zimbo reporters from covering their public protest in Luanda. While the reporters confirmed the incident, they preferred to remain anonymous for fear of reprisals.

## **ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

Economic and social misery was intensified by the haemorrhaging of public funds into senior government officials' personal bank accounts and their private homes. In June, the General Public Prosecutor announced the arrest of 24 senior military officials of the Office of the Head of State Security Affairs, accused of embezzling large sums of funds from state coffers. One of them was arrested at Luanda airport, as he tried to leave the country with two suitcases of cash. He reportedly owned a fleet of 15 luxury vehicles, 51 properties in Angola, Namibia and Portugal, in addition to boxes and bags found in his apartments which contained AOA 10 million, €4 million and US\$1.2 million. Meanwhile, the country's public debt exceeded 100% of the GDP.

Cunene, Huila and Namibe provinces continued to face extreme weather conditions symptomatic of climate change. The prolonged drought resulted in food and water scarcity. Consequently, many people and their cattle died, and others sought refuge in Namibia. Diversion of traditional grazing lands by government authorities for commercial farming continued, violating domestic and international human rights standards, including by the failure of the authorities to carry out community

consultations and provide adequate compensation; all these aggravated the crisis.

### **RIGHT TO FOOD**

Drought, alongside the unlawful occupation by commercial farmers of communal grazing land, eroded the ability of pastoral communities to produce food for themselves. Data indicated that low rainfall had caused the worst drought in 40 years and that malnutrition was at its peak due to lack of food, water and safe sanitation, with women, children and older people disproportionately affected.

The widescale death of cattle in a region which relies on such stock as the basis of its economic, social and cultural wealth, weakened the communities' resilience. Pastoralists in Curoca, Oukwanyama and Onamakunde municipalities in Cunene province, Quipungo and Gambos municipalities in Huila province, and Virei and Bibala municipalities in Namibe province, lacked access to food, and dozens of them were dying of hunger and malnutrition, particularly older people and children.

Throughout the country, people living in poverty and in marginalized communities became severely food insecure and many turned to foraging amongst rubbish for food to feed themselves and their families.

### **RIGHT TO WATER**

Extreme water shortages in the southern provinces, regions which are home to most pastoral communities, particularly affected women and girls who travelled long distances and spent extended periods searching for water. The communities competed with domestic and wild animals for unsafe muddy water, collected from naturally occurring holes and ponds.

In addition, water shortages created the conditions for hygiene-related diseases. Children, in particular, displayed signs of scabies and skin damage due to lack of regular bathing. Consequently, they scratched their skin day and night, often using rocks, until they bled, to experience momentary relief from itchiness.

## RIGHT TO HEALTH

Covid-19 and its associated restrictions aggravated the effects of decades of underfunded services. This was most visible in the health sector, which was on the brink of collapse. A public outcry from the Angola Doctors Union went unanswered. On average, dozens of people died each day in Luanda hospitals alone. According to the union, despite the Covid-19 pandemic, the most common causes of death were malaria, malnutrition, acute diarrhoeal diseases, lack of medicines and, among health workers, overwork. The pandemic's economic and social impact caused an exponential increase in the large numbers of sick people using hospitals that were unable to meet demand.

1. "Angola: Shooting spree by security forces kills at least 10 protesters", 2 February
2. "East and Southern Africa: Media freedoms curtailed as Covid-19 regional crises expose urgent need for access to information", 3 May

# ARGENTINA

## Argentine Republic

Head of state and government: **Alberto Fernández**

**The Covid-19 pandemic continued to exacerbate existing inequalities amid the country's ongoing economic crisis. Violence against women and girls and the lack of effective measures to address it remained a serious concern. There were challenges regarding implementation of the 2020 law legalizing abortion. Impunity persisted for enforced disappearances and excessive use of force by law enforcement officials.**

## BACKGROUND

The country's profound economic and social crisis continued. According to official figures, by June, 40.6% of the population was living in poverty and the unemployment rate was 8.6% in the third trimester of the year.

Strict controls on movement, reinstated in response to the second wave of Covid-19, left hundreds of Argentinians stranded abroad, without access to adequate healthcare or

hygiene and, in some cases, family reunification.

Healthcare and essential workers continued playing a key role in the response to Covid-19. By the end of the year 71.9% of the population had been fully vaccinated.

## WOMEN'S RIGHTS

The pandemic exacerbated existing gender inequalities. For example, unpaid domestic and care work that would represent 16% of GDP if it were paid, increased to 21.8% as a result of the pandemic, according to official data. Women performed over 76% of domestic and care work in the country.

In July, Argentina recognized identities beyond the binary categories of gender in the registration and identification systems (Decree No. 476/21). Congress passed Law 27,636 recognizing a quota for transgender employment.

## VIOLENCE AGAINST WOMEN AND GIRLS

According to civil society monitoring groups, there were at least 256 femicides in 2021. In numerous cases the victim had previously filed complaints against the perpetrator, restraining orders had been violated and the perpetrator was a member of the security forces. These cases demonstrated the lack of effective public policies and measures to address gender-based violence and the absence of a gender perspective among law enforcement officials.

Sex workers' movements reported an increase in harassment and arbitrary detentions by the City of Buenos Aires security forces in the context of Covid-19 restrictions.

## SEXUAL AND REPRODUCTIVE RIGHTS

During the first year after Congress approved the law for the decriminalization and legalization of abortion within the first 14 weeks of pregnancy, challenges persisted over implementation. No jurisdiction, either national or local, undertook a mass campaign to provide information on access to abortion. There were reports of abusive use of conscientious objection clauses, delays in

public and private sector facilities and the collapse of the national 0800 hotline for abortion consultations and referrals.

By December, at least 37 judicial actions had been initiated against the abortion law. However, the law remained in force.

According to official data, every four hours a girl aged under 15 gives birth in Argentina. Most are forced to carry to term pregnancies that are the result of rape.

Analysis from an official survey (Aprender 2019) revealed that only 4% of secondary school students had access to all the basic and mandatory content of comprehensive sexuality education.

## **INDIGENOUS PEOPLES' RIGHTS**

Indigenous peoples continued to face serious difficulties in accessing collective land rights. The Executive Branch approved the extension of Emergency Law 26,160 ordering the suspension of evictions of Indigenous communities. However, the National Institute for Indigenous Affairs barely made any progress in carrying out the survey of Indigenous territories mandated by the same law, with just 43% of the survey completed by the end of the year.

## **IMPUNITY**

Trials before ordinary civilian courts continued for crimes against humanity committed under the 1976-1983 military regime. Between 2006 and September 2021, 264 rulings were handed down, bringing the total number of convictions to 1,044 and acquittals to 162.

The investigation into the disappearance and death of Facundo Astudillo Castro failed to make significant progress by the end of the year. His body was found 107 days after he was reported missing in late April 2020. He was last seen at a police checkpoint in Buenos Aires province.

A decision by the Supreme Court in the case of the possible enforced disappearance of Santiago Maldonado remained pending at the end of the year. His body was found in 2017 in a river on Mapuche territory in

Chubut province 78 days after the security forces had closed off the area.

Concerns remained over the lack of institutional public policies on effective searches for missing persons and investigations of alleged enforced disappearances.

A further autopsy was performed on Mauro Coronel, who was tortured by police in Santiago del Estero province in May 2020. By the end of the year, no one had been charged in connection with his death.

## **EXCESSIVE USE OF FORCE**

On 17 November, 17-year-old Lucas González was shot and killed by members of the Buenos Aires City Police after plain-clothes officers in an unmarked car intercepted the car in which he was travelling with three friends, who also reported they were subjected to torture and ill-treatment.

On 11 June, Josué Lagos, a 23-year-old member of the Qom Indigenous people was shot by a member of the Chaco province security forces during a police operation. The Special Criminal Prosecutor's Office for Human Rights ordered the release of the only person charged in the case on grounds that there was insufficient evidence to detain him further. The investigation continued. The Comprehensive Approach to Institutional Violence by police officials in the Security and Penitentiary Services Bill remained pending before the Lower House at the end of the year.

## **REFUGEES' AND MIGRANTS' RIGHTS**

In May, the executive branch repealed Executive Order 70/2017, which had introduced serious regressive measures regarding migrants' rights.

Migrants, refugees and asylum seekers with limited access to the formal labour market and adequate housing were among those most affected by Covid-19.

Border restrictions continued to affect the resettlement of refugees through Argentina's community sponsorship-based Syria Programme. Five Syrian refugee families with approval to travel to Argentina had their

resettlement stalled and new community sponsorship applications were suspended.

The government failed to establish a new programme that would expand the resettlement opportunities to refugees of other nationalities.

## **FAILURE TO TACKLE CLIMATE CRISIS**

Although during the COP26 the executive branch announced its commitment to improve by almost 26% its nationally determined contribution (NDC) compared to its 2016 NDC and to achieve carbon neutrality by 2050, these targets remain insufficient as they fail to align with the 1.5°C global warming commitment. Concerns remained over the failure to enact a law on conserving wetlands or to reform the hydrocarbons law, which promotes fossil fuels.

# **ARMENIA**

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## **Republic of Armenia**

Head of state: **Armen Sarkissian**

Head of government: **Nikol Pashinyan**

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**There was no accountability or justice for victims of violations committed during the 2020 Armenia-Azerbaijan conflict and its aftermath. Over 100 people were killed or injured by mines planted by Armenian forces in areas ceded to Azerbaijan. Some 36,000 ethnic Armenians remained internally displaced. Peaceful protests were largely permitted after Covid-19 and martial law restrictions were lifted, but freedom of expression and access to information continued to be restricted. Environmental concerns at the Amulsar gold mine remained unaddressed. Domestic violence remained a widespread problem, exacerbated by the Covid-19 pandemic.**

## **BACKGROUND**

Political tensions remained high throughout the year. The prime minister resigned in April following months of anti-government protests over his handling of the Armenia-Azerbaijan

conflict but was re-appointed after his party won a majority in snap elections in June.

Security along the Armenia-Azerbaijan border remained volatile with uncertainties over demarcation lines. Occasional cross-border fighting led to military and civilian casualties.

The Covid-19 pandemic and the aftermath of the 2020 conflict exacerbated the country's economic hardships. According to the World Bank, Armenia suffered an 8% contraction in GDP, leading to the impoverishment of 70,000 people and driving 720,000 people into a lower welfare group. The elderly and less well-off were disproportionately impacted by the pandemic, facing greater obstacles in accessing healthcare due to the lockdown restrictions and repurposing of public healthcare resources. Their ability to cover routine expenses – especially household services, utilities, food, medicines and medical services – also decreased significantly.

Vaccination uptake remained low, with only 23 % of the population receiving a full dose of the vaccine by December, amid a widespread anti-vax campaign. In response, in August, the government made Covid-19 vaccination mandatory for all government workers and many private company employees.

## **VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW**

No progress was made in investigating war crimes and other violations of international humanitarian law during the 2020 conflict and its immediate aftermath, or in bringing those suspected of individual criminal responsibility to justice.

Over 100 people were reported killed or injured by mines planted by Armenian forces in territories where they had ceded control to Azerbaijan. Armenia shared several maps detailing landmine fields in exchange for Azerbaijan returning Armenian captives. In December the president of the European Council reported that Armenia had returned

all landmine maps. However, the accuracy of these maps was challenged by Azerbaijan.

## **INTERNALLY DISPLACED PEOPLE'S RIGHTS**

Many of the approximately 91,000 people displaced at the height of the fighting in 2020 returned to Stepanakert/Khankendi and other parts of the Nagorno-Karabakh region, which remained under the control of Armenia. Some 36,000 people remained displaced in Armenia and Armenia-controlled Nagorno-Karabakh, and 24,000 of them from areas controlled by Azerbaijan faced long-term displacement. Returnees faced difficulties in accessing livelihoods, education and healthcare.

## **FREEDOM OF ASSEMBLY**

Peaceful protests and demonstrations were largely permitted throughout the year. By January, the government had rescinded most public health and emergency law-related restrictions imposed due to security concerns and the Covid-19 pandemic, including restrictions on public gatherings.

## **FREEDOM OF EXPRESSION**

The right to freedom of expression continued to be unduly restricted.

The government introduced several legislative amendments curtailing independent media and other critical voices. In March, the National Assembly increased the maximum fine for insult and defamation to AMD 6 million (approximately US\$12,000). In August, another set of legislative amendments criminalized insulting public figures, making repeated insults punishable by up to three months' imprisonment. In September, police opened a criminal case under this new law against a Facebook user for insulting the prime minister in a comment under a photo featuring him.

The authorities continued the prosecution on trumped-up charges of human rights defender Sashik Sultanian in retaliation for his criticism of the treatment of the Yazidi ethnic minority in Armenia. An investigation

into his alleged incitement of national hatred had been opened in October 2020, after he published an online interview on problems faced by the ethnic Yazidis. His trial started in August and was ongoing at the end of the year. If convicted, he could face three to six years in prison.

The Prosecutor General's Office and state investigative bodies failed to effectively investigate attacks and threats against NGOs and media outlets, including looting of the offices of Radio Free Europe/Radio Liberty and Open Society Foundations, in the aftermath of the conflict in 2020.

## **ENVIRONMENTAL DEGRADATION**

The Amulsar gold mine project in southern Armenia remained halted, pending the outcome of an ongoing criminal investigation into intentional concealment of information on its environmental impacts. The investigation was launched in response to protests by local residents and environmental campaigners since 2018.

## **WOMEN'S RIGHTS**

Women continued to be affected by higher levels of domestic violence during the Covid-19 pandemic while access to services and protection remained inadequate. The pandemic also exacerbated the heavy burden of unpaid care work which continued to fall mainly on women and girls.

# **AUSTRALIA**

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### **Australia**

Head of state: **Elizabeth II, represented by David Hurley**  
Head of government: **Scott Morrison**

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**The rights of Indigenous peoples, refugees and asylum seekers continued to be violated. Proposed new legislation threatened to further entrench discrimination against LGBTI people. Government responses to sexual and gender-based violence against women remained inadequate. No one was held accountable for alleged war crimes**

**committed by Australian troops in Afghanistan.**

## **BACKGROUND**

Lockdown measures in response to the Covid-19 pandemic continued for much of the year in major cities. Stringent border restrictions also remained in place. In April, all arrivals from India were halted due to the Delta variant outbreak there. Critics described this government action as racist and xenophobic because it did not impose such comprehensive bans on travel from other destinations with similar outbreaks.

## **INDIGENOUS PEOPLES' RIGHTS**

The government's first progress report on the "Closing the Gap Agreement", published in July, showed that targets for reducing incarceration rates of adult Aboriginal and Torres Strait Islander people by at least 15% had not been met. Whereas detention levels among Indigenous children dropped slightly, rates among adults increased.

Twenty-six Indigenous people were reported to have died in custody between July 2020 and June 2021, bringing the total number of deaths to at least 500 since the 1991 Royal Commission into Aboriginal Deaths in Custody. No one had been held to account in relation to any of these deaths.

## **CHILDREN'S RIGHTS**

Australia continued to detain children as young as 10 years old, but efforts to raise the age of criminal responsibility progressed. In October, the Australian Capital Territory committed to increase the minimum age of criminal responsibility to 14.

## **REFUGEES' AND MIGRANTS' RIGHTS**

The brutal treatment of refugees and asylum seekers continued. This included their indefinite and arbitrary detention within Australia, and in Nauru and Papua New Guinea, although the government announced an end to offshore processing in Papua New Guinea by the end of the year. Those arriving by boat were not permitted to apply for asylum in Australia. The number of refugees

accepted for resettlement decreased from 18,750 in 2020 to 13,750 in 2021.

In the context of the crisis in Myanmar, the government committed to temporarily extend visas of Myanmar citizens already in Australia, but did not permit family reunifications.

## **IMPUNITY**

An Office of the Special Investigator was established to investigate allegations of war crimes committed by Australia's Special Forces in Afghanistan between 2005 and 2016. However, no action had been taken by the end of the year against any of the 19 members of Australia's special forces referred for investigation by the Inspector-General of the Australian Defence Force in 2020.

## **LGBTI PEOPLE'S RIGHTS**

Attacks on the LGBTI community continued. The government announced plans to introduce a revised Bill on Religious Freedom that included provisions that would allow religious schools to refuse to hire or dismiss teachers on grounds of their sexual orientation or gender identity.

## **SEXUAL AND GENDER-BASED VIOLENCE**

In February a former staffer in the Federal Government revealed that she had been raped inside Parliament House in 2019. Although senior ministers were made aware of the allegations no action was taken against her alleged attacker at the time, who was only charged after the allegations became public. Recommendations, including for legislative reforms, made by the Australian Human Rights Commission in 2020 following its inquiry into sexual harassment in the workplace had not been fully implemented by the end of the year.

## **FAILURE TO TACKLE CLIMATE CRISIS**

The government continued to fund coal and gas development projects, often in violation of Indigenous peoples' rights whose land was affected. It failed to adopt carbon emission reduction targets consistent with its obligations under the Paris Agreement and

human rights law, and its 2021-22 budget emphasized a “gas-led recovery” over renewable energy.

# AUSTRIA

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## Republic of Austria

Head of state: **Alexander Van der Bellen**

Head of government: **Karl Nehammer (replaced**

**Alexander Schallenberg in December, who replaced Sebastian Kurz in October)**

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**Some bans on public assemblies disproportionately restricted the right to freedom of peaceful assembly. Whistle-blowers lacked effective protection. There was insufficient support for women survivors of gender-based violence. Afghan nationals continued to be deported to Afghanistan until shortly before the Taliban takeover of the country in August. The regular use of facial recognition technology was introduced in law enforcement operations in August 2020. Failures to effectively investigate allegations of ill-treatment by the police persisted. Social assistance benefits in some states were inadequate. The right to adequate housing was not protected.**

## FREEDOM OF ASSEMBLY

The authorities used laws enacted to counter the Covid-19 pandemic to ban some public assemblies. Courts found that, in some cases, the bans constituted a disproportionate restriction of the right to freedom of peaceful assembly.

## FREEDOM OF EXPRESSION

Civil society organizations raised concerns over a decline in press freedoms. Fifteen civil society organizations described as excessive the criminal prosecution of Julian H., who played a key role in the making of the so-called “Ibiza video” alleging high-level corruption. His trial, which began in September, was ongoing at the end of the year.

In February, the government put forward the Freedom of Information Bill, which contained measures to improve access to information, including by abolishing official secrecy. Concerns remained over the effectiveness of the procedure should the authorities decide to deny access to information, as well as the lack of an independent information commissioner and an effective mechanism for the protection of whistle-blowers. The bill was passed to the relevant ministry in April, but no revised proposal was presented to parliament by the end of the year. Reforms of the intelligence service, which entered into force on 1 December, fell short of ensuring protection for whistle-blowers and establishing an independent oversight mechanism.

## WOMEN’S AND GIRLS’ RIGHTS

The number of femicides remained high and the authorities again failed to provide sufficient resources to improve access to women’s support services. Barriers in accessing affordable and safe abortion services persisted.

Migrant women caring for older people in their homes received low wages, worked excessively long hours without adequate breaks and faced barriers in accessing social security benefits because of multiple discrimination.<sup>1</sup>

## REFUGEES’ AND MIGRANTS’ RIGHTS

Between January and August, 64 Afghan nationals were deported to Afghanistan, despite a real risk of serious human rights violations upon return.

In August, the government opposed the evacuation of Afghans fleeing the Taliban takeover of Afghanistan. The government also continued to oppose the relocation of asylum seekers from the Greek islands.

In July, the Styrian Regional Administrative Court ruled that a group of seven asylum seekers had been illegally pushed back to Slovenia, noting that such illegal pushbacks were a recurrent practice.



## DISCRIMINATION

In July, the Anti-Terrorism Act was adopted. Civil society organizations and UN experts raised concerns that the newly introduced crime of leading or founding a “religiously motivated extremist organization” would stigmatize and discriminate against Muslims.

In August 2020, the regular use of facial recognition technology was introduced in law enforcement operations. This raised concerns regarding its potentially discriminatory impact on ethnic and racial minorities, as well as the rights to privacy, freedom of expression and peaceful assembly.

The number of allegations of racial profiling by police remained high.

## DETAINEES’ RIGHTS

In May, the Ministry of Justice proposed measures to reform the system of preventive measures of detention for offenders with mental illness. However, their access to adequate healthcare was not addressed by the planned reforms.

## EXCESSIVE USE OF FORCE

Failures to effectively investigate allegations of excessive use of force by the police persisted. An independent investigation body, announced by the government in January 2020, had not been established by the end of the year. Impunity and lack of accountability were also worsened by the continuing lack of a requirement for police officers to wear identification badges.

## RIGHT TO SOCIAL SECURITY

In July, six federal states implemented the Fundamental Law on Social Assistance which provided for caps on social aid benefits for adults rather than ensuring a minimum level of cash and in-kind benefits to ensure a life in dignity.

## RIGHT TO ADEQUATE HOUSING

The deferral of rental payments and the prohibition on evictions, agreed by the authorities in April 2020 to protect tenants unable to pay rent because of Covid-19

lockdown measures, ended in March. In the absence of government measures to continue to prohibit evictions, experts anticipated a wave of evictions.

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1. *Austria: “We Just Want Some Rights!”: Migrant Care Workers Denied Rights in Austria (Index: EUR 13/4326/2021), 1 July*

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# AZERBAIJAN

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## Republic of Azerbaijan

Head of state: **Ilham Aliyev**

Head of government: **Ali Asadov**

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**There was no accountability for violations committed during the 2020 Armenia-Azerbaijan conflict and its aftermath. Military hostilities negatively impacted the enjoyment of economic, social and cultural rights. Most Azerbaijanis displaced during that conflict returned, but ethnic Azerbaijanis displaced from within and near Nagorno-Karabakh during the 1990s did not. Persecution and harassment of government critics continued. Peaceful protests were violently broken up. Arbitrary restrictions continued to cripple the work of human rights defenders and NGOs. Gender-based violence and torture and other ill-treatment remained widespread.**

## BACKGROUND

International revelations of abusive surveillance and corruption implicated the Azerbaijani authorities. In July, a collaborative investigation with journalists, media organizations and others exposed the Azerbaijani authorities as spying on hundreds of local activists and journalists by using the NSO Group’s Pegasus spyware. In October, another investigation led by the International Consortium of Investigative Journalists – the Pandora papers – found that the president’s family and their close associates had been secretly involved in property deals worth US\$700 million in Britain using offshore companies.

Azerbaijan rolled out Covid-19 vaccines in January. In September, proof of vaccination

became mandatory to access most indoor public places. As of December, 50% of the country's population had been vaccinated with one dose of the coronavirus vaccine and 45% had received two.

## **VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW**

No substantive progress was made in investigating war crimes and other violations of international humanitarian law during the 2020 Armenia-Azerbaijan conflict and in its immediate aftermath or in bringing suspected perpetrators to justice.<sup>1</sup>

Over 100 people were reported killed and injured by mines planted by Armenian forces in territories where they had ceded control to Azerbaijan. By the end of the year Azerbaijan had reportedly handed over 60 captives to Armenia, some in exchange for minefield maps in the conflict affected areas, including Agdam, Fizuli and Zangilan districts. The exact number of people remaining in captivity in Azerbaijan at the end of the year was unknown. In its September report the Council of Europe raised concerns that dozens of captives continued to be held in inhumane conditions and subjected to speedy, unfair trials, while the fate and whereabouts of around 30 Armenian captives remained unknown amid allegations of their enforced disappearance and possible killing.

## **ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

In November, the UN Committee on Economic, Social and Cultural Rights (CESCR) noted “reports of economic, social and cultural rights violations, in the context of armed hostilities involving [Azerbaijan's] military forces” in 2020 in and around Nagorno-Karabakh. These included the destruction of residential, educational, cultural and religious buildings. The Committee called on Azerbaijan to effectively investigate all violations reported in the context of military hostilities and provide access to remedies for victims.

## **INTERNALLY DISPLACED PEOPLE'S RIGHTS**

The majority of the 40,000 Azeri civilians displaced to government-held territory during the 2020 conflict returned to their homes. However, conditions remained inadequate for the safe and dignified return of over 650,000 people displaced since the 1990s because of mines, destruction of infrastructure and lost livelihoods.

## **FREEDOM OF EXPRESSION AND ASSEMBLY**

Peaceful protests over both political and social issues continued to be broken up by police using unnecessary and excessive force, while peaceful protesters faced arbitrary administrative and criminal charges.

On 8 March in the capital, Baku, police detained 20 women activists attempting to hold a peaceful march to mark International Women's Day. They were taken to the police station and forced to sign “explanatory statements” before being released.

On 1 and 15 December, also in Baku, police violently broke up peaceful rallies demanding the release of unfairly imprisoned opposition activist Saleh Rustamli. Police used excessive force against protesters arrested at the 1 December rally, including opposition activist Tofiq Yagoubli, who was hospitalized with serious injuries. Five of the protesters detained on 1 December were given up to 30 days' administrative detention, the rest were released.

In March, 625 prisoners, including 38 people considered by local human rights groups to be detained for political reasons, were freed by presidential pardon. Politically motivated persecution and harassment of government critics continued unabated, however, and many of its victims remained imprisoned.

Government critic Huseyn Abdullayev remained in prison, in spite of the UN Working Group on Arbitrary Detention regarding his deprivation of liberty as arbitrary and UN human rights experts demanding his immediate release. In October, opposition activist Niyameddin

Ahmedov was sentenced to 13 years' imprisonment for sedition and financing terrorism on apparently politically motivated charges.

In March, bloggers Elchin Gasanzade and Ibragim Salamov were convicted of defamation and sentenced to eight months' imprisonment; and in January another blogger, Sadar Askerov, was detained, beaten and released after being forced to apologize for a post criticizing local authorities.

## FREEDOM OF ASSOCIATION

Excessive restrictions both in law and practice continued to hinder the work of human rights defenders and NGOs. In November, the UN Committee for Economic, Social and Cultural Rights recommended that Azerbaijan "repeal any legal provisions that unduly restrict the activities of non-governmental organizations".

In May, the European Court of Human Rights (ECtHR) ruled that Azerbaijan had arbitrarily denied registration to 25 NGOs in violation of the right to freedom of association (*Mehman Aliyev and others v. Azerbaijan and Abdullayev and others v. Azerbaijan*). In October, another ECtHR ruling against Azerbaijan found that the authorities had frozen bank accounts and imposed travel bans to paralyse an NGO's human rights work (*Democracy and Human Rights Resource Centre and Mustafayev v. Azerbaijan*).

## GENDER-BASED VIOLENCE

Women's rights activists, women journalists and women associated with the political opposition were blackmailed and subjected to degrading gender-specific smear campaigns after their social media accounts were hacked and private information including photos and videos were published online.<sup>2</sup>

In November, the CESCR raised concerns about the high incidence of gender-based violence against women and the very low rate of reporting, particularly of domestic violence, and the limited availability of shelters and support services for survivors. Despite

continuing demands by local women's groups the authorities made no progress in signing or ratifying the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), while the welcome given by pro-government media to neighbouring Turkey's withdrawal from the treaty undermined the process further.

## TORTURE AND OTHER ILL-TREATMENT

Reports of torture and other ill-treatment remained widespread. Allegations that Azerbaijani forces subjected captured Armenians to torture or other ill-treatment either when they were captured, during their transfer or while in custody were not effectively investigated.

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1. *Armenia-Azerbaijan: In the Line of Fire: Civilian Casualties from Unlawful Strikes in the Armenian-Azerbaijani Conflict Over Nagorno-Karabakh* (Index: EUR 55/3502/2021), 14 January
  2. *Azerbaijan: Gender-Based Reprisals Against Women Must Stop* (Index: EUR 55/4103/2021), 12 May

# BAHRAIN

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## Kingdom of Bahrain

Head of state: **Hamad bin Isa Al Khalifa**

Head of government: **Salman bin Hamad Al Khalifa**

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**The government continued to commit serious human rights violations, including torture and other ill-treatment as well as suppression of freedom of expression and assembly. Official investigations of ill-treatment resulted in impunity for perpetrators. Migrant workers faced wage theft and, along with prisoners, violations of their right to health. The government violated the right to privacy through invasive surveillance.**

## BACKGROUND

In January, Bahrain was party to a Gulf Cooperation Council summit that nominally ended its diplomatic dispute and severance of economic links with Qatar, which began in 2017. However, Bahrain had not restored full

diplomatic relations and direct travel and trade links by the end of the year.

## **RIGHT TO HEALTH**

From late 2020, Bahrain provided free Covid-19 vaccines for nationals and legal residents, but the estimated 70,000 undocumented migrants were ineligible as they lacked a valid Bahraini ID. Prisoners, who became eligible for vaccination in February, complained that they were not told which vaccine was being offered so they could not make an informed medical decision.

A rolling outbreak of Covid-19 in Bahrain's central prison at Jaw lasted from March to June. The interior ministry acknowledged three cases, but relatives of prisoners told Amnesty International in April that scores of prisoners were infected.<sup>1</sup>

In June, Jaw inmate Husain Barakat died of complications after contracting Covid-19, despite having been vaccinated. His wife told Amnesty International that he had told her he could not breathe and that the guards had not heeded his requests to be transferred to hospital until he was too weak to walk. Throughout the year, other than offering vaccination, the prison administration failed to take Covid-19 preventative steps such as distributing masks and sanitizers, and social distancing remained impossible due to overcrowding.<sup>2</sup>

## **TORTURE AND OTHER ILL-TREATMENT**

As in past years, detainees and their families gave accounts of torture in state detention centres. In January, Sheikh Zuhair Jasim Abbas was finally allowed to call his family after five months' incommunicado detention in Jaw prison. He told relatives that during this period prison guards had tortured him, using methods including sleep deprivation, threatening that he was about to be executed, and beating with fists, feet and hoses.<sup>3</sup>

In April, Jaw prison authorities violently broke up a protest by prisoners following the death in custody of prisoner Abbas MaAllah. Although some prisoners violently resisted

guards' efforts to force them back into their cells, the OHCHR found that the level of force used was excessive and unjustified. Prison guards struck detainees on the head with batons and in some cases beat detainees until they were bleeding severely.

## **DETAINEES' RIGHTS**

In April, Jaw prison administration confiscated a manuscript on Bahraini dialect written by AbdulJalil al-Singace, one of the leaders of the peaceful protests imprisoned since 2011, when he asked a fellow prisoner being released to deliver the manuscript to his family. On 8 July, AbdulJalil al-Singace began a hunger strike in protest.<sup>4</sup>

## **CHILDREN'S RIGHTS**

The new Corrective Justice Law for Children, which came into effect in August, expands children's procedural rights in court. However, child defendants' rights were still not fully respected in practice.

In February, interior ministry investigators detained 16-year-old Sayed Hasan Ameen and separated him from his parents before interrogating him without a lawyer or relative present. The Office of Public Prosecution, acting in part based on this interrogation, included him as one of four children aged under 18 who were tried on charges of arson and throwing Molotov cocktails under the same procedural conditions as adults, in breach of Bahrain's obligations under the Convention on the Rights of the Child.<sup>5</sup> In March, following public outcry, the court released the four children under an alternative sentence of attending a six-month rehabilitation programme.<sup>6</sup>

## **IMPUNITY**

Implementation of the right to a remedy remained inadequate and non-transparent. The Special Investigation Unit (SIU), a branch of the Office of Public Prosecution, stated that it had received reports of torture and other ill-treatment, but did not report how many. It said it referred seven members of the security forces for criminal prosecution for unauthorized use of physical force, and

three other members to a military court for mistreatment of civilians, but gave no details allowing the cases to be identified and did not fully report the outcomes. In the most detailed example, the SIU said a civilian court convicted three members of the security forces of unlawful use of force and gave them “sentences that ranged from jail time to a fine”.

## FREEDOM OF EXPRESSION AND ASSEMBLY

In a positive step, authorities in April released Mohamed Hasan Jawad, one of 11 political and civil society leaders of peaceful protests in 2011 who were detained at the time, tried and sentenced to between 15 years and life in prison. However, the other 10 remained behind bars.

Unlike in 2020, there were no reported prosecutions for “spreading fake news” in 2021.

In August, Citizen Lab identified nine Bahraini activists whose devices were targeted by NSO Group’s Pegasus spyware between June 2020 and February 2021 in violation of their rights to privacy and freedom of expression. The activists included three members of the Bahrain Center for Human Rights, three members of the opposition political group Wa’d, one member of the opposition political group al-Wefaq, and two exiled Bahraini dissidents.

In September, authorities released Kameel Juma Hasan, whose mother is the well-known activist Najah Yusuf. In reprisal for his mother speaking out about her ill-treatment in detention, the government had sentenced him to over 29 years in prison after grossly unfair trials for acts they accused him of having committed as a child.<sup>7</sup> After public outcry, the government released him under a new law, Decree of Act No. 24 of 2021, which expanded alternative sentencing. However, the probationary conditions effectively annulled his rights to freedom of expression and assembly and to travel for over 25 years.

## RIGHTS AT WORK

Migrant workers’ limited rights under the *kafala* system, which ties legal status to remain in the country to the worker’s relationship with a sponsoring employer, made this group vulnerable to exploitation. Lawyers Beyond Borders was preparing a class action case before the Indian judiciary to seek remuneration for hundreds of Indian nationals who had complained of non-payment of salaries and termination benefits when they were dismissed during Covid-19 lockdowns between March and October 2020 and forced to return home without their full pay. The Migrant Forum in Asia reported in June that they had received a group complaint of wage theft from 43 Nepali workers in Bahrain.

## DEATH PENALTY

No new death sentences or executions were reported.

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1. “Bahraini authorities flouting prisoners’ rights to health amid rise in Covid-19 cases at Jaw Prison”, 9 April
  2. “Bahrain: Death of prisoner a warning for Covid-19 failings in Jaw Prison”, 14 June
  3. “Bahrain: Investigate cleric’s report of torture”, 20 January
  4. *Bahrain: Rights Groups Urge Bahrain to Release Dr AbdulJalil al-Singace, Jailed Academic on Hunger Strike* (Index: MDE 11/4529/2021), 30 July
  5. *Bahrain: Four Bahraini Minors Tried as Adults: Husain Abdurassool Salman Abdulla Husain, Sayed Hasan Ameen Jawad Abdulla, Faris Husain Habib Ahmed Salman and Mohammed Jaafar Jasim Ali Abdulla* (Index: MDE 11/3766/2021), 3 March
  6. *Bahrain: Further Information: Four Minors Released under Judicial Supervision* (Index: MDE 11/3997/2021), 16 April
  7. *Bahrain: Further Information: Youth Remains in Prison in Family Reprisal Case: Kameel Juma Hasan* (Index: MDE 11/4081/2021), 11 May

## BANGLADESH

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### People’s Republic of Bangladesh

Head of state: **Mohammad Abdul Hamid**

Head of government: **Sheikh Hasina**

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**Freedom of expression continued to be heavily curtailed by draconian laws. The authorities carried out serious human rights**

**violations including enforced disappearances, unlawful detention, torture and extrajudicial executions. Peaceful protests by opposition political parties and students were prevented and suppressed by the authorities, on some occasions using excessive force. Violence against women increased during the Covid-19 pandemic. Indigenous peoples experienced scarcity of resources because of increasing deforestation and land-grabbing. Refugees and religious minorities suffered violent attacks.**

## **BACKGROUND**

Bangladesh was ranked seventh among nations most affected by extreme weather in the past 20 years. Tens of millions of people were at risk from the devastating impact of frequent cyclones, floods, erosion and rising sea levels, which continued to cause displacement. Farmers' livelihoods were threatened by waterlogging and high levels of salinity, which killed crops. From March to May, at least four strong heatwaves dominated the pre-monsoon period. Bangladesh's climate continued to shift towards hotter and longer summers, warmer winters and longer monsoons from February to October. It was predicted that average temperatures in Bangladesh would rise by 1.4°C by 2050. Community adaptation efforts fell short of providing adequate protection, and experts warned that government investment in climate-related projects remained too low. The 10-year Bangladesh Climate Change Strategy and Action Plan expired in 2019 and had yet to be replaced.

## **FREEDOM OF EXPRESSION**

The authorities cracked down strongly on peaceful protests and dissent. Criticism of the government's response to the Covid-19 pandemic and other issues led to arrests and ill-treatment of journalists, cartoonists, writers and critics' family members. The death in prison of a writer, after he was tortured and detained for 10 months under Bangladesh's draconian Digital Security Act, stirred protests

across the country calling for a repeal of the law.

The authorities imprisoned 433 people under the Digital Security Act, the majority of whom were held on allegations of publishing "false or offensive information" under Section 25.<sup>1</sup> This represented a 21% year-on-year increase in the number of people detained under the Act. As of 11 July, the longest-serving prisoner detained under the Act had been held since 24 December 2018. Section 25 (publication of false or offensive information), Section 29 (publication of defamatory information) and Section 31 (offence and punishment for deteriorating law and order) of the Act were used systematically to target and harass dissenting voices, including those of journalists, activists and human rights defenders. These actions contravened Bangladesh's commitments under the ICCPR as well as its domestic constitutional obligations.

In May, the authorities arrested human rights defender Shahnewaz Chowdhury on charges of attempting to "deteriorate law and order" for sharing his personal opinion in a Facebook post. Released on bail on 16 August, he was facing up to 10 years in prison if convicted.

On 17 May, the authorities arrested Rozina Islam, a senior journalist, on allegations of stealing confidential documents and espionage.<sup>2</sup> No concrete evidence suggesting a recognizable criminal offence was provided.

The government also shut down websites, including five Indigenous and human rights-related news portals. These included Hill Voice, an online news portal on the rights of Indigenous peoples in Bangladesh, published in Canada.

In October, Bangladesh's Rapid Action Battalion arrested Nusrat Shahrin Raka, sister of exiled journalist Kanak Sarwar. Four days before her arrest, she filed a complaint with the police about a fake Facebook account that was created using her information, which criticized the government. Instead of investigating her complaint, the authorities arrested her under the Digital Security Act and Narcotics Control Act. Her

brother said that she was targeted in retaliation for his criticism of the government.

## **COMMUNAL VIOLENCE**

In October, at least 40 pandals (temporary structures made for the Hindu religious ceremony of Durga Puja) and 25 homes and properties belonging to members of the Hindu community were damaged or set on fire during and after the Durga Puja, the country's biggest Hindu festival. The authorities filed at least 71 cases across the country, arrested more than 450 people and accused 10,000 unidentified people in connection with the violence that erupted following allegations on social media that a copy of the Qur'an, the holy book of Islam, had been desecrated at a puja pandal. At least seven people were killed and hundreds injured in violent clashes across the country.

A lack of proper investigations into previous incidents of communal violence created an environment of impunity.

## **FREEDOM OF ASSEMBLY**

According to local human rights group Ain o Salish Kendra, 157 people were killed and 10,833 injured in 932 incidents of political violence and clashes with the police and between supporters of ruling and opposition political parties during the year.

Opposition leaders were detained and otherwise prevented from carrying out protests throughout the year.

On 25 March, at least 14 people, including a journalist, were injured at a demonstration that opposed the visit of Indian prime minister Narendra Modi to Bangladesh.

On 26 October, police prevented supporters and activists of the leading opposition Bangladesh Nationalist Party from carrying out a "peace rally" to protest against communal violence in the country. Police alleged that the party did not have permission to hold a rally; however, having to seek permission contravenes the right to peaceful assembly. At least 44 members and supporters of the party were detained during clashes with the police.

## **TORTURE AND OTHER ILL-TREATMENT**

On 10 March, political cartoonist Ahmed Kabir Kishore filed a case with the metropolitan sessions judge's court in the capital, Dhaka, under the Torture and Custodial Death (Prevention) Act 2013. He accused state security agencies of torturing him in custody.<sup>3</sup> He had been detained along with writer Mushtaq Ahmed in May 2020 under the Digital Security Act, for posting satirical cartoons and comments on Facebook, critiquing the government's response to the Covid-19 pandemic. Mushtaq Ahmed died after 10 months in prison without trial. The government's investigative committee concluded that he died of natural causes. He had been denied bail at least six times. Ahmed Kabir Kishore told Amnesty International that he was forcibly disappeared from his Dhaka residence at least three days prior to the date stated in official records of his arrest. He added that both he and Mushtaq Ahmed were tortured in custody by state security agents. The cartoonist required a hearing aid after losing the hearing in his right ear.

## **EXTRAJUDICIAL EXECUTIONS AND ENFORCED DISAPPEARANCES**

According to Ain o Salish Kendra, at least 80 people were subjected to extrajudicial executions during the year. Among them, 73 people were killed allegedly in "shootouts" or "crossfire" and seven others died after they were subjected to physical torture. Odhikar, another local human rights organization, reported that 18 people were allegedly subjected to enforced disappearance in the first nine months of the year.

Despite allegations of hundreds of enforced disappearances reported in the media, the government continued to deny them. In some cases they justified extrajudicial executions as "self-defence" by the security forces.

Police frequently attributed deaths of suspects to "gunfights", "shootouts" or "crossfire". In many cases, the fact that these deaths occurred after victims had been taken into police custody raised concerns that the victims were extrajudicially executed by the

authorities. On 13 November, state minister Kamal Ahmed Majumder told high-school students: “I’m in favour of crossfire because hundreds of thousands of people pass sleepless nights because of criminals. Those criminals have no right to live.” His statement indicated that “crossfire” was used by the authorities to mean extrajudicial execution, as opposed to retaliation in self-defence.

## **VIOLENCE AGAINST WOMEN AND GIRLS**

At least 1,321 women were reported to have been raped during the year, although actual numbers were likely to be higher. Reports indicated a rise in the number of incidents of sexual harassment and violence against women compared to previous years. According to Ain o Salish Kendra, 224 women were murdered by their husbands, alongside other incidences of violence against women including physical assault by male partners or family members. Section 155(4) of the Evidence Act 1872 allows defence counsels to raise questions regarding the character of a woman who files a complaint of sexual violence. Calls for reforms to the legislation and justice system from rights activists were not addressed during the year.

## **INDIGENOUS PEOPLES’ RIGHTS**

On 28 October the cabinet secretary, Khandker Anwarul Islam, said that people living in forests would be removed to other places in a bid to keep forests “intact”. Indigenous peoples’ rights activists expressed concern that the action could put Indigenous peoples at risk of forced eviction. Some Indigenous communities have been living in the forests for centuries and Indigenous groups reported continued violations of their rights, including land grabbing and deforestation. On 30 May, non-state actors cut down 1,000 betel trees belonging to 48 Indigenous Khasi families at Agar punji, a cluster village in Moulvibazar. The trees had been a key source of livelihood for the community. Continued deforestation and clearing of stones and sand from surface water bodies across Rangamati,

Khagrachhari and Bandarban districts of Chittagong Hill Tracts worsened the problem of water scarcity for hill people in the region.

## **REFUGEES’ RIGHTS**

Violence in the refugee camps in Cox’s Bazar escalated, with fires damaging shelters in the camps, killing at least 15 people, injuring hundreds and displacing thousands in the first quarter of the year. On 29 September, armed men shot dead Mohib Ullah, a prominent Rohingya civil society leader, in the Kutupalong camp.<sup>4</sup> At least seven more people were killed by violent groups on 22 October in the Balukhali camp. Some Rohingya refugees reported feeling insecure inside the camps after they received death threats by phone. Refugees reported that armed groups operating drug cartels and committing extortion killed people as they vied for control of the camps.

Bangladesh relocated more than 19,000 Rohingya refugees to Bhashan Char, a remote island in the Bay of Bengal, despite concerns about conditions on the island. Refugees with friends and family in camps on the mainland were not permitted to leave the island. Media reported that more than 200 refugees were arrested or detained for “escaping” from the island, which remained off-limits to journalists, human rights defenders and humanitarian workers without prior permission. The Bangladeshi government and the UN signed a memorandum of understanding on 9 October, establishing a common protection and policy framework for the humanitarian response to the Rohingya refugee situation. Although the memorandum paved the way for refugees to access services such as education and the right to voluntary relocation, it continued to restrict freedom of movement.

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1. [“Bangladesh: End crackdown on freedom of expression online”, 25 July](#)
  2. [“Bangladesh: Rozina Islam must not be punished for her journalistic work”, 19 May](#)
  3. [Bangladesh Mid-Term UPR Assessment \(Index: ASA 13/4732/2021\), 22 September](#)



# BELARUS

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## Republic of Belarus

Head of state: **Alyksandr Lukashenka**

Head of government: **Raman Halouchanka**

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**The rights to freedom of expression, association and peaceful assembly remained severely restricted. Torture and other ill-treatment remained endemic and were committed with impunity. The justice system was systematically abused to suppress dissent. Children's rights were routinely violated in the criminal justice system. Death sentences and executions continued. Migrants suffered abuses at the hands of the authorities. Arbitrary dismissals and prosecutions of medical professionals adversely affected the quality and availability of healthcare.**

## BACKGROUND

Following the disputed presidential election in August 2020 and the refusal by the EU and the USA, among others, to recognize the incumbent Alyksandr Lukashenka as the elected president, the country faced growing international isolation, with further sanctions introduced against its leadership.

The Belarusian authorities facilitated the transit of people from refugee- and migrant-sending countries to Belarus and pushed them towards the EU, implementing Alyksandr Lukashenka's threat to "stop protecting" its borders from refugees.

Allegations repeatedly emerged suggesting the authorities were pursuing dissenting voices in exile, including by deadly means.

Around half of the population was vaccinated against Covid-19, including nearly 40% with two doses; available vaccines exceeded the uptake. The number of officially reported pandemic-related deaths exceeded 5,500, but the real number may have been considerably higher, due to deliberate under-reporting, the absence of

free media and independent health watchdogs and retaliation against whistle-blowers.

## FREEDOM OF EXPRESSION

Freedom of expression remained severely restricted. Dozens of independent journalists and bloggers were prosecuted and imprisoned. More than 480 websites, including those of major national and international news media outlets, and over 400 Telegram groups were blocked for their independent reporting and some were arbitrarily banned as "extremist". Dozens of government critics were imprisoned for insulting officials, which remained a crime.

In March, TUT.by reporter Katsyaryna Barysevich was sentenced to six months in prison and an extortionate fine on trumped-up charges for uncovering official falsification of evidence regarding the November 2020 killing of artist and peaceful protester Raman Bandarenka.

In May, the authorities blocked access to TUT.by for purported "numerous violations of the Mass Media Law", conducted mass searches of its premises across Belarus, and detained 14 members of staff on unfounded charges, including tax evasion. On 13 August, TUT.by and its mirror site, Zerkalo.io, were declared "extremist", criminalizing dissemination of their materials.

At the end of the year, 32 journalists remained jailed for their independent work.

On 23 May, exiled journalist and blogger Raman Pratasevich and his partner Sofia Sapega were arrested after their flight from Greece to Lithuania was forced to land in the Belarusian capital, Minsk, following a manifestly false bomb alert. Both were held incommunicado for several days and charged arbitrarily with inciting mass riots and "gross violation of public order"; Raman Pratasevich was additionally charged with "incitement of social hatred". He appeared on television three times to "confess" and testify against others, and to give assurances he was not being ill-treated, although the first video showed possible injuries. He and Sofia Sapega were then moved to an undisclosed

location, under house arrest, on 25 June, and allowed to post on Twitter until August. Both were still awaiting trial in December, although their whereabouts remained unknown and their lawyers were barred from disclosing any information.

All instances of critical free speech by people from various walks of life were prosecuted in unfair proceedings.<sup>1</sup>

## **FREEDOM OF ASSOCIATION**

The authorities stepped up suppression of independent civil society organizations, including NGOs and lawyers' professional associations, trade unions, political groups, and self-organized ethnic and religious communities.

On 22 July alone, the authorities ordered the closure of 53 NGOs. By the end of the year, over 270 civil society organizations had been arbitrarily dissolved or were in the process of forced closure. Hundreds, possibly thousands, of civil activists left Belarus fearing reprisals. In a BBC interview in November, in response to a question about mass NGO closures, Alyaksandr Lukashenka conflated NGOs with the political opposition and promised to "massacre all the scum that you [the West] have been financing".

In February the authorities raided the office of the prominent human rights group Viasna in Minsk, and in March unfounded criminal proceedings against Viasna were opened. During the year five staff members, including its founder Ales Bialiatski, were detained. In November, Leanid Sudalenska and Tatsyana Lasitsa were sentenced to three and two-and-a-half years' imprisonment respectively for their purported role behind a "violation of public order". Other Viasna members, including previously detained Marfa Rabkova and Andrei Chapyuk, were awaiting trial at the end of the year.

## **FREEDOM OF ASSEMBLY**

The authorities maintained an effective ban on peaceful protest, targeting participants with detention for up to 15 days or hefty fines. Over 900 individuals were arrested and prosecuted in politically motivated

proceedings according to Viasna; many of them were given lengthy prison sentences under false "mass disorder" and other protest-related charges.

In January, a leaked audio recording came to light in which a top police official instructed officers under his command to disregard international human rights law when dealing with protesters and condoned firing rubber bullets at protesters' vital organs, implying that their deaths would be acceptable.<sup>2</sup>

In July, legal amendments to "the laws protecting sovereignty and the constitutional order" were enacted. Expressly drawing on the lessons of suppressing peaceful protests in 2020, these included extending the applicability and scope of state of emergency measures, increasing the authority of law enforcement agencies and tasking the Armed Forces with "suppression of mass disorder".

## **TORTURE AND OTHER ILL-TREATMENT**

Torture and other ill-treatment remained widespread and endemic, while perpetrators continued to enjoy absolute impunity. In a November BBC interview, Alyaksandr Lukashenka admitted violence had been inflicted on detainees in the Akrestsina Detention Centre in Minsk in August 2020; he and his officials had previously dismissed evidence of this as "fake". His admission was not followed by any attempt to prosecute those responsible.

Law enforcement officers who used torture and other ill-treatment, including excessive force against protesters, enjoyed total impunity. Demonstrators prosecuted for participating in the 2020 protests were singled out for particularly harsh treatment and jail conditions.

In May, peaceful opposition activist Vitold Ashurak died suddenly in prison in Shklou, where he was serving a five-year sentence. In a letter he had complained that the prison administration had forced him and other "political" prisoners to wear distinct yellow labels on their prison clothes. The authorities refused to treat his death as suspicious and issued a video, apparently doctored, in which

Vitold Ashurak is seen walking and collapsing suddenly in an empty cell.

## UNFAIR TRIALS

The justice system was systematically abused by the authorities to crack down on all dissent, imprison political opponents and human rights defenders, and intimidate and silence their lawyers. Judges were manifestly biased towards the prosecution and law enforcement agencies, which were widely deployed to initiate unfounded criminal and administrative procedures and provide the necessary “evidence” for the trials. Closed hearings in criminal cases became the norm in politically motivated cases, with entire case materials being classified as secret and lawyers routinely forced to sign non-disclosure undertakings or face severe penalties.

According to the Defenders.by project, between February and August over 30 lawyers were disbarred or refused extension of their licences, after they defended victims of politically motivated prosecutions or took part in peaceful protests. In November, a new law further increased the Ministry of Justice’s control over the legal profession and, following other new regulations, the number of licensed lawyers fell by 7% between January and November.

In July, the Supreme Court sentenced a former banker who had tried to stand in the 2020 presidential election to 14 years’ imprisonment on false charges of bribery and money laundering. Viktor Babaryka was also fined the equivalent of US\$57,000 and ordered to pay more than US\$18 million as “compensation for the damage caused”.

In September the two most prominent opposition members remaining in Belarus, Maryia Kalesnikava and Maksim Znakh, were convicted following a swift closed trial, and sentenced to 11 and 10 years’ imprisonment respectively on false charges of conspiracy, “extremism” and national security-related offences.

## CHILDREN’S RIGHTS

Children’s rights were routinely violated in the context of criminal justice.

At least 10 child protesters and one blogger were arrested after the post-election protests. All were convicted in 2021 in closed, politically motivated trials and given custodial sentences. Three turned 18 in 2021 while awaiting trial and were tried as adults. Many complained of torture in detention.

Mikita Zalatarou, aged 16 when arrested in 2020, was denied his epilepsy medication and subjected to repeated beatings and electrocution. He was sentenced to five years’ imprisonment and subsequently accused of violence towards a prison guard for which he was given an additional prison term.

Children continued to be imprisoned for minor, non-violent drug offences and sentenced to between seven and 12 years’ imprisonment. The number of such convictions in 2021 was unknown but the authorities indicated a growing number of such prosecutions of children.<sup>3</sup>

## DEATH PENALTY

Death sentences continued to be imposed and executions carried out, in secret. Two brothers in their twenties sentenced to death in 2020, Stanislau and Ilya Kostseu, were granted clemency, only the second such clemency since Belarus’s independence.

## REFUGEES’ AND MIGRANTS’ RIGHTS

Belarusian authorities facilitated the entry of thousands of people from migrant- and refugee-sending countries to Belarus, lured by a false promise of easy passage into the EU. Instead, migrants and refugees faced pushbacks from Poland, Lithuania and Latvia.<sup>4</sup> Migrants who were returned or failed to cross into Poland were beaten and subjected to other forms of violence; were deprived of food, water, shelter and sanitation; and were the targets of phone theft and extortion by Belarusian forces. Belarusian border guards regularly prevented people stranded in the border area from leaving the fenced border strip area. Several

people, including at least one child, died of hypothermia.

An Iraqi national, Rebin Sirwan, was expelled from Belarus after he tried to seek asylum in the country.

## RIGHT TO HEALTH

A continuing shortage of capacity in the healthcare sector caused by the pandemic was further exacerbated by severe reprisals, including arbitrary dismissals and criminal prosecutions, against medical professionals who supported the peaceful protests in 2020 or exposed the ferocity and scale of police violence against protesters.<sup>5</sup>

Such moves impacted the quality and availability of healthcare. In Hrodna, an independent children's hospice funded by private donations was shut down in response to its director showing solidarity with post-election protests.

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1. "Stand with Belarus" campaign, January
  2. "Belarus: Government's threats and history of crackdown on protesters require urgent international response", 24 March
  3. "Belarus: Crackdown on children", January
  4. "Belarus/EU: New evidence of brutal violence from Belarusian forces against asylum seekers and migrants facing pushbacks from the EU", 20 December
  5. "Belarus: Crackdown on medics", January

# BELGIUM

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## Kingdom of Belgium

Head of state: **Philippe**

Head of government: **Alexander De Croo**

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**Irregular migrants lacked adequate access to housing, health and education.**

**Allegations of racial profiling by police continued. Inhumane prison conditions persisted. The police used excessive force to disperse peaceful demonstrators.**

**Belgium adopted an action plan to combat gender-based violence. The Wallonia region continued to authorize arms transfers to parties to the Yemen conflict. A court in Brussels ruled that the authorities had failed to combat climate change.**

## BACKGROUND

In July, an international investigative journalism initiative known as the Pegasus Project revealed that several Belgian citizens and high-ranking politicians had been targeted by NSO Group's Pegasus spyware. Peter Verlinden, a journalist known for his work on human rights in Rwanda, and his wife were also targeted.

## REFUGEES' AND MIGRANTS' RIGHTS

In January, the federal minister for justice agreed to extradite a man to Ingushetia in the Russian Federation, despite a serious risk of torture and other grave human rights violations. At the end of the year, the extradition decision was still pending before a court.<sup>1</sup>

From late May until 21 July over 400 irregular migrants conducted a hunger strike demanding better treatment and regularization. On 15 July, the UN Special Rapporteurs on extreme poverty and human rights and on the human rights of migrants concluded that the estimated 150,000 irregular migrants in Belgium were exposed to abuse and discrimination at work in the informal sector, as well as in their access to housing, healthcare, education and justice. Following the visits of the Special Rapporteurs, the government proposed assessing the individual situation of the protesters to determine whether they could obtain residency rights. In November, five of the former hunger strikers filed a complaint against the Belgian state for not honouring the commitments made to them.

In the first seven months of the year, six Afghan nationals were forcibly returned to Afghanistan, despite the continued widespread insecurity and high levels of poverty in the country. After the Taliban takeover, no further people were forcibly returned to Afghanistan.

Every day from mid-October until the end of December tens of asylum seekers were not provided with access to housing as the numbers exceeded reception capacity.

## DISCRIMINATION

### RACIAL, ETHNIC AND RELIGIOUS MINORITIES

Civil society groups continued to receive allegations of racial profiling by the police. In May, the CERD Committee urged the authorities to prohibit racial profiling, introduce the use of stop forms and improve the collection of disaggregated data. In May, the government rejected recommendations made during the UN's UPR process to explicitly prohibit racial profiling.

### OLDER PEOPLE

In September, a survey commissioned by Amnesty International found that 27% of people over 55 experienced abuse and that seven out of 10 faced prejudice because of their age in the French-speaking part of Belgium.

In October, the equality body UNIA confirmed that older people in care homes were at greater risk of suffering abuses of their human rights during the pandemic.

## INHUMANE DETENTION CONDITIONS

Overcrowding in dilapidated prisons continued, with insufficient access for people deprived of their liberty to basic services, including healthcare and sanitary facilities. In May, the state rejected a UPR recommendation to ensure that the prison population remained below prison capacity.

## EXCESSIVE USE OF FORCE

In January, police used unnecessary and excessive force to disperse about 100 peaceful protesters who opposed police violence and impunity. Police arrested 245 people, including many passers-by who were not taking part in the protest. Some of the people arrested, including children, reported being ill-treated while in detention. At the end of the year, an investigation into allegations of ill-treatment by police was ongoing.

In July, the UN Committee Against Torture expressed concerns regarding ill-treatment and excessive use of force by the police, including against detainees and protesters.

## GENDER-BASED VIOLENCE

In June a large-scale survey conducted by Ghent University indicated that two thirds of the Belgian population had experienced sexual violence in their lives; 81% of women and girls aged 16-69 reported having been victims of such violence. At the end of November, a national action plan against gender-based violence was adopted.

## IRRESPONSIBLE ARMS TRANSFERS

The Wallonia region continued to authorize arms transfers to members of the Saudi-led coalition in Yemen, despite the substantial risk that these arms could be used to commit or facilitate serious violations of international human rights and humanitarian law.

## FAILURE TO PREVENT CLIMATE CHANGE

In June, the Brussels Court of First Instance ruled that both the federal and the federated authorities had failed to implement adequate policies to tackle the climate emergency and had thus violated the rights to life and to private life of the plaintiffs.

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1. *Belgium: Submission to the UN Committee Against Torture 71st Session, 12-30 July 2021 (Index: EUR 14/4290/2021), 15 June*

# BENIN

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## Republic of Benin

Head of state and government: **Patrice Talon**

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**The Digital Code continued to be used to restrict freedom of expression. The rights of detained political opponents were reportedly violated. At least five people were killed during clashes between demonstrators and defence and security forces in the context of the presidential elections. Members of transgender and LGBTI associations were assaulted and threatened.**

## BACKGROUND

Patrice Talon was re-elected in the first round of the 11 April presidential election with 86.36% of the vote. The Constitutional Court

had rejected the candidacies of the main political opponents.

On 14 October, Benin was elected as a member of the UN Human Rights Council for the period 2022-2024.

## **FREEDOM OF EXPRESSION AND ARBITRARY DETENTION**

Jean Kpoton, a pro-good-governance activist, was arrested on 13 January and sentenced on 9 February by the Cotonou Court of First Instance to 12 months' imprisonment and a fine of 200,000 FCFA (€304); he had commented on a post alleging that the car used by President Talon during a cross-country tour in January was rented for 6 million FCFA (€9,146) per day. He was convicted under the 2018 Digital Code of "harassment by means of electronic communication", an offence whose definition was considered "vague and too broad" by the UN Working Group on Arbitrary Detention in its October 2020 Opinion.

On 19 May, the Supreme Court upheld the May 2020 Appeal Court judgment sentencing journalist Ignace Sossou to six months in prison and six months suspended for "harassment by means of electronic communications" under the Digital Code after he quoted the Public Prosecutor in a Twitter post. Ignace Sossou's lawyers had wanted the Supreme Court to consider their client's detention as arbitrary, as the UN Working Group on Arbitrary Detention had done in August 2020.

On 7 December, two journalists with the newspaper *Le Soleil Bénin Info* were sentenced to six months' suspended imprisonment and a fine of more than 500,000 FCFA (€762) for "harassment by means of electronic communication", following a complaint of libel by a customs inspector.

## **RIGHT TO A FAIR TRIAL**

At least 10 activists and political opponents were arrested and detained during demonstrations and violence between protesters and defence and security forces in

several towns around the time of the presidential election.

Joël Aïvo – whose candidacy to run for the presidential election was rejected – was arrested and detained in Cotonou on 15 April. He was accused of "money laundering and endangering the security of the State". Reckiatou Madougou, a member of the opposition party Les Démocrates and whose candidacy was also rejected, was arrested on 3 March in Porto-Novo and detained in Akpro-Misséré prison. She was charged with "financing terrorism" for her "intent to disrupt the next ballot by perpetrating large-scale acts of terror". Lawyers for the two political opponents denounced violations of their rights to communicate with, and receive regular visits from, their families and to have confidential access to lawyers. On 6 and 11 December, the Court for the Repression of Economic Crimes and Terrorism sentenced Joël Aïvo and Reckiatou Madougou to 10 years' and 20 years' imprisonment respectively. The US Department of State declared that their trials "raise grave concerns about political interference in Benin's criminal justice system".

## **EXCESSIVE USE OF FORCE**

Demonstrations and riots erupted in several cities in the north and centre of the country several days before the 11 April presidential election. At least five people were killed by government forces using live ammunition in Bantè and Savè in Collines department, according to the National Human Rights Commission. The Ministry of Interior and Public Security stated on 14 April that 21 members of the defence and security forces received gunshot wounds when they cleared roadblocks.

In a 4 May resolution, the African Commission on Human and Peoples' Rights condemned "the crackdown on demonstrations by the army", and called for the opening of "an independent and impartial investigation."

## LGBTI PEOPLE'S RIGHTS

On 30 April, three transgender women were forced to undress before being beaten and robbed by a group of men in a bar in Cotonou. The attack was filmed by the assailants who posted the video on social media. The three victims sought refuge with a local transgender association and continued to receive threats. LGBTI rights associations across Benin which supported the three women also received threats. On 30 June, the Cotonou Court of First Instance sentenced one of the attackers to 12 months' imprisonment, including a six-month suspended sentence, for assault and battery.

## RIGHT TO HEALTH

Following the start of the vaccination campaign against the Covid-19 pandemic on 29 March, as of 7 November, 347,270 people had received a first vaccine dose and 265,501 were fully vaccinated. This represented 3.64% of the population, according to official figures. On 1 September, the government made the vaccination compulsory, notably for medical, paramedical and pharmacist staff.

## RIGHT TO TRUTH, JUSTICE AND REPARATION

On 21 January, the Constitutional Court validated the withdrawal of Benin's declaration made under Article 34(6) of the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights, thus preventing NGOs and individuals from having direct access to the Court.

# BOLIVIA

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### Plurinational State of Bolivia

Head of state and government: **Luis Alberto Arce Catacora**

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**Dozens of former government officials, lawyers, judges and human rights defenders were accused of staging a coup in 2019 and charged with vague offences and the**

**former interim president, Jeanine Áñez, was imprisoned. A report published by the Interdisciplinary Group of Independent Experts (GIEI) highlighted the justice system's lack of independence and the need to repeal an amnesty decree facilitating impunity for human rights violations. Indigenous peoples continued to be harassed and attacked for defending their territory and the environment. The government failed to protect forests. The country battled with a third wave of the Covid-19 pandemic and health workers denounced lack of pay and unsafe working conditions.**

## IMPUNITY

In February, Supreme Decree 4461 was approved, granting an amnesty or pardon to supporters of the government who were detained for crimes allegedly committed during the political crisis that started in October 2019.

In August, the GIEI, under the auspices of the Inter-American Commission on Human Rights, published its report on human rights violations during the 2019 post-election crisis. The report highlighted serious failings on the part of authorities to ensure the autonomy and independence of the judicial branch and the Attorney General's Office, as well as obstacles to truth, justice and reparation for the victims of grave human rights violations during the post-election crisis.

Following the release of the GIEI report, authorities promised to repeal the amnesty decree but continued to use the justice system to target political opponents, ignoring fair trial guarantees.

## RIGHT TO A FAIR TRIAL

From January to June, authorities and members of the ruling political party charged at least 41 officials of the former interim government, human rights defenders, lawyers and judges, with vaguely defined offences including "terrorism", "sedition" and "conspiracy". This was part of a wider

strategy of accusing opponents or critics of helping to organize a coup in 2019.

Authorities imprisoned the former interim president, Jeanine Áñez, on charges of “terrorism”, “sedition” and “genocide” in proceedings that international observers criticized for lacking due process.

## HUMAN RIGHTS DEFENDERS

The authorities stigmatized and harassed several human rights defenders, including Waldo and Franco Albarracín and Amparo Carvajal, president of the Permanent Assembly for Human Rights.

## INDIGENOUS PEOPLES' RIGHTS

The findings of the GIEI report emphasized that the violence of the post-election crisis of 2019 had racial and anti-Indigenous elements to it. Indigenous peoples defending their land and territory were subjected to physical attacks, police repression and invasions of their land.

## RIGHT TO HEALTH

By the end of the year, 41% of Bolivia's population had been fully vaccinated against Covid-19. Thousands of health workers in public institutions went for months without being paid wages and many worked without proper PPE.

## FAILURE TO TACKLE CLIMATE CRISIS

Authorities passed regulations that incentivized logging and the burning of forests and other vegetation.

## WOMEN'S RIGHTS

According to the Attorney General's Office, 108 feminicides were reported in 2021, compared to 113 in 2020. Civil society groups emphasized the need for stronger action on policies to prevent violence.

# BOSNIA AND HERZEGOVINA

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## Bosnia and Herzegovina

Head of state: **Rotating presidency – Milorad Dodik, Željko Komšić, Šefik Džaferović**

Head of government: **Zoran Tegeltija**

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**Many asylum seekers and migrants were living in inhumane conditions. Independent media and journalists were targeted by politicians. Gender-based violence increased during the Covid-19 pandemic. LGBTI people continued to face discrimination. Prosecution of war crimes was further delayed.**

## BACKGROUND

Bosnia and Herzegovina (BiH) experienced the most serious political crisis since the end of the war in 1995. The High Representative's decision in July to criminalize public denial of genocide triggered widespread boycotts of state institutions by Republika Srpska's (RS) leaders, and months of heightened nationalist rhetoric. In December, the RS National Assembly adopted a resolution initiating the process of RS's withdrawal from BiH state institutions, which could lead to the unravelling of the BiH state and risk peace and stability.

## REFUGEES' AND MIGRANTS' RIGHTS

Close to 16,000 people trying to reach EU countries transited BiH in 2021, with thousands at a time remaining stranded in the country, primarily in Una-Sana Canton. The number of arrivals significantly decreased in the second half of the year.

Between January and April, around 900 migrants and asylum seekers were living in inhumane conditions and without access to food, water or electricity in Lipa, a temporary camp in Una-Sana Canton, after the authorities failed to agree their relocation to more suitable facilities in other parts of the country.<sup>1</sup> The vice-president of the European



Commission, Josep Borrell, criticized the authorities for creating a “grave humanitarian situation”.

Between May and October, an estimated 2,000 people including families and children, were sleeping rough, in abandoned homes, factory halls and forests in Una-Sana Canton as the reception facilities there were insufficient or inaccessible at the time. In November, with EU assistance, the authorities opened a new 1,500-person reception centre in Lipa.

Cantonal authorities restricted the delivery of humanitarian and medical assistance to people living outside reception centres, and aid organizations and individuals were harassed, threatened or prevented from providing assistance.<sup>2</sup> The measures imposed by the Cantonal authorities in 2020 targeting asylum seekers and migrants, including illegal restrictions to their freedom of movement and a ban on gathering in public places and using public transport, remained in place.

The asylum system remained largely ineffective due to persisting institutional gaps and extremely low recognition rates, with only three people awarded refugee status in 2021.

## **FREEDOM OF EXPRESSION**

Media outlets and journalists reporting about corruption, war crimes and migration continued to operate in a hostile environment and faced serious threats and intimidation, including by public officials.

In May, the Chair of the BiH presidency, Milorad Dodik, called Tanja Topić, a Banja Luka-based journalist, a “proven quisling” and a “German intelligence officer” after her comments critical of Milorad Dodik and his political party. Other journalists, including Borka Rudić, president of the BiH Journalists Association, were the target of an online smear campaign by people close to the Party of Democratic Action. Nidžara Ahmetašević, a journalist and migration activist, was arrested and held in police custody for several hours for allegedly “disturbing public peace and order” after she had asked two police officers to wear face masks.

In September, the OSCE condemned the “hate campaign” against media workers, and urged the authorities to promptly investigate and prosecute the perpetrators.

The BiH Journalists Association recorded close to 300 defamation lawsuits pending before various courts in the country, involving claims against journalists – 80% initiated by politicians – for disproportionate financial damages.

## **RIGHT TO HEALTH**

Despite BiH having the highest Covid-19 death rate per million in the Balkans, the authorities failed to act to secure vaccines after they became available. A nationwide vaccination programme was not launched until April, after the country received a modest supply of vaccines through the COVAX initiative mechanism and other donations. The vaccination rates were below 20% at the end of the year due to widespread vaccine hesitancy and the absence of effective campaigns to counter misinformation.

## **VIOLENCE AGAINST WOMEN AND GIRLS**

Covid-19 and restrictive measures that were in place until May exacerbated gender-based violence and severely strained victims’ access to shelters, legal aid and psychological counselling.

There was almost no progress on harmonizing legislation with the Council of Europe Convention on combating and preventing violence against women and domestic violence (Istanbul Convention), which BiH ratified in 2013.

## **LGBTI PEOPLE’S RIGHTS**

In August, the country’s second ever Pride event took place in Sarajevo. There was tight security, and no incidents.

LGBTI people continued to face discrimination in all walks of life, including education, work and housing.

No progress was made in legalizing same-sex unions.

## DETAINEES' RIGHTS

In September, the European Committee for the Prevention of Torture reported widespread physical and psychological ill-treatment of detainees by law enforcement officials in the Federation of BiH, and called for rigorous action to change the culture in police forces.

## RIGHT TO TRUTH, JUSTICE AND REPARATION

In June, the International Residual Mechanism for Criminal Tribunals in The Hague confirmed the initial verdict from 2017 and sentenced Ratko Mladić, the commander of the Bosnian Serb army, to life imprisonment for genocide, crimes against humanity and war crimes.<sup>3</sup>

Systemic deficiencies in the Prosecutor's Office and the unavailability of defendants who fled to other countries continued to delay the prosecution of war crimes cases. By the end of 2021, close to 600 cases were pending before various courts in BiH.

In July, the High Representative imposed amendments to the BiH criminal code, declaring the public denial or glorification of genocide, crimes against humanity or war crimes as a criminal offence punishable by imprisonment. In protest, RS political leaders began a boycott of state institutions.

In September, the authorities established a working group to develop a plan for the implementation of the 2019 UN Committee against Torture decision, which found that BiH failed to provide a victim of wartime rape with adequate reparation and urged the authorities to ensure immediate and comprehensive support to all survivors of wartime sexual violence. The plan had not been adopted by the end of the year.

Over 7,200 people remained missing as a result of the armed conflict. Political pressure and lack of resources continued to impede the work of the BiH Missing Persons Institute.

3. "Bosnia and Herzegovina: Mladić verdict 'an historic day for international justice'", 8 June

# BOTSWANA

## Republic of Botswana

Head of state and government: **Mokgweetsi Masisi**

**State of emergency legislation introduced in response to Covid-19 was extended twice, restricting the rights to freedom of expression and peaceful assembly. Women and girls suffered increasing rates of gender-based violence. Asylum rights were restricted. Licences for oil exploration threatened the environment and livelihoods of Indigenous peoples. Death by hanging was maintained for crimes including murder.**

## FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

In April, the president extended the state of public emergency for the second time since its introduction in April 2020. Regulations under the Emergency Powers Act (EPA), also introduced in 2020, continued to prohibit the right to strike, and carried a maximum five-year prison sentence or a BWP100,553 (about US\$9,250) fine for anyone publishing information with "the intention to deceive" the public about Covid-19.

In February the state amended the charge sheet of opposition spokesperson Justice Motlhabane and journalists Letsogile Barupi and Oratile Dikologang, who were arrested, detained and charged in April 2020 for allegedly publishing false information about Covid-19 on Facebook. They faced two counts of publishing "with the intention to deceive" under the EPA regulations, one count of "publication of alarming statements" under the penal code, and one count of "offensive electronic communication" under the cybercrime act.

In September, Reverend Thuso Tiego was arrested under the Public Order Act after holding a demonstration calling for the

1. "Bosnia and Herzegovina: Long-term solutions needed to end recurring humanitarian crisis", 12 January

2. Bosnia and Herzegovina: Submission for EU Enlargement Package/ Opinion 2021 (EUR 63/4884/2021), 20 April

president's resignation. Several others were arrested when they demanded his release.

## DISCRIMINATION

### GENDER-BASED VIOLENCE

In April, the Botswana GBV Prevention and Support Centre (a local NGO) reported an increase in violence against women and girls during the Covid-19 pandemic.

### REFUGEES' AND MIGRANTS' RIGHTS

The right to asylum continued to be severely limited. Botswana hosted fewer refugees and asylum seekers than most countries in Africa (674 refugees and 58 asylum seekers as of September). In April, UNHCR, the UN refugee agency, raised concerns after the authorities deported 57 Zimbabwean refugees who had lived in Botswana since 2008. The refugees failed to register for voluntary repatriation, which led to their forced removal in March.

### LGBTI PEOPLE'S RIGHTS

In November, the Court of Appeal upheld a High Court judgment that declared a law criminalizing consensual same-sex sexual relations unconstitutional.

## ECONOMIC, SOCIAL AND CULTURAL RIGHTS

### RIGHT TO HEALTH

There was a third wave of Covid-19 infections during July and August. At its peak, Botswana had a higher percentage rate of infection than any other country in Africa, with 668 positive cases per 100,000 people (in a population of 2.3 million).

### ENVIRONMENTAL DEGRADATION

In August, UNESCO's World Heritage Committee registered its concern about oil exploration licences being granted in environmentally sensitive areas in the Okavango River basin to Canadian-based mining company ReconAfrica. The Committee urged the government to ensure that any further steps to develop the oil project be "subject to rigorous and critical prior review, including a thorough environmental impact assessment that corresponds to international standards". There were concerns that such projects

would have an adverse effect on Indigenous peoples living in the area.

## DEATH PENALTY

Botswana was among a minority of Southern African countries to impose the death penalty.

# BRAZIL

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### Federative Republic of Brazil

Head of state and government: **Jair Messias Bolsonaro**

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**Brazil continued to experience an extended period of instability and crisis. The federal government lacked the commitment to coordinate effective responses in the management of the Covid-19 pandemic, impacting people's human rights. Those from groups who have historically experienced discrimination were disproportionately affected by the health emergency, which exacerbated the economic and social crisis, making their living conditions more precarious. President Jair Bolsonaro continued to promote initiatives contrary to the needs of most of the population and harmful to the environment and climate justice. His statements, which often vilified human rights defenders and activists, also undermined the Constitution and the independence of the judiciary.**

## BACKGROUND

In April, the Senate established the Parliamentary Commission of Inquiry to investigate the actions and omissions of the Brazilian government in the management of the Covid-19 pandemic. The investigation of the mismanagement of the health crisis by Jair Bolsonaro's administration included instances of corruption, the collapse of the public and private health systems, negligence regarding vaccines and the damage caused by the lack of effective public policies to address the social crisis, which deepened in 2021.

## **ECONOMIC AND SOCIAL RIGHTS**

The Covid-19 pandemic continued to entrench structural and persistent inequalities and to exacerbate the economic, political, social and public health crises in the country. The government did not ensure the right to health or sufficient and adequate public policies for the social protection of the population, especially those belonging to groups that have historically faced discrimination, such as the Black population, Indigenous peoples, Quilombola communities, women, LGBTI people and those living in favelas and disadvantaged neighbourhoods on the outskirts of cities.

### **RIGHT TO HEALTH**

As of December, more than 615,000 people had died of Covid-19. According to the Alerta group, a coalition of NGOs, 120,000 deaths could have been avoided by March 2021 if the government had not repeatedly ignored scientific evidence and failed to coordinate strategies to address the crisis.<sup>1</sup>

Testing and monitoring of infection rates, medicines and hospital supplies, hospital beds and intensive care units were inadequate and insufficient, especially in public health facilities. As a result of the lack of oxygen in hospitals, people died in the state of Amazonas in January.<sup>2</sup> The shortage of the medication necessary for the intubation of the most severely ill subjected patients, their families and healthcare professionals to stress and suffering.

According to the Alerta group, the government's neglect of socioeconomic and territorial inequalities, which in Brazil are related to racial inequalities, meant that Black people and those living in poverty experienced the highest death rates. They were particularly affected by the shortage of intensive care beds in public facilities and many died in pre-hospital units waiting for admission to specialist care units.

Investigations undertaken by the Parliamentary Commission of Inquiry suggested that government actions during Covid-19 vaccine negotiations and implementation of the vaccine programme lacked coordination, efficiency, and

commitment to follow scientific evidence. The spread of disinformation about vaccines and the authorities' defence of drugs that were proven to be ineffective violated the right to accurate public health information. The government's negligence in negotiations with pharmaceutical companies and with the COVAX initiative delayed the implementation of an effective vaccination plan.

In addition to vaccine shortages, the lack of coordination between national and state-level planning led to delays and interruptions in the vaccination roll-out throughout the year, as well as inconsistencies in schedules, deployments of vaccines and consensus on the coverage of priority groups. By December, 75% and 66% of Brazilians were partially and fully vaccinated, respectively.

### **RIGHT TO FOOD**

According to a study by the Brazilian Network of Research on Sovereignty and Nutritional Security, an independent national research network, food insecurity had increased by 54% in Brazil since 2018. More than half of the population did not have full and permanent access to food. Severe food insecurity, which refers to the situation of hunger, affected 19 million people in 2021, or 9% of the population. Among small family farmers and Quilombola, Indigenous and riverside communities, the proportion of households affected rose to 12%. Households headed by women and Black people suffered most from the lack of food.

### **RIGHTS TO HOUSING, WATER AND SANITATION**

A significant part of the population continued to live in precarious situations, lacking essential services. According to the Trata Brasil Institute, nearly 35 million people did not have access to clean water and 100 million had no sewage collection.

Those living in rural and traditional territories and disadvantaged neighbourhoods were most affected by the non-existent or insufficient sanitation infrastructure. A study by the NGO Criola found that the percentage of the Black population living in inadequate homes was significantly higher than that of the white population. In addition to the lack of basic

sanitation, overcrowding was greater in Black homes. According to the Zero Eviction campaign, over 23,500 families were evicted from their homes between March 2020 and October 2021 during the pandemic. Following pressure from social mobilizations, in October Congress approved legislation that prohibited evictions throughout the country until 31 December 2021.

### **RIGHTS TO WORK AND SOCIAL ASSISTANCE**

The federal government used a false dichotomy between the defence of the economy and the defence of life to justify its failure to promote measures to prevent infection among workers who were unable to work remotely during the pandemic.

Emergency aid was discontinued during the first three months of 2021 and subsequently reintroduced at a lower rate and for a more restricted group of people. This led to accelerated impoverishment of the population impacted by the economic and social crises aggravated by the pandemic. A study by the University of São Paulo found that in 2021, with the reduction in emergency aid, more people began to live in poverty. Black women were the most affected: 38% and 12.3% were living in poverty or extreme poverty, respectively.

Data from the Brazilian Institute of Geography and Statistics indicated that, in the first quarter of 2021, unemployment reached its highest rate since 2012 (14.7%). The proportion of Brazilians in the informal economy without income security or social protection reached 39.6% during the year.

### **RIGHT TO EDUCATION**

State education continued to be delivered remotely in much of Brazil until May 2021. Problems related to lack of access to the internet and the electronic equipment necessary to conduct remote activities were among the reasons for increased school dropout rates during 2021, especially among students in state education, which serves the most disadvantaged sections of the population.

All states started vaccinating school staff in June, as state schools were reopening. The infrastructure of many schools, however, did

not ensure a safe return based on sanitary protocols. Water supply and access to basic sanitation and the internet were not a reality in all state schools in Brazil. In 2021, the National High School Exam, the main form of admission to higher education institutions, registered the lowest number of applicants in 13 years.

### **FREEDOM OF EXPRESSION**

Throughout the pandemic, the state did not adequately guarantee the right to information for the population. Inaccurate or deliberately misleading public statements about Covid-19 prevention, treatments and vaccines sought to undermine scientific recommendations and dissenting voices, fuelling misinformation and reducing civic space.

Restrictions on civil society participation in public debate intensified because of the federal government's hostile approach to the press, social movements, NGOs and other critical voices.

In 2021, the organization Human Rights Watch identified 176 accounts of journalists, Congress members, influencers, media outlets and NGOs, including Amnesty International Brazil, blocked on President Jair Bolsonaro's social media.

Federal authorities promoted speeches and demonstrations that threatened the rule of law. On several occasions, such as the official celebration of Brazil's Independence Day, President Jair Bolsonaro sought to undermine the Supreme Court and called into question the electoral system.

### **EXCESSIVE USE OF FORCE**

The logic and implementation of the "war on drugs" that has structured public security policies in Brazil for many years continued to fuel the cycle of violence and killings in the country.

In 2020, police killed 6,416 people. More than half of the victims were young Black men.

Although the Supreme Court ordered the suspension of police operations in Rio de Janeiro's favelas in June 2020, a survey by the Study Group on New Illegalisms found

that deaths caused by law enforcement personnel increased by 185% in January and February 2021, compared to the first four months after the Court order. Police operations using heavy weaponry resulted in hours of intense shooting in the favelas and other marginalized neighbourhoods.

The excessive use of force also took the form of raids on homes, the destruction of belongings, sexual violence, psychological torture, restrictions on freedom of movement and the suspension of essential services, such as schools and health facilities.

### **UNLAWFUL KILLINGS**

On 6 May, a police operation in the Jacarezinho favela, Rio de Janeiro, resulted in the death of 27 residents and one police officer. The operation was launched based on photographs of alleged suspects on social media. Images and preliminary investigations pointed to summary executions and evidence tampering at the crime scenes. Investigations into the deaths had not been concluded by the end of the year.

On 8 June, Kathlen Romeu, who was four months pregnant, died after being shot during a Military Police operation in the community of Lins de Vasconcelos in northern Rio de Janeiro. The investigation into the circumstances of her death was continuing at the end of the year.

On 22 November, nine people were found dead in circumstances suggesting they had been summarily executed in the Complexo do Salgueiro favela, Rio de Janeiro. On 20 November a policeman had been killed during a police operation, and preliminary investigations indicated that the nine killings were an act of revenge. Investigations were continuing at the end of the year.

### **IMPUNITY**

In August, five police officers charged with the killings of 13 people almost three decades earlier in the 1994 massacre in the Nova Brasília favela, Rio de Janeiro, were acquitted for lack of evidence. In addition to the fact that it took 27 years for the case to be brought to trial, the result was considered inadequate by the victims and human rights organizations. The excessive and lethal use of

force by the police was not promptly and effectively investigated in accordance with international standards. At the time of the killings, the police involved in the operation were absolved of responsibility before the proper investigations were carried out. The acquittal represented an example of the historical impunity that has perpetuated the cycle of violence and human rights violations by state agents, especially in favelas and disadvantaged neighbourhoods. In 2017, the Inter-American Court of Human Rights condemned the Brazilian state for police violence in the Nova Brasília case.

### **HUMAN RIGHTS DEFENDERS**

The killings of city councillor and human rights defender Marielle Franco and her driver Anderson Gomes in March 2018 had yet to be resolved. The families and civil society continued to press for justice. In July 2021, the Rio de Janeiro prosecutors who had been in charge of the investigations since 2018 asked to be removed from their positions, raising concerns about the progress and outcomes of the investigation and the case. The two men charged with the killings remained in prison and no date had been set for a trial by the end of the year. Those behind the killings remained unidentified.

The NGO Global Witness reported that Brazil was the country with the fourth highest number of killings of environmental leaders and land rights defenders in the world. In January, activist and rural worker Fernando dos Santos Araújo was killed in the state of Pará. He was a survivor and one of the main witnesses of the Pau D'Arco massacre in May 2017 in which 10 land rights activists were killed by military and civil police officers.

In May, Lindolfo Kosmaski, a gender and sexual diversity activist from the Landless Workers Movement, was found shot dead in a burnt-out car in the state of Paraná.

### **RIGHT TO A HEALTHY ENVIRONMENT**

According to the NGO Imazon, in August the Brazilian Amazon had the highest deforestation rate for the month of August in

10 years. Between January and December, 10,362 km<sup>2</sup> of forest were cleared, 29% more than 2020.

Fires also increased in the Amazon region and other biodiversity-rich biomes as the Brazilian state continued to dismantle environmental protection agencies and mechanisms. The Conservation and Sustainable Use of Biodiversity and Natural Resources Programme lost part of its funding and investment fell in the prevention and control of deforestation and fires in Brazilian biomes.

Attacks on the right to a healthy environment were also seen in legislative initiatives. The Chamber of Deputies approved Bill 3.729/2004. If approved by the Senate, this Bill will facilitate the issuing of environmental licences for exploration activities. Bill 2.633/2020 also progressed through the Chamber of Deputies and, if approved, could allow land tenure regularization for illegal occupations of public lands.

## **RIGHTS OF INDIGENOUS PEOPLES, QUILOMBOLAS AND OTHER TRADITIONAL COMMUNITIES**

The rights of Indigenous peoples, Quilombolas and other traditional communities were systematically violated. Deforestation and fires, often resulting from the illegal appropriation of land by the agribusiness, livestock, logging and mining sectors, impacted the rights to land and territory, to a healthy environment and to the livelihoods of Indigenous peoples, Quilombolas and other traditional communities.

The latest data from the Pastoral Land Commission indicated that the number of conflicts in rural areas registered in 2020 was the highest since 1985. Land invasions, which took place despite legislation regulating territories and rights, increased by 102% between 2019 and 2020; 71% of the families affected were Indigenous. Between January and November 2021, 26 people were killed in the context of rural conflicts, a

30% increase over 2020; eight were Indigenous people.

In August, the National Articulation of Indigenous Peoples (APIB) movement filed a complaint before the ICC against President Jair Bolsonaro for the crime of genocide. Also in August, 6,000 Indigenous people from 176 ethnic groups demonstrated in the country's capital, Brasilia, to try to halt the anti-Indigenous agenda being pursued in the National Congress. They also reiterated their opposition to the "Time Framework" proposal, which was before the Supreme Court, and, if approved, could threaten the demarcation of Indigenous territories.

The government's inadequate management of the Covid-19 pandemic continued to impact the rights to life and health of Indigenous peoples and Quilombola communities, who in 2020 had appealed to the Supreme Court for specialized and priority support from the state. Despite a decision in their favour from the Court, they continued to report being denied the support that would help them to cope with the pandemic in 2021. Covid-19 continued to spread among Indigenous peoples and Quilombola communities because of the authorities' failure to establish sanitary barriers, to promote the removal of people who invaded their territories and to implement adequate health, monitoring and social assistance measures.

Indigenous peoples and Quilombola communities reported several shortcomings in the vaccination process, such as lack of information; institutional racism; discrimination against Indigenous people and Quilombolas who live in urban areas or outside officially designated territories; and lack of coordination between state and municipal planning and the National Immunization Plan.

## **LGBTI PEOPLE'S RIGHTS**

A lack of adequate assistance, social protection and public policies left LGBTI people even more at risk during the health crisis. The National Association of Transvestites and Transsexuals reported that

80 transgender people were killed in Brazil in the first half of 2021 alone. In addition, physical attacks, threats, discrimination and social marginalization fuelled a cycle of violence that prevented LGBTI people from enjoying their rights in safety.

## WOMEN'S RIGHTS

Brazil accounted for 75% of maternal deaths due to Covid-19 worldwide. According to the Covid-19 Obstetric Observatory, as of May, maternal deaths of Black women were 77% higher compared to those of white women.

According to the Brazilian Public Security Forum, the number of rapes in the first six months of 2021 was 8.3% higher than in the same period in 2020. Between January and June 2021, 666 women were the victims of femicide, the highest number since records began in 2017.

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1. "Brazil: 1,000 days of Bolsonaro and Brazil's grave human rights crisis", 20 October
  2. *Brazil: Lack of Oxygen to Treat Patients in Manaus* (Index: AMR 19/3539/2021), 15 January

# BULGARIA

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## Republic of Bulgaria

Head of state: **Rumen Radev**

Head of government: **Kiril Petkov (replaced Stefan Yanev in December, who replaced Boyko Borisov in May)**

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**Media freedom further deteriorated as journalists were subjected to threats and intimidation. Migrants and asylum seekers faced pushbacks. Domestic violence increased. LGBTI people were targeted by groups hostile to minority rights. Roma faced widespread discrimination. There was systemic ill-treatment of residents in social care institutions.**

## BACKGROUND

Bulgaria's third parliamentary elections of the year took place in November as no party was able to form a government following previous snap elections in April and July. The

emergency epidemic situation introduced during the Covid-19 pandemic, originally declared by the government in May 2020, remained in place throughout the year, granting the government extensive powers.

## FREEDOM OF EXPRESSION

Media freedom continued to deteriorate, and journalists and independent media outlets who investigated crime and corruption faced frequent threats and smear campaigns, including by public officials.

In April, Dimitar Stoyanov, an investigative journalist with the Bivol news portal, reported receiving death threats from a businessman he contacted for an interview about a corruption case in which he was allegedly implicated. The Prosecutor's Office in Sofia failed to investigate Dimitar Stoyanov's complaint and the police issued a notice of warning instructing him to stop communicating with the businessman.

In April, during a television programme, member of parliament Toshko Yordanov joked about cutting off a journalist's limbs for "lying" after the journalist unintentionally mixed up the names of two political parties during a live show. In May, minister of the interior Boyko Rashkov questioned the journalistic integrity of two television hosts who interviewed him and suggested they should be removed from their posts. Neither official faced parliamentary sanctions.

The Covid-19 pandemic exacerbated the already precarious working conditions of media workers, resulting in salary cuts, delayed payments and the undermining of editorial independence. The government reduced funding to several public media outlets and the Council for Electronic Media, the country's media regulator.

In its Rule of Law Report in July, the European Commission highlighted the lack of transparency, the concentration of media ownership and continued political interference in the editorial policy of some outlets. Bulgaria was downgraded from 111th to 112th out of 180 countries on the World Press Freedom Index and remained the EU



member state with the lowest standard of media freedom.

## **REFUGEES' AND MIGRANTS' RIGHTS**

Bulgaria continued to carry out systematic pushbacks of migrants and asylum seekers at its borders. Over 1,100 pushbacks were recorded by the end of the year, affecting at least 13,000 people. In July, the European Court of Human Rights found that Bulgaria had violated the European Convention on Human Rights by expelling a journalist to Turkey in 2016 without examining the risks of ill-treatment he faced on his return.

Reception conditions for asylum seekers remained substandard. In August, the Bulgarian Ombudsperson said that the specially designated zone for unaccompanied children in the Voenna Rampa reception centre was severely overcrowded and that children lived in extremely poor and unhygienic conditions.

In August, the government announced plans to reinforce police and military presence on the borders with Turkey and Greece because of concerns over arrivals of Afghan asylum seekers after the Taliban's takeover of Afghanistan.

Bulgaria granted international protection to up to 70 Afghan nationals, along with their families, who worked for the Bulgarian embassy and military in Afghanistan. Nevertheless, the vast majority of Afghans seeking asylum continued to be rejected in accelerated procedures with their applications treated as manifestly unfounded, an ongoing practice ever since Bulgaria declared Turkey a safe third country.

## **SEXUAL AND GENDER-BASED VIOLENCE**

Cases of domestic violence, which surged threefold during the Covid-19 pandemic, continued to rise.

In January, the government submitted to the parliament amendments to the Law on Protection from Domestic Violence aimed at further harmonizing domestic legislation with international standards. Some of the measures included in the amendments envisage strengthening protective measures,

a referral mechanism and the establishment of a central register of acts of domestic violence, victims and perpetrators. The amendments had not been adopted by the end of the year.

## **LGBTI PEOPLE'S RIGHTS**

LGBTI people continued to face threats and abuse, including by political parties and public officials.

In October, Rainbow Hub, a community centre for LGBTI-related events in Sofia, was attacked and vandalized by a group of people led by Boyan Rassate, a Bulgarian National Union party candidate in the November presidential elections.<sup>1</sup> After strong condemnation by human rights activists, political parties and numerous embassies in Sofia, the Election Commission waived Boyan Rassate's political immunity and he was detained and charged with hooliganism and assault. Under the country's Criminal Code, homophobic violence is not yet recognized as a hate crime.

The Bulgarian National Union party frequently criticized LGBTI groups publicly and accused them of spreading "gender propaganda" and teaching "perversions" to schoolchildren.

Leading up to the general elections in July, LGBTI events in Sofia, Plovdiv and Burgas were targeted by groups hostile to minority rights. In July, the annual Pride event took place in Sofia against a backdrop of widespread anti-LGBTI protests.

## **DISCRIMINATION**

Roma continued to face widespread social exclusion and discrimination, including in education, health, housing and employment. Covid-19 and the resulting prolonged state of emergency disproportionately affected the Roma population.

Roma children continued to be significantly less likely to complete any level of education than the general population. Covid-19 increased the risk of early marriage for Roma girls. The European Roma Rights Centre found that Roma children were over-represented in the state childcare system and

were more likely to be removed from their families.

In June, the Supreme Administrative Court found the leader of the Bulgarian National Movement party, Krasimir Karakachanov, guilty of discrimination over his controversial statements following incidents in Voyvodinovo in 2019, which triggered widespread anti-Roma violence that resulted in the destruction of homes and the forced eviction of Roma families.

## **CRUEL, INHUMAN OR DEGRADING TREATMENT**

The authorities failed to eradicate the persistent physical ill-treatment of social care residents and patients with psychiatric disorders. In October, the Council of Europe's Committee for the Prevention of Torture reported numerous cases of people being slapped, punched, kicked or hit with sticks, mechanically restrained or found abandoned in unhygienic conditions. The Committee called for urgent action to radically change the country's approach to mental and institutional social care.

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1. "Bulgaria: Presidential candidate must be investigated and held accountable after attack on LGBTI centre", 1 November

# **BURKINA FASO**

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## **Burkina Faso**

Head of state: **Roch Marc Christian Kaboré**

Head of government: **Lassina Zerbo (replaced Christophe Joseph Marie Dabiré in December)**

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**Armed groups continued to launch deadly attacks against civilians, including children. The right to education and the right to health were compromised and cases of sexual violence were reported in the context of the conflict. Impunity for serious human rights violations and abuses remained pervasive. Authorities threatened press freedom.**

## **BACKGROUND**

President Kaboré, re-elected for a second term in late 2020, adopted a policy of dialogue and engagement with some of the armed groups in Burkina Faso's northern region. Yet the armed conflict continued to rage. Widespread demonstrations followed a massacre of civilians in the town of Solhan in June, leading to the sacking of the defence minister. In December, following an attack against a gendarmerie post in Inata which led to protests over the security situation, the government resigned and a new prime minister was nominated.

The humanitarian situation remained precarious; the number of internally displaced people (IDPs) rose from about 1 million in January to 1,368,000 in July, according to UNHCR, the UN refugee agency.

## **ABUSES BY ARMED GROUPS**

The conflict that raged in northern and eastern Burkina Faso continued to affect the lives of civilians and hinder their activities. Some attacks by armed groups were carried out indiscriminately and therefore may constitute war crimes.

The town of Mansila, Yagha province, remained under a blockade by the Group for the Support of Islam and Muslims (GSIM) throughout the year, leading to mass displacement and food insecurity among the population.

In April, a civilian-military convoy documenting poaching in the Pama reserve, Komienga province, was ambushed by an armed group. According to governmental sources, three foreign journalists and one Burkinabe national were killed.

In May, an armed group killed 30 villagers during an attack in Kodyel, Komondyari province.

In June, an unidentified armed group attacked positions of the Volunteers for the Defence of the Homeland, an auxiliary force to the military, at the entrance of the town of Solhan, Yagha province, before overrunning the town and indiscriminately killing residents. At least 132 people were killed in

the attack, 40 wounded and 707 households displaced.<sup>1</sup>

In August, a military convoy between the towns of Arbinda and Dori, which was accompanied by civilians, was ambushed by an armed group. The attack led to the deaths of 65 people, including 59 civilians, according to governmental sources.

## **GENDER-BASED VIOLENCE**

In June, the NGO Doctors Without Borders reported a rise in sexual violence in the regions affected by the conflict.

Alleged cases of sex being exchanged for food aid by local NGOs facilitating IDPs' access to humanitarian aid were documented by the media in the city of Kaya, Sanmatenga province, the province hosting the largest number of IDPs in Burkina Faso.

## **CHILDREN'S RIGHTS**

Dozens of children were killed in attacks by armed groups against villages and towns. UNICEF reported that at least 20 children were killed during the attack on the town of Solhan in June, and hundreds were displaced with their families.

Armed groups including GSIM, and the Islamic State in the Greater Sahara (ISGS) continued to recruit and use children to participate in hostilities, in violation of international humanitarian law.

## **RIGHT TO EDUCATION**

Armed groups including GSIM and ISGS continued to prohibit so-called "Western" education in Burkina Faso, while threats and violence continued to deter teachers from remaining in their official postings. In March, 323 students were forced to flee their school following attacks by armed groups in the Boucle du Mouhoun region. Between 21 and 28 June, eight schools were attacked by armed groups in Manni department, Gnagna province. School materials were stolen, and property destroyed.

Since the beginning of the conflict, more than 2,682 schools had been closed. By May, 304,564 students were affected by these closures (148,046 of whom were girls)

along with 12,480 teachers (4,568 of whom were women). The government, with the support of UNICEF, developed alternative education models such as teaching via radio, benefiting 647,081 schoolchildren during the year.

## **RIGHT TO TRUTH, JUSTICE AND REPARATION**

In May, the government established a new military unit, the Special Forces, whose mandate included "counterterrorism operations", among other tasks. However, a statute passed in June covering its legal position states that Special Forces cannot be pursued before the courts for any actions taken during their operations. This immunity clause violates the rights of victims to justice and reparation.

In July, the French Council of State assented to the extradition of François Compaoré, the brother of former Burkinabe president Blaise Compaoré, to Burkina Faso, where he was sought for incitement to murder in relation to the death of investigative journalist Norbert Zongo in 1998. This decision was suspended by the European Court of Human Rights in August, pending examination of the challenge to the decision made by François Compaoré.

In August, the first trials for terrorism-related offences were held in the Ouagadougou Higher Court. Two members of the armed group Ansaroul Islam were sentenced to 20-year prison terms for "criminal association linked to a terrorist enterprise", "illegal possession of weapons and munitions of war", "complicity in terrorism" and "wilful destruction of property" for the attack on and destruction of a primary school in Bafina, Sanmatenga province, in 2018. They were also ordered to pay 4 million XOF (US\$7,240) each in damages.

At the end of the year, no significant progress had been made in the investigation into the unlawful killings of 50 people and the enforced disappearance of 66 others allegedly committed by the armed group Koglweogo in the village of Yirgou, Sanmatenga province, in January 2019.

## FREEDOM OF EXPRESSION

Authorities violated media freedom on several occasions and failed to protect journalists. In March, Ladji Bama, editor of the newspaper *Le Courrier confidentiel*, was ordered to pay damages of 2 million XOF (US\$3,620), after a complaint filed by the ruling party in Burkina Faso for “defamation”. In November 2020, Ladji Bama’s car had been fired upon outside Dori. In a subsequent Facebook post, he had accused the ruling party of involvement in the attack before filing a complaint for “assassination attempt” against unnamed persons. At the end of the year, no judicial developments had been reported following this complaint.

Following the attack against the town of Solhan in June, the Higher Communications Council suspended the Omega media group’s radio and TV programmes for five days for “misreporting” the attack after it claimed that IDPs from Solhan were ambushed on the road to Dori. In a letter, the Council also threatened Radio France Internationale with suspension for their coverage of the attack and the government’s response to it.

## RIGHT TO HEALTH

Burkina Faso launched a national Covid-19 vaccination campaign in June, but failed to meet its target of vaccinating 70% of the population, the coverage being just 1.6% by December. Access to vaccines in remote regions and IDP settlements was limited because of the conflict.

According to the ICRC, access to health in the conflict-affected regions was hindered by health personnel leaving because of the violence.

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1. *Burkina Faso: In the Wake of the Solhan Massacre, the Priority Must Be to Protect the People* (Index: AFR 60/4249/2021), 7 June

# BURUNDI

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## Republic of Burundi

Head of state: **Evariste Ndayishimiye**

Head of government: **Alain Guillaume Bunyoni**

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**The authorities failed to respond appropriately to the Covid-19 pandemic and to protect the right to health. Some measures against human rights defenders, activists and journalists were lifted – including the release of prisoner of conscience Germain Rukuki – but threats, intimidation and politically motivated prosecutions continued. Some returning refugees faced intimidation. The authorities failed to respect and protect women’s rights and violated the right to privacy. Enforced disappearances, unlawful killings, torture, arbitrary arrests and detentions continued. The Truth and Reconciliation Committee (TRC) faced accusations of bias and the judiciary’s independence was undermined.**

## BACKGROUND

There was a major shift in Burundi’s relationships with international partners. Political dialogue with the EU resumed and relations with Rwanda improved.

In May, the AU Peace and Security Council ended the mandate of its human rights observer mission in Burundi, and the UN closed the Office of the Special Envoy of the Secretary-General for Burundi. In October, the UN Human Rights Council terminated the Commission of Inquiry on Burundi’s mandate, which was replaced by a special rapporteur. Burundi’s National Independent Human Rights Commission regained its “A” status in June, despite civil society concerns.

Security incidents increased, including attacks on civilians in Bujumbura and the capital, Gitega, in May and September, and on road travellers in Muramvya province in May and June.

Humanitarian assistance was required by 2.3 million people. Burundi remained one of the 20 countries most vulnerable to climate change. More than 52,000 people were

affected when Lake Tanganyika flooded, destroying or damaging their homes.

## RIGHT TO HEALTH

The government resumed cooperation with the WHO, whose new representative arrived in the country in April, but the Covid-19 pandemic response remained insufficient. In July, the government authorized the World Bank to provide vaccines, but refused to sign any commitments to manage potential side effects or offer compensation for them. The first shipment of vaccines arrived in October. Covid-19 cases resurged in the second half of the year, with doctors reporting that official figures were far below the actual numbers. In September, weekday parties and ceremonies of a social nature were banned. The authorities introduced a health pass in November for travellers from the commercial capital, Bujumbura, to other provinces, to prove that they had tested negative.

## FREEDOM OF EXPRESSION

In January, the president promised that his government would promote a “free and responsible press”, calling on the National Communication Council to engage with suspended media houses to enable them to restart their work. Following his speech, restrictions were lifted on several media houses, including Bonesha FM, Isanganiro TV and the BBC.

These moves were undermined in August, however, when the president launched a personal attack against journalist Esdras Ndikumana for his reporting on the impact of Covid-19, accusing him of “hating the country in which he was raised”.

The conviction of former parliamentarians Fabien Banciryano in May and Pierre-Celestin Ndikumana (in his absence) in August also called into question the government’s stated commitment to the right to freedom of expression and media freedom. They had openly criticized the government’s human rights record in the 2015-2020 legislature, which was rare among parliamentarians. Fabien Banciryano was

released in October after serving a one-year prison sentence.

## HUMAN RIGHTS DEFENDERS

The conviction in their absence of five human rights defenders and seven journalists who had been involved in the 2015 protests was announced in February, although the Supreme Court ruled on the case in June 2020. They had been sentenced to life imprisonment on charges of undermining state authority, murder and damage to property in connection to the 2015 attempted coup. They had no legal representation during the trial.<sup>1</sup>

Nestor Nibitanga, former regional observer with the Association for the Protection of Human Rights and Detained Persons (APRODH), was released from prison in April, after receiving a presidential pardon having served four years of a five-year sentence. He had been arrested in 2017 and convicted in 2018 on spurious charges of “threatening internal state security”.

In June, the Ntahangwa Appeal Court overturned human rights defender Germain Rukuki’s conviction on charges of “participation in an insurrectional movement”, “threatening internal state security”, and “attack on the authority of the state”, but the court upheld his conviction for “rebellion”. His 32-year prison sentence was reduced to one year plus a fine of BIF50,000 (US\$25). He was released on 30 June, after almost four years in detention.<sup>2</sup>

Also in June, lawyer Tony Germain Nkina was convicted by the High Court in Kayanza of “collaboration with rebels who attacked Burundi” and sentenced to five years in prison and a fine of BIF1 million (approximately US\$500). He had been arrested in October 2020 while working in Kabarore commune, an area that had been affected by armed attacks. Several elements in the case strongly suggested that it was motivated by his former work with civil society, dating back more than six years. The Ngozi Appeal Court upheld his conviction and sentence in September.<sup>3</sup>

Civil society organization Words and Actions for the Awakening of Consciences and the Evolution of Mentalities (PARCEM) was permitted to reopen in April, after being suspended for nearly two years.

## **WOMEN'S RIGHTS**

Burundian authorities continued to fail to respect and protect women's human rights. A woman who was missing for three months after leaving her husband was accused of "family abandonment", an offence punishable by up to two months in prison. Before going to the police, she had been in hiding at a safe house run by a women's rights organization, which was in turn accused of threatening state security.

## **RIGHT TO PRIVACY**

An evening curfew was imposed in Gishubi commune in Gitega province to prevent social mixing between men and women, continuing a trend observed in other parts of the country in recent years. New rules were introduced whereby a woman found in a bar after 7pm with a married man, not her husband, would be fined BIF10,000 (US\$5), as would a girl found outside her family home at that time. Men caught with women who were not their wives would be fined BIF20,000 (US\$10) and the same fine would be imposed on boys found with girls after 7pm.

In September, the minister of interior ordered the suspension of all administrative officials who were practising "concubinage" (defined by law as a married man living with one or more women as though they were "wives" outside or within the marital home) or were part of "illegal unions". The bans on cohabitation outside marriage and on polygamy continued.

## **ARBITRARY ARRESTS AND DETENTIONS**

Arbitrary arrests and detention continued, notably of members of the opposition party, the National Congress for Freedom (CNL). In September, the Commission of Inquiry on Burundi published a report which found that in addition to police and intelligence service

officers, judicial and sometimes prison staff were also responsible for cases of arbitrary detention.

## **ENFORCED DISAPPEARANCES**

New cases of enforced disappearances were reported, including that of Elie Ngomirakiza, a CNL representative from Bujumbura Rural province, who was detained in July. Cases from previous years remained unresolved and there were more than 250 open cases before the UN Working Group on Enforced and Involuntary Disappearances. Despite this, the national authorities sought to minimize the issue. In July, the president told media that there had been no disappearances and referred instead to criminals who fled to Rwanda. Later that month, the Prosecutor General of the Republic underplayed reports of enforced disappearances, referring instead to people who left to join armed groups without informing their families, and criminal groups that carried out abductions disguised as security forces.

## **RIGHT TO LIFE**

Dead bodies, often bearing signs of violence, were regularly found near roads, lakes, ditches and other public places. The human rights organization Ligue Iteka reported that 269 bodies were discovered between January and December; however, investigations were rarely conducted before burials.

The police, National Intelligence Service and members of the ruling party's youth wing, the Imbonerakure, were accused of killing suspected opponents, including through torture.

## **RIGHT TO TRUTH, JUSTICE AND REPARATION**

The TRC continued to conduct exhumations of mass graves of victims of the 1972 massacres, which primarily targeted Hutu. Focusing on the 1972 massacres without investigating other atrocities, the TRC faced accusations of bias and of working on behalf of the ruling party. Separately, between April and June, the senate organized a series of

conferences to remember the 1972 massacres, risking pre-empting the TRC's conclusions.

In July, the President of the National Assembly made threatening public remarks about magistrates and undermined the independence of the judiciary. The same month, the Governor of Bujumbura province proposed regular meetings between the judiciary and his office to deliberate on justice-related complaints brought by residents. In August, President Ndayishimiye spoke out about allegations of corruption among judges but took no action to prevent political interference in the justice system.

The ICC continued its investigation into the Burundi situation (despite Burundi's withdrawal from the Rome Statute), with a focus on "[a]lleged crimes against humanity committed in Burundi or by nationals of Burundi outside Burundi since 26 April 2015 until 26 October 2017".

## REFUGEES' AND MIGRANTS' RIGHTS

Between January and September, around 36 Burundians were reported to have arrived in neighbouring countries as asylum seekers. The numbers leaving Burundi had reduced dramatically from March 2020 because of Covid-19 restrictions on movement and some border restrictions remained in place in 2021.

UNHCR, the UN refugee agency, supported more than 60,000 people in their return to Burundi up to the end of October. In June, Burundi's Conference of Catholic Bishops raised concerns about returnees not being well received in certain areas and being intimidated by those who were supposed to support them to reintegrate into society.

1. *Burundi: Genuine Reopening of Civic Space Requires Accountability* (Index: AFR 16/3806/2021), 11 March
2. "Burundi: Release of Germain Rukuki a victory for human rights", 1 July; "Burundi: Germain Rukuki's prison sentence cut from 32 years to one", 22 June
3. *Burundi: Lawyer Gets 5-Year Prison Sentence: Tony Germain Nkima* (Index: AFR 16/4636/2021), 20 August

# CAMBODIA

## Kingdom of Cambodia

Head of state: **Norodom Sihamoni**

Head of government: **Hun Sen**

**New laws on internet use and in response to the Covid-19 pandemic further extended restrictions on civil and political rights. Contraventions of Covid-19 regulations and criticism of the government were met with arrest and imprisonment. Members of the banned opposition party were sentenced to lengthy prison sentences after unfair mass trials. Environmental activists were especially targeted and Indigenous peoples barred from conservation efforts. Severely overcrowded prisons and drug detention centres undermined the right to health of detainees.**

## BACKGROUND

A government crackdown on independent media, civil society organizations and political opposition that began in 2017 continued throughout 2021. The largest opposition party, the Cambodia National Rescue Party (CNRP), remained banned following its court-ordered dissolution in 2017. The government's anti-drug campaign entered its fifth year.

## FREEDOM OF EXPRESSION

On 16 February, Hun Sen signed into law the Sub-Decree on the Establishment of a National Internet Gateway which undermined the right to privacy and encouraged self-censorship. The regulation required all internet traffic to pass through a centralized oversight body charged with monitoring online activity and internet service providers to verify the identities of internet users. It also allowed for network connections "that affect safety, national revenue, social order, dignity, culture, tradition and customs" to be blocked or disconnected.

Authorities continued to use the Covid-19 pandemic as a pretext to restrict freedom of expression. In early March, Shen Kaidong, a

Chinese citizen and editor-in-chief of the Chinese-language media outlet Angkor Today, was deported for publishing a story about vaccines deemed as “fake news” by the authorities. The same month, the National Assembly passed the Law on Measures to Prevent the Spread of Covid-19 and other Serious, Dangerous and Contagious Diseases (Covid-19 law), which imposed severe penalties for contravening Covid-19 restrictions, including prison sentences of up to 20 years.

According to local NGO LICADHO, at least 258 people were arrested under the Covid-19 law between 10 and 25 April for disobeying administrative measures. Among these, 83 individuals were prosecuted and jailed. Dozens more were arrested for criticizing the government’s Covid-19 response.

## **FREEDOM OF ASSOCIATION**

Members of the banned opposition party, the CNRP, continued to face arbitrary arrests and prosecutions as well as violent attacks by unidentified assailants. In early January, mass trials of approximately 150 CNRP senior leaders and other party members and supporters began.<sup>1</sup> Many of the charges related to the planned return of self-exiled CNRP leaders to Cambodia in November 2019, which was characterized as a coup attempt by the authorities. On 1 March, nine senior party leaders were found guilty in their absence of “attempting to commit a felony” and “attack” under Articles 27 and 451 respectively of Cambodia’s Criminal Code. Party co-founder Sam Rainsy was sentenced to 25 years’ imprisonment and others to between 20 and 22 years.

On 9 November, Veourn Veasna and Voeng Samnang, both CNRP supporters and UNHCR-recognized refugees, were forcibly returned to Cambodia from Thailand and detained on charges of incitement and Covid-19 law violations. Hun Sen had previously ordered Veourn Veasna’s arrest after he published a poem criticizing him. The two men remained in pretrial detention at the end of the year.

The authorities failed to investigate physical attacks against CNRP members and supporters. In April, a 16-year-old CNRP supporter was assaulted by two men and hospitalized with a fractured skull. The attackers were not found. On 24 June, the same supporter was arrested and charged with incitement and insulting public officials in connection with comments made on the messaging app Telegram that were critical of the government. He was sentenced to eight months in prison and released in November after serving four and a half months. The supporter’s father had been arrested in 2020 and was among dozens of CNRP members facing trial.

## **REPRESSION OF DISSENT**

Authorities used the judicial system to unjustly arrest, prosecute and imprison human rights defenders and environmental activists. In August, trade union leader Rong Chhun was convicted of “incitement to commit a felony or cause social unrest” and sentenced to two years’ imprisonment. The trial followed public statements he made alleging community land loss resulting from the demarcation of the Cambodia-Viet Nam border. Opposition activists Sar Kanika and Ton Nimol were convicted of incitement and sentenced to 20 months’ imprisonment after calling for Rong Chhun’s release. Ten others who also protested against Rong Chhun’s imprisonment were arrested and charged with incitement.

Environmental activists affiliated with the campaign group Mother Nature Cambodia (MNC) faced judicial harassment throughout the year. In May, five MNC activists were convicted of incitement and sentenced to between 18 and 20 months’ imprisonment (two were convicted in their absence). They had been arrested after planning a protest march against government plans to privatize, fill and develop the largest remaining lake in the capital, Phnom Penh.<sup>2</sup> In June, three other MNC activists were charged variously with “plotting” and “insulting the King” (*lèse majesté*), along with one other, again charged in their absence. They had been arrested



while documenting river pollution levels in Phnom Penh.<sup>3</sup> The MNC members were among 26 activists released in mid-November who also included Rong Chhun and all those detained for protesting against his arrest. All were released subject to various conditions including limits to their rights to freedom of movement, association and peaceful assembly.

## ENVIRONMENTAL DEGRADATION AND INDIGENOUS PEOPLES' RIGHTS

Indigenous peoples and grassroots forest defenders were denied access to their traditional lands for conservation activities. In February, a request by the Prey Lang Community Network (PLCN) to hold their annual tree blessing ceremony in the Prey Lang rainforest was rejected by the Ministry of the Environment for the second year running.<sup>4</sup> PLCN members – most of whom were Indigenous Kuy people – remained banned from entering the Prey Lang Wildlife Sanctuary to conduct community patrols. The Prey Preah Roka Forest Community Network were also prevented from engaging in forest patrols in Prey Vihear province.

In September, PLCN member Chan Thoeun was convicted of “intentional violence with aggravating circumstances” and given a two-year suspended prison sentence after a confrontation with an alleged logger during a forest patrol in 2020. In February, Ministry of Environment officers arrested and arbitrarily detained five environmental defenders for investigating illegal logging in Prey Lang forest. They were released three days later after committing not to enter the forest without permission from authorities.<sup>5</sup> Deforestation rates increased by over 20% in 2021, which impacted severely on the ancestral lands of Indigenous peoples. Companies implicated in illegal logging continued to operate with impunity.

## RIGHT TO HEALTH

In April, amid rising Covid-19 infection rates, the authorities imposed severe lockdown measures – some lasting several weeks – in parts of the capital and other cities.<sup>6</sup> People

in areas designated as “red zones” were prohibited from leaving their homes for any reason, which seriously impacted their access to food, healthcare and other essential goods and services. Humanitarian NGOs were barred from distributing food and other aid to at-risk residents in these areas. Some individuals who posted concerns or pleas for help on social media were threatened and intimidated by local authorities.

Severe overcrowding in prisons and drug detention centres, exacerbated by the anti-drug campaign, continued to violate detainees' right to health. Civil society repeated calls for urgent action to curb the spread of Covid-19 among detainees, including through non-custodial alternatives to detention, but government action was limited and inadequate.<sup>7</sup>

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1. “Cambodia: 150 opposition politicians and supporters face jail in mass trials”, 14 January
  2. “Cambodia: ‘Outrageous’ conviction of five environmental activists must be overturned”, 6 May
  3. “Cambodia: Assault on environmental defenders escalates as four more charged”, 22 June
  4. “Cambodia: Widespread illegal logging in Prey Lang rainforest amid ban on community patrols”, 25 February
  5. “Cambodia’s Prey Lang: how not to protect a vital forest”, 13 April
  6. “Cambodia: Authorities must avert Covid-19 humanitarian crisis”, 30 April
  7. *Cambodia: Urgently Address Covid-19 Outbreak in Prisons* (Index: ASA 23/4172/2021), 24 May

# CAMEROON

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**Republic of Cameroon**

Head of state: **Paul Biya**

Head of government: **Joseph Dion Ngute**

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**In the Northwest and Southwest regions, the army and armed separatist groups committed serious human rights violations and abuses. In the Far North region, armed groups continued to carry out deadly raids on villages. Dozens of opposition party supporters and anglophone leaders remained arbitrarily detained. The**

**authorities announced judicial inquiries after alleged mismanagement of Covid-19 funds.**

## **BACKGROUND**

Fighting between armed separatist groups and the army continued in the Northwest and Southwest anglophone regions. The armed conflict in the Far North region continued to rage with the active presence of the armed groups Boko Haram and Islamic State in West Africa Province (ISWAP). As of 31 October, Cameroon hosted more than 1 million internally displaced people in the Northwest, Southwest and Far North regions.

## **UNLAWFUL ATTACKS AND KILLINGS**

According to Human Rights Watch, soldiers killed at least nine people in the Southwest region on 10 January and looted homes. On 8 and 9 June, Cameroonian security forces also killed two people, raped a 53-year-old woman, and destroyed and looted at least 33 homes, shops and a traditional leader's palace in the Northwest region.

Following an improvised explosive device attack on a Rapid Intervention Battalion convoy in Bamenda on 8 December, elements of the army forces reportedly burnt a large number of houses in the town.

## **ABUSES BY ARMED GROUPS**

### **NORTHWEST AND SOUTHWEST REGIONS**

Armed groups continued to commit grave human rights abuses in the Northwest and Southwest regions, targeting people, healthcare facilities and schools.

From January to June, OCHA reported 29 attacks on healthcare facilities in the Northwest region and seven in the Southwest region; health workers and patients were abducted and installations were burnt.

On 9 January, the head of a school in Ossing, Southwest region, was reportedly killed by unidentified men. According to the OCHA, on 5 March unidentified armed men abducted a student from a school in the village of Batoke, Southwest region. On 6 March, armed men abducted two teachers and a student from a school in Bamenda,

Southwest region. On 24 November, unidentified gunmen attacked a school in Ekondo Titi, Southwest region, killing four students and a teacher.

On 27 February, suspected armed separatists abducted a doctor in the Northwest region, accusing him of not supporting the separatist cause. He was released after payment of a ransom. On 13 March, according to the National Union of Journalists, a journalist at Cameroon Radio Television was abducted from her home by suspected armed separatists. She was released after payment of a ransom. On 15 June, six civil servants were abducted in Misore-Balue, Southwest region, and one of them was executed, according to government media and human rights organizations.

Traditional authorities were also targeted, suspected of siding with the Cameroonian government. On 13 February, armed men abducted four traditional leaders in Fontem, Southwest region. Three of them were reportedly later found dead.

These human rights abuses happened in the context of growing inter-communal tensions. Between 22 and 26 February, at least 4,200 people were displaced from seven villages in Nwa subdivision, Northwest region, after attacks by Fulani vigilante groups, resulting in the deaths of at least eight people.

On 5 March, armed men attacked Fulani herdsmen in the lower Menchum valley in Boyo, Northwest region, killing at least 10 people, after the herdsmen's cattle had allegedly destroyed a farmer's crops. According to the OCHA, two days later in the same locality armed men attacked Fulani people, killing six people, allegedly to avenge the death of a woman burnt alive in her house in Beneng village.

### **FAR NORTH REGION**

Boko Haram and ISWAP continued to commit serious human rights abuses in the Far North region, including killings, abductions, looting and burning of homes and properties, mostly targeting farmers and fishermen in remote areas.

As of 24 October, at least 70 civilians had been reportedly killed in at least 51 attacks. On 8 January a female suicide bomber killed at least 15 people in Mozogo.

According to reports, at least 15 fishermen were abducted on 30 August in Blaram village, and on 10 November four villagers were killed in a village of Mokolo commune in an attack attributed to Boko Haram.

### **DENIAL OF HUMANITARIAN ACCESS**

Doctors Without Borders announced on 3 August that it had been forced to withdraw teams from the Northwest region, after the authorities suspended its activities in December 2020, accusing it of supporting local armed groups.

### **ARBITRARY DETENTION**

The UN Working Group on Arbitrary Detention, in two Opinions adopted in August 2019 and May 2021, called for the release of Mancho Bibixy Tse and Tsi Conrad. The two men had led protests in the anglophone regions in 2016 and 2017 and were sentenced by a military court in Yaoundé to 15 years in prison, following their conviction notably for “acts of terrorism, secession, spreading false information, and contempt for public bodies and officials”. Dozens of other anglophone leaders remained in detention after having been tried by military tribunals.

More than 100 Cameroon Renaissance Movement (MRC) members and supporters reportedly remained in arbitrary detention; they were charged or sentenced by military courts, for attempted revolution, rebellion, aggravated assembly, or participation in the organization of an undeclared public meeting, in relation to their activism or their participation in banned protests in September 2020. Among them, Olivier Bibou Nissack, the spokesperson of MRC leader Maurice Kamto, and Alain Fogué Tedom, national treasurer of the MRC, were sentenced to seven years in prison.

On 31 December, after 15 months of pretrial detention, four members of the Stand Up for Cameroon movement were found guilty of “insurrection” and sentenced to 16 months in prison by a military tribunal. They

had been arrested during a meeting ahead of the September protests.

### **FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY**

On 21 July the authorities banned a demonstration planned by the MRC for 25 July in Yaoundé, on the grounds of “risk of serious disturbance to public order” and “risk of the spread of Covid-19.” However, several demonstrations in support of the ruling party were authorized the same month.

On 26 August, the Ministry of Territorial Administration gave “promoters and representatives of foreign associations” working in Cameroon one month to send them information relating to their headquarters and offices, and names and contact details of staff as part of an “updating operation”; otherwise they would not be authorized to work in the country. Human rights defenders and associations denounced the move.

### **RIGHT TO HEALTH**

Civil servants complained in the media about the lack of financial support by the government to their establishment to fight against Covid-19. On 19 May, a report by the Supreme Court’s audit chamber was leaked to social media. It revealed potential dubious contracts, falsified accounts, and the alleged misappropriation of billions of CFA francs by government bodies from the Special National Solidarity Fund – created in March 2020 by President Paul Biya – for the fight against Covid-19. On 28 May the authorities announced judicial inquiries on the management of Covid-19 funds. As of 28 December, only 1,020,007 Covid-19 vaccinations had been administered.

### **LGBTI PEOPLE’S RIGHTS**

LGBTI people continued to be subjected to human rights violations.

On 8 February, two transgender women were arrested in a restaurant by gendarmes. They said they were physically and verbally assaulted before being transferred to New Bell prison in Douala. Both were charged

with attempted homosexuality, affront to public decency and non-possession of identity cards, and were sentenced to five years' imprisonment and a fine of 200,000 FCFA (about US\$345). They were released in June pending appeal.

On 24 February, according to Human Rights Watch, police forces raided the office of Colibri, an HIV/AIDS prevention and treatment group in Bafoussam, West region, and arrested 13 people on charges of homosexuality, before releasing them a few days later. Those arrested said they were forced to sign statements, were physically and verbally assaulted, and were forced to undergo HIV tests and anal examinations. Article 347-1 of the Criminal Code punishes with up to five years' imprisonment "any person who has sexual relations with a person of his sex".

## CANADA

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### Canada

Head of state: **Elizabeth II, represented by Governor General Mary May Simon (replaced Julie Payette in July)**  
Head of government: **Justin Trudeau**

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**There were concerns about government responses to the Covid-19 pandemic and inaction on the rights of Indigenous peoples, Black and racialized communities, women, refugees and migrants.**

### INDIGENOUS PEOPLES' RIGHTS

In April, the CERD Committee called on Canada to investigate allegations of racist violence against Mi'kmaw people.

In June, parliament passed a law implementing the UN Declaration on the Rights of Indigenous Peoples.

### INDIGENOUS CHILDREN

Between May and the end of the year, the remains of more than 1,381 Indigenous children buried at six former residential schools were located. The Canadian government established the schools, and churches administered them.<sup>1</sup>

The authorities failed to fully implement and share a public timeline for the 94 calls to action of the Truth and Reconciliation Commission of Canada or to implement the 142 calls for action from the Public Inquiry Commission on relations between Indigenous peoples and public services in Quebec.

In September, the Federal Court upheld the Canadian Human Rights Tribunal ruling ordering Ottawa to pay Can\$40,000 (approximately US\$32,000) to each of the approximately 50,000 First Nations children forcibly separated from their families. At the end of the year, the parties reached an agreement-in-principle whereby Can\$20 billion (approximately US\$15.7 billion) will be paid in compensation to First Nations children who were removed from their homes and approximately Can\$20 billion over five years will be spent on long-term reform of the First Nations Child and Family Services program.

### JOYCE'S PRINCIPLE

In February, the minister of Indigenous services announced Can\$2 million (approximately US\$1.6 million) in funding to the Conseil de la Nation Atikamekw (Council of Atikamekw Nation) and the Conseil des Atikamekw de Manawan (Atikamekw Council of Manawan) to advance their advocacy for the implementation of Joyce's Principle, which aims to guarantee all Indigenous people the right to equitable access to all social and health services without discrimination. The Principle was named after Joyce Echaquan, an Atikamekw woman who was subjected to racist taunts by hospital staff before dying in a Quebec hospital in September 2020.

In September, the Quebec provincial government again denied the existence of systemic racism in the province and continued to refuse to adhere to Joyce's Principle. The coroner's report investigating Joyce Echaquan's death stated that the province of Quebec's government must acknowledge the existence of systemic racism and commit to eliminating it.

## **RIGHT TO WATER, HEALTH AND HOUSING**

Canada did not meet its commitment to ensure access to safe, clean water in First Nations communities by 31 March 2021. In October, petroleum was discovered in Iqaluit's water supply, forcing residents to rely on alternative sources.

Despite the prevalence of Covid-19, Indigenous peoples continued to lack healthcare facilities and services, and lived in underfunded and overcrowded housing.

## **DISCRIMINATION**

Racialized communities continued to experience systemic racism, including in interactions with police forces. In December 2020, Black federal employees launched a landmark class-action lawsuit against the federal government, alleging decades of systemic and institutional racism in public services. The case remained pending before the Federal Court of Canada at the end of the year.

In May, Indigenous leaders called for an investigation of the Royal Canadian Mounted Police on Vancouver Island after the shooting of two Tla-o-qui-aht people in the first half of 2021 which left one dead and one seriously injured. In July, the First Nations Leadership Council renewed the same call following the shooting of a Wet'suwet'en man in British Columbia.

In August, the Commission des droits de la personne et des droits de la jeunesse du Québec (Human Rights and Youth Rights Commission of Quebec) published a report indicating that racial profiling complaints had increased by 87%, from 46 in 2018-2019 to 86 in 2020-2021.

## **REFUGEES' AND MIGRANTS' RIGHTS**

Between 21 March 2020 and 21 June 2021, 444 people seeking asylum were pushed back to the USA under measures to curb the Covid-19 pandemic. These measures were rescinded on 20 November 2021.

In April, the Federal Court of Appeal overturned a decision that found the Canada-US Safe Third Country Agreement unconstitutional. In December, the Supreme

Court of Canada granted leave to appeal against that decision.

Immigration detention practices continued to violate international human rights law, including the rights of children and people with disabilities.<sup>2</sup>

## **WOMENS' RIGHTS**

The 2021-2022 federal budget included a commitment of over Can\$27 billion (approximately US\$21 billion) over five years to create a national affordable childcare system.

In March, the Canadian Alliance for Sex Work Law Reform launched a lawsuit to strike down Canada's laws criminalizing sex work on the grounds that these laws violate sex workers' rights. The case was pending at the end of the year.

In June, Canada launched a National Action Plan to implement the 231 Calls for Justice from the National Inquiry into Missing and Murdered Indigenous Women and Girls, but failed to outline accountability measures and an implementation timeline.

In June, the Senate Standing Committee on Human Rights released a report on forced and coerced sterilization, a practice that disproportionately impacts Indigenous women, girls and two-spirit people.

## **LGBTI PEOPLE'S RIGHTS**

A bill to criminalize "conversion therapy", a process that seeks to change a person's sexual orientation or suppress a person's gender identity or expression, became law on 8 December.

## **CORPORATE ACCOUNTABILITY**

In January, Amazon factory staff reportedly continued to work despite health and safety concerns related to the pandemic. The company opposed workers' attempts to unionize.

Canadian resource extraction companies continued to operate extraterritorially with little human rights or environmental oversight from the Canadian or host-state governments.

Developers of the Trans Mountain pipeline did not obtain the free, prior, informed consent of all Secwepemc communities affected. In April, several men attacked Secwepemc women land defenders at a camp in Blue River, British Columbia, who were protesting against the construction of the company's industrial camps.

Between September and December, armed Royal Canadian Mounted Police officers arrested 36 peaceful land defenders opposed to the construction of the Coastal Gaslink pipeline in Wet'suwet'en traditional territory in British Columbia, including three journalists covering the protests.

## FAILURE TO TACKLE CLIMATE CRISIS

Canada continued to subsidize the fossil fuel industry, specifically exploration and development projects, and exploitation and transport of oil and gas.

In June, the federal government enacted Canada's first climate accountability legislation, the Canadian Carbon Neutrality Accountability Act.

## IRRESPONSIBLE ARMS TRANSFERS

Canada continued to transfer arms to Colombia despite militarized repression of demonstrations that resulted in human rights violations. Canada continued to export arms to Saudi Arabia, despite risk assessments of the transfers that did not conform to the Arms Trade Treaty.<sup>3</sup>

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1. *Canada: Justice for Indigenous Children* (Index: AMR 20/4279/2021), 14 June
  2. *Canada: I Didn't Feel Like a Human in There: Immigration Detention in Canada and its Impact on Mental Health* (Index: AMR 20/4195/2021), 17 June
  3. "Canada-Saudi arms deal flouts international law: Amnesty International, Project Ploughshares report", 11 August

# CENTRAL AFRICAN REPUBLIC

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## Central African Republic

Head of state: **Faustin-Archange Touadéra**

Head of government: **Henri-Marie Dondra (replaced Firmin Ngrébada in June)**

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**Unlawful attacks, killings and other violations and abuses, including war crimes, continued in the framework of the armed conflict. Civilians were killed, people were summarily executed, humanitarian workers faced attacks and cases of sexual violence were documented. There was impunity for the most serious crimes.**

## BACKGROUND

Several armed groups led by former president François Bozizé forming the Coalition of Patriots for Change (CPC) launched an offensive in January on the capital, Bangui, with the aim of preventing the presidential elections from going ahead. On 18 January, the Constitutional Court officially declared that President Touadéra had won a second term. Throughout the year, national forces and their allies – Rwandan soldiers and mercenaries – led a counter-offensive to retake territories controlled by armed groups. According to the OCHA, at the end of November there were 670,000 internally displaced people in the country, with limited access to water, food, healthcare and education.

## UNLAWFUL ATTACKS AND KILLINGS

Unlawful attacks, killings and other violations and abuses of international humanitarian and human rights law, some of which amount to war crimes, were committed by all parties to the conflict.

According to the UN, members of the CPC attacked and looted health centres in Mbomou prefecture in January. They also attacked or occupied at least 37 schools from January to June, preventing free access to education for thousands of children.

In March in Ouaka prefecture, elements of the Union pour la paix en Centrafrique (affiliated with the CPC) tortured and killed three traders for participating in the by-legislative election process. The victims' bodies were found with their voter cards tied around their necks.

The UN Working Group on the use of mercenaries reported that in February, following clashes in the town of Bambari, national forces and their allies targeted a mosque, killing 14 people including a woman and a child. A health facility was also targeted in contravention of international humanitarian law. According to Médecins Sans Frontières, 36 war-wounded people, including eight women and nine children aged 17 months to 17 years, were treated at the health centre in Bambari.

According to the OCHA, in June, national forces and their allies closed and burnt down a camp for internally displaced people in Bambari where some 8,500 people were living.

According to the UN Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA), 228 civilians were killed between June and October as a result of the conflict.

The use of improvised explosive devices was documented by the UN: in the west of the country, in the first half of the year, at least 15 civilians – including a child – were killed, 24 were injured, and two peacekeepers were also killed.

#### **ATTACKS AGAINST HUMANITARIAN WORKERS**

Attacks on humanitarian workers by armed groups or unidentified individuals continued as the security situation deteriorated. According to the OCHA, as of December, 396 incidents affecting humanitarian workers were recorded, compared to 424 in 2020. Thefts, robberies, looting, threats and attacks represented 65% of security incidents.

According to the UN Secretary-General's report, three aid workers were killed and 23 others injured between June and October as a result of explosive devices.

#### **EXTRAJUDICIAL EXECUTIONS**

In the context of the conflict, Central African armed forces and their allies carried out extrajudicial executions of people suspected of belonging to or supporting the CPC.

According to the UN, on 3 January, six people detained on suspicion of being members of the CPC, including a young boy, were executed in an army camp in Mbomou prefecture. In February in Ouaka prefecture, three men were executed by members of the national forces and their allies. Between March and June, the UN documented executions by national forces and their allies of at least 17 people, including civilians and a minor, in the prefectures of Bamingui-Bangoran, Ouham Pendé and Nana Gribizi.

#### **VIOLENCE AGAINST WOMEN AND GIRLS**

Cases of violence against women and girls were reported by the UN. Six girls aged between 14 and 16 were drugged and raped daily by members of the rebel group Return, Reclamation and Rehabilitation (known as 3R) at a base in the Nana Mambere area in January. They eventually managed to escape.

According to MINUSCA, between January and June, 131 cases of conflict-related sexual violence, including 115 rapes, 12 attempted rapes, one case of sexual slavery and three forced marriages, were documented. The attacks were mostly attributed to CPC members; 19 were attributed to members of the national forces and their allies. From July to October, MINUSCA received 118 reports of conflict-related sexual violence.

#### **RIGHT TO TRUTH, JUSTICE AND REPARATION**

Despite the requirement under Central African law that at least six criminal sessions be held per year, none were held in 2021. Hundreds of individuals were held in pretrial detention, often after legal time limits had expired.

Investigations by the Special Criminal Court (SCC), the UN-backed hybrid court mandated to investigate and prosecute crimes under international law and other

serious human rights violations committed in the country since 2003, were ongoing but no cases were sent to trial. In December, an appeal hearing before the special indictment chamber was made public. It concerned three men charged with crimes against humanity for killings that took place in 2019 in the Paoua sous-prefecture. The SCC announced that it had issued 25 arrest warrants. Only one of them was executed, leading to the arrest in November of Hassan Boubou Ali, the minister for livestock and animal health. He was released several days later by defence and security forces without any authorization from the judges.<sup>1</sup>

In May, the government set up a Commission of Inquiry following allegations by the UN of violations of international humanitarian law committed by all parties since the beginning of the CPC offensive. In October the minister of justice presented the results of this investigation, in which the authorities acknowledged certain allegations against national forces and its allies, and the majority of allegations made against armed groups. The report was not made public and the next steps were not known.

## RIGHT TO FOOD AND RIGHT TO HEALTH

According to the UN Food and Agriculture Organization, the number of people in the country facing acute food insecurity increased from 1.9 million to 2.29 million during the first half of the year, exacerbated by the deterioration in security. According to UNICEF, in July at least 80,000 children under five were at risk of acute malnutrition, an increase of 29% from previous projections for 2021, and nationwide 40% of children under five were already chronically malnourished.

According to the WHO and several NGOs, health centres, especially outside the capital, lacked qualified medical personnel as well as essential medicines and equipment. Several health centres were looted of drugs and other goods during the offensive in January, aggravating an already dire situation.

According to the WHO, despite a decline in measles infections in 2021, the unavailability

of vaccines in certain areas was hindering the fight against the disease.

As of 31 December, a total of 514,271 vaccine doses against Covid-19 had been administered and 346,000 people were fully vaccinated (of an estimated population of 5 million). Priority for vaccination was given to health personnel and vulnerable people. Vaccination was extended to the administrative centres of prefectures from August.

1. *One Step Forward, Two Steps Backwards: Justice in the Central African Republic* (Index: AFR 19/5038/2021), 8 December

# CHAD

## Republic of Chad

Head of state: **Mahamat Idriss Déby (replaced Idriss Déby Itno in April)**

Head of government: **Albert Pahimi Padacké (position created in April)**

**Repression of government critics continued; the authorities arbitrarily detained human rights defenders and civil society activists and violated the right to freedom of expression. Some protests were banned and security forces used excessive force against peaceful protesters defying the ban. Violence and discrimination against women and girls persisted. Access to food and healthcare remained precarious for a large part of the population.**

## BACKGROUND

In the run-up to the 11 April presidential elections, a platform called Wakit Tama (“the time has come”), made up of opposition parties, unions and NGOs, mobilized to protest against the electoral process, which they considered to be non-transparent and non-inclusive. From April a Chadian armed group based in Libya – the Front pour l’alternance et la concorde au Tchad (FACT) – carried out several attacks in the north and west of the country. Before the official announcement by the electoral commission of the re-election of President Idriss Déby



Itno for a sixth term, he was killed during a visit to the combat zone. His death led to the establishment of a transitional military council led by his son, Mahamat Idriss Déby.

## **ARBITRARY ARRESTS AND DETENTIONS**

In June, Baradine Berde Targuio, president of the Chadian Organization for Human Rights, was released on parole. He was serving a three-year prison sentence, having been arrested on 24 January 2020 following a Facebook post alleging that President Idriss Déby was ill. He spent nearly seven months in incommunicado detention before being charged in August 2020 with breaching national security, illegal possession of weapons, assault and battery. The conditions of his release were not clarified.

Mahamat Nour Ibedou, the Secretary General of the Chadian Convention for the Protection of Human Rights, who joined the Wakit Tama coalition in several demonstrations against the regime, suffered harassment from the judicial authorities. They summoned him several times for his participation in the demonstrations and he was arrested in March during a protest against Idriss Déby's candidacy for a sixth term. He was released without charge after three days in detention. He was summoned again in July following a complaint lodged by the Ministry of Public Security in relation to a statement he made denouncing the conditions of detention of FACT members.

## **FREEDOM OF ASSEMBLY AND EXCESSIVE USE OF FORCE**

Between January and May, the Chadian authorities denied people the right to peaceful protest by systematically banning gatherings on the grounds that they were likely to disturb public order. These bans were defied by demonstrators protesting first against the electoral process and later the establishment of the transitional government. Security forces used excessive force to disperse peaceful protests.

In February at least 14 demonstrators were arrested in the capital, N'Djamena, and charged with "assault and battery, disturbing

public order and destroying state property".<sup>1</sup> They were released after a few days. The same month, the home of a political opponent was attacked by the security forces because he allegedly refused to respond to several summons from the courts.<sup>2</sup> According to local human rights NGOs, this attack resulted in the deaths of two of his relatives, who were inside the house.

In April and May at least 16 demonstrators were killed in N'Djamena and the southern city of Moundou during protests organized by the Wakit Tama coalition.<sup>3</sup> Dozens more were injured and at least 700 protesters were arrested. Many of those arrested were released immediately after the protests. Several people testified that they were targeted by law enforcement officers with lethal weapons while demonstrating. The authorities announced the opening of a judicial investigation into these incidents. A police officer who allegedly fired his weapon was suspended. Information on the progress of the investigation remained unavailable at the end of the year.

In May, a demonstration in support of the authorities was authorized by the transitional government, while one organized by the Wakit Tama platform was banned.

## **WOMEN'S AND GIRLS' RIGHTS**

Widespread discrimination and violence against women and girls continued. In June, women protested in the streets against sexual violence and a culture of impunity for perpetrators, after the gang rape of a 15-year-old girl was filmed and shared on social media.

Girls' enrolment in secondary school continued to fall, from 31% in 2017 to 12% in 2021, according to the World Economic Forum. (Boys' enrolment in secondary education in 2021 was 25%.) This was partly due to nationwide school closures in 2020-21 because of the Covid-19 pandemic, a period during which several organizations noted an increased rate of early and forced marriage.

## RIGHT TO FOOD

According to the UN Office for the Coordination of Humanitarian Affairs, food insecurity and malnutrition affected 5.5 million Chadians, including 1.7 million in its severe form. The situation remained precarious in the provinces where the activities of armed groups disrupted harvests and forced people to move. In addition, 1.7 million people were affected by health emergencies, including children and pregnant and breastfeeding women.

## RIGHT TO HEALTH

According to the WHO and the Chadian Ministry of Health, a measles epidemic broke out in the country, with 264 confirmed cases and 15 deaths. The southern provinces were most affected and the low vaccination coverage risked a further outbreak.

At least 350,000 cases of malaria were confirmed during the year, resulting in 546 deaths, according to the National Epidemic Control Committee. Hospitals were overwhelmed by the number of cases and were not able to treat all patients because of a shortage of beds. The Ministry of Health disinfected several districts of N'Djamena and distributed impregnated mosquito nets.

As of December, Chad had recorded 6,185 cases of Covid-19 and 184 deaths. The number of vaccinated amounted to 367,000 people but only 80,663 had completed the vaccination schedule (for an estimated population of 17 million). Chad benefited from the COVAX initiative and launched its vaccination campaign in June in N'Djamena, Moundou and Abéché. In October, the WHO had reported there were 63 vaccination sites in the country.

## RIGHT TO TRUTH, JUSTICE AND REPARATION

In August, former president Hissène Habré died in Senegal. On 27 April 2017, the Chamber of Appeals of the Extraordinary African Chambers in Dakar had confirmed Hissène Habré's conviction and life sentence for crimes against humanity, war crimes and torture, including sexual slavery, and ordered

him to pay approximately US\$150 million in compensation to victims. In addition, a Trust Fund for Victims created by the AU was mandated to locate, trace, freeze and seize his property, as well as to solicit and obtain voluntary contributions from states and other stakeholders. Despite these encouraging announcements, victims had yet to be compensated by the end of the year.

A court order from 2015, which awarded reparations to be paid jointly by the Chadian state and 20 officers from Hissène Habré's regime convicted for murder and torture, had yet to be implemented, according to the victims' lawyers.

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1. "Chad: Opposition members and human rights activists banned from freely protesting ahead of election", 9 February
  2. "Chad: Authorities must investigate raid and killings at presidential contender's house", 1 March
  3. "Chad: Deaths following violent crackdown on protests must be investigated", 28 April

# CHILE

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## Republic of Chile

Head of state and government: **Sebastián Piñera Echenique**

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**Protests continued during the year, mostly demanding the release of people detained in connection with mass protests in 2019-2020, many of whom were held in unjustified pretrial detention. Excessive use of force by the police persisted. The humanitarian crisis faced by thousands of people, mostly Venezuelans, trying to enter Chile through the northern border was exacerbated by mass expulsions.**

## BACKGROUND

The "state of catastrophe" and curfew declared in response to the pandemic remained in force for most of the year. Covid-19 cases peaked between April and June, particularly affecting poorer communities. By the end of the year, the number of cases had fallen, following a

successful vaccination programme, and restrictions were relaxed.

In July, the Constitutional Convention began work on drafting a new Constitution. Presidential and congressional elections were held at the end of the year; Gabriel Boric was declared the winner of the presidential election.

## **EXCESSIVE USE OF FORCE**

Protests continued, though on a reduced scale due to the pandemic. Excessive use of force by police continued; at least two further cases of eye injuries were recorded.

In February, a street juggler was shot dead by policemen in the town of Panguipulli. The Prosecutor's Office for the Los Ríos region provided evidence that the fatal shot was fired while the victim was on the ground and immobilized. An officer was under investigation at the end of the year.

In March, the National Human Rights Institute reported that investigations into over 3,000 cases of human rights violations committed during the 2019-2020 mass protests had been halted. The National Prosecutor's Office stated that almost half of its cases had been closed without charges being brought. In May, the National Prosecutor instructed all prosecutors to review their cases and consider reopening them if minimum investigative standards had not been met.

Some investigations did make progress during the year, including those relating to the injuries sustained by Gustavo Gatica and Fabiola Campillai<sup>1</sup> and those into the deaths of Manuel Rebolledo and Kevin Gómez.

At least six lawsuits filed against President Piñera and other current and former government officials for crimes against humanity under Chilean law were being investigated by the Valparaíso Regional Prosecutor. In April, lawsuits were filed against high-ranking police officers for failing to take action to stop the pattern of injuries to protesters.

At the end of the year, Congress was debating several bills to simplify access to civil reparations for victims and expressly

prohibit harmful police conduct, such as sexual abuse during detention and use of less lethal weapons when policing protests.

In June, President Piñera announced the creation of a specialized human rights office within the Prosecutor's Office, but this had not yet been established. The reform of the Carabineros (Chilean police) announced in 2020 had not yet been implemented.

Victims of eye injuries told Amnesty International that there were serious shortcomings in the government's Comprehensive Programme for Eye Reparation.

## **ARBITRARY ARRESTS AND DETENTIONS**

After the 2019-2020 mass protests, hundreds of people were detained and charged with crimes allegedly committed during protests. This triggered further protests demanding their release. No state institution provided a comprehensive list of those detained, and Amnesty International received evidence of several instances of unjustified use of pretrial detention. In some cases, people were held in pretrial detention for around a year and were then acquitted or the case was closed for lack of evidence.

A bill to pardon those charged in connection with the mass protests was before Congress.

## **INDIGENOUS PEOPLES' RIGHTS**

In March, the Inter-American Commission on Human Rights began examining the admissibility of a petition submitted by three Mapuche men, José Tralcal, Luis Tralcal and José Peralino, convicted in an unfair trial in connection with a fire in which two people died.

In May, the Supreme Court confirmed the sentences of seven former policemen and a lawyer involved in the death of Camilo Catrillanca, a young Mapuche man, and the injuries sustained by a teenage boy who was with him, and in obstructing the investigation into the case. The two had been shot at by police during a pursuit of suspects in a robbery case, in which they were not involved. Three of the former police officers were set to serve prison terms.

In April, police shot and injured Mapuche leader Alberto Curamil while detaining him following a protest and then denied him immediate treatment. The protest was in support of Elena Paine, a Mapuche leader whose house had been set on fire the day before.

## SEXUAL AND REPRODUCTIVE RIGHTS

Congress rejected a bill which would have decriminalized abortion in the first 14 weeks of pregnancy. Legal abortion therefore remained restricted to three specific circumstances.

Chile reached a friendly settlement before the Inter-American Commission on Human Rights, admitting responsibility for the forced sterilization of a woman with HIV in 2002, and agreed to implement measures to ensure informed consent and access to health services without discrimination for people with HIV.

## LGBTI PEOPLE'S RIGHTS

A bill legalizing same-sex marriage was approved and Congress continued to review anti-discrimination legislation.

## HUMAN RIGHTS DEFENDERS

Harassment and attacks against environmental defenders continued. For example, death threats were made against Verónica Vilches, an activist working to defend the right to water in the Petorca province, and against Marcela Nieto, a member of the women's movement combating air and water pollution in the Quintero-Puchuncaví sector, one of Chile's "sacrifice zones" (geographic areas experiencing environmental damage or economic disinvestment).

A proposed law to ensure recognition of human right defenders was introduced into Congress in November.

## REFUGEES' AND MIGRANTS' RIGHTS

Thousands of people, mostly Venezuelans, tried to enter Chile on foot across the northern border near the town of Colchane. At least 20 people died amid a humanitarian

crisis intensified by the government's inaction in providing accommodation and assistance to people seeking protection or providing resources to support them.

In April, a new migration law entered into force that severely restricts the ability of migrants and individuals seeking protection to regulate their status once in Chile.

Over 500 people were expelled without due process in what could amount to collective expulsions as a result of a government deportation plan. In some cases, people were informed late on a Friday that they would be deported that weekend, making it harder to challenge the expulsion. The National Human Rights Institute reported that in one case the police deceived Venezuelan nationals to get them to sign expulsion orders, telling them they were registration papers.

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1. "Chile: Amnesty International demands investigations into Carabineros' former and current Director Generals for human rights violations", 21 July

# CHINA

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**People's Republic of China**

Head of state: **Xi Jinping**

Head of government : **Li Keqiang**

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**The human rights situation across China continued to deteriorate. Human rights lawyers and activists reported harassment and intimidation; unfair trials; arbitrary, incommunicado and lengthy detention; and torture and other ill-treatment for simply exercising their right to freedom of expression and other human rights. The government continued a campaign of political indoctrination, arbitrary mass detention, torture and forced cultural assimilation against Muslims living in Xinjiang. Thousands of Uyghur children were separated from their parents. The National Security Law for Hong Kong enabled human rights violations which were unprecedented since the establishment of the Special Administrative Region. There**

**was limited progress in recognizing the rights of LGBTI people in Hong Kong.**

## **BACKGROUND**

On 10 June the National People's Congress Standing Committee passed an anti-sanctions law to counter foreign sanctions amid increasing international pressure against grave human rights violations across the country.

The government called for a reduction in abortions that are not “medically necessary” and promulgated a law allowing married couples to have up to three children, following a further decline in birth rates.

## **HUMAN RIGHTS DEFENDERS AND ACTIVISTS**

Severe crackdowns on human rights defenders continued. The authorities arrested and detained many human rights defenders and activists for lengthy periods under unjustifiable, broadly defined and vaguely worded charges. Without access to family and to lawyers of their choosing, as well as effective fair trial mechanisms, many human rights defenders were reportedly subjected to torture and other ill-treatment while in detention. The authorities often continued to monitor, harass and intimidate individuals after their release and restrict their freedom of movement.

Six years after the unprecedented “709 crackdown” against human rights defenders and lawyers, which involved a series of coordinated raids across China, many lawyers remained in prison or under strict surveillance.

Detained since January 2018 and sentenced to four years' imprisonment in June 2020, prominent human rights lawyer Yu Wensheng was finally permitted a visit at Nanjing Prison on 9 May from his wife and son. According to his wife, he appeared to be malnourished and in deteriorating health.<sup>1</sup>

Legal scholar Xu Zhiyong and former human rights lawyer Ding Jiayi were permitted to speak to their lawyers in January following lengthy incommunicado detention. Both men revealed that they had been

tortured by being bound to an iron “tiger chair” with their limbs contorted for more than 10 hours per day for many days. They were indicted for “subversion of state power” in October.<sup>2</sup>

Xu Zhiyong's partner, the human rights defender Li Qiaochu, was again detained on 6 February. On 15 March, she was charged with “inciting subversion of state power” for demanding Xu Zhiyong's release and better treatment. Her mental health deteriorated during her detention.<sup>3</sup>

Formally arrested in 2017, human rights lawyer Li Yuhan, who defended other human rights lawyers, stood trial on 20 October charged with “fraud” and “picking quarrels and provoking trouble”.

Former prisoner of conscience and human rights lawyer Gao Zhisheng, who was a vital voice for the vulnerable for many years, remained missing, his exact location and condition unclear since August 2017.

Human rights defender Yang Maodong (pen name Guo Feixiong) went missing on 29 January, the morning after he began a hunger strike at Shanghai's Pudong International Airport to protest against the authorities preventing him from leaving the country to visit his critically ill wife in the USA.<sup>4</sup>

Human rights lawyer Chang Weiping was officially charged with “subversion of state power” on 16 April, six months after police officers detained him for publicly detailing torture he experienced when detained in January 2020. At the end of the year, he was being held incommunicado at Feng County Detention Centre.<sup>5</sup>

Yang Hengjun, a writer and government critic, stood trial behind closed doors in May. A verdict had not been released by the end of the year. Detained for more than 36 months, he continued to deny all allegations of espionage and had endured hundreds of hours of interrogation and ill-treatment.

In August, Cheng Yuan, Liu Yongze and Wu Gejianxiong, the founder and staff members of the NGO Changsha Funeng, were sentenced to between two and five years in prison in a secret trial for advocating for the

rights of marginalized groups and vulnerable people.

On 5 November, family members of labour activist Wang Jianbing and #MeToo activist Sophia Huang Xueqin received arrest notices from the Guangzhou Security Bureau stating that they had been detained for “inciting subversion of state power”.

## **ETHNIC AUTONOMOUS REGIONS**

The government took extreme measures to prevent free communications, independent investigations and accurate reporting from the Xinjiang Uyghur Autonomous Region (Xinjiang) and Tibet Autonomous Region (Tibet). With a few exceptions for state-orchestrated trips, access and travel to and from ethnic minority regions remained highly restricted, particularly for journalists and human rights organizations. The UN High Commissioner for Human Rights continued to request visits with no tangible progress.

### **XINJIANG**

The government continued to implement far-reaching policies that severely restricted the freedoms of Muslims in Xinjiang. These policies violated multiple human rights, including the rights to liberty and security of person; privacy; freedom of movement, opinion and expression, thought, conscience, religion and belief; participation in cultural life; and to equality and non-discrimination. These violations were carried out in a widespread and systematic manner to the extent that they became an inexorable aspect of daily life for millions of Uyghurs, Kazakhs and other predominantly Muslim ethnic minorities in Xinjiang.

Since 2017, under the guise of a campaign against “terrorism”, the government carried out massive and systematic abuses against Muslims living in Xinjiang. Far from a legitimate response to the purported terrorist threat, the campaign evinced a clear intent to target parts of Xinjiang’s population collectively on the basis of religion and ethnicity and to use severe violence, intimidation and arbitrary mass detention to root out Islamic religious beliefs and Turkic Muslim ethno-cultural practices. Hundreds of

thousands of men and women from predominantly Muslim ethnic groups were imprisoned. Hundreds of thousands more, by some estimates more than 1 million, were held in internment camps, which the government called “training” or “education” centres. Here, detainees endured ceaseless forced indoctrination, physical and psychological torture and other ill-treatment. Torture methods used during interrogations and as punishment included beatings, electric shocks, stress positions, the unlawful use of restraints, including being locked in a “tiger chair”, sleep deprivation, being hung from a wall, extremely cold temperatures and solitary confinement.

Despite a government announcement in December 2019 that internment camps had been closed and all residents had “returned to society”, there remained credible evidence that many people interned in Xinjiang were transferred and remained in detention. Large numbers of families continued to report their relatives missing, believed to be detained.<sup>6</sup>

Between October 2019 and May 2021 Amnesty International gathered conclusive evidence that the Chinese government had committed at least the following crimes against humanity: imprisonment or other severe deprivation of physical liberty, torture and persecution.

The government prevented millions of Xinjiang residents from communicating freely. People living abroad were often unable to obtain information about family members in Xinjiang. The mass detention campaign combined with the systematic repression prevented Uyghur parents who were studying or working abroad from returning to care for their children. It remained almost impossible for these children to leave China to reunite with their parents abroad. Some parents reported that their children had been taken to “orphan camps”, where they were barred from speaking in their mother tongues or communicating with their families.

In February, former women detainees spoke out about being subjected to or witnessing sexual violence, including rape, in “re-education centres” in Xinjiang. The Chinese

authorities did not share details of any investigation into the allegations. Instead, a foreign ministry spokesperson accused the women of lying, of having an “inferior character” and a “chaotic private life”, of being “lazy”, of committing adultery and of having sexually transmitted diseases. The government also shared the women’s private medical data at a press conference.

Uyghur tech entrepreneur Ekpar Asat was convicted without any known trial on charges of “inciting ethnic hatred and ethnic discrimination” and sentenced to 15 years in prison. According to information shared with his family, he had been held in solitary confinement since January 2019 in conditions which caused his health to deteriorate.<sup>7</sup>

Weilina Muhatai, an ethnic Kazakh woman living in Xinjiang, and her two sons, Muheyati Haliyoula and Parisati Haliyoula, remained missing since August 2020. They may have been detained for their activism on behalf of their imprisoned husband and father, Haliyoula Tuerxun. Following their disappearance, other relatives were informed that Haliyoula Tuerxun died in detention in December 2020.

Following a stay in hospital, Uyghur woman Mahira Yakub was returned to Yining Detention Centre in Xinjiang in late November 2020, where she remained without access to her family or a lawyer of her choosing. She went missing in April 2019 and was indicted in January 2020 for “giving material support to terrorist activity” after transferring money to her parents in Australia to buy a house.<sup>8</sup>

The Chinese authorities continued to pressure other governments to return Uyghurs living abroad back to China. Idris Hasan was arrested at Casablanca airport on 19 July after flying to Morocco from Turkey. Detained for more than five months, Idris Hasan remained at risk of extradition to China where he could face lengthy arbitrary detention and torture and other ill-treatment.

## **TIBET**

Tibetan monk Rinchen Tsultrim was sentenced to four years and six months’ imprisonment in a secret trial for “inciting

secession” after expressing political views on his social media account. Held incommunicado since 1 August 2019, his family members only learned of his trial, alleged crime and whereabouts through a response from the Chinese authorities to UN human rights experts in August 2021.

## **FREEDOM OF EXPRESSION**

Tight controls and restrictions on online freedom of expression continued. On 8 February, the Chinese authorities blocked Clubhouse, an audio app used by thousands of people across China and elsewhere to discuss topics including Xinjiang and Hong Kong. The Personal Information Protection Law took effect on 1 November, further regulating cyberspace and enforcing localization of data. Microsoft-owned social network site LinkedIn closed its localized Chinese version due to the “significantly more challenging operating environment and greater compliance requirements in China”.

Human rights defenders, activists and citizen journalists risked their lives reporting on the Covid-19 outbreak and were a vital source of uncensored first-hand information. The government subjected them to harassment and reprisals, including detention. Former lawyer Zhang Zhan, who was sentenced to four years’ imprisonment in December 2020 for reporting on the Covid-19 outbreak in the city of Wuhan earlier that year, began a partial hunger strike to protest against her incarceration. Her health deteriorated and her life was at risk. Citizen journalist Chen Qishi was released more than 600 days after being detained in February 2020. The whereabouts of citizen journalist Fang Bin, who went missing in February 2020 after reporting on the Covid-19 outbreak, remained unclear.

## **DEATH PENALTY**

China remained the world’s leading executioner, although figures on executions and death sentences remained a state secret, preventing independent scrutiny.

On 10 August, Robert Schellenberg, a Canadian national convicted of drug

trafficking, had his prison sentence increased to a death sentence during a one-day retrial. The trial coincided with a diplomatic dispute between Canada and China.

As in previous years, Amnesty International's monitoring suggested that the death penalty was mostly used to punish murder and drug-related offences, out of the 46 offences for which it remained applicable. Among these were many non-violent acts that do not meet the threshold of the "most serious crimes" under international law and standards. Two Uyghur ex-government officials were sentenced to death in Xinjiang, where the death penalty was known to have been used secretly after grossly unfair proceedings in previous years.

## **LGBTI PEOPLE'S RIGHTS**

The National Radio and Television Administration, China's main television regulator, ordered broadcasters to ban all so-called "sissy" (effeminate) men from television, a continuation of a nationwide campaign to "clean" the internet of LGBTI representation. The new rules included shutting down content considered "harmful" to young people and encouraging "extreme" fan culture. In July, dozens of LGBTI organizations' social media accounts were shut down by the authorities. In an announcement issued by the National Radio and Television Administration in September, non-traditional gender roles and LGBTI people were described as "abnormal" and "vulgar".

## **HONG KONG SPECIAL ADMINISTRATIVE REGION**

Throughout the year the authorities rapidly expanded the national security legal regime in Hong Kong, further extending the application of the overly broad definition of "endangering national security" to disproportionately restrict human rights. In March, mainland China's legislature passed a decision to reduce directly elected seats in the Legislative Council elections in Hong Kong and allow national security police to vet all candidates before they run for elections.

In October the Legislative Council passed a law allowing the government to censor films deemed to "endanger national security".

### **NATIONAL SECURITY LAW**

The National Security Law (NSL) introduced in 2020 enabled human rights violations that were unprecedented since the establishment of the Hong Kong Special Administrative Region in 1997. There was a rapid deterioration of freedom of expression, peaceful assembly and association, and other human rights in Hong Kong after the enactment of the law.<sup>9</sup> At least 61 civil society organizations disbanded in response to the threat generated by the law, including Hong Kong's largest professional union and organizers of major peaceful protests. The political opposition in Hong Kong was effectively obliterated following the arrest of 55 people, mainly pro-democracy lawmakers and activists, under the NSL on 6 January.

There was clear evidence that the human rights safeguards set out in the NSL were effectively useless. Peaceful political expression was disproportionately restricted and even criminalized under the NSL. The prosecution used incidents preceding enactment of the law as evidence when pressing NSL charges, contradicting the legal principle of non-retroactivity. Article 42 of the NSL stipulates that individuals suspected of violating the NSL are to be denied bail "unless the judge has sufficient grounds for believing that they will not continue to commit acts endangering national security". This effective reversal of the presumption of bail violates core principles of the rights to a fair trial and to liberty and security of person.

Between 1 July 2020 and the end of 2021, police arrested or ordered the arrest of at least 161 people in relation to the NSL. At least 82 people were formally charged, of whom 60 were in pretrial detention at the end of the year.

### **FREEDOM OF ASSEMBLY AND ASSOCIATION**

The authorities used other repressive laws, such as the Public Order Ordinance, to prosecute and imprison activists for taking part in peaceful assemblies and exercising their right to freedom of expression. Police



continued to use Covid-19 as a pretext to arbitrarily ban peaceful assemblies.

During the year, 24 activists were sentenced to between four and 16 months in prison for “unauthorized assembly” for their participation in Hong Kong’s annual vigil to commemorate the Tiananmen Square crackdown of 4 June 1989. Human rights lawyer and activist Chow Hang-tung was charged with “inciting others to knowingly participate in a banned rally” after publishing a social media post asking people to commemorate the date in a private manner. Despite allowing other large-scale open-air events to take place, police banned the June 4th candlelight vigil for the second year running.

The national security police used extensive powers granted by the NSL to investigate activists and civil society organizations. From August onwards, they sent letters to civil society organizations demanding information, including the personal details of their members, staff and partner organizations, as well as their finances and activities. Members of the Hong Kong Alliance in Support of Patriotic Democratic Movements of China (the Alliance) and the Civil Human Rights Front (CHRF) were charged under the NSL after they refused to comply with these requests.

The authorities targeted those civil society groups which had broad support and the capacity to mobilize people. The city’s largest teachers’ union, the Hong Kong Professional Teachers’ Union, and the largest pro-democracy labour rights group, the Hong Kong Confederation of Trade Unions, ceased operation in August and September respectively in the face of “enormous pressure” from the authorities. The police accused the Alliance and the CHRF of “being a foreign agent” and “colluding with foreign forces”. The police used the annual June 4th candlelight vigil as evidence of the Alliance “endangering national security”. On 6 September, the Alliance and four of its recently resigned committee members were charged with inciting subversion. The police also froze the assets of the Alliance. In

October, Hong Kong’s Chief Executive ordered the Alliance to be struck off the Company Registry on the grounds that the group’s goal to end one-party leadership in China threatened national security.

On 25 October, Amnesty International announced the closure of its two offices in Hong Kong because of risks and restrictions posed by the NSL.<sup>10</sup>

### **FREEDOM OF EXPRESSION**

The Hong Kong government further tightened controls over freedom of expression in the media, online and in schools and universities. From January onwards, the authorities ordered internet service providers to sever access to websites that allegedly “endanger national security”. In July, police arrested five speech therapists for conspiracy to distribute seditious materials after they published children’s books depicting the government’s crackdown since 2019. The government later revoked the registration of the speech therapists’ union. In August, four university students were charged with “advocating terrorism” after passing a motion at a student union council meeting to mourn a man who stabbed a police officer before killing himself.

The authorities continued to arrest, charge and imprison individuals solely for their legitimate peaceful expression and association. On 6 January, police arrested 55 members of the political opposition under the NSL in relation to their organization and participation in self-organized “primaries” in 2020 for the subsequently postponed Legislative Council election. Forty-seven of them were later charged with “conspiracy to subversion”. Under the NSL, the High Court and District Court imposed heavy sentences on individuals peacefully exercising their right to freedom of expression. Activist Ma Chun-man was convicted of “inciting subversion” and sentenced to five years and nine months’ imprisonment for chanting slogans, posting on social media and giving interviews. Student activist Tony Chung was sentenced to three years and seven months’ imprisonment for trumped-up charges of sedition and money laundering.

## MEDIA RESTRICTIONS

*Apple Daily*, the only pro-democracy daily newspaper in Hong Kong, was forced to cease operation on 24 June after police arrested the paper's founder Jimmy Lai, five senior executives and two editorial staff under the NSL. Police accused the newspaper of "colluding with foreign forces" by publishing articles relating to sanctions imposed on Chinese and Hong Kong government officials by foreign governments. The authorities subsequently froze HK\$18 million (US\$2.32 million) of assets owned by companies linked to *Apple Daily*. On 29 December, senior executives and board members of Stand News were arrested for "seditious publications", an archaic colonial-era provision last amended in the 1970s. National security police officers raided the online news outlet and authorities confirmed that they froze more than HK\$61 million (approximately US\$7.8 million) in assets. Stand News ceased operation on the same day.

The government heavily restructured public broadcaster Radio Television Hong Kong (RTHK), removing all the videos in its online archive, dismissing hosts who were critical of the government, and cancelling shows that did not follow official lines.

## LGBTI PEOPLE'S RIGHTS

The government failed to grant same-sex couples in Hong Kong equal rights and continued to recognize same-sex partnership rights in a piecemeal manner. In March, a gay widower filed a judicial review against the government after he was not recognized as the next-of-kin of his late husband, preventing him from identifying his spouse's body or making funeral arrangements. He later withdrew the legal challenge as the government clarified that there was no distinction between same-sex couples and heterosexual couples in policies related to such matters. In June the High Court ruled that the subsidized housing policy constitutes discrimination on grounds of sexual orientation, and that same-sex couples should be allowed to own subsidized housing.

Despite setting up an inter-departmental working group on gender recognition in 2014 and carrying out a consultation in 2017, the Hong Kong government made no progress towards drafting a gender-recognition law.

The Taiwan Gay Sports and Movement Association decided to not send any teams to join the Gay Games to be held in Hong Kong in 2023 because of the risks posed by the NSL.

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1. *China: Further Information: Transferred 1,000km from family, medical care needed: Yu Wensheng* (Index: ASA 17/3729/2021), 22 February
  2. *China: Further Information: Prominent Legal Scholar Indicted for Subversion – Xu Zhiyong* (Index: ASA 17/4912/2021), 24 October
  3. *China: Activist detained for reporting torture: Li Qiaochu* (Index: ASA 17/3784/2021), 4 March
  4. *China: Activist on Hunger Strike After Travel Ban – Yang Maodong* (Index: ASA 17/3599/2021), 1 February
  5. *China: Further Information: Lawyer Faces Charges for Reporting Torture – Chang Weiping* (Index: ASA 17/4023/2021), 28 April
  6. *China: "Like We Were Enemies in a War": China's Mass Internment, Torture and Persecution of Muslims in Xinjiang* (Index: ASA 17/4137/2021), 10 June
  7. *China: Further Information: Uyghur Held in Solitary Confinement for Two Years – Ekpar Asat* (Index: ASA 17/4022/2021), 26 April
  8. *China: Further Information: Uyghur Again Detained Incommunicado – Mahira Yakub* (Index: ASA 17/3491/2021), 7 January
  9. *Hong Kong: In the Name of National Security* (Index: ASA 17/4197/2021), 29 June
  10. "Amnesty International to close its Hong Kong offices", 25 October

# COLOMBIA

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## Republic of Colombia

Head of state and government: **Iván Duque Márquez**

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**Crimes under international law and human rights violations in the context of the ongoing armed conflict increased in the departments of Chocó, Cauca, Valle del Cauca, Nariño and Norte de Santander. Eight children were killed by the security forces targeting the armed groups the Revolutionary Armed Forces of Colombia (FARC-EP) and the National Liberation Army (ELN) in Chocó, Guaviare, and Caquetá departments. Killings of former FARC-EP combatants increased. At least**

**100,000 people were forcibly displaced or confined as a result of the ongoing conflict, particularly affecting the rights of Indigenous peoples and Afro-descendants. In the context of the National Strike, there were numerous reports of excessive use of force by the security forces against peaceful protesters, particularly in Cali. Police arbitrarily detained and tortured protesters and there were reports of sexual and gender-based violence against women and LGBTI people. At least 100 people sustained eye trauma due to the unlawful and excessive use of less lethal weapons by members of the Mobile Anti-Riot Squad (ESMAD). Killings and threats against human rights defenders reached alarming levels.**

## **BACKGROUND**

More than 28 million people were fully vaccinated against Covid-19 between February and 31 December, according to the Ministry of Health. As of 31 December, there had been 129,942 Covid-19 deaths during the year.

Thousands of people peacefully protested as part of the National Strike, which began on 28 April. The protests were initially triggered by proposed tax reforms, which the government sought to impose during a social crisis exacerbated by the Covid-19 pandemic. The tax proposal was withdrawn following pressure from the mass mobilizations. However, the social upheaval continued and encompassed broader social demands, calls for justice for human rights violations, and protests about the slow implementation of the 2016 Peace Agreement and the continuing violence in various regions of the country.

The UN Security Council extended the mandate of the UN Verification Mission in Colombia to 2022.

## **RIGHT TO TRUTH, JUSTICE AND REPARATION**

In October, the Constitutional Court extended the Truth and Reconciliation Commission's mandate to 27 June 2022.

Compliance with the 2016 Peace Agreement between the FARC-EP and the Colombian state remained slow, according to the Kroc Institute, which monitors compliance with the Agreement. There were concerns about the significantly slower progress on comprehensive rural reform (point 1), the ending of the armed conflict (point 3) and solving the problem of illicit drugs (point 4).

In the first half of 2021, two meetings of the National Commission for Security Guarantees were held. The mandate of this Commission, established by the Peace Agreement and involving the participation of civil society, is to create a public policy for dismantling armed groups. No further meetings were held despite civil society members' request for progress.

Forty-one cases of homicide or enforced disappearance of former combatants were reported between January and November, according to the civil society organization Indepaz.

Progress on the voluntary substitution of crops for illicit use was hampered by the complex security situation and the resumption of aerial spraying with glyphosate.

In August, 16 special peace districts for victims were created in compliance with the Peace Agreement.

## **FREEDOM OF EXPRESSION AND ASSEMBLY**

According to the Foundation for Press Freedom (FLIP), illegal profiling was carried out against people who reported police violence on social media during the National Strike. Military intelligence capabilities were aimed at profiling at least 57 journalists by collecting data such as geographic location and social media activity.

The Ministry of Defence promoted a campaign, "The truth in a sea of lies", disseminating publications claiming that reports of police violence were "false news" and "digital terrorism".

The FLIP reported 402 attacks on press workers documenting social demonstrations between April and November; 170 people

received threats and 20 were arbitrarily detained in the context of protests.

José Alberto Tejada, a journalist documenting the National Strike in Cali, was the victim of more than 14 security incidents.<sup>1</sup> On 31 August, he was granted provisional measures by the Inter-American Commission on Human Rights (IACHR).

Journalist Claudia Julieta Duque reported that the National Protection Unit of the Ministry of the Interior had collected sensitive data on her movements between February and August without her authorization.

## **EXCESSIVE AND UNNECESSARY USE OF FORCE**

Decree 575, which provided for the deployment of the military in public order operations in eight departments, was issued on 28 May and temporarily suspended by the Council of State in July.

Between 28 April and 30 June, 84 people died in the context of protests; 1,790 people were injured, and 298 human rights defenders were attacked. Of those injured, 103 sustained eye trauma.<sup>2</sup>

In June, Michelle Bachelet, UN High Commissioner for Human Rights, expressed her deep concern over reports of serious human rights violations by state security forces in Colombia. In December her office published a report stating that they had verified 46 deaths (44 civilians and two police officers) in the context of the protests, mainly in the city of Cali, as well as 60 reports of sexual violence. Of these, the OHCHR verified 16 cases of sexual violence allegedly committed by members of the National Police.

Cali was the epicentre of the police repression of social protest.<sup>3</sup> “Operation Siloé”, a joint incursion by members of the National Police, the ESMAD and the Special Operations Group (GOES) in which lethal weapons were used against peaceful protesters, began on 3 May. Kevin Agudelo was shot during a vigil for victims of police violence and died. On 9 and 28 May, the National Police and armed civilians attacked

protesters in Cali, constituting manifestations of urban paramilitarism.

Following multiple complaints about the militarized response and police repression of demonstrations, the IACHR undertook a working visit to Colombia between 8 and 10 June. In its observations and recommendations it called for, among other things, the immediate cessation of the disproportionate use of force by the security forces and the removal of the National Police, including the ESMAD, from the Ministry of Defence in order to ensure that their actions were consistent above all with a civilian rather than a military approach.

Police violence against protesters continued during August, September and October, leading 25 civil society organizations to request that the IACHR activate the Special Monitoring Mechanism for Human Rights in Colombia provided for in its report on its working visit.

As of 27 May, the National Working Group on Enforced Disappearances had reported 775 enforced disappearances in the context of the National Strike; the fate of 327 people remained unknown.

On 5 June, 17-year-old Duván Felipe Barros Gómez disappeared in the context of demonstrations in the capital, Bogotá. After a month-long search by his family, his body was found in the morgue of the forensic facility.

## **ARBITRARY DETENTION AND TORTURE**

According to the NGO Campaign Defending Freedom, 3,275 people were arbitrarily detained in the context of demonstrations between 28 April and 30 June.

On 28 May, Álvaro Herrera, Noé Muñoz, and Sebastián Mejía were beaten and detained by armed civilians and subsequently detained for 24 hours by the National Police in Cali. Álvaro Herrera and Sebastián Mejía reported that they were subjected to torture and other cruel and inhuman treatment during their detention.

## INDIGENOUS PEOPLES' RIGHTS

On 9 May, in the context of the National Strike, the Minga Indígena was attacked by armed civilians, with the acquiescence of the National Police.<sup>4</sup> Ten Indigenous people were seriously injured, including the Indigenous human rights defender, Daniela Soto.

In June, Hermilda Benítez Domico, from the Río Murindó Indigenous Reserve, and Oracio Carupia, an Embera Eyávida Indigenous person, died as a result of landmine explosions in Dabeiba municipality, Antioquia department.

On 28 September, the Ombudsperson's Office issued Early Warning 022 in response to the risk of forced recruitment of Indigenous children and adolescents in the town of La Pedrera, Amazonas department, by FARC-EP dissidents.

## GENDER-BASED VIOLENCE

The Black Communities Process reported that between 28 April and July there were at least 15 cases of gender-based violence against Black women in the context of protests in Cali. In addition, the NGO Temblores reported that 491 women experienced police violence in the context of demonstrations and 35 were victims of sexual violence by state officials.

In July, the Cinco Claves civil society network presented a report to the Special Jurisdiction for Peace (JEP), requesting that a national case be opened into sexual violence, reproductive violence and violence motivated by the sexual orientation and/or gender identity of the victims in the context of the armed conflict. In addition, the National Association of Displaced Afro-Colombians presented a report that documented 109 cases of sexual violence committed in the context of the armed conflict against Afro-Colombian women and girls.

On 18 October, the Inter-American Court of Human Rights issued a historical ruling in the case of journalist Jineth Bedoya against Colombia, declaring the state responsible for her physical, sexual and psychological torture in 2000.

## SEXUAL AND REPRODUCTIVE RIGHTS

In November, the Constitutional Court failed to issue a ruling on a lawsuit filed in 2020 by the civil society network Causa Justa to decriminalize abortion. A ruling was expected in January 2022.

## LGBTI PEOPLE'S RIGHTS

According to the NGO Caribe Afirmativo, five LGBTI people were victims of police violence in the context of protests between 28 April and 10 June.

On 21 May, a young gay man participating in a protest was arbitrarily detained and sexually assaulted at a police station in Soledad, Atlántico department. A guard reportedly incited inmates to sexually abuse him when they learned of his sexual orientation.

## HUMAN RIGHTS DEFENDERS

According to the Centre for Research and Popular Education, eight Indigenous human rights defenders were killed in the departments of Cauca, Nariño, Putumayo and La Guajira during the first half of the year: Carmen Ofelia Cumbalaza, a pre-candidate for the Municipal Council of the Movement of Indigenous Authorities of Colombia; María Bernarda Juajibioy; Gilberto Findicué; Aura Esther García; Fernando Esneider Lozada; Geovanny Cabezas, youth leader and Indigenous guard of the Kwe'sx Kiwe Nasa Reserve; and Oneida Argenis Yatacué and her husband Marcelino Yatacué. Between January and 31 October, the OHCHR received 180 allegations of homicides of human rights defenders, of which it verified 67. The highest number of reported killings of human rights defenders were in the departments of Valle del Cauca (31), Cauca (10) and Antioquia (six).

According to the NGO Programa Somos Defensores, between January and September there were 501 threats, 86 killings and 72 attempted killings targeting human rights defenders, 41.6% of which occurred in the context of the National Strike.

The environmentalist Jani Silva was forced to move from her residence in Puerto Asís,

Putumayo department on 23 July when a plan to assassinate her came to light.<sup>5</sup>

On 14 December, Temblores denounced alleged monitoring and interception orders against its members by the Attorney General's Office. The human rights organization documented police violence and represented victims of human rights violations in the context of protests.

## **FORCED DISPLACEMENT AND CONFINEMENT**

According to the UN Office for Humanitarian Affairs, 60,751 people were forcibly displaced, mainly in Chocó, Cauca, Nariño and Norte de Santander departments, and 50,969 people were forcibly confined, meaning they were forced to stay in territories with limited access to food, drinking water and basic services because of the armed conflict. The overwhelming majority of those affected (95%) were Indigenous people or members of Afro-descendant communities.

In July, 4,099 people were forcibly displaced in the town of Ituango, Antioquia department, due to the territorial dispute between FARC-EP dissidents and the Gaitanista Self-Defence Forces of Colombia, a paramilitary group.

## **VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW**

Crimes under international law and human rights violations and abuses in the context of the internal armed conflict continued to claim victims, particularly in rural areas. According to the NGO Dejusticia, on 2 March, three minors were killed when the armed forces bombed a FARC-EP dissident camp in Guaviare department. On 5 July, 17-year-old Yeison Stiven Yule Pequi, from the Altamira Indigenous Reserve, died following a bombing raid by the National Army on a FARC-EP dissident camp in Caquetá department. On 16 September, four minors were killed in a bombing raid by the army on an ELN camp in Chocó department.

On 9 October, two Venezuelan minors were killed, one of them belonging to the bi-national Wayuu Indigenous people, in Tibú

municipality, Norte de Santander department, by armed actors who exercise territorial control in the area.

As of 31 October, the OHCHR confirmed that there had been 43 massacres (the killing of three or more people at the same time and place and by the same alleged perpetrator) and a further 36 were being verified.

## **IMPUNITY**

On 28 January, the JEP charged eight members of the former FARC-EP Secretariat with crimes against humanity and war crimes.

In July, in two separate decisions, the JEP charged 25 former army officials in connection with 127 extrajudicial executions in the Catatumbo region on the northern Caribbean coast between 2002 and 2003, and 120 similar executions between 2007 and 2008. The killings had been falsely presented as rebels killed in combat (known as "false positives").

Also in July, the Constitutional Court decided to transfer the case of Dilan Cruz, an 18-year-old protester who died at the hands of police in 2019, from the military courts to the civilian justice system.

On 28 October, the ICC prosecutor closed the preliminary examination into Colombia for war crimes and crimes against humanity and signed a cooperation agreement with the government.

## **REFUGEES' AND MIGRANTS' RIGHTS**

On 8 February, the government announced the creation of the Temporary Protection Statute for Venezuelan migrants and refugees to allow their status to be regularized for a period of 10 years.

According to the Regional Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela, as of August, 1,842,390 migrants and refugees from Venezuela remained in Colombia, of whom 1,182,059 had begun their migration regularization process.

On 30 March, the Ombudsperson's Office reported a humanitarian crisis in the department of Arauca due to the arrival of

more than 4,000 people from Venezuela in need of international protection following military operations between the Venezuelan army and armed groups along the border.

In October, between 15,000 and 20,000 migrants and asylum seekers from countries including Haiti, Senegal and Ghana remained stranded in the municipality of Necoclí, Antioquia department, a key transit point for people seeking to cross to Panama. Three people were found dead on 12 October after a boat sank en route from Necoclí to San Blas in Panama.

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1. *Colombia: Protect Journalist at Risk* (Index: AMR 23/4654/2021), 27 August
  2. *Colombia: Amnesty International, PAIS and Temblores, Shoots on Sight: Eye Trauma in the Context of the National Strike* (Index: AMR 23/5005/2021), 26 November
  3. *Colombia: Cali: In the Epicenter of Repression: Human Rights Violations During the 2021 National Strike in Cali* (Index: AMR 23/4405/2021), 30 July
  4. "Colombia: Urgent call for a cease to violence against Indigenous Peoples in the context of the National Strike", 9 May
  5. "Colombia: Amnesty International publishes a 'Letter from the world' demanding protection for defender Jani Silva", 22 April

## CONGO (THE)

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### The Republic of the Congo

Head of state: **Denis Sassou Nguesso**

Head of government: **Anatole Collinet Makosso**  
(replaced **Clément Mouamba** in May)

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**Repression of critical voices continued, with violations of the right to freedom of expression, and arbitrary detention of human rights defenders and civil society activists. Women remained under-represented in decision-making bodies. Insufficient efforts were made to guarantee the accessibility, availability and quality of healthcare and facilities. Environmental damage was caused by mining activities.**

### BACKGROUND

President Sassou Nguesso was re-elected in March with 88.5% of the vote for a fourth successive term, and after 36 years in power over two separate periods. The integrity of the

electoral process was contested by the opposition and civil society organizations.

The economic and social situation continued to deteriorate, due to the decline in oil revenue, public debt amounting to US\$10 billion, and the Covid-19 pandemic. There were ongoing court cases about charges of corruption involving people close to the president.

In November, the state of emergency was extended for the 27th time since March 2020, imposing restrictive measures to fight the Covid-19 pandemic.

### ARBITRARY DETENTION

Civil society activists who were critical of the electoral process or who denounced human rights violations faced judicial harassment.

Alexandre Ibacka Dzabana, coordinator of the Congolese Platform of Human Rights and Democracy NGOs, and Chryst Dongui, vice-president of the association Ras le Bol, were both arrested outside their houses by unidentified men, on 11 March and 25 March respectively. The day before his arrest, Chryst Dongui had attended a press conference to denounce alleged irregularities in the electoral process. Alexandre Ibacka Dzabana had helped to organize a demonstration scheduled for 6 March to call for an inclusive national dialogue between the government, opposition parties and civil society organizations, and the release of political prisoners. The demonstration was banned by the authorities. The men, both human rights activists, were not brought before a prosecutor until 9 April, in contravention of Congolese law, and charged with breach of the state security. They were then sent to Brazzaville central prison where they were held until their release on 13 July, pending trial. During his detention the health of Alexandre Ibacka Dzabana, aged 77, seriously deteriorated but he was denied access to a doctor.

Jean-Marie Michel Mokoko, former candidate for the 2016 presidential election, returned to prison in October after having spent a year in the military hospital of Brazzaville. He was sentenced in 2018 to 20

years in prison for “breach of State security” and “illegal possession of weapons and ammunition of war”. The UN Working Group on Arbitrary Detention considered his detention as arbitrary.

## **FREEDOM OF EXPRESSION AND MOVEMENT**

Raymond Malonga, director of the satirical newspaper *Sel-Piment*, was arrested on 2 February while in hospital, on defamation charges for publishing an article which reported that someone close to President Sassou Nguesso had been accused of corruption. On 3 May, after three months in detention, he was sentenced to six months in prison and a fine of €45,000 for “defaming a member of the presidential family”. He was released in August.

On 11 December, Paulin Makaya, a political opponent who needed to receive medical treatment abroad, was prevented from leaving the country and his passport was confiscated. The authorities did not explain their decision. He was finally allowed to leave the country on 21 December.

## **WOMEN'S RIGHTS**

Women remained under-represented in decision-making bodies, in violation of Article 17 of the 2015 Constitution, which “guarantees parity and ensures the promotion as well as the representativeness of women in all political, elective and administrative functions”.

On the occasion of International Women's Day, 8 March, the Ministry of Health, Population, Promotion of Women, and Integration of Women in Development regretted that women represented only 33% of the members of the Constitutional Court, 20% of elected officials in the senate and 11% in the national assembly. In August, the Consultative Council for Women called on the authorities to adopt the Parity Law, planned since 2016, as recommended by the CEDAW Committee in November 2018. The law is meant to guarantee parity and ensure the promotion and representativeness of women

in all political, elective and administrative functions.

## **RIGHT TO HEALTH**

The authorities made insufficient efforts to guarantee the accessibility, availability, and quality of healthcare and facilities.

The health budget was reduced to €290 million from the 2020 figure of €325 million. Hospitals, including the Brazzaville University and Hospital Centre, faced many difficulties, including shortages of water and electricity and the lack of proper facilities and equipment to administrate the needed care.<sup>1</sup> In August, the government made changes to the management of the Brazzaville University and Hospital Centre, noting major malfunctions. Several health facilities outside the capital city, Brazzaville, also experienced frequent drug shortages.

Health personnel continued to complain of a lack of PPE against Covid-19, as they had since the beginning of the pandemic. As of 31 December, 767,398 doses of vaccines against Covid-19 had been administered, but only 560,880 people had completed the vaccination schedule (in an estimated population of 5.5 million).

On 18 June, health workers from Edith Lucie Bongo Ondimba General Hospital in the town of Oyo went on strike, demanding the payment of at least seven months of salary arrears. This was in addition to the many strikes held by health workers to denounce salary arrears and malfunctions in health facilities in recent years, a situation which has led many health workers to leave the public sector to work in the private sector or to work abroad. According to the National Health Development Plan 2018-2022, more than 150 Congolese doctors were said to be practising outside the country.

## **ENVIRONMENTAL DEGRADATION**

Local populations in the department of Sangha denounced the pollution of rivers and deforestation caused by more than 10 years of gold mining. According to the Rainforest Journalism Fund, the companies responsible failed to respect environmental laws, and the



authorities failed to take action to bring them to account.

1. *Congo: On the Back of the Crisis. Violations of the Right to Health and Repression of Economic and Social Rights Defenders in the Republic of Congo* (Index: AFR 22/3887/2021), 19 April

# CÔTE D'IVOIRE

## Republic of Côte d'Ivoire

Head of state: **Alassane Dramane Ouattara**

Head of government: **Patrick Achi (replaced Hamed Bakayoko in March)**

**The authorities prevented peaceful gatherings from going ahead. Hundreds of protesters who were arrested in the context of the 2020 presidential elections were released, and investigations took place into violence during that period. The right to food was compromised as the price of basic necessities increased by 8.8%. The houses of thousands of people were demolished without alternative housing being provided. The government took measures to boost Covid-19 vaccination numbers. The National Assembly approved a law to remove the requirement for survivors of gender-based violence to pay for a medical certificate to file a complaint.**

## BACKGROUND

Between 21 January and 28 February, the government imposed a state of emergency to combat the Covid-19 pandemic. It was renewed in March until June, then extended in July until 30 September.

Parliamentary elections were held on 6 March, more than four months after the presidential elections in which Alassane Ouattara was re-elected president for a third term. In June, former prime minister Guillaume Soro was sentenced in his absence to life imprisonment for undermining national security.

## FREEDOM OF ASSEMBLY

On 17 June, the day former president Laurent Gbagbo returned to Côte d'Ivoire

after the ICC acquitted him on charges of crimes against humanity (see below, Right to truth, justice and reparation), the police used tear gas to disperse groups of his supporters throughout the day.

The police prevented a peaceful protest from going ahead on 21 July, basing its decision, in part, on health and safety issues related to the Covid-19 pandemic. The protest was organized by Initiative Citoyenne contre la Cherté de la Vie, a movement which had denounced the high cost of living.

## ARBITRARY ARRESTS AND DETENTIONS

In January, five women opposition members, who were arbitrarily arrested during a peaceful demonstration in August 2020 against president Ouattara's candidacy, were released unconditionally after more than four months in detention.

In April, Pulchérie Edith Gbalet, president of the social justice organization Alternative Citoyenne Ivoirienne and her three colleagues, Gédéon Junior Gbaou, Aimé César Kouakou N'Goran and Cyrille Djehi Bi, were released from MACA central prison in Abidjan. The case against Pulchérie Edith Gbalet was pending at the end of the year. She was arbitrarily arrested on 15 August 2020 by masked men after she had called for peaceful demonstrations, and was charged with "compromising public order, participation in an insurrectionary movement, undermining the state's authority, wilful destruction of public property and provoking a gathering". About 100 others, also arrested during 2020 protests, were freed in April under interim release orders or under judicial supervision. The detainees had been held in appalling conditions with limited access to lawyers.<sup>1</sup>

On 17 June, tens of Laurent Gbagbo supporters were arbitrarily arrested for compromising public order when they gathered to welcome the former president back to the country. They were all subsequently released.

In August, on the eve of Independence Day, President Ouattara announced the conditional or provisional release of 69 more

people and pardoned nine others who had opposed his candidacy.

## **RIGHT TO TRUTH, JUSTICE AND REPARATION**

In January, the authorities began field investigations into the electoral violence committed between August and November 2020. In December, the public prosecutor presented the final report of the Special Investigations Unit which said that 273 people were suspected of committing crimes; 233 of them had already been apprehended, most of whom were provisionally released or subjected to judicial supervision, while 11 remained in pretrial detention.

In March, the ICC acquitted Laurent Gbagbo and the former minister of youth Charles Blé Goudé of all charges of crimes against humanity. They had been tried in connection with alleged crimes committed during the 2010-2011 post-election violence. In July, the ICC lifted an arrest warrant against the former first lady, Simone Gbagbo, issued in connection with charges of crimes against humanity allegedly carried out during the same period.

On 15 April, an Abidjan court found former militia leader Amadé Ouérémi guilty of crimes against humanity for acts committed during the 2011 post-electoral violence.

## **RIGHT TO HEALTH**

The government began its Covid-19 vaccination programme in March. It responded to the low vaccination take-up with an awareness-raising campaign, and in July set up 12 mobile clinics in Abidjan to boost access to vaccines. On 8 September, the government announced that it would permit the use of a mixture of Covid-19 vaccinations in order to increase vaccination rates after it ran out of AstraZeneca supplies. In the same month, it also announced a campaign to boost vaccinations in the Grand Abidjan region for those most at risk, including people over 60, people with underlying health problems, health workers, defence and security forces, and teachers. In December, the government renewed a

vaccination campaign in Abidjan for 10 days in light of the Omicron variant.

## **RIGHT TO FOOD**

In July, Ivorians used social media to denounce the high cost of living and a surge in the price of basic necessities, including food, which caused hardship for large sections of the population. The National Institute for Statistics reported that the price of food and non-alcoholic drinks increased by 8.8% between August 2020 and August 2021. The prime minister met various people involved in the consumer goods supply chain to find a solution to rising prices, and announced that the activities of the National Committee Against the High Cost of Living would be strengthened in order to control market prices.

## **RIGHT TO HOUSING**

In October, the homes of thousands of people were demolished in Banco Nord Extension 2 on orders from the municipal authorities in Yopougon, a suburb of Abidjan, without their being provided with alternative housing. The demolitions occurred days after the community began legal procedures to stop their eviction. The government had relocated them to the area over 30 years earlier.

## **SEXUAL AND GENDER-BASED VIOLENCE**

In October, the General and Institutional Affairs Committee of the National Assembly unanimously adopted a law specifying that survivors of sexual and gender-based violence do not need to provide a medical certificate as proof of abuse when making a complaint. Under the law, if the police or prosecutor require such proof, the victim will not bear the prohibitive cost of certificates which had previously prevented survivors from seeking justice.

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1. "Côte d'Ivoire: Hundreds arrested languishing in detention following presidential election unrest", 26 March

# CROATIA

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## Republic of Croatia

Head of state: **Zoran Milanović**

Head of government: **Andrej Plenković**

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**Asylum seekers were denied access to asylum; the police pushed back and abused people entering irregularly. The legal framework on gender-based violence was further improved, but cases continued to rise. Access to abortion remained severely constrained. Same-sex couples were granted the right to adopt children. Defamation lawsuits threatened the work of journalists and the media.**

## REFUGEES' AND MIGRANTS' RIGHTS

Croatia continued to deny access to asylum to thousands of potential asylum seekers. Aid organizations documented around 10,000 cases of pushbacks and collective expulsions, and numerous instances of violence and abuse. In February, the Danish Refugee Council reported that two women were sexually abused, forced to strip naked, held at gunpoint and threatened with rape by Croatian police officers. The Ministry of the Interior denied the reports.

The Council of Europe Human Rights Commissioner said that the consistent allegations pointed to an established practice of collective expulsions and ill-treatment of migrants and a lack of prompt investigations. In July, the UN Special Rapporteur on the human rights of migrants also acknowledged reports of widespread pushbacks from Croatian territory along with reports of theft, destruction of property, physical abuse and assault.

In April, the Constitutional Court found that Croatia violated an Afghan family's right to asylum by forcibly returning them to Serbia in 2018 without adequately assessing the risks of such a return. In November, the European Court of Human Rights ruled that Croatia violated the European Convention on Human Rights when the same family was pushed back to Serbia in 2017. On that occasion

Madina Hussiny, a six-year-old Afghan girl, was killed by a train. In December, the High Misdemeanour Court in Zagreb confirmed a lower court decision finding an Are You Syrious volunteer – who had helped the Afghan family to seek asylum – guilty of “assisting migrants in illegal crossing of the border” and ordered him to pay a fine of 60,000 HRK (around €8,000) plus court fees.

Courts in Italy and Austria also found that the chain expulsions of asylum seekers from those countries to Slovenia and further on to Croatia based on bilateral agreements were in breach of international law and subjected the victims to degrading treatment at the hands of the Croatian police.

In June, the authorities established a monitoring mechanism to investigate reports of human rights violations on Croatia's borders. However, human rights organizations warned that the body lacked independence and a robust mandate to effectively address the violations.<sup>1</sup>

In October, a group of European media outlets published an investigative report showing footage of Croatian special police beating unarmed asylum seekers before pushing them back into Bosnia and Herzegovina.<sup>2</sup> The report prompted an internal investigation that resulted in the suspension of the police officers involved. The authorities considered it an isolated incident, but NGOs maintained that violent pushbacks from the country's borders are widespread and systemic.

In December, the Council of Europe's Committee for the Prevention of Torture said that it found numerous credible reports of serious ill-treatment of migrants and asylum seekers by Croatian police during their earlier visit to the border.<sup>3</sup>

Recognition rates of asylum seekers remained low, with only 42 people granted international protection by the end of the year.

## VIOLENCE AGAINST WOMEN AND GIRLS

There were notable improvements in strengthening the fight against gender-based

violence. The criminal code was amended to allow *ex officio* prosecution of gender-based violence where the victim is unable or unwilling to press charges, to criminalize “revenge porn” and to broaden the definition of “intimate partner” to include both former and current partners, in line with the standards in the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention).

The authorities, however, reported a continued increase in gender-based violence, including rape and domestic violence. The Ombudsperson for Gender Equality urged the authorities to further strengthen prevention and education programmes.

## SEXUAL AND REPRODUCTIVE RIGHTS

Access to sexual and reproductive services was restricted by the widespread refusal of individual doctors and some clinics to perform abortions on grounds of conscience, the prohibitively high costs of services and poor regional coverage of authorized providers. This had a disproportionate effect on those with limited resources.

## LGBTI PEOPLE’S RIGHTS

In April, a court in the capital, Zagreb, backed the right of same-sex couples to adopt children.

For the first time in over a decade, the annual Pride event in Zagreb in July was marked by a series of physical and verbal homophobic attacks and the burning of a rainbow LGBTI flag. A journalist covering Pride was among those attacked. Several people were detained.

## FREEDOM OF EXPRESSION

Journalists continued to be the target of threats and intimidation, both online and offline, and faced gagging orders and frequent lawsuits.

In September, a court in Zagreb issued a temporary injunction against the news website H-alter, barring all reporting on a local childcare clinic and its director; the website had published a series of articles

alleging that the clinic favoured fathers in custody disputes even when the fathers have been found unfit. The authorities distanced themselves from the court decision.

The Croatian Journalists’ Association reported that there were over 900 active criminal defamation lawsuits against journalists and media. The majority of the lawsuits were filed by politicians, public officials and even the public broadcaster itself. The Association warned that these lawsuits have an intimidating effect and pose a particular threat to smaller media outlets and independent journalists. The European Federation of Journalists urged the authorities to decriminalize defamation and ensure it is treated as a civil matter, and to put in place a framework to prevent defamation lawsuits that are simply intended to silence criticism.

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1. *Croatia/EU: Strengthen Border Monitoring System – Effective Mechanism Needed: Independent, Broad Mandate, Adequate Resources* (Index: EUR 64/4546/2021), 3 August
  2. “EU: New evidence of systematic unlawful pushbacks and violence at borders”, 6 October
  3. “Croatia: Damning new report slams systemic police abuses at country’s borders”, 3 December

# CUBA

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## Republic of Cuba

Head of state and government: **Miguel Díaz-Canel**

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**In the wake of historic protests in July, Cuban authorities imprisoned many hundreds of protesters, almost 700 of whom remained in prison at the end of the year. The authorities ramped up their machinery of control over freedom of expression and assembly with physical surveillance of human rights activists, artists and journalists, and by subjecting them to house arrest, arbitrary detention, violations of due process and, in some cases, ill-treatment, while also disrupting the internet. The economic situation continued to deteriorate and the US**

**authorities again failed to lift the economic embargo.**

## **REPRESSION OF DISSENT**

Thousands of people took to the streets on 11 July to peacefully protest over the economy, shortages of medicines, the government's response to Covid-19 and harsh restrictions on the rights to freedom of expression and peaceful assembly, in one of the largest demonstrations seen in decades.<sup>1</sup>

In response to the protests, the Cuban authorities detained many hundreds of protesters, of whom almost 700 remained in prison at the end of the year, according to NGO Cubalex. Authorities also subjected activists and journalists to house arrest and arbitrary detention, violated due process rights and, in some instances, ill-treated detainees, all while disrupting the internet.<sup>2</sup>

The majority of those detained were charged with crimes historically used to silence dissent and often inconsistent with international human rights law and standards. These included “public disorder”, “resistance”, “contempt”, “incitement to commit a crime” and “damages”.

Following the protests, many of those released from prison were formally put under house arrest pending their trial. Cuban authorities also subjected activists and journalists to physical surveillance by positioning security officials permanently outside their homes and threatening them with arrest if they left, amounting to arbitrary detention.

Relatives of those detained, and detainees who were later released, widely reported a range of violations of due process rights and incommunicado detention. While the Prosecutor General's Office denied that detainees lacked access to legal assistance or had been held incommunicado, testimonies indicated otherwise.

The mass detentions also resulted in widespread reports of ill-treatment, including against women, and authorities subjected women journalists and activists to house arrest, surveillance and harassment. The authorities denied human rights violations

were committed in the wake of the crackdown and, using their monopoly over the media, broadcast selected footage of incidents of violence during the protests to wrongly characterize them as violent overall. The President of the Supreme Court insisted that the justice system and judges operated with independence and indicated that the media was publishing false information distributed by “enemies of institutional order and the Cuban Revolution”. Meanwhile, during the period of protests, the authorities disrupted the internet and regularly blocked instant messaging apps such as WhatsApp, Telegram and Signal.

In November, the government refused requests by civil society to hold a Civic March for Change, once again demonstrating its intolerance of protest.<sup>3</sup>

## **HUMAN RIGHTS DEFENDERS**

During the year, the government imprisoned numerous artists, journalists and political activists.

In April, authorities detained prisoners of conscience Esteban Rodríguez, an independent journalist for ADN Cuba, and Thais Mailén Franco Benítez, a human rights activist, in Old Havana, along with some 12 other people, for peacefully protesting in support of Cuban artist Luis Manuel Otero Alcántara, who at the time was on hunger strike in protest at constant police surveillance outside his home.<sup>4</sup> Thais Mailén Franco Benítez was later released to complete her sentence under house arrest, but Esteban Rodríguez remained imprisoned at the end of the year.

In May, authorities also detained prisoner of conscience Maykel Castillo Pérez, one of the authors of “Patria y Vida”, a song critical of the Cuban government which was adopted as a protest anthem and for which he and other artists won “song of the year” at the Latin Grammys in November.<sup>5</sup> He was charged with “assault”, “resistance”, “evasion of prisoners and detainees” and “public disorder”. In June, authorities imprisoned graphic artist Hamlet Lavastida, a former prisoner of conscience, allegedly for

proposing an artistic performance in a private messaging conversation that in the end never took place. He was later released on condition that he left Cuba.

On 11 July, the day of nationwide protests, authorities detained prisoner of conscience Luis Manuel Otero Alcántara, a member of the San Isidro Movement which mobilized initially in opposition to a law that would censor artists, just after he announced on social media that he intended to join the protests. Later in the year, he contracted Covid-19 in prison and went on hunger strike in protest at his continued imprisonment. He remained in prison at the end of the year.

Similarly, state security officials detained José Daniel Ferrer García, activist and leader of the unofficial political opposition group Patriotic Union of Cuba, as he tried to attend the demonstrations in Santiago de Cuba with his son. Authorities later concealed his whereabouts, potentially amounting to an enforced disappearance. Despite the authorities' ongoing repressive policy, throughout the year artists and activists continued to collaborate and innovate in solidarity. Artist Erik Ravelo launched "The Eternal Flame", a digital conceptual memorial in support of artistic freedom of expression in Cuba.<sup>6</sup>

## ECONOMIC, SOCIAL AND CULTURAL RIGHTS

The economic situation continued to deteriorate, with media reports of significant shortages of food, essential medicines and other basic items. In May, the Inter-American Commission on Human Rights expressed concern over "acute and persistent food shortages in Cuba", especially in the context of the Covid-19 pandemic. Throughout the year there were electricity outages.

At various moments in the year there were reports of hospitals being overwhelmed with Covid-19 cases. However, by the middle of the year the authorities had scaled up their vaccination programme.

The authorities continued to place the blame for shortages exclusively on the economic embargo. Although the embargo

violates economic, social and cultural rights in Cuba, it does not negate Cuba's obligations to guarantee these rights to the maximum of its available resources.

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1. "Cuba: Massive protests are a desperate cry to a government that doesn't listen", 12 July
  2. "Cuba: Amnesty International names prisoners of conscience amidst crackdown on protesters", 19 August
  3. "Cuba: Rejection of request to protest is yet another example of intolerance of freedom of expression", 22 October
  4. "Cuba: Amnesty International names Luis Manuel Otero Alcántara of the San Isidro Movement a prisoner of conscience", 21 May
  5. "Cuba: Amnesty International launches a holidays solidarity action in support of prisoners of conscience", 17 December
  6. "Cuba: Amnesty International and artist Erik Ravelo launch 'The Eternal Flame', a digital conceptual memorial in support of San Isidro Movement and freedom of expression", 29 April

## CYPRUS

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### Republic of Cyprus

Head of state and government: **Nicos Anastasiades**

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**Allegations of pushbacks of refugees and migrants continued. A leading anti-racism association was threatened with dissolution. Police used excessive force against anti-corruption protesters.**

### BACKGROUND

No progress was made during talks between Greek and Turkish Cypriot leaders in April in Geneva for the resumption of formal negotiations in relation to the settlement of the Cyprus problem (the continuing dispute over the administration of the island).

### REFUGEES' AND MIGRANTS' RIGHTS

There were continued reports of pushbacks at sea of refugees and migrants to Lebanon, which since 2019 has regularly returned Syrians to Syria, where their safety was at risk. In August, reports emerged that the authorities intercepted two boats carrying 89 people and pushed the passengers back to Syria, except for two people with health needs who were separated from their families and transferred to Cyprus.

Human rights bodies and others expressed concerns about the living conditions in reception facilities, including the restrictions imposed in response to the Covid-19 pandemic.

In November, the president requested emergency support from the EU for the management of migration, including the temporary suspension of new asylum applications.

## FREEDOM OF ASSOCIATION

The leading anti-racism organization KISA continued to face dissolution proceedings as a result of a 2020 legislative change, which led to the organization's removal from the registry of associations in December 2020 due to a minor delay in their complying with the new requirements. KISA appealed before the country's Supreme Court. Meanwhile, the organization was operating with serious limitations.

## VIOLENCE AGAINST WOMEN AND GIRLS

In September, the Cyprus Supreme Court heard an appeal by a young British woman against a district court ruling which found her guilty of making false claims when she reported she was gang-raped in July 2019. Serious concerns existed about the reported shortcomings of the police investigation into the case and the fairness of her first instance trial.

## EXCESSIVE USE OF FORCE

In February, police reportedly used unlawful force against peaceful protesters during an anti-corruption demonstration in Nicosia. An investigation was started by the Independent Authority for the Investigation of Complaints against the Police. Although the investigation was reportedly completed, the outcome was not known by the end of the year.

## FREEDOM OF ASSEMBLY

The Cypriot authorities kept in place an unlawful and disproportionate blanket ban on all demonstrations, introduced as part of Covid-19 related restrictions in March 2020.

## ENFORCED DISAPPEARANCES

During the year, the remains of 1,023 missing people (732 Greek Cypriots and 291 Turkish Cypriots) were identified by the Committee of Missing Persons in Cyprus in its mission to establish the fate of individuals who were forcibly disappeared during the inter-communal fighting of 1963-1964 and the events of 1974.

# CZECH REPUBLIC

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## Czech Republic

Head of state: **Miloš Zeman**

Head of government: **Petr Fiala (replaced Andrej Babiš in December)**

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**There were concerns over the independence of public broadcasting media. Parliament voted for a bill to compensate thousands of Romawomen who were unlawfully sterilized in the past. Authorities denied that police officers were responsible for the death of a Roma man during a police intervention against him.**

## BACKGROUND

Throughout the year, the government adopted socio-economic measures to support individuals affected by the Covid-19 pandemic. They included 14 days' compensation of wages for those undertaking compulsory quarantine.

## FREEDOM OF ASSEMBLY

Authorities restricted the right to freedom of peaceful assembly in response to Covid-19. In December 2020, Parliament announced a state of emergency which lasted until 11 April. During this period, gatherings were restricted to a maximum of 500 people. The decision led to protests in January under the slogan "Let's open the Czech Republic".

## FREEDOM OF EXPRESSION

There were concerns over the independence of public broadcasting media. In March, the European Broadcasting Union stated that it had observed increasing politicization of the

governing body of Czech Television. In May, Reporters Without Borders expressed concerns about the risk of increased political pressure on the public broadcaster following the election of new members of the Czech Television Council.

## **DISCRIMINATION**

### **ROMA**

Roma children continued to experience discriminatory segregation in schools.

A Roma man, Stanislav Tomáš, died during a police intervention against him in the town of Teplice on 19 June. According to video footage from the arrest, published by the news server Romea.cz, three police officers used force against him. The video showed Stanislav Tomáš lying on the ground while one of the officers knelt on his neck during the entire intervention.<sup>1</sup> On 26 July, the Police Inspectorate informed Amnesty International that the police intervened because of Stanislav Tomáš's "aggressive behaviour that escalated and turned against the intervening police officer." The minister of interior stated in July that the autopsy identified drug overdose as a possible cause of death, and that the police did not restrict breathing or blood flow. In December, the deputy Public Defender of Rights published her investigation into the case, which found that police officers made significant errors during the intervention. In particular, she noted that the police failed to ensure that their coercive methods did not cause disproportionate harm.

In July, the Senate voted for a bill to compensate thousands of Roma women who were unlawfully sterilized by the authorities between 1966 and 2012.<sup>2</sup> Survivors of unlawful sterilizations will each be eligible for compensation of 300,000 CZK (€11,800), which must be applied for through the Ministry of Health within three years of 1 January 2022, when the law enters into force.

In August, the Constitutional Court set aside an amendment to the law on welfare benefits on the grounds that it would be discriminatory and exclude certain categories

of residents. The amendment allowed municipalities to declare zones of "socially pathological behaviour", residents of which were barred from claiming some housing benefits. NGOs had criticized the amendment in the past as disproportionately targeting Roma and poor people.

### **LGBTI PEOPLE**

In January, the Constitutional Court rejected a regional court's proposal to amend a law that prevents recognition of adoptions from abroad by same-sex couples who live in the Czech Republic. The law permits adoptions by married couples only.

In April, the lower chamber of the parliament approved the first reading of a bill allowing same-sex marriage. The parliament did not further discuss the bill before the October elections.

## **GENDER-BASED VIOLENCE**

Five years after signing the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), the Czech Republic had yet to ratify it. In March, the government plenipotentiary for human rights stated that, following the October parliamentary elections, the new government will decide whether to propose ratification to the parliament.

## **REFUGEES' AND MIGRANTS' RIGHTS**

In August, the government accepted 170 Afghans as part of the Czech Republic's evacuation operations from Afghanistan. Also in August, the Minister of Interior stated that the government's priority was to ensure that the tension in Afghanistan "would not lead to another migration wave" and to prevent a "crisis on the external EU borders".

In September, during the parliamentary election campaign, then prime minister Andrej Babiš used billboards with anti-immigration messages stating "I will defend you from illegal migrants. To my dying breath."

The government continued to refuse to participate in any relocation efforts within the



EU and the resettlement programme remained “frozen”.

1. *Czech Republic: Concerns Over Possible Unlawful Killing by the Police* (Index: EUR 71/4329/2021), 23 June
2. “Czech Republic: Hard won justice for women survivors of unlawful sterilization”, 22 July

# DEMOCRATIC REPUBLIC OF THE CONGO

## Democratic Republic of the Congo

Head of state: **Félix-Antoine Tshisekedi Tshilombo**

Head of government: **Jean-Michel Sama Lukonde Kyenge** (replaced **Sylvestre Ilunga Ilunkamba** in February)

**Continuing armed conflict and violence claimed thousands of lives, large-scale displacement and widespread sexual violence. At least 10 cases of crimes under international law were prosecuted by military courts, but impunity remained widespread. Economic, social, and humanitarian crises persisted, exacerbated by Covid-19 and other outbreaks. The use of arbitrary arrests and unlawful detentions was prevalent across the Democratic Republic of the Congo (DRC). Prison conditions remained inhumane. Rallies and protests organized by opposition parties or civil society deemed to be critical of the government were often banned or violently suppressed. Human rights defenders and journalists continued to be targeted with attacks and threats; at least three journalists were killed. Mining projects led to serious pollution with a considerable human rights impact. Children’s education was interrupted by teachers’ strikes over poor pay and working conditions.**

## BACKGROUND

President Tshisekedi appointed Jean-Michel Sama Lukonde Kyenge as prime minister in

February, having ended the two-year coalition with his predecessor Joseph Kabila. In April, a new government was formed with a parliamentary majority.

Tensions emerged over the elections planned for 2023, particularly in relation to the organization, functioning and leadership of the Independent National Electoral Commission.

In North Kivu and Ituri, a state of siege was declared in May allowing the army and police to take over political leadership, public administration, and the criminal justice system in the two provinces.

Rampant violence continued in the Kasai region. South Kivu, Tanganyika and Maniema provinces also experienced continued and significant levels of violence.

## UNLAWFUL ATTACKS AND KILLINGS

Indiscriminate attacks against civilian populations, looting and destruction of homes, crops, and other objects indispensable for the survival of the civilian population, as well as attacks on infrastructure, continued particularly in the east and south; some of these acts constituted war crimes.

In North Kivu and Ituri provinces, attacks and other violations and abuses against civilians by armed groups and government forces increased by 10% between May and November according to the UN. According to the Kivu Security Tracker, at least 1,137 civilians were unlawfully killed in the two provinces between 6 May (when the state of siege was declared) and 15 November. For instance, at least 55 civilians were killed during indiscriminate attacks by combatants of the Cooperative for Development of the Congo (CODECO), an alliance of militia groups, in the villages of Boga and Tchabi, in Ituri province, on 30 May. In the same province, the Congolese army killed seven civilians in Nongo village on 2 May and eight civilians in the villages of Banikasowa, Ndenge I and Ndenge II on 15 May. There were multiple abductions and 300,000 people fled their villages. Armed groups including combatants of the Allied

Democratic Forces (ADF), an armed group operating in the DRC and Uganda, also carried out attacks targeting schools, health facilities, public markets, churches, UN peacekeepers and humanitarian actors. For example, alleged ADF combatants attacked the Kisunga village health centre and the surrounding area, in the territory of Beni in North Kivu, overnight on 11 and 12 November, resulting in the killing of at least 48 civilians including health workers and patients, according to local human rights organizations.

In South Kivu province, the long-standing conflict involving local and foreign armed groups in the highlands of Uvira and Fizi claimed at least 70 civilian lives and forced thousands to flee their villages, according to the UN. The Congolese army committed human rights violations against civilians, including unlawful killings, rape, looting and destruction of homes, on a par with the armed groups it was deployed to fight.

## **SEXUAL AND GENDER-BASED VIOLENCE**

Conflict-related sexual violence remained widespread, especially in the provinces of North and South Kivu, Ituri, Tanganyika and Kasai-Central, despite some encouraging efforts by the authorities to hold perpetrators to account. According to the UN, between January and September, at least 1,100 women were raped in North Kivu and Ituri alone.

Several initiatives which aimed to establish a reparations fund for victims of conflict-related sexual violence were undertaken with the involvement of President Tshisekedi and the First Lady, although they had not come to fruition by the end of the year.

## **LACK OF HUMANITARIAN ASSISTANCE**

Five million people remained internally displaced at the end of the year, 1.5 million of whom were forced to leave their homes to flee from violence in 2021 alone, according to the UN. Most of them lived in dire conditions without access to humanitarian assistance.

In March and April, inter-communal conflict between Luba and Kuba ethnic groups in Bakwakenge, in the Kasai-Central province, caused the destruction of 190 houses and the displacement of 21,000 people, according to UNHCR, the UN refugee agency. In the territory of Beni, repeated attacks, allegedly by members of the ADF and local Mayi-Mayi groups, forced 10 humanitarian organizations to halt their aid work, leaving 116,000 internally displaced people (IDPs) without vital assistance, according to the UN. The UN also reported that alleged CODECO combatants carried out several attacks on IDP sites, killing dozens of people and burning down settlements, resulting in the further displacement of 50,000 IDPs in Ituri province.

According to the UN, over 19.6 million people were in dire need of humanitarian assistance, half of whom were children. More than 26 million people faced high levels of acute food insecurity. Despite this, according to UN humanitarian coordinator David McLachlan-Karr in October, financial support to alleviate the DRC crisis continued to decline, and only 25% of the US\$1.98 billion needed was raised in 2021.

## **IMPUNITY**

Most perpetrators of crimes under international law, including rape and other gender-based violence, enjoyed impunity. There was some progress, however, with at least 10 cases of serious crimes prosecuted. At least 80 army and police officers were prosecuted in North Kivu, South Kivu, Ituri, Tanganyika and Kasai provinces for serious crimes including sexual violence. In the Kasai region, investigations into serious human rights violations committed in Mulombodi, Nganza and Tshisuku in 2017 and 2018 were completed, with the assistance of a team of investigators deployed by the OHCHR. The trials were yet to start.

The trial of the alleged perpetrators of the murders of two UN experts in February 2017 was ongoing. Defendants and victims' lawyers continued to complain about its slow progress, and intimidation of some witnesses.

The cause of death of one of the defendants in October was unclear. He was the third defendant to die since the trial began.

Former Congolese warlord Roger Lumbala, who was arrested in France in December 2020 over war crimes and crimes against humanity committed in the DRC, remained in custody.

There were no meaningful developments regarding the situation in the DRC before the ICC.

In April, following calls from human rights organizations including Amnesty International, the government started to develop a comprehensive strategy to deal with serious crimes committed over the last three decades, in collaboration with the UN and representatives of Congolese civil society organizations.<sup>1</sup>

## **ARBITRARY ARRESTS AND DETENTIONS**

The frequent use of arbitrary arrests and unlawful detentions persisted throughout DRC. The situation was particularly serious in the North Kivu and Ituri provinces, where the state of siege gave excessive powers to the army and police, as well as to the military justice system. The security forces arrested and detained hundreds of civilians without due process, many for non-criminal acts such as debt or land disputes.

In February, three activists from the citizens' movement "Jicho la Raiya" (Eye of the People) were arrested in North Kivu for organizing a peaceful sit-in to protest against alleged illegal taxes on roads and alleged mismanagement of a local healthcare administration. They remained in arbitrary detention in Goma city at the end of the year. Two activists from civil society movement *Lutte pour le Changement* (LUCHA) were arrested in Goma in July and September, respectively, for saying that local authorities and staff of the Denise Nyakeru Tshisekedi Foundation, established by the First Lady, diverted humanitarian aid intended for survivors displaced by a volcanic eruption near Goma in May. Following a defamation complaint to the military justice prosecutor by the Foundation, they were held in arbitrary

detention for several months. They were released on bail in November, but the fabricated charges against them were not dropped. Thirteen other LUCHA activists were arrested and illegally detained in Beni in November for staging a peaceful demonstration against the state of siege. Dozens of other activists were also held in arbitrary detention nationwide for exercising their human rights.

In Ituri province, hundreds of people were unlawfully detained for several months in the territories of Aru, Djugu, Mahagi, Mambasa, Irumu, and in the town of Bunia, due to a shortage of magistrates to handle their cases.

In September, Hubert Berocan, a provincial member of parliament (MP), was sentenced to 12 months in prison after an unfair trial at a military court in Bunia, solely for challenging the local executive about the unfair distribution of computers to schools. In June, another local MP had been unlawfully detained for 48 hours by a military prosecutor after he criticized the president for failing to restore peace and fulfil his commitments.

## **INHUMANE DETENTION CONDITIONS**

According to local human rights groups, at least 220 people died in detention due to overcrowding, poor conditions and healthcare, and lack of food, among other factors which could amount to torture or other ill-treatment by the state. Some prisons and detention centres held up to 500% over their intended capacity, as a result of dysfunction in the criminal justice system, especially in North Kivu and Ituri where the capacity of military courts, which took over the criminal jurisdiction over civilians under the state of siege, became even more limited in terms of geographical access and staffing.

## **FREEDOM OF ASSEMBLY**

Bans on, or other suppression of, peaceful demonstrations were common once again. The authorities frequently banned rallies and protests organized by opposition leaders and activists, trade unions and civil society groups, while security forces violently suppressed those that went ahead. In April,

demonstrations against civilian killings in North Kivu, including a peaceful sit-in by schoolchildren and a women's march in Beni, were violently dispersed by the army and police. Similar tactics were also used in other areas, in particular against peaceful demonstrations by University of Kinshasa students in July and August; a peaceful assembly convened by opposition platform Lamuka in September; and, from October, student/teacher protests in support of the teachers' strike (see below, Right to education). In almost all cases, those responsible for illegally banning or suppressing the demonstrations were not held to account.

## **HUMAN RIGHTS DEFENDERS**

Human rights defenders and whistle-blowers continued to be the target of attacks and threats by public institutions which were supposed to protect them. Dozens of pro-democracy and anti-corruption activists, environmental activists, trade union leaders and Indigenous peoples' rights defenders were arbitrarily detained, harassed and even sentenced by courts following unfair trials. The draft law on the Protection of Human Rights Defenders, first proposed in 2017, made no progress during 2021.

In March, two whistle-blowers were sentenced to death in their absence after they revealed financial transactions made for the benefit of individuals and entities under international sanctions. After they fled the country, their colleagues and family members were harassed by the authorities.

## **FREEDOM OF EXPRESSION**

At least three journalists were killed during the state of siege period in North Kivu and Ituri, apparently in connection with their reporting, according to journalists' rights organization *Journaliste En Danger*. At least 11 journalists were arbitrarily detained, sometimes violently, while they tried to carry out their work. Several journalists were threatened or intimidated by state agents, political leaders, and members of armed groups. At least three media outlets were

arbitrarily banned, including two in Equateur province and one in Mai-Ndombe province. Once again, most human rights violations against media outlets and journalists were not prosecuted.

## **ENVIRONMENTAL DEGRADATION**

In August, there was extensive pollution to the Tshikapa and Kasai rivers and their tributaries in southern DRC, which, according to the Congolese government, was caused by a spillage upstream from a diamond mining and processing company based in northern Angola. The DRC government said the disaster led to at least 40 deaths, hundreds of cases of severe diarrhoea, and wiped out aquatic life. The authorities' response was slow and ineffective. A joint DRC/Angolan investigation into the causes and environmental consequences was announced by the DRC authorities, but no further communication had been made about its progress or possible reparations or guarantees of measures to avoid similar catastrophes in the future.

Other cases of serious environmental pollution were reported at and around gold mines in Ituri, Haut-Uele, South Kivu and Maniema provinces, and copper and cobalt mines in Haut-Katanga and Lualaba provinces. Illegal logging in the Congo Basin forests continued, while the development of oil and other energy projects potentially harmful to the environment continued in or around the Virunga, Maiko, Upemba and Kundelungu national parks.

## **RIGHT TO HEALTH**

The Covid-19 death toll peaked between July and August, with the emergence of the Delta variant causing an exponential increase in deaths in several cities. In March, the first batch of 1.7 million AstraZeneca doses was received through the COVAX initiative. However, delays in the vaccination roll-out due to vaccine hesitancy and poor planning resulted in 1.3 million doses being returned and redistributed to other African countries according to the Global Alliance for Vaccines and Immunizations. The DRC received an

additional 2 million doses between May and October and, by the end of the year, had fully vaccinated 131,000 people, representing 0.1% of the population according to the WHO.<sup>2</sup>

The DRC's 13th Ebola outbreak was declared in North Kivu in October. Other epidemics, including malaria, cholera, measles and bubonic fever claimed thousands of lives nationwide, especially among the young, despite efforts by the government and the international community to contain the outbreaks. Health actors on the response frontline continued to work without adequate or regular salaries, prompting demonstrations that were often violently dispersed by the police. Nurses and doctors countrywide went on strike for several months to demand better working conditions, pay and recognition of their professional status. International funding provision for the health sector was adversely affected because of inefficiency due to poor involvement, transparency and accountability from, as well as coordination by, national and international stakeholders.

## RIGHT TO EDUCATION

Implementation of President Tshisekedi's flagship free primary education programme was severely undermined at the start of the school year in October when teachers went on strike. They demanded better salaries and working conditions, including sufficient fit-for-purpose and well equipped school buildings to address overcrowding in classrooms and in some cases an absence of classrooms. Teachers and thousands of students took to the streets to protest at the programme's shortcomings, which included poor planning by education authorities, late salary payments, and inequality of resources which favoured urban over rural schools. Public schools were closed for several weeks and reopened in late November following an agreement between the government and the main teachers' trade unions.

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1. "DRC: Prioritize justice for serious crimes", 29 April

2. *East Africa: "Address the access issue and the pandemic will be managed tomorrow": Global vaccine inequity's impact in east Africa* (Index: AFR 04/5084/2021), 14 December

# DENMARK

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Kingdom of Denmark

Head of state: **Margrethe II**

Head of government: **Mette Frederiksen**

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**People with "non-western" backgrounds continued to face discrimination in social housing. Refugees' right to family life continued to be violated and laws on returns and externalizing the processing of asylum and residency applications were passed. Initiatives on sexuality education and corporate accountability continued to be delayed. Freedom of expression and privacy were compromised by a pending legislative proposal on data retention.**

## DISCRIMINATION

In May, a petition signed by 55,913 people to repeal the discriminatory law "L38" on social housing was discussed in parliament, but the law remained in force.

During its UPR, Denmark accepted recommendations in May to review its social housing policies, but only committed to a cosmetic removal of the term "ghetto" from government documents. Policies aiming to limit the number of residents with a "non-western background" continued, alongside new discriminatory initiatives that no neighbourhood would house more than 30% of residents with "non-western backgrounds" by 2030.

## REFUGEES' AND MIGRANTS' RIGHTS

In July, the European Court of Human Rights ruled against Denmark's mandatory three-year waiting period for family reunification, which would affect around 4,000 Syrian refugees, stating that this violated the right to family life.

In June, parliament passed a law enabling Denmark to externalize the processing of people seeking asylum and refugee residence permits to non-European

countries. No agreement with a host country exists, but from 2020 to 2021 the Danish government approached authorities in Egypt, Morocco, Rwanda and Tunisia. In December, Denmark entered negotiations with Kosovo on outsourcing prison cells for 300 people convicted of crimes and awaiting expulsion from Denmark as part of their sentence.

In May, Parliament approved a new Return Bill with new rules, such as offering money to asylum seekers to refrain from appealing to the Refugee Appeals Board if their claims are rejected.

In August, the government officially paused deportations to Afghanistan. At the end of the year, 19 Afghan citizens remained in return centres, without access to work or education and with limited access to healthcare.

In February, the Danish Immigration Service and Danish Refugee Appeals Board stated that Damascus in Syria and its surrounding rural area were “safe” for returns. As of 19 December, at least 151 Syrians had their residence permits revoked or not extended, or had their asylum application rejected.

## **WOMEN'S AND GIRLS' RIGHTS**

In March, the CEDAW Committee recommended that Denmark include education about relationships, sexual autonomy and consent in compulsory sexuality education programmes in primary and secondary schools, and introduce a compulsory module on sexuality education for training teachers. This was not implemented in 2021.

## **RIGHT TO PRIVACY**

In October, a legal proposal on data retention was sent for discussion in parliament. The proposal was strongly criticized for its potential impact on the rights to freedom of expression and privacy.

## **CORPORATE ACCOUNTABILITY**

In October, the government stated that Denmark would adopt a legal framework requiring businesses to exercise human rights due diligence in their operations, including the possibility for victims to seek

judicial remedies. By the end of the year, however, no such proposal had been presented to parliament.

# **DOMINICAN REPUBLIC**

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## **Dominican Republic**

Head of state and government: **Luis Rodolfo Abinader Corona**

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**Gender-based violence remained common. Lawmakers failed to pass a revised Criminal Code that would decriminalize abortion and provide protections against violence, torture and discrimination on the grounds of sexual orientation or gender identity. The authorities extended access to Covid-19 vaccines to Dominicans of Haitian descent and migrants, who were previously excluded.**

## **GENDER-BASED VIOLENCE**

Between January and September, 111 women were killed, 61 of whom were victims of femicides, according to preliminary statistics published by the General Prosecutor's Office. Between January and October, the same office reported having received over 63,000 reports of gender-based and intra-family violence and more than 6,300 reports of sexual offences. The authorities continued to fail to develop a national protocol for the investigation of torture, in line with the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol). This was despite evidence presented to the authorities in 2019 that the police routinely raped, beat and humiliated cisgender and transgender women engaged in sex work in acts that may amount to torture or other ill-treatment.

## **SEXUAL AND REPRODUCTIVE RIGHTS**

The Dominican Republic remained one of the few countries in the region that continued to

criminalize girls or women who sought to terminate a pregnancy. This total ban on abortion continued to cause the deaths of women and girls.

In March, hundreds of human rights activists camped outside the National Palace demanding that Congress vote in favour of decriminalizing abortion on three grounds – when the pregnancy poses a risk to the life of the pregnant woman or girl, when the fetus cannot survive outside the uterus, and when the pregnancy is the result of rape or incest.<sup>1</sup> However, in June, the Chamber of Deputies voted against decriminalization on the three grounds, risking the life and health of thousands of girls and women.<sup>2</sup>

In December, Congress again failed to pass a revised Criminal Code that decriminalizes abortion and provides protections against torture, violence and discrimination on the grounds of sexual orientation and gender identity.

Legislators also failed to pass comprehensive anti-discrimination legislation which had been demanded by civil society organizations for almost a decade.

## ARBITRARY DEPRIVATION OF NATIONALITY

Thousands of people born to foreign parents who were registered as Dominicans at birth but later unrecognized as nationals, remained unable to obtain Dominican identity documents, which continued to leave them stateless.

In February, President Luis Abinader announced Covid-19 vaccination plans that would have left many Dominicans of Haitian descent and migrants without access to vaccines.<sup>3</sup> However, following advocacy from civil society actors, Dominican authorities extended the vaccination programme to all residents.

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1. "Dominican Republic: Chamber of Deputies puts life and health of millions of women and girls at risk", 30 June
  2. *Dominican Republic: Threat to Sexual and Reproductive Rights* (Index: AMR 27/4778/2021), 24 September
  3. *Vaccines in the Americas: Ten Human Rights Musts to Ensure Health for All* (Index: AMR 01/3797/2021), 25 March

# ECUADOR

## Republic of Ecuador

Head of state and government: **Guillermo Alberto Santiago Lasso Mendoza (replaced Lenín Boltaire Moreno Garcés in May)**

**Indigenous peoples affected by the 7 April 2020 oil spill in the Amazon were denied truth, justice and reparations. Detainees faced risks to their rights to life, integrity and security. The Constitutional Court decriminalized abortion on grounds of rape.**

## BACKGROUND

Protests erupted after the first round of the presidential election in February amid claims of fraud. In the second round of the election in April, Guillermo Lasso emerged as the winner, defeating Andrés Arauz.

There were protests during the year by Indigenous peoples, farmers, transport workers and students, among others, against government policies related to extractive projects and austerity measures.

By 31 December, more than 70% of Ecuador's population had been fully vaccinated against Covid-19. As of 31 December, the Ministry of Health reported 551,620 confirmed cases of Covid-19 and 33,682 related deaths since 29 February 2020.

## INDIGENOUS PEOPLES' RIGHTS

In March, the Orellana Provincial Court rejected an appeal submitted by communities affected by the 2020 oil spill in the Coca and Napo rivers. In May, the Constitutional Court agreed to review rulings in the case and in June it agreed to review a request to protect their human rights.

Indigenous peoples continued to be at higher risk from the pandemic due to long-standing inequalities and discrimination resulting in lack of access to drinking water, food, medical supplies, health services and Covid-19 tests.

## HUMAN RIGHTS DEFENDERS

By the end of the year, authorities had yet to design and implement a national policy for the protection of human rights defenders at risk.

Human rights defenders, including Carlos Jipa, María Espinosa, Vivian Idrovo and Xavier Solis, continued to face criminal proceedings for allegedly endangering the physical integrity of a judge and his family. The proceedings followed a criminal complaint by the judge who, on 1 September 2020, had rejected a petition for precautionary measures submitted by the human rights defenders on behalf of Indigenous peoples affected by the 2020 oil spill. The defenders had complained that the judge had not ensured due process guarantees.

## FREEDOM OF EXPRESSION AND ASSEMBLY

While investigations continued into the human rights violations committed during October 2019 protests, no law enforcement officials had been charged or prosecuted by the end of the year.

## DETAINEES' RIGHTS

At least 316 people deprived of their liberty were killed in prisons in clashes between rival gangs, including 79 people on 26 February, 119 people on 28 September, and 62 people between 12 and 13 November. Among them was environmental activist Víctor Guaiñas, sentenced to five years in prison for “sabotage” in connection with the October 2019 protests. The deaths occurred in a context of overcrowding, neglect and a failure to ensure the prison population’s human rights.<sup>1</sup>

## SEXUAL AND REPRODUCTIVE RIGHTS

In April, following campaigns and legal proceedings initiated by Ecuadorian human rights and feminist groups, the Constitutional Court decriminalized abortion where the pregnancy is the result of rape.<sup>2</sup>

1. “Ecuador: Authorities must be held accountable for 79 deaths in prisons”, 24 February
2. *Ecuador: Amicus Curiae sobre despenalización del aborto por violación* (Index: AMR 28/4043/2021), 27 April (Spanish only)

# EGYPT

## Arab Republic of Egypt

Head of state: **Abdel Fattah al-Sisi**

Head of government: **Moustafa Madbouly**

**The rights to freedom of expression and association were severely repressed.**

**Authorities targeted human rights defenders, opposition politicians and other activists through unlawful summons, coercive questioning, extrajudicial probation measures, criminal investigations, unfair prosecutions and inclusion on a “list of terrorists”. Thousands of people, including human rights defenders, journalists, students, opposition politicians, business owners and peaceful protesters, remained arbitrarily detained. Dozens were convicted after grossly unfair trials or were tried by emergency courts on charges stemming from the peaceful exercise of their human rights. Enforced disappearances and torture continued unabated. Conditions of detention remained cruel and inhuman, and prisoners were denied adequate healthcare, which led or contributed to at least 56 deaths in custody. Death sentences were handed down after grossly unfair trials and executions were carried out, including for drug offences. Authorities failed to adequately investigate or punish sexual and gender-based violence, and introduced legislation further undermining women’s rights and autonomy. LGBTI individuals were arrested, prosecuted and sentenced to long prison terms on the basis of their sexual orientation or gender identity. Authorities clamped down on labour strikes, independent unions and workers expressing grievances or criticism. The Covid-19 vaccine roll-out was marred by delays in vaccinating those most at risk, among other things. Residents of informal settlements**



**were forcibly evicted and detained for protesting. Authorities discriminated against Christians in law and practice, and prosecuted members of religious minorities and those espousing religious opinions not sanctioned by the state. Refugees and migrants were arbitrarily detained indefinitely for crossing borders irregularly, and forcibly expelled without due process or access to asylum procedures.**

## **BACKGROUND**

In October, the president lifted the nationwide state of emergency in place since April 2017. Within days, parliament approved legislative changes expanding the jurisdiction of military courts over civilians, eroding fair trial guarantees and criminalizing reporting on the military.

Sporadic attacks by armed groups in North Sinai continued. The military, which announced fatalities in its ranks and the killing of 122 militants in clashes, released a video in August depicting the unlawful killing of two unarmed men by the military. In October, the president granted the defence minister exceptional powers to impose curfews, close schools and evacuate North Sinai residents.

A national budget adopted in June failed to meet the constitutionally mandated allocation of 3% and 6% of GDP to health and education, respectively, and reduced spending on health insurance and medicine.

In March, 32 states condemned human rights violations in Egypt at the UN Human Rights Council.

In September, authorities launched a five-year national human rights strategy praising the legal framework and overlooking concerns over past and ongoing human rights violations.

## **FREEDOM OF EXPRESSION**

Authorities continued to severely repress the right to freedom of expression and clamp down on critical voices offline and online.

Security forces arbitrarily arrested at least six journalists for their work or critical views. On 19 July, they arrested journalist

Abdelnasser Salama after he called for the president's resignation. He and 24 other journalists remained in prison following convictions or pending investigations into accusations of "misusing social media", "spreading false news" and "terrorism".

In May Hossam Shaaban, a doctor involved in relief work, was arrested after he criticized the authorities' ban on solidarity protests during the Israeli offensive on Gaza. He remained detained pending investigations into "terrorism" accusations.

Authorities continued to block at least 600 news, human rights and other websites, according to rights groups.

## **FREEDOM OF ASSOCIATION**

Officers at the National Security Agency (NSA), a special police force, intimidated human rights defenders and political activists by unlawfully summoning and subjecting them to coercive questioning and extrajudicial police probation measures.<sup>1</sup>

Authorities arbitrarily detained and unfairly prosecuted tens of human rights defenders and opposition politicians on unfounded charges of "terrorism" and "spreading false news". In July, Hossam Bahgat, director of a prominent NGO, was convicted and fined for peacefully expressing his views on Egypt's 2020 elections. Investigative judges interrogated at least five NGO directors in July and revived investigations into tax evasion by NGOs as part of the politically motivated decade-long criminal investigation into the activities and funding of human rights organizations known as Case 173. Authorities dropped investigations against 12 NGOs but continued to subject their directors and staff to travel bans and asset freezes. At least 15 others remained under investigation and subject to similar restrictions.

Authorities arbitrarily added 408 people, including activists and opposition politicians, to the "list of terrorists", effectively banning them from engaging in civic or political work and travelling abroad for five years. In November, the Supreme Administrative Court upheld a decision to disbar six lawyers on the "list of terrorists".

## **ARBITRARY DETENTION AND UNFAIR TRIALS**

Authorities released 13 human rights defenders, journalists and politicians who had been held in pretrial detention for years, but thousands remained detained arbitrarily solely for exercising their human rights or after grossly unfair trials or without legal basis. Security forces arbitrarily arrested hundreds of actual or perceived government critics.

In February, authorities arbitrarily detained leading businessman Seif Thabet, two months after his father, Safwan Thabet, was arrested, because of their refusal to hand over assets of their successful company Juhayna. Both remained detained in prolonged solitary confinement without trial or formal charge.

Prosecutors and judges renewed the pretrial detention of thousands of individuals held pending investigations into unfounded terrorism-related charges without allowing them to challenge its lawfulness. In October, the Ministry of Justice issued a decree allowing for the renewal of pretrial detention remotely without guaranteeing respect of due process.

The Supreme State Security Prosecution (SSSP), a special branch of the Public Prosecution responsible for investigating security threats, continued to bypass release orders by judges or prosecutors for individuals in prolonged pretrial detention, including those detained beyond the two-year legal limit, by issuing new detention orders over similar charges based on secret NSA investigations – a practice known as “rotation”. Similar tactics were employed to keep convicted prisoners in detention after they had served their sentences. On 15 June, the SSSP ordered the detention of human rights lawyer Mohamed Ramadan pending investigations into a new case, days after a court ordered his release from his three-year pretrial detention.

The SSSP referred at least 28 arbitrarily detained human rights defenders, opposition politicians and activists to trial by emergency courts.<sup>2</sup> Proceedings in these courts are

inherently unfair and defendants are denied the right to have their convictions and sentences reviewed by higher courts. Security forces prevented lawyers from meeting their clients in private.

In August, the SSSP referred to emergency courts human rights NGO founder Ezzat Ghoneim and lawyer Hoda Abdelmoneim on charges of “spreading false news” or “terrorism” solely for their peaceful human rights or political work.

Between June and December, emergency courts convicted student Ahmed Samir Santawy; opposition politicians Ziad el-Elaimy, Hossam Moanis and Hisham Fouad; activist Alaa Abdel Fattah, lawyer and NGO founder Mohamed Baker and blogger Mohamed Ibrahim, known as “Oxygen”, of “spreading false news” and sentenced them to between three and five years’ imprisonment for criticizing Egypt’s human rights record, economic policy and living standards.

## **ENFORCED DISAPPEARANCES**

Authorities subjected hundreds of detainees to enforced disappearance in NSA premises, police stations and other unknown locations. The NSA removed prisoners of conscience and others held for political reasons from their habitual places of detention following court release orders and concealed their fate and whereabouts for up to three months.

No investigations were ordered into the 23-month enforced disappearance of Manar Adel Abu el-Naga with her toddler son preceding her February questioning on terrorism-related charges by the SSSP. Her husband, Omar Abdelhamid, remained forcibly disappeared since March 2019.

## **TORTURE AND OTHER ILL-TREATMENT**

Security forces tortured and otherwise ill-treated detainees, including through beatings, electric shocks, suspension in contorted positions and indefinite solitary confinement in dire conditions. At least 56 detainees died in custody following medical complications and four others died following reports of torture. Authorities failed to

investigate the causes and circumstances of these deaths.

In March, prosecutors failed to investigate claims that a police officer beat Mohamed Abdelaziz to death in his workplace in Shebin el-Qanater in Qalyubia governorate.

Conditions in prisons and other detention facilities remained cruel and inhuman,<sup>3</sup> with prisoners reporting overcrowding, poor ventilation, and lack of hygiene and access to sanitation facilities and adequate food, drinking water, fresh air and exercise.

Authorities continued to restrict or ban family visits and correspondence and deny prisoners access to adequate healthcare, in some cases deliberately with the apparent purpose of punishing dissent.

## **DEATH PENALTY**

Courts, including terrorism circuits of criminal courts and emergency courts, handed down death sentences after grossly unfair trials.

On 29 July, an emergency court, whose convictions and sentences are not subject to appeal, sentenced 16 men to death following a grossly unfair trial in a case relating to deadly attacks.<sup>4</sup>

Executions were carried out, often in secret and without final family visits. On 26 April, the authorities executed 82-year-old Abd alRahim Jibril and eight others convicted of killing police officers in August 2013. Their mass trial was marred by torture-tainted “confessions”. In other cases, several men were executed for offences not meeting the threshold of most serious crimes, including drug trafficking.

## **SEXUAL AND GENDER-BASED DISCRIMINATION AND VIOLENCE**

Women continued to face discrimination in law and practice.

In February, the cabinet referred a new draft personal status law to parliament, which retained discriminatory provisions against women in relation to marriage, divorce, child custody and education, and granted powers to male guardians to judicially annul women’s marriage without their consent. In April,

parliament toughened penalties for female genital mutilation.

In October, 98 women became State Council judges, but women remained under-represented or excluded from most judicial and prosecutorial bodies.

Authorities continued to prosecute women social media influencers for how they acted, dressed and earned money on social media apps. In June, Hanin Hossam and Mawada el-Adham were sentenced to 10 and six years in prison respectively, for inciting “indecent” content and “human trafficking”. At least seven women social media influencers remained imprisoned on morality-related or other bogus charges.

Authorities failed to prevent and investigate widespread violence against women and girls. In May, authorities released all suspects due to “lack of evidence” in a case concerning a gang rape at a Cairo hotel in 2014. At least two witnesses reported being pressured by security agents to change their testimonies.

Authorities continued to arrest and prosecute individuals on the basis of their real or perceived sexual orientation or gender identity. In August, a court convicted four men of engaging in same-sex sexual relations and sentenced them to prison terms ranging from six to nine years.

## **WORKERS’ RIGHTS**

Authorities repressed workers’ right to strike and form independent trade unions, and penalized workers for expressing their opinions or demands. They failed to protect dozens of workers unfairly dismissed, punished and harassed by private companies for their involvement in peaceful strikes.<sup>5</sup>

In September, a court in Alexandria sanctioned the dismissal without compensation of a public sector company worker for “publicly expressing his political opinions”. The same month, authorities arbitrarily detained three Universal Company workers for two days for exercising their right to strike.

In August, the president ratified a new law, allowing for the unfair, automatic dismissal of

public sector employees included on the “list of terrorists”. This followed official statements calling for the dismissal of railway workers affiliated to the outlawed Muslim Brotherhood group, blamed for frequent fatal train crashes.

## **RIGHT TO HEALTH**

The health system continued to struggle with Covid-19 outbreaks, and the government failed to address concerns raised by health workers over their unsafe working conditions, including inadequate healthcare facilities, training and protection equipment. In November, the president ratified a law criminalizing the publication of information on pandemics, using vaguely worded grounds.

A national Covid-19 vaccine programme was announced in January, but less than 22% of the population had been fully vaccinated by the end of the year. The roll-out was marred by lack of transparency, delays in vaccinating health workers and other at-risk groups, and failure to prioritize marginalized people and carry out awareness raising in remote rural and poor urban areas to tackle vaccine hesitancy.<sup>6</sup>

Some prisoners held for political reasons were excluded from the prison vaccine roll-out. Authorities refused requests by detained 69-year-old ailing opposition politician Abdelmonim Aboufotoh to be vaccinated. At least eight detainees died in custody after displaying Covid-19 symptoms.

## **FORCED EVICTIONS**

Authorities carried out forced evictions in informal settlements and arbitrarily detained dozens of people for protesting against home demolitions.

On 4 June, security forces used tear gas to disperse a protest in Ezbet Nady al-Seid, a neighbourhood in Alexandria, against plans to relocate its residents without consultation or adequate compensation. At least 40 protesters were arrested and detained at a riot police camp. They were released nine days later, but 13 were tried on charges of “participating in unauthorized protests”,

“thuggery” and “sabotaging a public facility” by an emergency court, which acquitted them in December.

## **FREEDOM OF RELIGION AND BELIEF**

Christians continued to face discrimination in law and practice. Their right to worship remained restricted by a discriminatory 2016 law on building and repairing churches requiring approval from security agencies and other state bodies, through lengthy, complicated and opaque procedures. According to the Egyptian Initiative for Personal Rights, since the enactment of the law, fewer than 20% of applicants were granted full registration and at least 25 churches remained closed on the grounds of their illegal status or on the pretext of avoiding sectarian tensions.

Authorities failed to protect Christians in North Sinai from violence by armed groups. In April, the organization Sinai Province, an affiliate of the armed group Islamic State, released a video showing the execution-style shooting of Nabil Habashy, a Christian, in reprisal for his involvement in establishing a local church. Authorities failed to secure the safe return of his family and hundreds of other Christians forcibly displaced from North Sinai following violent attacks in 2017 or to provide them with any compensation for lost property and livelihoods.

Members of religious minorities and Muslims not espousing state-sanctioned religious beliefs were prosecuted and imprisoned on “defamation of religion” and other bogus charges. In November, an emergency court sentenced lawyer Ahmed Maher to five years in prison for “defamation of religion” for his book on Islamic jurisprudence.

## **REFUGEES’ AND MIGRANTS’ RIGHTS**

Authorities continued to arbitrarily arrest dozens of refugees and migrants and detain them indefinitely in cruel and inhuman conditions for irregularly entering or attempting to leave Egypt. Some had been held for years without access to asylum procedures or due process.

From October to the end of the year, authorities forcibly returned 40 Eritrean nationals, detained since October 2019, to Eritrea without allowing them to challenge the decision to remove them or access asylum procedures.

1. *Egypt: "This Will Only End When You Die": National Security Agency Harassment of Activists in Egypt* (Index: MDE 12/4665/2021), 16 September
2. "Egypt: Stop trials by emergency courts", 31 October
3. *Egypt: "What Do I Care if You Die?": Negligence and Denial of Health Care in Egyptian Prisons* (Index: MDE 12/3538/2021), 25 January
4. "Egypt: Retry 36 men facing execution following unfair trials by emergency courts", 8 November
5. "Egypt: Authorities fail to protect striking workers from reprisals", 25 November
6. "Egypt: Haphazard and flawed Covid-19 vaccine roll-out fails to prioritize most at-risk", 29 June

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## EL SALVADOR

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### Republic of El Salvador

Head of state and government: **Nayib Armando Bukele Ortiz**

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**The erosion of human rights in El Salvador intensified. An upsurge of attacks and obstacles targeting the independent media was reported and human rights organizations were publicly stigmatized by high-ranking government officials, including the president. The rights of the victims of crimes under international law committed during the internal armed conflict (1980-1992) remained unfulfilled. A total ban on abortion remained in place.**

### BACKGROUND

The ruling party and its allies secured a majority of seats in the Legislative Assembly in elections held in February.

An OAS Electoral Observation Mission reported the use of state institutions to publicly promote the government's administration even during the period of electoral silence provided for in law. The Mission also received complaints about the use of public resources to influence voters.

In September, Bitcoin, one of the world's most popular cryptocurrencies, was adopted as legal tender without any public consultation. The same month, the Constitutional Chamber of El Salvador's Supreme Court issued a ruling allowing the country's presidents to stand for immediate re-election, giving the green light to the current president, Nayib Bukele, to stand for a possible second term.

There were mass demonstrations against a variety of state policies from September onwards. In response, in September, President Bukele sought to publicly discredit the demonstrations and threatened that tear gas could be used against demonstrators in future.

### FREEDOM OF EXPRESSION

Journalists and media outlets reported further attacks on media freedom, including an upsurge in public unfounded accusations against them; obstacles in carrying out their work, including in accessing public information; and the refusal of high-ranking officials to answer questions.<sup>1</sup>

In February, the Inter-American Commission on Human Rights (IACHR) granted precautionary measures in favour of 34 staff members of the digital newspaper *El Faro*. The IACHR stated that the information received suggested that the harassment, threats and intimidation they reported experiencing were intended not only to intimidate them but also to prevent them from going about their work as journalists.

In June, the minister of justice and public security stated that some media publications were apologists for crime and said that the authorities were "following up on many journalists". According to media reports, in October the vice-president stated publicly that some journalists should be prosecuted for slander.

During September, the Roundtable for the Protection of Journalists reported that employees of the Legislative Assembly, high-level public officials and even President Bukele had intensified their attacks, threats and smears against journalists. In addition,

they reported that the main legal adviser to the President's Office had threatened the media outlet GatoEncerrado to try to force it to reveal its sources for an investigation related to the adviser. Meanwhile, in November, it was reported that NSO Group's Pegasus spyware technology was used in El Salvador for the surveillance of journalists and civil society members.

## **RIGHT TO A FAIR TRIAL**

In May, the new Legislative Assembly removed the magistrates of the Constitutional Chamber of the Supreme Court of Justice and the Attorney General of the Republic, an act considered by various sectors to be an attack on the rights to access justice and to judicial independence.<sup>2</sup>

At the end of August, the Legislative Assembly approved a set of reforms that reduced the length of time judges can serve from 35 to 30 years and set the maximum age for magistrates at 60. The IACHR rejected the reforms and called on the authorities to respect judicial independence.

## **RIGHT TO TRUTH, JUSTICE AND REPARATION**

Impunity for the El Mozote massacre, committed in 1981 during the armed conflict, persisted. In March, victims of the massacre reported to the Inter-American Court of Human Rights that the authorities had refused to provide information on the case, especially that contained in military archives, and that the Office of the Attorney General had not made significant progress in the investigation of any of the dozens of cases filed by victims.

In September, local organizations stated that major changes affecting the judiciary resulting from the legal reforms would also have an impact on the reopened cases of victims of the armed conflict.

## **HUMAN RIGHTS DEFENDERS**

High-ranking government officials publicly stigmatized and disparaged human rights defenders and their organizations, and

accused them of being part of the political opposition.

Spaces for regular and effective dialogue between government bodies and human rights organizations to contribute to the design of public policies were closed or virtually non-existent.

In May, a Legislative Assembly commission shelved the draft Law on the Comprehensive Recognition and Protection of Human Rights Defenders and the Guarantee of the Right to Defend Human Rights, presented to the Assembly several years earlier. Human rights organizations warned that this could perpetuate the context of hostility faced by human rights defenders.

In September, the IACHR granted precautionary measures in favour of Bertha Deleón, a human rights defender, observing that a situation of animosity and hostility had been generated that could translate into a situation of risk to her life and safety.

In November, the Ministry of the Interior and Territorial Development presented a draft Law on Foreign Agents before the Legislative Assembly. If passed, the law would affect the funding, operations and freedom of association of those working to defend human rights in the country.<sup>3</sup>

## **SEXUAL AND REPRODUCTIVE RIGHTS**

The total ban on abortion remained in place and by December at least 11 women remained in jail on charges related to obstetric emergencies.

In May, a proposal to reform the Criminal Code to decriminalize abortion on four grounds, presented several years earlier, was shelved by a Legislative Assembly commission. Additionally, the president publicly stated that he would not propose any constitutional reform that includes the decriminalization of abortion.

During October, the Legislative Assembly shelved a new proposal presented by women's rights groups for the decriminalization of abortion in certain circumstances.

1. "El Salvador: Nayib Bukele's recipe for limiting the exercise of human rights", 19 July
2. "El Salvador: Human rights in danger", 2 May
3. *El Salvador: Law initiative endangers NGOs, HRDs and media* (Index: AMR 29/5041/2021), 24 November

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# EQUATORIAL GUINEA

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## Republic of Equatorial Guinea

Head of state and government: **Teodoro Obiang Nguema Mbasogo**

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**Freedom of expression was severely restricted and harassment of human rights defenders and social media activists continued. The right to a fair trial was violated. The death penalty remained despite renewed commitment for its abolition. The right to health was restricted, mainly due to shortage of medicines.**

## BACKGROUND

After more than 40 years under President Obiang Nguema Mbasogo and several years of economic recession, Equatorial Guinea's foreign relations were marred by corruption cases. On 22 July, the country closed its embassy in London after the UK applied sanctions against Teodoro Nguema Obiang Mangue, vice-president and son of the president, over corruption allegations. On 28 July, the French Court of Cassation upheld his conviction on charges of embezzlement of public funds.

Throughout 2021, restrictive measures to address Covid-19 were reviewed and applied differently in the regions according to infection rates.

## FREEDOM OF EXPRESSION

In its 2021 report, Reporters Without Borders ranked Equatorial Guinea at 164 among 180 countries in its press freedom index, citing strict censorship of media and journalists.

On 29 July, social activist Noelia Asama was arrested without warrant by six plain-clothed

members of the security forces at her home in the capital, Malabo, and held in a cell with dozens of men at the Judicial Police station. A regular user of social media to denounce the situation of women in the country, in the months before her arrest Noelia Asama also made Facebook posts highlighting insalubrious conditions at the central food market and corruption in the main trade port. When released the following day, she was questioned by officials about posting videos to social networks as well as about her social media calls for President Obiang to step down.

Noelia Asama called for a demonstration to take place on 16 October against the extension of the curfew to fight against Covid-19. The demonstration was not authorized by the authorities and she received an official letter requiring her to present herself at the government regional delegation on 19 October. From there she was taken to a police station and detained for five hours before being released and told to wait for further notifications and not leave the country.

## HUMAN RIGHTS DEFENDERS

Harassment and intimidation of human rights defenders and activists continued.

On 26 May, at a meeting in Malabo with opposition members, President Obiang accused Tutu Alicante, Executive Director of EG Justice and member of the Equatoguinean Commission of Jurists, of receiving funds from US oil companies to destabilize the country.

## ARBITRARY DETENTIONS

On 14 September a Health Ministry representative ordered six health workers at the Campo Yaunde Health Centre in Malabo to attend a police station to answer questions regarding a complaint about Covid-19 vaccines being sold at the health centre to vaccinate foreigners. They were detained for a week without access to a lawyer before a judge released them for lack of formal charges and no convincing proof of the accusation. The daughter of one of the health

workers was also detained for several days for posting information on their situation on social media.

## RIGHT TO A FAIR TRIAL

Explosions at the Nkoantoma military base in Bata on 7 March left at least 100 people dead and more than 600 others injured. Lieutenant Colonel Valentin Nzang Nga Bindang, the head of the military base, and Corporal José Antonio Obama Nsue were found guilty of homicide and negligence and sentenced respectively to 32 and 50 years' imprisonment by the military court of Bata. The sentences were made public on 2 July. Some national and international NGOs expressed concerns about the military procedure, which hindered the rights of the defendants and did not allow the victims and their families to participate in the proceedings.

## DEATH PENALTY

In response to the stated aim of the president of Cabo Verde and interim president of the Community of Portuguese Language Countries (CPLP) that Equatorial Guinea should make “quicker” progress towards abolition of the death penalty, the ambassador for Equatorial Guinea in Portugal, Tito Mba Ada, said on 13 July that his country would enact the new Criminal Code, which would abolish the death penalty “very soon”. No such steps had been taken by the end of the year.

## RIGHT TO HEALTH

In August, according to Ministry of Health data, around 144,000 Equatorial Guineans were fully vaccinated against Covid-19, out of a total population of about 1.4 million. Vaccination was obligatory from July for soldiers, health workers and teachers.

According to the French newspaper *Le Monde*, the country faced a shortage of medicines, including essential ones, due to alleged lack of investment by the Ministry of Health in the purchase of drugs. This led to increased prices, thus preventing access to

treatments for people living in extreme poverty.

## WOMEN'S RIGHTS

The first National Assembly on Women in Equatorial Guinea took place on 19 June. Despite such initiatives to empower women, pregnant girls continued to be banned from school following a 2016 order issued by the Ministry of Education as a purported means to reduce adolescent pregnancies.

# ERITREA

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### State of Eritrea

Head of state and government: **Isaias Afwerki**

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**The arbitrary detention and enforced disappearance of hundreds of individuals continued. Conscripts to mandatory national service were forced to serve for indefinite periods. Eritrea did not provide a Covid-19 vaccination programme.**

## BACKGROUND

Since November 2020, the Eritrean Defence Forces (EDF) fought alongside Ethiopian government forces against the Tigray People's Liberation Front (TPLF) in the Tigray region of Ethiopia. During the conflict, members of the EDF, as well as Ethiopian security forces and militia, committed serious human rights violations, including sexual violence against women and extrajudicial killings of civilians, that could amount to war crimes and crimes against humanity (see Ethiopia entry).

## ARBITRARY ARRESTS AND ENFORCED DISAPPEARANCES

The Eritrean authorities continued to subject hundreds of individuals to arbitrary detention and enforced disappearance. Journalists, former politicians and practitioners of unauthorized religions remained in detention without charge or access to lawyers or family members. The whereabouts of 11 politicians and 17 journalists arrested and detained 20 years ago for criticizing the president's rule remained unknown.



Among those forcibly disappeared were Swedish journalist Dawit Isaak, Berhane Abrehe, a former finance minister who published a book criticizing the president in 2018, and Ciham Ali. An Eritrean/US national, Ciham Ali was arrested in December 2012 at the Sudan border as she tried to flee Eritrea when she was 15. Shortly before the authorities took her, her father, then a minister of information in the Eritrean government, had gone into exile.

## **FORCED LABOUR**

The government continued to conscript high-school students to the mandatory national service programme. Conscripts were forced to serve for indefinite periods and beyond the legal limit of 18 months. Thousands of individuals remained in indefinite conscription, sometimes having served for 10 years or more.

## **RIGHT TO HEALTH**

The government response to Covid-19 was inadequate and there was no vaccination programme in place by the end of the year.

# **ESTONIA**

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### **Republic of Estonia**

Head of state: **Alar Karis (replaced Kersti Kaljulaid in October)**

Head of government: **Kaja Kallas (replaced Jüri Ratas in January)**

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**There continued to be no legal bar on discrimination on grounds of religion, age, sexual orientation or gender identity. Gaps remained in the rights of people with disabilities, as well as the protection of women from violence. Police and Border Guards Board (PGBG) did not follow due process when assessing asylum claims. Same-sex couples still struggled to enforce their rights under the Registered Partnership Act 2016.**

## **DISCRIMINATION**

The legislative framework did not include religion/belief, age, sexuality, sexual orientation or gender identity as grounds for discrimination, other than in the context of employment, resulting in gaps in protection in relation to housing, healthcare, social welfare, education and claiming damages.

## **RIGHTS OF PEOPLE WITH DISABILITIES**

The UN Committee on the Rights of Persons with Disabilities identified gaps in the rights of people with disabilities including access to justice, education, healthcare and sexual and reproductive rights, in particular for women and girls, and noted the disproportionate impact of the pandemic on people with disabilities.

## **WOMEN'S AND GIRLS' RIGHTS**

The definition of rape still failed to comply with the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), being based on violence, with other non-consensual sexual acts carrying less weight. Women applying for restraining orders had to face the alleged perpetrator in the courtroom. Domestic violence was not always considered in custody proceedings.

Estonia had the highest gender pay gap in the EU.

## **REFUGEES' AND MIGRANTS' RIGHTS**

Deficiencies were reported in the procedures followed by the PGBG when assessing asylum claims. In some cases, they reportedly refused to accept applications and tried to persuade asylum seekers to return to their country of origin. The Estonian Human Rights Centre (EHRC) noted the frequent reversal of PGBG decisions by the courts.

## **LGBTI PEOPLE'S RIGHTS**

An EHRC survey documented a significant shift in attitudes towards LGBTI people, with 64% of the population supporting the Registered Partnership Act 2016 allowing same-sex couples to register. By the end of the year, however, the Act had still not been

implemented and court proceedings remained the only way to enforce the rights guaranteed by the Act. In September, the Supreme Court declared the Aliens Act unconstitutional insofar as it did not allow the granting of residence permits to registered partners of same-sex couples.

## ESWATINI

**Kingdom of Eswatini**

Head of state: **Mswati III**

Head of government : **Cleopas Dlamini (replaced Themba Nhlanganiso Masuku in July)**

**The government launched a brutal crackdown on human rights in response to pro-democracy and anti-police brutality protests. Repressive laws were used to silence dissent and crack down on peaceful protesters, including children. Violence against women and girls increased under Covid-19 restrictions. Consensual same-sexual conduct remained a criminal offence. Hundreds of families remained at risk of forced eviction.**

### FREEDOM OF EXPRESSION AND ASSEMBLY

In May, the government launched a brutal crackdown on human rights in response to ongoing protests demanding an end to police brutality and calling for democratic reform. The protests were sparked by the suspicious death of 25-year-old law student Thabani Nkomonye, allegedly at the hands of Royal Eswatini Police Service officers. They were led by young activists, human rights defenders, and civil society and political groups who demanded an end to years of political repression.<sup>1</sup>

The authorities used repressive laws, including the 1938 Sedition and Subversive Activities Act and the 2008 Suppression of Terrorism Act, to silence critics. Journalists, human rights defenders and political activists were prosecuted and jailed; they lived in fear of reprisals for speaking out against repression. By October, over 1,000 people,

including 38 children, had been arbitrarily arrested. MPs Mduzuzi Bacede Mabuza and Mthandeni Dube were arrested on 25 July, since when they have been held on trumped-up charges and denied bail.<sup>2</sup>

The Eswatini Communications Commission ordered network providers and telecommunications to shut down the internet on 29 July and again on 15 October.<sup>3</sup>

### EXCESSIVE USE OF FORCE

Thousands of peaceful protesters were violently dispersed by army and police personnel who used live ammunition, rubber bullets and tear gas (see above, Freedom of expression and assembly). More than 80 people had been killed by October and over 200 people were injured, some severely.

Dozens of those injured during June and July were left with permanent disabilities, compounding the already dire economic, social and cultural situation of many EmaSwati people. Hospitals were overwhelmed by the surge in demand and there were widespread reports of police and army officers coercing medical staff to hand over evidence such as bullets removed from protesters' bodies.

### DISCRIMINATION

#### GENDER-BASED VIOLENCE

Incidents of gender-based violence persisted and one in three women had experienced such abuse by the age of 18; 48% of women reported having experienced some form of sexual violence. The 2018 Sexual Offences and Domestic Violence Act was not enough on its own to combat violence against women and girls, especially when economic conditions and social and cultural norms posed a continual barrier to justice and largely enabled perpetrators to act with impunity. Covid-19 lockdown measures hindered survivors' access to support services and justice mechanisms and increased the risk of violence.

Girls were particularly affected due to school closures resulting in rising numbers of teenage pregnancies.

## LGBTI PEOPLE'S RIGHTS

Consensual same-sex sexual conduct remained a criminal offence.

The High Court failed to issue its judgment more than one year after hearing a petition from the Eswatini Sexual and Gender Minorities advocacy group which challenged the Registrar of Companies' 2019 decision to refuse its application to register as an organization. In rejecting the application, the Registrar had argued that consensual same-sex sexual acts were "unlawful" and "unnatural".

## ECONOMIC, SOCIAL AND CULTURAL RIGHTS

### FORCED EVICTIONS

Forced evictions, instigated by landowners who were taking steps to regain their land, continued to threaten the right to adequate housing of hundreds of EmaSwati families. Marginalized groups such as widows, or families where households were headed by children or women, were the most affected; they were more likely to have insufficient means to challenge evictions.

Those under threat of imminent eviction were particularly disadvantaged by the deeply flawed land governance system. Residents' legal challenges to evictions had been ongoing since 2014 in Gege and 2019 in Sigombeni; they were continually shuffled between ministries, chiefdoms and courts, delaying justice. In July and September, communities in Velezizweni and in Ntontonzi, respectively, were threatened with eviction, affecting 130 families.

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1. *Eswatini: Authorities Launch Brutal Assault on Human Rights with Crackdown on Dissent* (Index: AFR 55/4247/2021), 7 June
  2. "Eswatini: Authorities must drop trumped-up charges against MPs and release them immediately and unconditionally", 29 July
  3. "Eswatini: Detained MPs must be immediately released and all charges against them dropped", 19 October

# ETHIOPIA

**Federal Democratic Republic of Ethiopia**

Head of state: **Sahle-Work Zewde**

Head of government: **Abiy Ahmed Ali**

**All parties to the armed conflict committed serious human rights violations and abuses, including extrajudicial executions and sexual violence against women and girls, and millions of people were internally displaced. Humanitarian aid was denied to millions of people in Tigray. Ethnic violence claimed at least 1,500 lives. Police carried out arbitrary arrests and detentions in the context of the state of emergency. Vaccination rates against Covid-19 remained low.**

## BACKGROUND

The armed conflict in Tigray continued throughout 2021 and spread to the neighbouring regions of Afar and Amhara in July. Armed violence also erupted in the Benishangul-Gumuz, Amhara, Oromia, Afar and Somali regions. In November, the government adopted a state of emergency law with sweeping restrictions on human rights.

## VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW

All parties to the armed conflict perpetrated violations of international humanitarian law that amounted to war crimes, some of which may have amounted to crimes against humanity. The conflict resulted in thousands of civilian deaths mainly based on ethnic identity, destruction and looting of property, and displacement of communities. According to the UN, millions of people were internally displaced and more than 70,000 fled to Sudan. Amnesty International documented extrajudicial executions of hundreds of people, rape, indiscriminate attacks on civilians and civilian infrastructure, blockades on humanitarian assistance, and arrests and detentions based on ethnic profiling.<sup>1</sup>

### **TARGETED ATTACKS ON CIVILIANS**

On 8 January, following fighting between the Ethiopian National Defense Force (ENDF) and the Tigray People's Liberation Front (TPLF) on the outskirts of Bora town in Tigray, ENDF soldiers raided houses in the town and killed at least 40 civilians including farmers, civil servants and students. Families of those killed were not allowed to collect and bury the dead. On 9 January, after the ENDF unit commander in the town held a meeting with residents, ENDF soldiers collected the bodies on a truck and took them to the nearby graveyard at Abune Aregawi church. They were buried unceremoniously without a funeral requiem or observation of other rituals. Families were present, but the soldiers warned them not to cry during the funeral.

In Edaga Berhe, a town near Axum, ENDF soldiers killed at least 30 civilians on 5 February, two days after nearby fighting with TPLF members. Witnesses identified the ENDF by their uniforms and their use of the Amharic language.

On 17 January in Adi-Goshu town, Western Tigray, the Amhara Police Special Force and Fano, an informal Amhara militia group, killed at least 50 residents in a reprisal attack following fighting between the Amhara Police Special Force and TPLF forces near the River Tekezie bridge the previous night. The Amhara Police Special Force and Fano seized the victims from their houses and the surrounding area and took them to the town's police station before driving them to the River Tekezie bridge on a truck and executing them.

### **INDISCRIMINATE ATTACKS ON CIVILIANS**

On 22 June, an airstrike by the ENDF on the Edaga Selus village market in Tigray killed more than 50 and wounded many others among the civilian population. Survivors told Amnesty International that the attack took place around noon on market day while there was no known military target nearby.

On 19 August, in Debre Tabor town in Amhara region, an artillery attack on a residential area, allegedly by TPLF forces, killed six people – five of them from the same

family, including a four-month-old baby – and wounded one more. According to survivors and other witnesses, there was no military target in the vicinity.

### **SEXUAL AND GENDER-BASED VIOLENCE**

Troops fighting in support of the federal government committed widespread rape against hundreds of women and girls in Tigray, although access difficulties and under-reporting obscured the actual figures which were likely to be much higher. These violations included gang rape, used against women and girls as a weapon of war in this conflict. This was accompanied by shocking levels of brutality, including beatings, death threats and ethnic slurs. The perpetrators included members of the Eritrean Defence Forces (see Eritrea entry), the ENDF, the Amhara Police Special Forces and Fano.<sup>2</sup>

TPLF fighters also raped women in Nifas Mewcha town, in the South Gondar zone of Amhara region, while they were controlling the town between 12 and 21 August as part of their offensive into parts of the Amhara and Afar regions.<sup>3</sup>

Given the context, scale, and gravity of the sexual violence committed against women and girls in Tigray and Amhara, the violations amounted to war crimes and may have amounted to crimes against humanity.

Survivors of sexual violence in Amhara and Tigray faced multiple difficulties. Support services were severely limited and survivors were unable to access adequate medical, psycho-social and economic assistance to meet their needs. Medical facilities, for example, had been destroyed or looted during the conflict. This was further compounded by restrictions on humanitarian and medical assistance in Tigray.

### **DENIAL OF HUMANITARIAN ACCESS**

According to the UN, following the withdrawal of Ethiopian forces from Tigray in July, the Ethiopian federal government allowed only 10% of the humanitarian aid intended for Tigray to enter the region, resulting in starvation. The UN estimated that there were 400,000 people in famine-like conditions and more than 5 million people in need of emergency food assistance. All medicine was

blocked from entering the region from July. This led to an alarming deterioration in the health of the population as a result of depleted anti-HIV, cancer and diabetes medication, as well as starvation. The last aid convoy allowed into Tigray was on 25 November, and it was not carrying medicine.

## ABUSES BY ARMED GROUPS

Ethnic violence claimed at least 1,500 lives in the Oromia, Amhara, Benishangul-Gumuz, Afar and Somali regions.

Territorial disputes between the Somali and Afar regions triggered repeated armed violence. In January, an attack by the Somali Issa militia in Adaytu village killed at least 40 members of the Afar and federal police. On 6 April, at least 30 people were killed during armed violence between Afar and Somali people. On 24 July, hundreds of residents were killed in an armed attack by Afar people on Gerba Isse town. Following the attack, at least three women were gang raped.

On 19 March, several days of violence broke out in Ataye town in the North Shewa Zone, Amhara region, and spread to neighbouring areas of the Oromia Special Zone, resulting in hundreds of deaths, and destruction and looting of property.

## ARBITRARY ARRESTS AND DETENTIONS

Police in the capital, Addis Ababa, and other cities arbitrarily arrested and detained thousands of Tigrayans. The arrests appeared to be ethnically motivated and the police checked identity documents before arresting and taking people to detention centres. Tigrayan activists, journalists and media workers at media outlets Awlo Media and Ethio Forum, who reported on the situation in Tigray region, were among those arrested.

The use of arbitrary detention against Tigrayans increased after the government declared a state of emergency on 2 November. The measure allowed the authorities to arrest, without a warrant, anyone if there was “reasonable suspicion” that they had cooperated with “terrorist groups”, and to detain them without judicial review indefinitely.<sup>4</sup>

Dawud Ibsa, the chairman of the Oromo Liberation Front, an Ethiopian opposition political party, remained under house arrest in Addis Ababa. Since his arrest on 3 May, the police have not allowed anyone to leave or enter the compound of his residence.

## RIGHT TO HEALTH

The Ministry of Health reported close to 400,000 cases of Covid-19 and 6,531 deaths as a result of the virus, by December. Political gatherings including indoor meetings, continued. The ministry administered almost 5 million Covid-19 vaccine doses, received from donor countries. According to the WHO Regional Office for Africa, as of 2 December, Ethiopia had fully vaccinated only 1.23% of its population.

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1. “Ethiopia: End arbitrary detentions of Tigrayans, activists and journalists in Addis Ababa and reveal whereabouts of unaccounted detainees”, 16 July
  2. “‘I Don’t Know if They Realized I Was a Person’: Rape and Sexual Violence in the Conflict in Tigray, Ethiopia (Index: AFR 25/4569/2021), 11 August
  3. “Ethiopia: Survivors of TPLF attack in Amhara describe gang rape, looting and physical assaults”, 9 November
  4. “Ethiopia: Tigrayans targeted in fresh wave of ethnically motivated detentions in Addis Ababa”, 12 November

## FIJI

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### Republic of Fiji

Head of state: **Wiliame Maivalili Katonivere (replaced Jioji Konrote in November)**

Head of government: **Josaia Voreqe “Frank” Bainimarama**

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**Repressive laws were used to silence critics and the right to peaceful assembly was restricted. The government introduced oppressive measures in response to the Covid-19 pandemic including harsh lockdowns and fines that disproportionately affected people living in informal settlements.**

## BACKGROUND

In September, the government declared a climate emergency and passed a Climate

Change Act aimed at fulfilling commitments to reduce emissions under the Paris Agreement. In November, Fiji called for stronger international carbon reduction commitments by 2030 at the global COP26 meeting but failed to increase its own targets.

## FREEDOM OF EXPRESSION AND ASSEMBLY

Authorities deported the vicechancellor of the University of South Pacific (USP) in February after he exposed the misuse of funds at the university in 2020. The government subsequently withdrew funding to the USP after it reinstated the vice-chancellor to work from the university's Samoa campus.

The Public Order Act and other laws were used to target and silence government critics. A former doctor and a politician were arrested in August after criticizing the government's Covid-19 pandemic response on social media.

In May, the authorities denied trade unions permission to hold a Labour Day march for the sixth consecutive year.

## RIGHT TO HEALTH

More than 730 people, including health workers, died from Covid-19. These deaths were mainly attributed to the inadequately resourced healthcare system. Hospitals turned away thousands of other patients due to bed shortages.

In August, the government imposed a mandatory Covid-19 vaccination policy which required all employees and people on social welfare to be vaccinated or lose their jobs or benefits.<sup>1</sup>

A survey conducted by the Fiji Women's Rights Movement found that 42.3% of women were hesitant about having the vaccine. The government nevertheless failed to prioritize health education and public engagement on its vaccination policies.

Hundreds of fines were issued to private businesses and individuals between May and September for breaches of curfew and mask-wearing regulations. People living in informal settlements were disproportionately affected by stay-at-home orders. The police and other

security forces monitored movement in and out of such settlements and there were complaints about the excessive use of force.

## WOMEN'S RIGHTS

Women in parliament, including the minister for women, children and poverty alleviation, were subjected to misogynistic and sexist remarks by parliamentary colleagues and online bullying and harassment.

Women's rights organizations highlighted the increased prevalence of gender-based violence and unemployment among women as a result of the pandemic.

## INDIGENOUS PEOPLES' RIGHTS

In July, the parliament passed amendments to the iTaukei Land Trust Act without adequate public consultation. The amended law removed the requirement for consent by the iTaukei Land Trust Board for mortgages and leases issued on land owned by Indigenous peoples. More than a dozen people were arrested for voicing their opposition to the amendments, including two former prime ministers and the leaders of three major opposition parties.

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1. *Fiji: Blanket Mandatory Vaccine Policy Not Justified* (Index: ASA 18/4662/2021), 1 September

# FINLAND

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## Republic of Finland

Head of state: **Sauli Niinistö**

Head of government: **Sanna Marin**

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**Social security benefits were inadequate, with particular impact on those most at risk of discrimination. Sexual offences increased. Family reunification of refugees remained difficult. Legislation around gender recognition was found wanting.**

## RIGHT TO SOCIAL SECURITY

Inadequate provision of social security benefits meant some people went without sufficient food, medicine or healthcare because of a lack of financial resources. The

Covid-19 pandemic exacerbated economic distress for those at risk and had a negative impact especially on the income of young women.

There were calls for the provision of social security to be raised to a level that ensures the realization of human rights and for human rights to be placed at the heart of proposed reforms, with a focus on the rights of people most at risk of facing discrimination, in particular women, Sámi people, LGBTI people, Roma people, and people with disabilities.<sup>1</sup>

## VIOLENCE AGAINST WOMEN AND GIRLS

The number of sexual offences recorded by the police increased by more than 20%. New Sexual Assault Support Centres opened in Kokkola and Seinäjoki in June and in Vaasa in November.

The response to gender-based violence remained systematically under-resourced. In April, the government decided to prepare a new model for financing the work of NGOs.

In July, new legislation on health and social services came into force but did not include specific provisions on the prevention of violence against women.

A bill establishing the post of a Rapporteur on Violence against Women was adopted by the parliament in October.

## LGBTI PEOPLE'S RIGHTS

In April, the UN Human Rights Committee expressed concern that the amended gender recognition legislation would not apply to minors.

In June, the government appointed a working group to propose legislative changes to strengthen the realization of transgender and intersex people's rights. In November, parliament began to consider an initiative to reform the law on gender recognition.

## REFUGEES' AND MIGRANTS' RIGHTS

Family reunification remained difficult. In April, the UN Human Rights Committee recommended that Finland should remove obstacles to family reunification. In September, the Ministry of the Interior

published draft legislation aimed at removing some of the obstacles.

In July, the European Court of Human Rights annulled its 2019 judgment that Finland had violated the European Convention on Human Rights when it returned an Iraqi asylum seeker without adequately assessing the risks.

In August, legal changes improving asylum seekers' right to due process came into force. Concerns about the process remained, including limitations on lodging an appeal to the Supreme Administrative Court and on subsequent applications.

## CONSCIENTIOUS OBJECTORS' RIGHTS

In January, the Court of Appeal overturned the convictions of three conscientious objectors sentenced for the second time for refusing non-military service. In November, parliament adopted a legislative reform, meaning that those acquitted would no longer be required to serve. The length of the alternative to military service remained punitive and discriminatory.

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1. *Finland: "I Live under Constant Duress and in a State of Emergency": Inadequate Social Security in Finland (Index: EUR 20/4804/2021)*, 31 August

# FRANCE

## French Republic

Head of state: **Emmanuel Macron**

Head of government: **Jean Castex**

**The laws on "global security" and "strengthening republican principles" raised concerns in relation to mass surveillance as well as the rights to freedom of expression and freedom of association. The authorities continued to use vague and overly broad criminal provisions to arrest and prosecute peaceful protesters and used dangerous weapons for policing public assemblies. In June, police used excessive force to disperse hundreds of people who had peacefully gathered for a music festival. In July, a coalition of organizations filed a**

**class action lawsuit arguing that the government had failed to take measures to prevent racial profiling and systemic racial discrimination by police. Transgender people continued to be excluded from access to in-vitro fertilization. The authorities forcibly returned ethnic Chechens to Russia despite the high risk of their suffering serious human rights violations in the country. In February, an administrative court ruled for the first time ever that the authorities' inaction in response to the climate emergency was illegal.**

## **FREEDOM OF EXPRESSION**

In April, parliament passed a “global security” law, which included a provision restricting the right to share images that identified police officers. Concerns were raised that press and human rights defenders could be prevented from sharing information in the public interest on abuses allegedly committed by police. In May, the Constitutional Court ruled that this provision was unconstitutional.

In July, parliament passed a law aimed at “strengthening republican principles”, which entered into force in August. The law criminalized the publication of information on the private or professional life of anyone, including law enforcement officials, where it could result in direct threats against them or members of their families. While the law included a specific provision for the press, it raised concerns over disproportionate restrictions on freedom of expression.

## **FREEDOM OF ASSEMBLY**

The authorities continued to use vague and overly broad criminal provisions to arrest and prosecute peaceful protesters, including in the context of public assemblies opposing the new “global security” bill. In May, a court acquitted Frédéric Vuillaume, a trade unionist who had peacefully protested against the bill in December 2020. Authorities had charged him for participating in a public assembly that they deemed to threaten public order.

In June, police used excessive force to disperse hundreds of people who had peacefully gathered for a music festival in Redon, Brittany. The police fired weapons, including tear gas and stun grenades, mostly during the night. Serious injuries occurred during the police operation, including the loss of a man’s hand. The incident amounted to a breach of both national and international law, which require the use of force to be necessary and proportionate. At the end of the year, the authorities had failed to launch an effective and independent investigation into the dispersal operation.

In September, President Macron announced measures to ensure accountability for human rights violations committed by police, including parliamentary oversight. However, these fell short of establishing a fully independent oversight mechanism.

## **FREEDOM OF ASSOCIATION**

In August, the law on “republican principles” introduced controversial new grounds for dissolving organizations. These included, for example, incitement to discrimination or violence by any member of an organization where the organization’s leaders failed to prevent the incitement. Even prior to this law, the government had been able to dissolve an organization on vague grounds and without requiring prior judicial scrutiny.

The new law also introduced a requirement for organizations seeking public funds to sign a “republican contract” through which they committed to “principles of liberty, equality, fraternity and respect for human dignity”. Making funding subject to these vague principles risked disproportionate restrictions of the rights to freedom of association and freedom of expression.

## **DISCRIMINATION**

### **RACIAL, ETHNIC AND RELIGIOUS MINORITIES**

Civil society organizations continued to report allegations of racial profiling by police. In June, the Paris Appeal Court found that three high-school students from ethnic minority backgrounds had been discriminated against



in 2017 when police stopped them to check their identities as they returned from a school trip. In July, a coalition of organizations filed a class action lawsuit to the Council of State arguing that the government had failed to take measures to prevent racial profiling and systemic racial discrimination by police.

Public officials expressed stereotypical views and prejudices against Muslims during public debates on the “republican principles” legislation. Aiming to protect neutrality and “secularism”, the law strengthened the ban on manifesting religion or belief in the public sector, including by non-employee contributors to a public service. Under international human rights law, these were not legitimate aims justifying restrictions to the right to freedom of religion or belief.

### **LGBTI PEOPLE’S RIGHTS**

In June, parliament passed a law on bioethics allowing access to in-vitro fertilization (IVF) irrespective of a person’s sexual orientation or marital status. However, IVF continued to be unavailable to transgender people.

### **REFUGEES’ AND MIGRANTS’ RIGHTS**

The authorities continued to forcibly return ethnic Chechens to Russia despite high risks of their suffering serious human rights violations there. In April, Chechen police abducted Magomed Gadaev – a refugee and key witness in a high-profile torture investigation against Chechen authorities – two days after his deportation from France to Russia. Magomed Gadaev’s forced return took place despite a ruling by the national asylum court in March against this course of action.

In September, the National Consultative Commission on Human Rights (CNC DH) raised concerns regarding a speech that President Emmanuel Macron had made during the Taliban’s takeover of Afghanistan. President Macron emphasized the need to ensure protection of asylum seekers while countering “irregular migration” from Afghanistan. The CNC DH called on the government to facilitate the establishment of a European mechanism to ensure shared

responsibility for protecting Afghan nationals fleeing to Europe and the suspension of forcible returns to Afghanistan. Following the fall of Kabul on 15 August, France continued to issue deportation orders to Afghan nationals. In September, the Ministry of Interior confirmed that at least 20 Afghans had been sent to other EU countries under the Dublin regulation since the Taliban took power in Afghanistan. On 29 September, four Afghan men were deported to Bulgaria. The Bulgarian government continued to treat applications of Afghan asylum seekers as unfounded, refusing to consider them.

Migrants and asylum seekers continued to experience degrading treatment, particularly in Calais where police and local authorities restricted their access to humanitarian assistance and subjected them to harassment, but also in Menton and Briançon where migrants were denied the right to apply for asylum. On 24 November, at least 27 people drowned attempting to reach the UK by boat from Calais. Attempted crossings continued to increase in the absence of effective access to asylum procedures in France as well as in the context of barriers to family reunification and no other safe and legal routes to claim asylum in the UK.

### **HUMAN RIGHTS DEFENDERS**

In September, a court convicted a police officer who had physically assaulted Tom Ciotkowski, a human rights defender, in Calais in 2018. In the same month, an appeal court acquitted seven human rights defenders who had been convicted for facilitating entry and circulation of irregular migrants in Briançon in 2018.

### **MASS SURVEILLANCE**

In April, the law on “global security” extended the use of CCTV and included a provision allowing authorities to make use of drones to video-record people in a wide range of circumstances, with few exceptions and without any independent oversight. In May, the Constitutional Court ruled that the latter provision was unconstitutional.

In July, the government proposed a new bill on criminal responsibility and national security, which again included a provision allowing video recordings by drones in a wide range of circumstances. While the provision explicitly ruled out the use of facial recognition technologies, it fell short of subjecting the use of drones to an independent oversight mechanism. At the end of the year, the bill was still pending before parliament.

## FREEDOM OF MOVEMENT

In May, the Riom Appeal Court confirmed the administrative control measures in place against Kamel Daoudi and his conviction for missing a curfew in 2020, having agreed in February to release him on bail while re-examining his case. Kamel Daoudi had been subject to administrative control measures restricting his rights to freedom of movement and private life since 2008.

## DETAINEES' RIGHTS

In June, the European Committee for the Prevention of Torture (CPT) raised concerns over violence and abuse suffered by people in pre-charge detention, including alleged racist and homophobic insults by police.

The CPT also expressed concerns over overcrowding and other conditions in French prisons, as well as the detention of mentally ill people in regular prisons due to a lack of suitable facilities.

## IRRESPONSIBLE ARMS TRANSFERS

In September, civil society organizations launched court proceedings to ensure transparency and access to information on arms transfers from France to Saudi Arabia and the United Arab Emirates, which had a substantial risk of being used to commit or facilitate serious violations of international human rights or humanitarian law in the conflict in Yemen. The government and parliament failed to reach an agreement to establish a parliamentary oversight mechanism on arms transfers.

## CORPORATE ACCOUNTABILITY

In September, the Senate adopted an amendment to the bill on “trust in the judicial system” to give commercial courts competence to hear disputes over the corporate duty of vigilance – a legal duty obliging larger companies to publish annual vigilance plans to address any adverse impacts of their activities on human rights and the environment. Civil society organizations expressed concern as they had called for civil courts to have competence on these matters. On 21 October, a joint committee rejected the Senate’s amendment, thereby ensuring that companies’ human rights and environmental impacts would be adjudicated in the Paris civil court. In December, a Court of Cassation ruling recognized the jurisdiction of civil courts in the first legal action brought under the duty of vigilance law.

## FAILURE TO TACKLE CLIMATE CRISIS

In February, an administrative court ruled for the first time ever that the authorities’ inaction in failing to tackle the climate emergency was illegal and that the government could be held responsible for not fulfilling its commitments.

# GAMBIA

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**Republic of the Gambia**

Head of state and government: **Adama Barrow**

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**People were arbitrarily arrested in Sanyang, and protests continued to be restricted. The Access to Information bill was signed into law. The long-awaited report by the Truth, Reconciliation and Reparations Commission was submitted to the government. Fishmeal factories had a negative economic and environmental impact on local populations. Women and LGBTI people continued to face discrimination. The torture bill was still pending at the end of the year and death sentences continued to be handed down by courts.**

## **BACKGROUND**

Gambia held a presidential election in December, which was won by Adama Barrow. The Truth, Reconciliation and Reparations Commission report made public in December recommended prosecution of former president Yahya Jammeh for crimes committed during his presidency.

## **ARBITRARY ARRESTS AND DETENTIONS**

On 15 March, violent protests erupted in Sanyang after a Senegalese national killed a local Gambian man. The police arrested at least 50 people over the course of the following seven days. Most were released without charge, and 22 were initially charged with criminal offences including arson, rioters demolishing buildings, unlawful assembly and conspiracy to commit felony. At the end of the year, 19 people still had charges pending against them, including 14 charged with conspiracy to commit misdemeanour, unlawful assembly and riot, and five charged with going armed in public, shop breaking, theft, arson, damage to property, conspiracy to commit arson, unlawful assembly and riot.

In May, the Attorney General dropped the charges pending against leaders of the Three Years Jotna protest which the police violently repressed in 2020. The protest called for President Adama Barrow to honour his promise to step down after three years in power.

## **FREEDOM OF ASSEMBLY**

Section 5 of the Public Order Act requiring permission to protest remained in force. The provision was used to deny permission to organize protests. In June, the inspector general of police denied permission to the organization Gambia For Five Years and Peace Building to protest against a decision by the electoral commission to allow the mayor of Banjul to issue attestations for the purposes of voter registration.

## **FREEDOM OF EXPRESSION AND RIGHT TO INFORMATION**

In July, parliament enacted the Access to Information bill, which the president signed

into law on 25 August. The bill was the result of a collaborative effort between civil society and the government, and allowed the public and journalists to access information from public institutions.

At the end of the year, bills modifying provisions of the Criminal Code and the Information and Communications Act which restricted the right to freedom of expression were still pending. As a result, sedition against the president and administration of justice was still criminalized, with stiff penalties including imprisonment. Investigating authorities and the Public Utilities Regulatory Authority retained the power to intercept communications for surveillance purposes without effective judicial oversight.

## **RIGHT TO TRUTH, JUSTICE AND REPARATION**

The Truth, Reconciliation and Reparations Commission (TRRC), which was launched in October 2018 to look into alleged human rights violations during the 22-year rule of former president Yahya Jammeh, held its last public session on 28 May. The TRRC submitted its final report to the government on 25 November. On 24 December, the minister of justice made the report public.

## **ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

Local populations complained about the environmental and economic impacts of fishmeal factories in coastal regions, including in Gunjur and Sanyang.

Fishmeal factories led to overfishing, and the government remained unable to control illegal fishing by foreign boats due to limited sea surveillance capacity. The resulting scarcity of fish led to a rise in fish prices. In June, Greenpeace published a report highlighting the impact of fishmeal and the fish oil industry in the region. The people most affected were women selling smoked fish, artisanal fishermen and the people who depended on fish for their protein intake. The report concluded that the practice threatened food security in the region.

## DISCRIMINATION WOMEN'S RIGHTS

Violence against women persisted. In July, the minister of women, children and social welfare stated that the Network against Gender-based Violence had recorded 251 cases of gender-based violence, 240 of these against women, over the last 12 months.

Women remained under-represented in public offices. According to UN Women, as of February 2021 only 8.6% of the parliament's seats were held by women.

## LGBTI PEOPLE'S RIGHTS

LGBTI people still lived under the threat of oppressive laws, which created an unsafe environment. Section 144 of the Criminal Code provided for a 14-year prison sentence for anyone who has "carnal knowledge of any person against the order of nature [...] or permits any person to have carnal knowledge of him or her against the natural order." Section 147 criminalized an "act of gross indecency" between two people of the same sex with five years in prison. Section 144A created the crime of "aggravated homosexuality" for "serial offenders" and those living with HIV, punishable by life imprisonment.

## TORTURE AND OTHER ILL-TREATMENT

The Prevention and Prohibition of Torture bill was still pending at the National Assembly. As such, at the end of the year there were no national laws defining torture and establishing it as an offence.

## DEATH PENALTY

Despite the establishment of an official moratorium on executions, and the country's accession to the Second Optional Protocol to the ICCPR aiming at the abolition of the death penalty, courts continued to hand down death sentences. On 14 July, the High Court in Banjul found Yankuba Touray, former junta member and ally of former president Yahya Jammeh, guilty of the murder of Ousman Koro Ceesay, former minister of finance. He was sentenced to death by hanging. Two other men – one in

July and one in October – were sentenced to death for murder.

# GEORGIA

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## Georgia

Head of state: **Salome Zurbishvili**

Head of government: **Irakli Garibashvili**

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**Members of the opposition, media critical of the government and NGOs were attacked, intimidated and wiretapped amid an atmosphere of impunity. Concerns persisted over a lack of judicial independence, selective justice and politically motivated prosecution of government opponents. Construction of the controversial Namakhvani hydropower plant was halted following protests. Labour rights abuses and violations were widespread and amplified by Covid-19 related restrictions. Violations in the breakaway territories of Abkhazia and South Ossetia/Tskhinvali Region included restrictions on freedom of movement and torture and other ill-treatment.**

## BACKGROUND

The political crisis continued. In July, the ruling party withdrew from an April deal brokered by the EU to resolve a stand-off with the opposition. The deal had proposed electoral and judicial reforms and to address perceptions of politicized justice.

The ruling party won local elections in October amidst widespread reports of electoral irregularities. The opposition called for renewed protests from November against the election results and the arrest of Georgia's former president Mikheil Saakashvili.

The ruling party increasingly undermined the independence of the institutions ensuring human rights and government accountability. In December, parliament hastily disestablished the State Inspector's Service, which investigated police abuses, and passed amendments undermining judicial independence.

In September, the government backtracked on its commitment to end politicized

appointments to the judiciary, thereby forfeiting half of the EU's €150 million loan to help with the Covid-19 pandemic.

Covid-19 infections and related deaths spiked in August-September and November. Vaccination roll-out was slow as anti-vaccine attitudes remained strong, influenced by the Georgian Orthodox Church.

The breakaway regions of Abkhazia and South Ossetia/Tskhinvali Region remained under Russian occupation and overall control.

## **FREEDOM OF EXPRESSION AND ASSEMBLY**

Members of the opposition, civic activists and journalists critical of the government were threatened and attacked. The authorities at times made statements condoning such violence, fostering the sense of impunity.

On 5 July, the planned Tbilisi Pride march was cancelled after police failed to protect the organizers from violent counter-protesters. The same day, a violent homophobic mob ransacked the building housing the Tbilisi Pride office and forced the organizers to flee. Around 50 journalists at the site were attacked and injured. One of those severely beaten, TV Pirveli's camera operator Lekso Lashkarava, was found dead in his house six days after the incident. The authorities denied responsibility, blaming the Pride organizers for effectively provoking the violence, and published extensive CCTV footage of Lekso Lashkarava's last day, insinuating that he might have procured drugs. The authorities failed to identify the organizers of the mass violence or ensure an effective investigation of the violent events by the year's end.

## **MASS SURVEILLANCE**

On 12 September, thousands of files revealing widespread surveillance and wiretaps by the State Security Service of Georgia were leaked to the media and the internet, featuring details about the personal lives of journalists, civil activists, politicians, clerics and diplomats. An investigation into

the alleged illegal surveillance had produced no result by the year's end.

## **UNFAIR TRIALS**

Concerns grew regarding government influence over the judiciary, the use of selective justice and the politically motivated prosecution of political opponents and critical media.

Two cartographers detained on questionable charges of "violating the country's territorial integrity" in October 2020 were released on bail on 28 January, but the criminal case against them remained open.

On 23 February, police arrested opposition party chair and parliamentarian Nika Melia for purported incitement of violence during 2019 anti-government protests. He was released on 10 May after the EU posted his bail, seeking to ease government-opposition tensions.

The trial continued of the director and co-founder of the pro-opposition TV channel Mtavari on unfounded charges of abuse of power and embezzlement. Giorgi Rurua, one of the channel's main shareholders, was pardoned and released in April from a four-year sentence imposed in 2020.

On 1 October, Georgia's former president Mikheil Saakashvili was arrested on his return from exile to serve a six-year sentence passed in his absence. Following a five-week hunger strike, he was forcibly transferred to a prison hospital without adequate healthcare facilities where he faced threats and insults from other inmates and degrading treatment by the prison authorities. On 20 November he was transferred to a military hospital in a critical condition, but transferred back to prison on 30 December. His doctors reported that his health had been seriously damaged as a result of ill-treatment. An investigation by the State Inspector's Service into the allegations was halted after the institution was disestablished. Mikheil Saakashvili's request for a retrial was denied.

In November, the EU ambassador criticized the Georgian authorities' "setbacks in the area of the judiciary and rule of law", including politicized, "non-transparent and

non-competitive” appointments of judges to the Supreme Court and the High Council of Justice, and the failure to adopt promised constitutional amendments on the process of appointing the Prosecutor General.

## **ENVIRONMENTAL DEGRADATION**

In September, following year-long protests, construction of the controversial Namakhvani hydropower plant in western Georgia was cancelled. Throughout the year, protesters challenging the construction of the plant over environmental safety concerns were on several occasions detained by the police and prevented from assembling near the construction site.

## **WORKERS' RIGHTS**

Labour rights abuses and violations were widespread as companies laid off employees without due process and reduced or refused to pay wages, including those of essential workers, due to restrictions related to the Covid-19 pandemic.

In March, dozens of employees of a regional food delivery company had their employment contracts terminated in retaliation for collective protests over wage cuts and worsening working conditions. In August, Tbilisi municipal rubbish collectors reported receiving threats and wage cuts in retaliation for holding a three-day strike demanding better working conditions.

## **ABKHAZIA AND SOUTH OSSETIA/ TSKHINVALI REGION**

### **TORTURE AND OTHER ILL-TREATMENT**

There remained no effective investigation into the death of Inal Dzhabiev from the breakaway South Ossetia/Tskhinvali Region, who died in custody in Tskhinvali after being severely beaten following detention in August 2020.

Anri Ateiba, from the breakaway Abkhazia region, died on 14 September after he was found unconscious in the temporary detention centre in Gagra on 12 August. The investigation into his death remained pending.

The health of Irakli Bebuta, an ethnic Georgian resident of Gali serving nine years' imprisonment for burning the Abkhaz flag, reportedly deteriorated due to chronic diseases and lack of adequate healthcare in detention.

### **FREEDOM OF MOVEMENT**

The de facto authorities in Abkhazia and South Ossetia/Tskhinvali Region continued to detain civilians and restrict movement in and out of government-controlled territory, including through additional pandemic-related quarantine restrictions, which impacted a range of human rights including economic and social.

# **GERMANY**

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## **Federal Republic of Germany**

Head of state: **Frank-Walter Steinmeier**

Head of government: **Olaf Scholz (replaced Angela Merkel in December)**

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**The number of hate crimes increased, but the authorities failed to develop a comprehensive strategy against violence rooted in discrimination. The law to protect children born with variations of sex characteristics came into force. A law on freedom of assembly in North Rhine-Westphalia disproportionately restricted the right to freedom of peaceful assembly. Authorities promised humanitarian visas to the most vulnerable Afghans and their families. Amendments to the intelligence law allowed authorities to install surveillance technology to monitor encrypted communication. Germany opposed a proposed waiver to the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) aimed at increasing international distribution of Covid-19 vaccines. In a landmark court ruling, the Federal Climate Protection Act was found partially unconstitutional.**

## **DISCRIMINATION**

In May, the Federal Ministry of the Interior reported a 19% rise in hate crimes compared with the previous year.

In the same month, the government adopted a package of 89 measures against racist crimes. While the measures provided more support for civil society, they fell short of addressing institutional racism and of setting out an overall strategy against racist violence.

Accountability for discriminatory abuses by police continued to be hampered by the lack of an independent complaints mechanism to effectively investigate allegations at the federal and state levels, as well as the police in six federal states and at the federal level not being required to wear identification badges.

### **LGBTI PEOPLE**

In March, the federal government adopted an LGBTI inclusion strategy that had been developed in close cooperation with civil society organizations and aims to integrate the protection of the human rights of LGBTI people into foreign policy and development cooperation.

In May, the law to protect children born with variations of sex characteristics came into force. Although the law tackled human rights violations against intersex people concerning unnecessary medical procedures, it failed to introduce further measures to end the pathologization of intersex people and to include reparations for people who underwent unnecessary and irreversible medical treatment.

## **FREEDOM OF ASSEMBLY**

In December, the parliament of the federal state of North Rhine-Westphalia adopted a law that disproportionately restricted the right to freedom of peaceful assembly by imposing a series of administrative requirements and unduly extending state surveillance and control powers, for example through the setting up of checkpoints. It also provided for criminal penalties for organizers who failed to submit prior notification, with the exception of spontaneous assemblies.

According to Reporters without Borders, journalists were not sufficiently protected by the police when reporting on demonstrations. The organization reported dozens of cases of journalists who had been physically attacked and verbally abused at protests, especially those against Covid-19 measures.

## **RIGHT TO TRUTH, JUSTICE AND REPARATION**

In February, the Koblenz Higher Regional Court convicted one of the two defendants in the first criminal trial addressing violations by officials of the Syrian General Intelligence Directorate. The defendant was sentenced to four and a half years in prison for his role in acts of torture and deprivation of liberty. The trial of the main defendant was continuing at the end of the year.

## **REFUGEES' AND MIGRANTS' RIGHTS**

In violation of the principle of non-refoulement (forcible return), 167 men were deported to Afghanistan before deportations were temporarily suspended on 11 August.

Following the Taliban seizure of power in Afghanistan in August, the federal government promised humanitarian visas for 2,600 of the most vulnerable Afghans and their family members in September. The new government announced a humanitarian admission programme for Afghans.

Under the EU voluntary humanitarian admission scheme of the EU-Turkey statement, 2,192 Syrian refugees arrived and at least 2,211 refugees were resettled under the UNHCR resettlement programme.

Delays in family reunification procedures raised concerns regarding the right to family life. Applicants from Afghanistan, Eritrea and Syria waited for more than a year to receive their first appointment at German embassies to start the procedure to reunite with their family members in Germany.

## **RIGHT TO PRIVACY**

In March, the Act on the Federal Intelligence Service was amended following a 2020 Federal Constitutional Court ruling. The revised Act allows for mass surveillance of

foreign communications and for surveillance of communication networks without oversight when the declared aim is to determine the usefulness of information for specific investigative purposes.

In June, the Federal Parliament passed further amendments to intelligence laws allowing German intelligence services to install surveillance technology (“state trojans”) on devices to monitor even encrypted communications. The intelligence services can require that internet service providers assist in this process and can exploit critical computer security vulnerabilities when installing the surveillance software (so-called “zero-day exploits”).

Following the global Pegasus investigations, the German government admitted to the purchase and use of NSO Group’s Pegasus spyware. While the Ministry of the Interior noted that it was only used in accordance with German law for targeted surveillance, concerns remained because NSO Group’s spyware had been documented as facilitating human rights violations around the world.

## RIGHT TO HEALTH

Germany contributed €2.2 billion to the ACT-Accelerator and delivered 84 million Covid-19 vaccine doses to the COVAX initiative. The federal government opposed the TRIPS waiver proposed by the WHO and failed to put pressure on BioNTech to join the WHO Covid-19 Technology Access Pool or mRNA vaccine technology transfer hub to share its knowledge and technology, and scale up global manufacturing.

Civil society organizations continued to raise concerns over the fact that abortion is regulated through criminal law.

## CORPORATE ACCOUNTABILITY

In June, the Federal Parliament passed the Act on Corporate Due Diligence in Supply Chains, which requires corporations based in Germany with at least 3,000 employees to conduct human rights and environmental due diligence from 2023. Concerns remained regarding the limited scope of the law because it only applies to large companies

and does not impose due diligence obligations throughout the whole value chain. The law also failed to improve the right to compensation for people who experience abuses as a result of a lack of due diligence by corporations.

## FAILURE TO TACKLE CLIMATE CRISIS

In March, the German Constitutional Court ruled that the Federal Climate Protection Act was partially unconstitutional. The Court found that the Act violated the rights of future generations by imposing on them the undue burden of later drastic restrictions to compensate for current insufficient measures to tackle the climate crisis.

## IRRESPONSIBLE ARMS TRANSFERS

An arms export moratorium on Saudi Arabia, extended in December 2020, remained in place until the end of 2021. As in previous years, it only covered Saudi Arabia, not other countries involved in the conflict in Yemen. The export of German parts and components for joint European arms projects destined for Saudi Arabia remained permitted.

# GHANA

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## Republic of Ghana

Head of state and government: **Nana Addo Dankwa Akufo-Addo**

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**Cases of excessive use of force were reported. Prisons remained overcrowded. Women continued to suffer discrimination and gender-based violence. Attacks against LGBTI people intensified. Efforts were made to begin vaccinating at-risk people and essential workers against Covid-19. Forced evictions left some people homeless.**

## BACKGROUND

In January, President Akufo-Addo was sworn in for a second term. In May, variations of the hashtag #FixTheCountry started being used on social media by young Ghanaians calling for social and economic reforms.



## **EXCESSIVE AND UNNECESSARY USE OF FORCE**

There were several incidents of excessive and unnecessary use of force by the security forces.

Various media reported that National Security operatives assaulted journalist Peter Tabiri on 7 May as he reported on a casino raid. The operatives allegedly kicked, slapped and poured water on him, injuring his right ear.

On 11 May, National Security operatives arrested and allegedly assaulted reporter Caleb Kudah from Citi FM after they found him filming abandoned state-funded vehicles within their premises. They then stormed Citi FM's office and arrested Caleb Kudah's colleague, Zoe Abu-Baidoo. Both were released without charge.

On 29 June, police and military forces shot dead two protesters and wounded four others during a protest in Ejura Sekyedumase in the Ashanti Region. A three-member Ministerial Committee commissioned to conduct a public inquiry into the incident submitted its report to the government in July.

On 1 July in Wa, in the Upper West Region, military officers went on a rampage, beating people over a suspected stolen phone. The Military High Command tasked a four-member committee to investigate the incident. Three officers from the Wa Barracks were demoted while eight others were tried and jailed for 30 days by a disciplinary board.

## **ARBITRARY ARRESTS AND DETENTIONS**

On 14 January, a police officer arrested Selorm Gborbidzi, a reporter from the Accra-based newspaper *The Finder*, after he started filming a scuffle between the officer and the driver of a commercial vehicle. He was released after four hours and charged with obstruction of justice, illegally filming a police officer on duty and insulting a police officer.

## **INHUMANE DETENTION CONDITIONS**

Prison overcrowding continued. According to the Director General of the Prisons Services, as of 24 June the total prison population was 13,200, despite an authorized capacity of

9,945. Food given to prison inmates was inadequate due to the insufficient feeding grant of GHC1.80 (US\$0.30) a day per inmate.

## **WOMEN'S AND GIRLS' RIGHTS**

At the end of the year, the Affirmative Action bill was still pending.

In March, UNFPA Ghana in partnership with the government launched the Orange Support Centre and the Boame mobile phone app to report cases of domestic violence.

"Witch" camps remained open, despite the government's promise to close them. Older women accused of witchcraft were at risk of being banished to such camps. A commemorative forum was held on 23 July, a year after a mob lynched an elderly woman, to call on parliament to criminalize the labelling of people as witches. In December, various media reported that youths beat to death an elderly woman in Nalerigu in the North East Region because they suspected her of being a witch.

## **LGBTI PEOPLE'S RIGHTS**

Discrimination against LGBTI people intensified. In February, police officers searched and closed the recently inaugurated office of LGBT+ Rights Ghana, a non-profit organization. On 20 May, police arrested 21 LGBTI activists for unlawful assembly during a training session. They were released on bail in June and their charges were dismissed on 5 August.

In June, the Promotion of Proper Human Sexual Rights and Ghanaian Family Values bill was introduced in parliament. The bill further criminalized LGBTI people and introduced prison sentences for anyone expressing support or "sympathy" towards LGBTI people. The bill also encouraged conversion therapy and gender "realignment" for children.

## **RIGHT TO HEALTH**

On 1 February, the Ghana Medical Association declared an increase in doctors

contracting Covid-19, and the deaths of two doctors from the disease during January.

In March, Covid-19 vaccinations began for people at risk and essential workers, with drones being used to deliver vaccines to rural communities. On 7 May, the vice president, Mahamudu Bawumia, stated that 2,161 prison officers and 1,136 inmates with underlying health conditions had been vaccinated. By mid-December, less than 10% of the population were fully vaccinated.

## FORCED EVICTIONS

The Greater Accra Regional Minister's "Let's Make Accra Work" campaign involved demolishing illegal structures. As part of the campaign, on 5 July, authorities demolished homes of people living in the Railway Quarters along Graphic Road in Accra, making them homeless. Former residents told the media they were not given adequate notice. In the same month, about 3,000 woodworkers at Kaase-Angola in the Asokwa Municipality, who had been operating in the area for decades, were requested to vacate the area after the government allegedly sold the land to a private company. The woodworkers stated that it would deprive them of an adequate place to work, affecting their livelihood.

## ENVIRONMENTAL DEGRADATION

In February, three global manufacturing companies expressed concern over the impact of bauxite mining on the people and wildlife of the Atewa forest, and stated that they would not use this supply chain.

In May, the defence minister announced that 561 military officers had been deployed during a four-day operation on the Birim, Ofin and Oda rivers of the Eastern and Ashanti Regions as part of Operation Halt to counter illegal mining which was polluting water bodies. On 27 May, the government announced another deployment of 401 military officers to halt operations on the river Ankobra.

# GREECE

## Hellenic Republic

Head of state: **Katerina Sakellaropoulou**

Head of government: **Kyriakos Mitsotakis**

**Reports of unlawful use of force against peaceful protesters persisted. A Roma man was fatally shot during a police chase. Pushbacks and human rights abuses against refugees and migrants continued, despite systematic denials by the authorities. The authorities' crackdown against NGOs and those working to help refugees continued. Violations of the rights of conscientious objectors to military service persisted. As violence against women escalated, a controversial child-custody bill that would put victims of domestic violence in greater danger was passed by parliament.**

## BACKGROUND

Greece faced an ecological disaster after wildfires destroyed over 900,000 hectares of forest and farmland.

## TORTURE AND OTHER ILL-TREATMENT

Reports of unnecessary and excessive use of force by the police against peaceful protesters and others persisted. In March, footage showing the unlawful use of force against a young man by a police officer during a Covid-19 document check caused public outrage and prompted many demonstrations. A disciplinary inquiry was ordered and a police officer was suspended from his duties while an Athens prosecutor ordered a criminal investigation. Two protesters who participated in one of the demonstrations in March reported being tortured by police in the General Attika Police Directorate during their questioning and filed a criminal complaint.

In April, an Athens court found police responsible for the life-threatening injuries sustained by protester Yiannis Kafkas in May 2011 and awarded him compensation. In

September, the authorities lodged an appeal against the decision.

## **RIGHT TO LIFE**

In October, an Athens court resumed the hearing of the case of two individuals and four police officers indicted for the death of LGBTI activist Zak Kostopoulos in September 2018.

During the same month, Nikos Sambanis, an unarmed 18-year-old Roma man died following a fatal shooting by police. A 16-year-old Roma boy, also unarmed, sustained serious injuries. Seven police officers were charged with homicide with possible intent. Calls were made for the authorities to conduct thorough disciplinary and criminal investigations, including into possible racist motives.

## **REFUGEES' AND MIGRANTS' RIGHTS**

### **PUSHBACKS**

Pushbacks and human rights abuses against refugees and migrants at land and sea borders continued, despite systematic denials by the Greek authorities.

In June, through the testimonies of 16 victims, Amnesty International reported 21 incidents of group pushbacks to Turkey in 2020<sup>1</sup>, conducted by individuals appearing to belong to law enforcement and individuals in civilian or unmarked clothing. The incidents were estimated to have affected around 1,000 people. Many victims experienced arbitrary detention and ill-treatment, in some cases amounting to torture. None of those interviewed had the opportunity to seek asylum or to challenge their return. The research, consistent with evidence from other reputable actors, showed that pushbacks were Greece's de facto policy of border management. More pushbacks were documented in the second half of the year.

In August, the European Commission declared that the release of additional funding for border control activities in Greece would be conditional on the establishment by the country of an independent border monitoring mechanism. While a new mechanism had not yet been created to this

end, the government identified the National Transparency Authority as competent to investigate pushbacks incidents. NGOs, however, contested the independence of this body.

Several cases of pushbacks remained pending before the European Court of Human Rights and the UN Human Rights Committee.

### **ACCESS TO ASYLUM**

In June, the government designated Turkey as a "safe country" for asylum seekers from Afghanistan, Pakistan, Bangladesh and Somalia, as was already the case for Syrians under the EU-Turkey migration statement.

The designation means that asylum applications to Greece from these nationalities could now be considered inadmissible and applicants returned to Turkey. This decision disregarded the fact that Turkey had been refusing to accept returns under the EU-Turkey statement since March 2020. It also failed to consider the difficulties facing asylum seekers and migrants in Turkey, including unlawful returns and obstacles in accessing protection.

### **RECEPTION CONDITIONS**

Sea arrivals continued to decline sharply compared to previous years, leading to reduced numbers of refugees and migrants on the Aegean islands. During the year, at least 86 people who attempted to cross the Aegean were reported dead or missing. After fires destroyed Moria camp in 2020, work began to replace open camps with "closed-controlled island facilities" (KEDN), funded by the EU. From November, on the island of Samos, authorities illegally detained some of the residents of the KEDN by preventing them from exiting the facility. The decision affected asylum seekers without a valid registration document ("asylum card"), including newcomers yet to be issued with one and people with unsuccessful asylum applications.

In December, ruling in the case of an Afghan resident of the facility, a local court found the prohibition of exit to be illegal and ordered for it to be lifted. At the end of the year, however, KEDN residents without a valid

card continued to be generally prevented from exiting. The reception conditions in the temporary camp of Mavrovouni on Lesbos, where the displaced residents of Moria had been living since the fires, remained a cause for concern.

### **CHILDREN'S RIGHTS**

In January, the European Committee of Social Rights found Greece to be in violation of several provisions of the European Social Charter. The decision focused on the inappropriate accommodation provided for accompanied and unaccompanied migrant and asylum-seeking children and the failure to ensure their protection from harm. The committee also found violations in relation to Greece's guardianship system, the detention of unaccompanied migrant children in "protective custody", the failure to provide formal education to children on the islands and the right to health.

### **RIGHT TO HEALTH**

NGOs campaigning for the opening of access to Covid-19 vaccines for undocumented people reported persisting challenges. A legal provision adopted in October expanded the possibilities for undocumented migrants to register for Covid-19 vaccination and obtain the relevant certificate, and introduced safeguards against deportation. In December, a Ministerial Decision allowed civil society actors to administer Covid-19 vaccines to vulnerable people including those who are undocumented.

### **HUMAN RIGHTS DEFENDERS**

In March, three UN Special Rapporteurs expressed concerns over new restrictive registration requirements introduced in 2020 for NGOs working with migrants and refugees.

In November, years after their initial arrest and release on bail in 2018, human rights defenders Sarahardini and Séan Binder together with 22 other members of the NGO Emergency Response Centre International, faced trial in Lesbos on some of the charges brought against them. These included charges of espionage, unlawful use of radio frequencies and forgery arising from their

work rescuing and assisting refugees. The trial was adjourned and the matter referred to a higher court; the investigation into the remaining charges against the group remained pending.

### **FREEDOM OF ASSEMBLY**

Greek authorities failed to facilitate, and continued to unlawfully interfere with, the right to freedom of peaceful assembly.<sup>2</sup> In late January, the head of police introduced a blanket ban on public outdoor assemblies of more than 100 people citing public health grounds. Several peaceful assemblies were dispersed by the Greek police throughout the year.

### **DISCRIMINATION**

In April, the Racist Violence Recording Network reported 107 incidents of racist violence as recorded in 2020. Between August and October, hate crimes by members of far-right groups and other individuals against migrants, students and members of political parties were reported in Crete, Athens and Thessaloniki.

### **CONSCIENTIOUS OBJECTORS' RIGHTS**

Serious violations of the rights of conscientious objectors to military service continued, including repeated prosecutions, fines and arrests. Appeals to the Supreme Administrative Court against the discriminatory rejection of applications for conscientious objector status were pending at the end of the year. The UN Human Rights Committee raised questions over the rights of conscientious objectors – and the punitive and discriminatory "alternative service" – to be considered in the next periodic report of Greece. Greece also received recommendations on the issue in the context of the UPR.

In a landmark ruling in December, the UN Human Rights Committee found multiple violations of the ICCPR in the case of conscientious objector Lazaros Petromelidis.

## VIOLENCE AGAINST WOMEN AND GIRLS

During the year, 17 women were murdered by their partners or former partners. Their murders highlighted the problem of domestic violence and brought renewed calls by women's rights groups for the term "femicide" to be used in public debate and legislation. From January, the Greek #MeToo movement shed light on tens of reports of rape and sexual harassment in the areas of sport and culture where many women spoke publicly about their abuse.

Between March and May, women's and human rights groups called for the withdrawal of a bill on child custody that would place domestic violence victims at greater risk and breach the principle of the best interests of the child. The controversial bill, which became law in May, risked giving perpetrators of violence and abuse access to their victims, and for an extended period of time.

## RIGHT TO HEALTH

In early November, as Greece reported the highest daily average of Covid-19 infections since the beginning of the pandemic, health workers' unions called for more funding and the recruitment of many more permanent staff to strengthen the weakened National Health System.

Concerns were raised about the punitive and discriminatory nature of a fine of €100 per month imposed on people over 60 if they did not comply with compulsory vaccination for Covid-19, following the adoption of a legal provision by the parliament in early December.

## DETAINEES' RIGHTS

In January, Dimitris Koufondinas, a member of armed group Revolutionary Organization 17 November, began a hunger strike to protest against the government's decision to transfer him to Domokos prison and not to Korydallos prison in accordance with national legislation. Despite a significant deterioration in his health, the authorities refused to accept his request. In March, Dimitris Koufondinas ended his hunger strike.

In late August, the Initiative for Prisoners' Rights expressed concerns over a reported increase in Covid-19 cases in prisons, limited numbers of healthcare staff, and overcrowded conditions.

1. *Greece: Violence, Lies, and Pushbacks - Refugees and Migrants Still Denied Safety and Asylum at Europe's Borders* (Index: EUR 25/4307/2021), 23 June
2. *Greece: Freedom of Assembly at Risk and Unlawful Use of Force in the Era of COVID-19* (Index: EUR 25/4399/2021), 14 July

# GUATEMALA

## Republic of Guatemala

Head of state and government: **Alejandro Giammattei Falla**

**Increased criminalization was used as a strategy to intimidate those working in the administration of justice. A law that threatens the right to defend human rights entered into force. Guatemala recorded the lowest percentage of people fully vaccinated against Covid-19 in Latin America amid corruption allegations.**

## BACKGROUND

US vice-president Kamala Harris visited Guatemala in June and agreed with President Giammattei to address the root causes of migration, including inequality, corruption and the flawed rule of law. In July, the dismissal of the head of the Special Prosecutor's Office Against Impunity sparked nationwide protests against corruption, economic inequality and the government's response to Covid-19.

## IMPUNITY

Those working in the administration of justice with key roles in the fight against impunity in cases of serious human rights violations and corruption were removed from or prevented from taking up their posts and faced threats, criminal prosecution and smear campaigns.<sup>1</sup>

In April, magistrate Gloria Porras, a prominent supporter of human rights and anti-corruption efforts in recent years, who

had been re-elected to Guatemala's Constitutional Court, left the country after Congress blocked her swearing-in ceremony and refused to let her take up the appointment.

In June, four judges from high-risk criminal courts who had been granted precautionary measures by the Inter-American Commission on Human Rights, reported to the Public Prosecutor's Office that they were the targets of harassment and threats. One month later, the Attorney General dismissed Juan Francisco Sandoval, head of the Special Prosecutor's Office Against Impunity, who fled the country amid concerns over his safety. In October, she also transferred the head of the Special Prosecutor's Office on Human Rights, who had helped bring the former military president Efraín Ríos Montt to justice.

## **HUMAN RIGHTS DEFENDERS AND EXCESSIVE USE OF FORCE**

The Unit for the Protection of Human Rights Defenders in Guatemala (UDEFEQUA) recorded 839 attacks against human rights defenders between January and November. Guatemala once again had the fourth highest rate of killings worldwide of land and environmental defenders per capita; 13 were killed in 2020, according to the NGO Global Witness.

Despite this, by the end of the year Guatemala had yet to ratify the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement), which includes provisions for the protection of environmental human rights defenders.

In May, the new members of the Constitutional Court rejected legal challenges filed by civil society organizations against the controversial NGO Law and it entered into force on 21 June. At least three appeals were subsequently filed before the Constitutional Court in relation to elements of the law that could allow for serious violations of the rights to freedom of expression and association, including vaguely worded clauses that could

lead to NGOs being shut down or targeted in other ways. The appeals were pending at the end of the year.

Court hearings continued in the case of prisoner of conscience Bernardo Caal Xol, imprisoned since January 2018 for defending the rights of Q'eqchi' Maya communities affected by the construction of the OXEC hydroelectric dam project.<sup>2</sup> In August, the Supreme Court rejected a cassation appeal for his release presented by his lawyers. In October, police agents violently repressed Q'eqchi' Maya people who had been peacefully protesting for three weeks against a mining company operating in their territory in El Estor, as well as other demonstrators and journalists. Following the incident, the President declared a state of emergency in the municipality.

## **REFUGEES' AND MIGRANTS' RIGHTS**

Guatemalans continued to flee violence, poverty, inequality and climate change.

Hundreds of Guatemalans were deported and pushed back by Mexican authorities, together with other people from Central America and Haiti, to remote areas at the border where they were left without proper assistance.

Security forces beat and used tear gas against a caravan of migrants and asylum seekers attempting to enter the country in January, on the pretext of enforcing Covid-19 protocols.<sup>3</sup>

## **RIGHT TO HEALTH**

Guatemala had the lowest percentage of people fully vaccinated against Covid-19 in Latin America, at just 25.7%, amid corruption allegations in connection with the purchase of vaccines and the handling of the pandemic.

Although a detailed national vaccination plan was published, it did not include a protocol for Indigenous peoples.

## **VIOLENCE AGAINST WOMEN AND GIRLS**

In March, after two decades of struggle for justice by the family of María Isabel Veliz Franco, a 15-year-old girl killed in 2001

whose body showed signs of sexual violence, a national court sentenced a man to 30 years' imprisonment for her murder. Guatemala had been condemned by the Inter-American Court of Human Rights in 2014 for failing to diligently investigate her death and prevent violations of her rights.

## SEXUAL AND REPRODUCTIVE RIGHTS

In December, Congress started discussing a legislative initiative (5940) which, if passed, would violate the rights of transgender children and adolescents.

## RIGHT TO TRUTH, JUSTICE AND REPARATION

In May, the security forces arrested 11 retired military and police officers suspected of involvement in abductions, enforced disappearances, extrajudicial executions and other crimes under international law and human rights violations against at least 183 people considered political opponents between 1983 and 1985 in the case known as "Diario Militar". At least eight were detained awaiting trial at the end of the year.

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1. "Guatemala: International organizations demand end to criminalization of justice officials and human rights defenders", 8 June
  2. "Guatemala: Amnesty International delivers 27,957 signatures demanding release of Bernardo Caal", 7 July
  3. "Guatemala: La pandemia no puede ser un pretexto para negar protección internacional", 30 March

# GUINEA

## Republic of Guinea

Head of state: **Mamadi Doumbouya (replaced Alpha Condé in October)**

Head of government: **Mohamed Béavogui (replaced Ibrahima Kassory Fofana in October)**

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**Dozens of people arbitrarily arrested in the context of the 2020 protests against former president Alpha Condé's candidacy and re-election for a third term were released. Several people were killed during protests on issues around mining exploitation. No**

**one was brought to justice for the 28 September 2009 massacre. Sexual violence persisted.**

## BACKGROUND

Following the arrest of Alpha Condé on 5 September after an assault led by the Guinean special forces, the National Committee of Reconciliation and Development (CNRD) led by Mamadi Doumbouya dismissed the Constitution and the government. A Transition Charter was issued on 27 September, announcing the elaboration of a new Constitution and the organization of elections. Mamadi Doumbouya was sworn in as president before the Supreme Court on 1 October. After 12 weeks in detention without official charge, Alpha Condé was allowed to reside at his spouse's house.

The Ebola outbreak that emerged in mid-February was declared over in June. The curfew imposed to combat the Covid-19 pandemic was lifted on 21 October.

## ARBITRARY DETENTION

After several months in arbitrary detention, dozens of opposition members and supporters and civil society activists who denounced the candidacy and/or the re-election of former president Alpha Condé for a third term were released.

On 8 May, more than 40 people who called for or participated in 2020 demonstrations to denounce Alpha Condé's candidacy or re-election for a third term were released after charges were dropped. On 7 September, following orders by the CNRD, 79 activists and opposition members and supporters who had also been arrested were released. Among them, Oumar Sylla, one of the leaders of the National Front for the Defence of the Constitution, was sentenced on 28 January to 11 months in prison for "participating in a prohibited assembly likely to disturb public order." He had been held in Conakry's main prison since his arrest on 29 September 2020 while mobilizing against Alpha Condé's candidacy for a third term. In another case, on 10 June Conakry's Court of Appeal

sentenced Oumar Sylla to three years' imprisonment for "communication and dissemination of false information, threats of violence and death" after he denounced arbitrary arrests on the radio.

Amadou Diouldé Diallo, a reporter for state-owned radio and TV broadcaster Radio Télévision Guinéenne, spent nearly three months in pretrial detention on charges of insulting former president Alpha Condé. He was freed on 19 May after a court in Conakry fined him 5 million Guinean francs (€420) for "insulting the head of state".

## **EXCESSIVE USE OF FORCE AND FREEDOM OF ASSEMBLY**

Several people were reportedly killed by defence and security forces in at least three localities during demonstrations, some of which turned violent, around issues related to mining exploitation.

On 22 April at least two people were shot dead by defence and security forces and several wounded in Kouroussa town, Kankan region, after a mob attacked the town hall and the Prefect's residence; there had been a conflict looming between small-scale gold miners and a mining company over the exploitation of a gold mining site.

In Gaoual town, Boké region, on 22 June, at least two people were killed and several wounded when the army was deployed during demonstrations and riots against the alleged involvement of members of the defence and security forces in the management of small-scale gold mines.

According to witnesses, soldiers intentionally knocked one of the two victims off a bridge.

In July, in Siguiri region, suspected Donzo hunters shot at gendarmes who had come to enforce a court order about a dispute between two villages over the operation of a small-scale mine. Thirteen gendarmes were injured, according to the authorities.

On 17 August, in Foulata town, Kankan region, defence and security forces allegedly shot and wounded several people and burnt down homes and stores, following protests against a mining company for allegedly not

honouring its commitments to employ local inhabitants.

On 11 September, all demonstrations were forbidden by the CNRD until further notice.

## **INHUMANE DETENTION CONDITIONS**

Mamadou Oury Barry, who had been in pretrial detention in Conakry's main prison since 5 August 2020 for "assault and battery", died on 16 January. According to the Ministry of Justice, he died "a natural death linked to a bowel obstruction and anaemia" in hospital. The public prosecutor did not allow the body to be returned to the family until 2 February, after a request was made by a lawyer on 19 January. In the weeks before, three other detainees, including supporters of the opposition party the Union of Democratic Forces of Guinea, died, soon after one of them had been released and the two others had been hospitalized in very poor health. The authorities attributed the deaths to natural causes without carrying out thorough investigations. Families of the detainees had not been able to visit them in prison or hospital.

## **DEATH PENALTY**

Although the death penalty was removed from the Criminal Code in 2016, several prisoners were still under sentence of death, including some of those sentenced in 2011 after inter-communal clashes in Galakpaye town, N'Zérékoré region.

## **IMPUNITY**

Despite several announcements of investigations into the killings of protesters in 2019 and 2020 during demonstrations against the change of Constitution and the election of former president Alpha Condé for a third term, very little information was made available. The minister of justice reported in June that due to lack of evidence the Court of First Instance of Mamou had acquitted those accused of the killing of a 20-year-old man in Kégnéko town, Mamou region, on 22 March 2020. On 23 October, a delegation from the CNRD met with families of those killed by



defence and security forces during Alpha Condé's rule, telling them they would receive justice.

Twelve years after 157 people were killed by defence and security forces at a stadium in Conakry on 28 September 2009 and over 100 were victims of sexual violence, the trial had still not opened, even though the investigation ended in November 2017.

## **VIOLENCE AGAINST WOMEN AND GIRLS**

The Office for the Protection of Gender, Childhood and Morals recorded 331 cases of rape by mid-December, against 393 cases in 2019 and 374 in 2020. Despite the authorities' and NGOs' efforts in recent years to promote access to justice for victims of sexual violence, the practice of negotiating out-of-court settlements between the suspected perpetrator and the victim continued to hinder prosecutions.<sup>1</sup>

## **RIGHT TO HEALTH**

The vaccination campaign against Covid-19 was launched on 5 March, targeting primarily health workers, people over 60, people with strategic jobs, and religious leaders.

On 10 August, President Alpha Condé ordered the government to ensure that all civil servants were vaccinated against Covid-19. As of 29 December, according to the National Agency of Health Security, 1,983,124 people had received their first vaccination, and 911,780 had received their second one (out of an estimated population of around 13 million).

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1. "Guinea: Horrific cases of rape and murder of girls must urge authorities to strengthen their efforts to prevent and combat sexual violence", 15 December

# **HAITI**

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## **Republic of Haiti**

Head of state and government: **Ariel Henry (acting, replaced Jovenel Moïse in July)**

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**The political and economic situation continued to deteriorate, facilitating**

**massive human rights violations, abductions and generalized violence. Human rights defenders and journalists were at heightened risk, impunity remained endemic and tens of thousands of Haitians sought international protection.**

## **BACKGROUND**

The killing in July of Haitian president Jovenel Moïse was a shocking indicator of the massive human rights violations and violence that Haiti has been facing for years.<sup>1</sup>

Following an earthquake in August, the UN estimated that some 800,000 people needed assistance. As of August, the US State Department advised against all travel to Haiti due to "kidnapping, crime, civil unrest, and COVID-19".

## **HUMAN RIGHTS DEFENDERS AND JOURNALISTS**

Human rights defenders and journalists were increasingly at risk of attack and human rights violations.

There was little progress in the investigation into the killing of journalist Diego Charles, a reporter for Radio Vision 2000 and co-founder of the website Larepublik Magazine, and Antoinette Duclair, a political and human rights activist, vocal government critic and co-founder of Larepublik Magazine. They were murdered just a week before President Moïse. The authorities failed to protect their families, who were subjected to death threats and intimidation.<sup>2</sup>

## **IMPUNITY**

Civil society organizations continued to raise concerns about chronic impunity and judicial dysfunction in Haiti.

In April, the Observatoire Haïtien des Crimes contre l'humanité and Harvard Law School's International Human Rights Clinic issued a report alleging Haitian government complicity in three massacres targeting impoverished neighbourhoods between 2018 and 2020. The report pointed to evidence that the attacks, carried out by gangs, were supported by state actors and alleged these

acts could amount to crimes against humanity.

## REFUGEES' AND MIGRANTS' RIGHTS

During the year, tens of thousands of Haitians made their way overland, often taking dangerous routes, including through the Darien Gap jungle, to reach Mexico and the USA. However, both countries implemented policies and practices that limited access to international protection, and continued mass detentions and unlawful forced returns to Haiti, Mexico and Guatemala, placing the lives and physical integrity of thousands of Haitians at risk.<sup>3</sup> In September, images emerged of US border authorities on horseback abusing and taunting Haitians, which provoked widespread condemnation.<sup>4</sup> However, between 19 September and 10 November alone the US government sent nearly 9,000 Haitian migrants and asylum seekers to Haiti, largely without providing access to the US asylum system or protection screenings, exacerbating the crisis.<sup>5</sup>

In September, UN agencies also jointly called on states across the Americas to adopt a comprehensive regional approach for Haitians on the move and to provide them with protection measures including asylum “or other legal stay arrangements for more effective access to regular migration pathways”.

In October, a resolution adopted by the Inter-American Commission on Human Rights addressed the regional need to increase the protection of Haitians on the move. Despite this, during the year, states across the region largely failed to shield Haitians from a range of human rights violations in host countries, including detention and unlawful pushbacks, extortion, anti-Black racism, gender-based violence by armed groups, and destitution, leaving many Haitians with restricted access to protection measures including asylum<sup>6</sup> and nowhere safe to go.<sup>7</sup>

2. “Haiti: Authorities must protect relatives of murdered journalist and activist from death threats”, 6 August
3. *Mexico: Mass Deportations Must Stop* (Index: AMR 41/4790/2021), 30 September
4. *USA: Stop US Abuses against Haitian People* (Index: AMR 51/4773/2021), 23 September
5. *Haiti: Stop US Deportations and Abuse against Haitians on the Move: An Urgent Step Towards Creating Just Policies for Haitians* (Index: AMR 36/5101/2021), 15 December
6. *Haiti: Not Safe Anywhere: Haitians on the Move Need Urgent International Protection* (Index: AMR 36/4920/2021), 28 October
7. “Where do you go when nowhere will welcome you?: States must protect thousands of Haitians on the move. This is how”, 16 December

# HONDURAS

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## Republic of Honduras

Head of state and government: **Juan Orlando Hernández**

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**Human rights defenders continued to face attacks and unfounded criminal proceedings. Authorities blocked access to safe abortions and same-sex marriage. Impunity for excessive use of force by law enforcement persisted.**

## BACKGROUND

General elections were held on 28 November and the newly elected president Xiomara Castro was due to take office in January 2022. The creation of Employment and Economic Development Zones, which benefited from tax exemptions and special security arrangements, sparked protests over the lack of free, prior and informed consent of Indigenous peoples and Afro-descendant communities. Thousands of Hondurans affected by hurricanes Eta and Iota, violence and poverty were forced to leave the country and headed north.

## IMPUNITY AND EXCESSIVE USE OF FORCE

Keyla Martínez died of asphyxia in February in police custody after being arrested for breaking the curfew imposed to curb the spread of Covid-19. There were reports of

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1. “Haiti: Investigation urged into killing of Haitian president and grave human rights violations under his watch”, 7 July

police repression of the protests over her death.<sup>1</sup>

Victims of the 2017-2018 crackdown on post-electoral protests faced ongoing criminal proceedings, including Jhony Salgado,<sup>2</sup> Edwin Espinal and Raúl Álvarez. However, state agents were not held accountable for the human rights violations committed by security forces during the protests.

Several prosecutors of the Specialized Prosecutorial Unit Against Corruption Networks were subjected to disciplinary and criminal proceedings that could be aimed at hindering their work.

## HUMAN RIGHTS DEFENDERS

Honduras ranked second in the world regarding the number of killings of land and environmental defenders per capita, according to the NGO Global Witness. Nevertheless, Honduras had yet to sign the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement).

In July, David Castillo, former manager of the company Desarrollos Energéticos and chief of the Agua Zarca hydroelectric project, was convicted of being co-author of the killing in 2016 of Berta Cáceres. He was awaiting sentencing at the end of the year.<sup>3</sup>

The whereabouts of four Indigenous Garifuna members of the Black Fraternal Organization of Honduras (OFRANEH) forcibly disappeared in July 2020 remained unknown.<sup>4</sup>

Defenders of the land, territory and environment continued to face unfounded criminal charges. Eight members of the Municipal Committee for the Defence of Common and Public Assets detained in 2018 and 2019 remained in prison at the end of 2021.<sup>5</sup>

In October, Congress approved a number of reforms that could restrict the exercise of freedom of assembly and association, human rights defence, guarantees of transparency, access to information and the effective investigation and prosecution of corruption.

## SEXUAL AND REPRODUCTIVE RIGHTS

In January, Congress passed a constitutional reform making it harder to remove the bans on abortion and same-sex marriage.<sup>6</sup> A constitutional action challenging the total ban on abortion was pending before the Supreme Court at the end of the year.

In June, the Inter-American Court of Human Rights found that Honduras had violated the rights to life and personal integrity of Vicky Hernández, a transgender woman, sex worker and activist killed during the 2009 coup.

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1. "Honduras: Death of Keyla Martínez demands prompt, exhaustive and impartial investigation", 9 February
  2. "Honduras: Prosecutor Óscar Chinchilla must drop the charges against Jhony Salgado Fuentes", 9 August
  3. "Honduras: Conviction of David Castillo is a step towards justice, but full truth must be uncovered", 5 July
  4. *Honduras: Further information: Indigenous Activists Still Missing* (Index: AMR 37./4671/2021), 2 September
  5. "Honduras: Amnesty International urges authorities to immediately release eight prisoners of conscience", 9 December
  6. *Honduras: Attack on Sexual and Reproductive Rights* (Index: AMR 37/3594/2021), 28 January

## HUNGARY

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### Hungary

Head of state: **János Áder**

Head of government: **Viktor Orbán**

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**In June, parliament adopted a homophobic and transphobic law. Hungary was involved in the Pegasus spyware scandal. The European Court of Human Rights ruled against Hungary's placement of asylum seekers in transit zones and its practice of pushbacks. The right to freedom of peaceful assembly was restricted until 23 May and an existing state of emergency was extended until 1 June 2022. The government resisted putting in place effective measures to protect judges' freedom of expression and other rights from undue interference.**

## BACKGROUND

Hungary's Constitutional Court upheld a six-month ban on assemblies and demonstrations in a retrospective decision made in July. A new restrictive asylum system was introduced under the state of emergency. The Equal Treatment Authority, an established human rights protection body, was abolished in January without consultation and its functions transferred to the Office of the Commissioner for Fundamental Rights. In September, the Global Alliance of National Human Rights Institutions recommended downgrading the status of the Commissioner from "A" to "B", in accordance with the Paris Principles, as the office had not engaged with or addressed all human rights issues in Hungary. Hungary took over the Presidency of the Council of Europe's Committee of Ministers in May for six months.

## DISCRIMINATION

### LGBTI PEOPLE

Hungary adopted a homophobic and transphobic law in June 2021, banning access by those under 18 to material that promotes or portrays "divergence from self-identity corresponding to sex at birth ... or homosexuality". The new law violated the rights to freedom of expression, non-discrimination and education.<sup>1</sup> The European Commission launched an infringement procedure against Hungary in July.

### WOMEN

The government was still reluctant to ratify the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) that it signed in 2014, alleging that the convention promoted "gender ideology" and "illegal migration".<sup>2</sup>

Women continued to experience widespread gender-based discrimination. Many government policies and communications actively reinforced gender stereotyping, promoting women's domestic roles while downplaying the importance of gender equality.

The reluctance of employers to provide flexible working arrangements, combined with the traditional allocation of care duties within the family to women, exacerbated the negative impact of the Covid-19 pandemic on gender equality.

### ROMA

Discrimination against Roma persisted. Children from Roma families living in poverty continued to be separated from their families and placed in long-term state care, even though this practice is forbidden by the Hungarian Child Protection Act.

Alarm about the prevalence of racist hate speech against Roma and other minorities and about hate crimes was raised by the Human Rights Council Working Group that met from 1 to 12 November.

## RIGHT TO PRIVACY

More than 300 Hungarian nationals were identified as possible targets for the Pegasus spyware produced by surveillance technology firm NSO Group. Media groups identified the Hungarian authorities as a potential client of the company. Experts from Amnesty International were able to confirm, through technical evidence, several cases where the spyware was successfully installed on phones, some of them belonging to journalists. The Hungarian National Security Services Act remained in violation of Article 8 of the European Convention on Human Rights, according to a European Court of Human Rights (ECtHR) judgment in the case of *Szabó and Vissy v. Hungary* in 2016.

In a unanimous ruling in July in the case of *Vig v. Hungary*, the ECtHR found that enhanced police checks used in 2013 when Dávid Vig – then a lawyer and academic – was stopped and searched under the provisions of the Police Act, were in violation of the right to privacy.

## REFUGEES' AND MIGRANTS' RIGHTS

The European Border and Coast Guard Agency (Frontex) suspended its operations in Hungary in January after the government failed to address a December 2020 ruling by the Court of Justice of the EU (CJEU) against

its asylum law and practices. The court ruled that large-scale pushbacks introduced by legislation in 2016 violated Hungary's obligation to ensure effective access to international protection for asylum seekers. In 2021, more than 71,000 pushbacks took place at the Serbian-Hungarian border.

In March, the ECtHR ruled that detaining asylum seekers in areas known as "transit zones" qualified as unlawful detention. The case concerned an Iranian-Afghan family of five (including a pregnant mother with three minors) who were held in the Rösztke transit zone in unsuitable conditions without food or proper medical treatment, which amounted to inhuman and degrading treatment. This, combined with the lack of a statutory basis for detention and its duration, also amounted to unlawful detention. After an initial rejection of their asylum application, the applicants were recognized as beneficiaries of subsidiary protection.

In July, the ECtHR ruled on pushbacks for the first time in the case of *Shahzad v. Hungary*, concerning the denial of access to the asylum procedure and the violent deportation of a Pakistani national by Hungarian police officers in 2016. The court found that Hungary violated the prohibition of collective expulsion and the right to an effective remedy. The practice nevertheless continued.

## **FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY**

The law on "the transparency of civil society organizations capable of influencing public life" (the new LexNGO) came into force on 1 July, leading to further control and stigmatization of NGOs.<sup>3</sup> New legislation had been needed following a June 2020 CJEU ruling that the 2017 law on NGO transparency introduced discriminatory and unjustified restrictions to freedom of association. However, while repealing the previous law, parliament introduced new regulations that once again unduly restricted the right to freedom of association. The law prescribed annual audits of NGOs whose total assets exceeded HUF20,000,000

(€55,000). NGOs expressed concern that these new provisions could lead to arbitrarily selective and intimidatory audits by the authorities.

In its decision on 16 November 2021 about the LexNGO 2018 ("Stop Soros"), the CJEU found that Hungary had violated both the Procedures and Reception Directives of the EU by introducing an inadmissibility ground to quasi automatically reject the asylum applications of those arriving in Hungary through a "safe transit country". The court also found that Hungary had unlawfully criminalized the activities of those who provided assistance to asylum seekers.

## **RIGHT TO A FAIR TRIAL**

Despite a 2016 ECtHR judgment that the dismissal of the president of the former Hungarian Supreme Court, András Baka, violated the right to a fair trial and the right to freedom of expression, Hungary continued to fail to implement the decision or take general measures to protect judges' right to freedom of expression and other rights from undue interference. Hungary failed to submit an updated action plan by December 2021.

In a more positive development, Hungary's Constitutional Court ruled in March that the provision allowing for unlimited pretrial detention pending a first decision was unconstitutional as it violated the right to liberty, and that pretrial detention should have an absolute limit. The provision was accordingly repealed in September.

The European Commission's annual Rule of Law report identified problems severely threatening the rule of law in Hungary. The Commission was not able to identify any substantial improvements as compared to the findings of the 2020 report. Hungary's system of checks and balances, as well as the transparency and quality of the legislative process, remained a source of concern.

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1. *Hungary: The Russian-style Propaganda Law Violates Human Rights and Threatens LGBTI People* (Index: EUR 27/4492/2021), 22 July
  2. "Open Letter: Human rights violations in Hungary ahead of its Presidency of the Council of Europe Committee of Ministers", 20 May

# INDIA

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## Republic of India

Head of state: **Ram Nath Kovind**

Head of government: **Narendra Modi**

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**The authorities used repressive laws to silence critics by curbing freedom of expression both offline and online. Human rights defenders, including activists, journalists, students, lawyers and actors, continued to face intimidation and harassment. Independent investigations revealed a massive unlawful surveillance apparatus being used by the government against human rights defenders, violating their rights to privacy, non-discrimination and data protection. The foreign contribution law was misused to crack down on human rights NGOs. Police and security forces used excessive force against members of minority communities and farmers protesting peacefully against laws on farming. Courts undermined the right to a fair trial and delayed hearing crucial cases involving violations of human rights. In the context of Covid-19, lack of transparency over the distribution of funds increased and the right to health was undermined. Significant sectors of the population suffered from shortages of hospital beds and oxygen during the second wave of Covid-19 infections. Caste-based discrimination and violence against Dalits and Adivasis continued unabated. Vigilante cow protection groups attacked minority communities, adversely affecting their livelihoods.**

## FREEDOM OF EXPRESSION AND ASSOCIATION

Unlawful and politically motivated restrictions were placed on freedom of expression and assembly. Outspoken journalists, media outlets, actors and human rights activists

were threatened and intimidated through the misuse of over-broad financial laws.

On 28 July, multiple offices of the Dainik Bhaskar group, a Hindi-language news daily, were raided by tax authorities. Dainik Bhaskar had reported on the mass dumping of bodies of Covid-19 victims along the river Ganges due to high cremation costs. Between 10 and 16 September, the offices of media outlets NewsClick and NewsLaundry, as well as the house of actor-philanthropist Sonu Sood and the offices of human rights activist Harsh Mander, were raided on alleged charges of tax evasion and diversion of funds for “religious conversion”.

The Foreign Contribution Regulation Act (FCRA) was misused by government agencies to silence NGOs. In June, the Ministry of Home Affairs suspended the FCRA licence of the Commonwealth Human Rights Initiative, a human rights organization working on access to information and justice. The Ministry also cancelled the registration of 10 international NGOs working on environment, climate change and child labour issues, and placed more than 80 philanthropic and human rights agencies on a “Prior Reference Category” list without citing any reason. Funds are only disbursed to or from the organizations on this list after clearance from the Ministry of Home Affairs, seriously curtailing their work.

In July the Pegasus Project, an international investigative journalism initiative, exposed the unlawful and arbitrary surveillance of Indian citizens through the government’s alleged use of Pegasus spyware. At least 300 telephone numbers of human rights defenders, journalists, lawyers, government officials and opposition politicians were potentially compromised. The spyware, as examined by Amnesty International, enabled government agencies to monitor all phone activity, including emails, files, contact lists, location information and chat messages. It also enabled governments to secretly record audio and video using a phone’s built-in microphone and camera. The ruling Bharatiya Janata Party (BJP) stalled all attempts by opposition leaders in parliament

to initiate an investigation into the allegations. On 27 October, the Supreme Court ordered the formation of a three-member committee to conduct an independent investigation into the use of Pegasus spyware for unlawful surveillance.

The names of many human rights defenders, including lawyers and academics, were added to the government's Union War Book as "enemies of state" requiring "surveillance at all times". The book is a colonial-era document which compiles information related to security threats.

In May, the government enforced the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules without the necessary public consultation and despite pending litigation in various courts. The Rules regulate so-called Over-the-Top (OTT) platforms such as television streaming services, as well as news media platforms. They allow for the blocking and censoring of content without any legislative backing. The introduction of the Rules also mandated the identification of the originator of certain information on social media, effectively breaking end-to-end encryption and violating the right to privacy.

India witnessed 38 government-mandated internet shutdowns during the year. Residents of Jammu and Kashmir suffered the longest internet shutdown on record from 4 August 2019 to 5 February 2021. The region continued to suffer repeated internet shutdowns over concerns for national security and public order. The shutdowns caused economic loss and adversely impacted education and other service provision. They also put human rights defenders at heightened risk of surveillance by government agencies.

## **ARBITRARY ARRESTS AND DETENTIONS**

Fourteen human rights activists continued to be detained under the Unlawful Activities (Prevention) Act (UAPA) anti-terror legislation. They were academics Anand Teltumbde, Shoma Sen and Hany Babu; tribal rights activist Mahesh Raut; poet Sudhir Dhawale; lawyers Surendra Gadling and

Sudha Bharadwaj; writer Gautam Navlakha; activists Rona Wilson, Arun Ferreira, Vernon Gonsalves and Sagar Gorkhe; and two members of the cultural group Kabir Kala Manch: Ramesh Gaichor and Jyoti Jagtap. They were arrested between 2018 and 2020 by the National Investigation Agency (NIA), India's main counterterrorism agency, for their alleged involvement in violence during the Bhima Koregaon celebrations near the city of Pune in 2018.

The government cracked down on social media and internet use by resorting to arbitrary arrests. In February, climate activist Disha Ravi was arrested for "sedition" and "spreading disharmony between communities" for sharing a social media toolkit intended to help farmers protest against three contentious farming laws. More than 183 people were arrested for protesting against the three laws, which were passed by parliament in 2020 with minimal consultation. The laws were repealed in December.

On 9 March, Hidme Markam, a human rights activist from the Adivasi Indigenous community, was arrested under the UAPA for highlighting sexual violence against women by state security forces. On 8 April, various UN Special Rapporteurs wrote to the Indian government questioning the charges against her. The government refused to share the legal basis for her arrest.

On 21 September, Aakar Patel, a human rights activist and Chair of Amnesty International India, was arrested and charged with "creating communal disharmony" after tweeting about hostility towards the Ghanchi Muslim community, including from the ruling BJP. The complaint was filed by a sitting member of the legislative assembly who was affiliated to the BJP.

Hundreds of members of the Muslim Tablighi Jamaat movement, who were arbitrarily arrested by 11 state governments for allegedly violating visa terms and intentionally disregarding Covid-19 guidelines, were acquitted by the courts. The court judgments called the prosecution "malicious" and held that the state

governments abused their power and tried to make “scapegoats” of the accused.

In October, several opposition politicians were arbitrarily detained or put under house arrest by the Uttar Pradesh Police for showing their support for four protesting farmers who were killed by a speeding car owned by the junior home minister.

## **CASTE-BASED DISCRIMINATION AND HATE CRIMES**

Dalits and Adivasis continued to face widespread abuses. According to official statistics released in September, more than 50,000 crimes against members of Scheduled Castes and 8,272 crimes against Scheduled Tribes were reported in 2020. Dalit and Adivasi women faced sexual violence by men from dominant classes. Many faced discrimination in accessing public services.

In June, a 17-year-old Dalit boy was shot dead by dominant-caste men in the city of Bijnor, Uttar Pradesh. The victim had previously lodged a complaint with local police after the men objected to him entering a temple, but the police had not taken any action.

In August, a nine-year-old Dalit girl was allegedly raped and murdered by four men including a Hindu priest in a Delhi crematorium, and then cremated without her family's consent.

In September, Arbaaz Aftab was murdered, allegedly at the behest of his Hindu girlfriend's parents, who opposed their daughter's interfaith relationship.

Despite legislation in various states criminalizing acts of lynching, Dalit and Muslim men were assaulted or beaten to death by vigilante cow protection groups in Assam, Bihar, Jammu and Kashmir, Meghalaya, Rajasthan, Uttar Pradesh, Tripura and Uttar Pradesh.

## **IMPUNITY**

Enforced disappearances and torture and other ill-treatment were committed with impunity on a widespread and systematic basis.

In July, an 84-year-old Jesuit priest, Father Stan Swamy, died after being repeatedly denied bail despite suffering from Parkinson's disease and contracting Covid-19 in jail. He had been arrested in October 2020 by the NIA for his alleged involvement in violence during the Bhima Koregaon celebrations near the city of Pune in 2018. Father Swamy had been a vocal supporter of tribal peoples.

At least 28 people were killed in targeted attacks in Jammu and Kashmir by members of armed groups. The Indian government failed to address the human rights and safety concerns of the people of Jammu and Kashmir.

## **EXCESSIVE USE OF FORCE**

There were numerous incidents of excessive use of force by police and security officers. In August, Haryana Police charged on peacefully protesting farmers in the city of Karnal, Haryana, beating them with *lathis* (batons), and seriously injuring at least 10 farmers. Prior to the *lathi*-charge, the sub-divisional magistrate of Karnal was seen ordering police officers to “break the heads of protesters” in a video shared on social media.

In September, Assam Police indiscriminately fired on members of the Bengali Muslim community in a forced eviction drive in the village of Sipajhar, Assam, killing a man and a 12-year-old boy. A photojournalist was seen stamping on the body of the murdered man in the presence of police officers who did not prevent the act, in a video shared on social media. After intense public outrage, the photojournalist was arrested.

In October, the central government extended the jurisdiction of the Border Security Force in states sharing international borders, and gave them increased powers of search, seizure and arrest. In the past, the Border Security Force has been accused of grave human rights violations including unlawful use of force, extrajudicial killings, and torture and other ill-treatment.



## RIGHT TO A FAIR TRIAL

In June, the Supreme Court granted bail to students and human rights activists Natasha Narwal, Devangana Kalita and Asif Iqbal Tanha, who were arrested under the UAPA for allegedly orchestrating the 2020 Delhi riots. However, it barred this judgment from being used as a precedent in similar cases, effectively preventing courts from granting bail to other students and human rights activists languishing in jail for peacefully protesting against the Citizenship Amendment Act. The Supreme Court also delayed hearing crucial cases related to the constitutional validity of the Citizenship Amendment Act as well as to sedition and the abrogation of Article 370 of the Constitution. It also delayed hearing the challenges to the three laws on farming that were passed with minimal consultation in 2020 and resulted in long-standing protests by farmers.

## RIGHT TO HEALTH

In 2020, the government set up the PM CARES Fund to deal with emergency situations including the Covid-19 pandemic. However, there was a lack of transparency over the distribution of huge grants collected by the fund. The central government exempted the fund from audit by the Comptroller and Auditor General, calling it a “public charitable trust”.

Despite the high number of reported Covid-19 cases, the central government allowed religious congregations like the Kumbh Mela and election rallies to go ahead. Prime Minister Modi personally appealed to citizens to attend. It later emerged that these events contributed to a second wave of Covid-19 infections, during which there was an acute shortage of hospital beds and oxygen to treat patients.

Community health workers, including the all-female Accredited Social Health Activists (ASHA workers) who operate in rural areas, were not given adequate wages or PPE.

## FREEDOM OF RELIGION AND BELIEF

In April, stringent amendments were made to an anti-conversion law in the state of Gujarat. The amendments punish religious conversion with up to 10 years in prison, and nullify the marriages of those who have converted. The burden of proof is reversed, and the woman's testimony that she converted of her own volition is insufficient. Her husband and his family must prove that she was not coerced to change her religion. In the past, similar laws were enacted in Uttarakhand, Himachal Pradesh, Uttar Pradesh and Madhya Pradesh. In August, the Gujarat High Court suspended certain provisions of the law, holding them to be unconstitutional.

## DISCRIMINATION

In June, the BJP-led state government in Assam introduced a two-child policy, which barred those with larger families of more than two children from contesting local elections, applying for government jobs and getting subsidies from government welfare schemes. The BJP-led government in the state of Uttar Pradesh introduced a similar draft law.

# INDONESIA

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Republic of Indonesia

Head of state and government: **Joko Widodo**

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**Human rights defenders, academics, journalists and students were among those prosecuted and harassed for their legitimate activities. The Electronic Information and Transaction Law was widely used to restrict the right to freedom of expression online. Political and labour rights activists and Indigenous peoples were among those arrested and prosecuted, including for participating in peaceful protests, and excessive force was used to disperse protesters. At least 28 prisoners of conscience remained imprisoned. Security forces committed unlawful killings in Papua and West Papua, largely with impunity. There was a continued pattern of**

**discrimination against members of the Ahmadiyya religious community.**

## **BACKGROUND**

A sharp increase in Covid-19 infections in mid-2021 threatened access to healthcare, with many hospitals unable to provide beds or oxygen for treatment. Economic challenges and dissatisfaction with the government's response to the pandemic contributed to growing discontent and increased public protest.

## **HUMAN RIGHTS DEFENDERS**

At least 158 physical assaults, digital attacks, threats and other forms of attack against 367 human rights defenders were reported during the year.

In February, father and son Syamsul Bahri and Samsir from the Nipah Farmer community in North Sumatra province were accused of assault, arrested, and detained for 14 days following an incident in December 2020 when Syamsul Bahri, the community chairman, questioned two people who were taking photographs of them working on a mangrove rehabilitation project in the area. Local NGOs believed that the assault charges were linked to the men's activities to conserve and defend access to their community lands. They were convicted on 31 May and sentenced to two months' suspended prison sentence and four months' probation. On 18 August, the Medan High Court upheld the ruling after an appeal by the prosecutor seeking the imprisonment of Syamsul Bahri and Samsir.<sup>1</sup> They remained under probation at year's end.

On 17 May, following their public criticism of the dismissal of 75 employees of Indonesia's Corruption Eradication Commission (KPK), Busyro Muqoddas and Bambang Widjojanto, both former KPK commissioners, and at least six members of the NGO Indonesian Corruption Watch (ICW), reported that unidentified parties had hacked their messaging app accounts. The hacks occurred ahead of an ICW press conference criticizing the dismissals, which was also

disrupted by spam intrusions and other digital interruptions.<sup>2</sup>

## **INDIGENOUS PEOPLES' RIGHTS**

There was an ongoing pattern of violence and intimidation throughout 2021 towards Indigenous peoples seeking to protect their lands and traditions from commercial activities.

On 27 February, three leaders of the Dayak Modang Long Wai Indigenous people in East Kalimantan province were arrested during a protest against a palm oil plantation company that was operating on their customary lands.

In April, members of the Sakai Indigenous people in Riau province were met with violence when attempting to stop eucalyptus trees being planted on their lands by private security officers employed by a timber company with which they had a longstanding dispute over land rights. Community members attempting to block the operation were pushed, dragged and thrown to the ground by the security officers.

In a similar incident in May, members of the Huta Natumingka Indigenous people in North Sumatra province were violently assaulted when protesting against the arrival of hundreds of private security officers sent by a pulp and paper company to plant eucalyptus trees on the land they inhabited. Dozens of community members suffered injuries in the two incidents.

## **FREEDOM OF EXPRESSION**

Authorities continued to limit the right to freedom of expression both online and offline. The Electronic Information and Transaction (EIT) Law was used against individuals for their legitimate criticisms of official policies or actions in at least 91 cases involving 106 victims. These included Saiful Mahdi, a lecturer at the Syiah Kuala University in Aceh province, who began a three-month prison sentence on 2 September after being found guilty of criticizing the university's hiring process in a WhatsApp group in 2019. He was released on 12 October after being granted an amnesty by the president.

On 22 September, the coordinating minister for maritime and investment affairs accused Haris Azhar and Fatia Maulidiyanti of “spreading false information” in connection with a YouTube video they hosted in August 2020 in which they reported allegations that the minister and members of the military were involved in the mining industry in Papua. The two video hosts were sent subpoenas on 26 August and 2 September by the minister under the EIT Law and faced criminal investigation.

In August, the police interrogated several individuals suspected of making murals and posters featuring messages critical of the government that appeared in several cities.<sup>3</sup> On 13 September, at least seven students of Universitas Sebelas Maret in Surakarta in Central Java were arrested after unfurling posters during a visit to the campus by President Widodo. The posters contained appeals to the president to support local farmers, address corruption and prioritize public health during the pandemic.<sup>4</sup>

## **FREEDOM OF ASSOCIATION AND ASSEMBLY**

Authorities continued to arbitrarily arrest and detain political activists in the regions of Papua and Maluku where there was a history of pro-independence movements. At year's end, at least 15 Papuan prisoners of conscience and 11 from Maluku were still imprisoned. All were charged with or found guilty of *makar* (rebellion) provisions of Indonesia's Criminal Code.

On 9 May authorities in Jayapura, the capital of Papua, arrested Papuan pro-independence activist Victor Yeimo who was peacefully protesting against racial discrimination. He was charged with violating Article 106 on treason and Article 110 on conspiracy to commit treason under the Criminal Code. His trial was pending at the end of the year.

Individuals supporting workers' rights were detained. On 22 February, Aan Aminah, the head of the Militant Trade Unions Federation, was detained on charges of assault, which carries a prison sentence of up to two years

and eight months. The charge related to an incident in June 2020 when Aan Aminah had been attempting to speak to company bosses about the termination of contracts of several workers when she defended herself against forcible removal by security guards.<sup>5</sup> She was acquitted on 6 July, but the prosecutor appealed against the decision. No decision had been made on the appeal by the end of the year.

On 1 May, police arrested dozens of students who were participating in peaceful protests to mark International Labour Day in the capital, Jakarta, and the city of Medan. The police reportedly claimed that only manual workers were permitted to take part in Labour Day events.

## **EXCESSIVE USE OF FORCE**

Peaceful protests against the renewal of and revisions to the Special Autonomy Law for Papua, passed by Indonesia's House of Representatives on 15 July, were met with disproportionate force including beatings, water cannon and baton rounds.

Protests took place in Jakarta and Papua against the extension of the special autonomy status of Papua, and against new provisions introducing additional central government powers over Papuan affairs and removing the right of Papuans to form political parties. On 14 July, at least four students were injured in Jayapura after clashes with security forces. Police reportedly beat protesters using their fists, guns and rubber batons.

On 15 July, police dispersed protesters in front of the House of Representatives building in Jakarta. At least 50 people were arrested. One protester described being beaten, punched, stamped on and racially abused by members of the security forces before being pulled into a truck and taken to the Jakarta police headquarters. On 16 August, during another protest in Jayapura, security forces used water cannons, rubber batons, and baton rounds to disperse protesters.

## UNLAWFUL KILLINGS

There were reports of 11 incidents of suspected unlawful killings by security forces involving 15 victims during the year. All took place in Papua. Five involved members of the Indonesian military, two were attributed to the police, and four implicated both military and police officers. Authorities claimed that they had initiated investigations into four of the 11 incidents, but no one had been brought to justice in connection with any of the killings by the end of 2021.

On 4 June, Denis Tabuni and Eliur Kogoya were shot by a member of the military in a market in the town of Wamena in Jayawijaya Regency. Denis Tabuni died and Eliur Kogoya sustained a gunshot wound to his leg. Instead of an investigation, a “peace agreement” was signed between the alleged perpetrator and Eliur Kogoya’s family.<sup>6</sup>

On 16 August, police shot dead Ferianus Asso who was participating in a protest in Yahukimo Regency, Papua, to demand the release of Papuan pro-independence activist Victor Yeimo.

## WORKERS’ RIGHTS

The disbursement of incentive payments to health workers in recognition of their work during the Covid-19 pandemic was delayed by data inconsistencies and bureaucratic hurdles. The incentive system was introduced in March but as of July at least 21,424 health workers across 21 provinces had experienced delays or even cuts to payments to which they were entitled. According to *LaporCovid-19*, an independent citizen-based reporting platform, many health workers had to go in person to the Ministry of Health in Jakarta to ensure that their data was accurately recorded; this was not always possible, especially for those working in more remote areas.<sup>7</sup>

A former volunteer health worker at the Wisma Atlet Emergency Hospital in Jakarta was subjected to intimidation by the security forces after planning a press conference to publicize delays in the delivery of incentive payments. She said that she was interrogated for approximately five hours by security

forces on 7 May in a hospital committee room.

## FREEDOM OF RELIGION AND BELIEF

The Ahmadiyya religious community continued to face discrimination and its members were denied the right to carry out religious activities in several provinces. In Sintang Regency, West Kalimantan province, local authorities issued a “Joint Agreement Letter” on 29 April forbidding the local Ahmadiyya community from practising their religion. On 13 August the Ahmadiyya mosque was closed down following pressure from a local Islamist group. The following month, a group of unidentified assailants attacked the mosque and burnt down an adjacent building. Authorities who were present took no action to prevent the attack.<sup>8</sup>

On 6 May, police officers stopped construction work on an Ahmadiyya mosque in Garut Regency, West Java province, and sealed off the site. The action was reportedly taken under an order from the Garut Regent following protests from local residents.<sup>9</sup> Ahmadiyya community representatives were excluded from discussions between the local leaders and residents prior to the work on the mosque being halted. Their request to discuss the issue with the police was also rejected.

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1. *Indonesia: Further information: Environmental Human Rights Defenders Free: Syamsul Bahri and Samsir* (ASA 21/4871/2021), 12 October
  2. “Indonesia: Hacking the accounts of anti-corruption activists is a form of stifling freedom of expression”, 18 May (Indonesian only)
  3. “Indonesia: Freedom of expression: 404 not found”, 20 August (Indonesian only)
  4. “Indonesia: Excessive, police action arrests poster bearers”, 14 September (Indonesian only)
  5. “Indonesia: Bandung - Free the head of Sebumi Federation Aan Aminah”, 25 February (Indonesian only)
  6. “Indonesia: Unlawful killings cannot be solved only by peace agreement”, 25 June (Indonesian only)
  7. “Indonesia: Ensure health workers are paid on time and in full as Covid crisis continues”, 6 August
  8. “Indonesia: The state must protect Ahmadiyya citizens in Sintang”, 3 September (Indonesian only)

# IRAN

## Islamic Republic of Iran

Head of state: **Ali Khamenei (Supreme Leader)**

Head of government: **Ebrahim Raisi (President, replaced Hassan Rouhani in August)**

**Thousands of people were interrogated, unfairly prosecuted and/or arbitrarily detained solely for peacefully exercising their human rights, and hundreds remained unjustly imprisoned. Security forces unlawfully used lethal force and birdshot to crush protests. Women, LGBTI people and ethnic and religious minorities faced entrenched discrimination and violence. Legislative developments further undermined sexual and reproductive rights, the right to freedom of religion and belief, and access to the internet. Torture and other ill-treatment, including denying prisoners adequate medical care, remained widespread and systematic. Authorities failed to ensure timely and equitable access to Covid-19 vaccines. Judicial punishments of floggings, amputations and blinding were imposed. The death penalty was used widely, including as a weapon of repression. Executions were carried out after unfair trials. Systemic impunity prevailed for past and ongoing crimes against humanity related to prison massacres in 1988 and other crimes under international law.**

## BACKGROUND

The former head of Iran's judiciary, Ebrahim Raisi, rose to the presidency in June instead of being investigated for crimes against humanity related to the mass enforced disappearances and extrajudicial executions of 1988, reflecting systemic impunity in Iran.<sup>1</sup>

Presidential elections were held in a repressive environment with a markedly low turnout. Authorities barred women, members of religious minorities and critics from

running, and threatened to prosecute anyone encouraging election boycott.

Ongoing US sanctions, Covid-19 and corruption deepened Iran's economic crisis, characterized by high inflation, job losses and low or unpaid wages. Strikes and rallies punctuated the year as authorities failed to prioritize adequate wages, housing, healthcare, food security and education in public budgets.

Environmental experts criticized the authorities' failure to address Iran's environmental crisis, marked by loss of lakes, rivers and wetlands; deforestation; water pollution from raw sewage and industrial waste; and land sinking.

Iran continued to provide military support to government forces in the armed conflict in Syria (see Syria entry).

In February, a Belgian court sentenced Iranian diplomat Assadollah Asadi to 20 years' imprisonment for his role in a thwarted bomb attack against a rally by an exiled Iranian opposition group in France in 2018.

In March, the UN Human Rights Council renewed the mandate of the Special Rapporteur on Iran. The authorities denied him, other UN experts and independent observers entry to Iran.

## FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

The authorities continued to heavily suppress the rights to freedom of expression, association and assembly. They banned independent political parties, trade unions and civil society organizations, censored media and jammed satellite television channels.

In January, the authorities added Signal to the list of blocked social media platforms, which included Facebook, Telegram, Twitter and YouTube. Security and intelligence officials carried out arbitrary arrests for social media postings deemed "counter-revolutionary" or "un-Islamic".

The authorities imposed internet shutdowns during protests, hiding the scale of violations by security forces. In July, parliament fast-tracked preparations for a bill that is

expected to be adopted in 2022 and which would criminalize the production and distribution of censorship circumvention tools and intensify surveillance.

Several thousand men, women and children were interrogated, unfairly prosecuted and/or arbitrarily detained solely for peacefully exercising their rights to freedom of expression, association and assembly. Among them were protesters, journalists, dissidents, artists, writers, teachers and dual nationals. Also among them were human rights defenders, including lawyers; women's rights defenders; defenders of LGBTI people's rights, labour rights and minority rights; environmentalists; anti-death penalty campaigners; and bereaved relatives demanding accountability, including for mass executions and enforced disappearances in the 1980s. Hundreds remained unjustly imprisoned at the end of the year.

The decade-long arbitrary house arrest of former presidential candidates Mehdi Karroubi and Mir Hossein Mousavi, and the latter's wife, Zahra Rahnava, continued.

Dissidents and journalists based abroad faced intensified threats, and their families in Iran were interrogated and/or arbitrarily detained in reprisal for their work.<sup>2</sup> In July, US prosecution authorities charged four Iranian agents for conspiring to abduct Iranian-US journalist Masih Alinejad from US soil. In August, intelligence officials interrogated the relatives of exiled Kurdish human rights defender Arsalan Yarahmadi and threatened him with death. Iranian-Swedish dissident Habib Chaab and Iranian-German dissident Jamshid Sharmahd, who had previously been abducted abroad and returned to Iran, remained at risk of the death penalty.

Security forces deployed unlawful force, including live ammunition and birdshot, to crush mostly peaceful protests. In July, at least 11 people were shot dead during protests over water shortages in Khuzestan and Lorestan provinces and scores were injured.<sup>3</sup> On 26 November, security forces fired metal pellets to disperse protests over water mismanagement in Esfahan, leading to

scores of people, including children, being blinded or sustaining other serious eye injuries.

Over 700 petrochemical workers were unjustly dismissed for participating in nationwide strikes in June.

## **TORTURE AND OTHER ILL-TREATMENT**

Torture and other ill-treatment remained widespread and systematic, especially during interrogation. Torture-tainted "confessions" were broadcast on state television and consistently used to issue convictions.

Prison and prosecution authorities, working under the judiciary, held prisoners in cruel and inhuman conditions characterized by overcrowding, poor sanitation, inadequate food and water, insufficient beds, poor ventilation and insect infestation, and denied many of them adequate medical care, placing them at greater risk of Covid-19.

Increasingly, the authorities transferred women prisoners of conscience to squalid conditions in prisons far from their families in reprisal for continuing to denounce human rights violations while imprisoned.

Leaked surveillance footage from Tehran's Evin prison in August showed prison officials beating, sexually harassing and otherwise torturing or ill-treating prisoners.<sup>4</sup>

At least 24 prisoners died in suspicious circumstances involving allegations of torture or other ill-treatment, including the denial of adequate medical care.<sup>5</sup>

The Penal Code retained punishments violating the prohibition of torture and other ill-treatment, including flogging, blinding, amputation, crucifixion and stoning. In February, Hadi Rostami was flogged 60 times in Urumieh prison in reprisal for his hunger strikes against repeated threats that his amputation sentence would be implemented.

Hadi Atazadeh died in Ahar prison in September after being flogged.

In October, a court in Tehran sentenced a man to be blinded in one eye under the principle of "retribution-in-kind" (*qesas*) for assault.

At least 152 people were sentenced to flogging, according to the Abdorrahman Boroumand Center.

## **DISCRIMINATION**

### **WOMEN AND GIRLS**

Women faced discrimination in law and practice, including in relation to marriage, divorce, employment, inheritance and political office.

Discriminatory compulsory veiling laws led to daily harassment, arbitrary detention, torture and other ill-treatment, and denial of access to education, employment and public spaces. At least six women's rights defenders remained imprisoned for campaigning against compulsory veiling.

Parliament further undermined the right to sexual and reproductive health by adopting the bill "Youthful population and protection of the family" in November which, among other things, bans state-funded facilities from providing birth control free of charge; requires pharmacies to sell contraception only with a prescription; bans vasectomy and tubectomy except when pregnancy would endanger a woman's life or lead to serious physical harm or unbearable hardship during pregnancy or after labour; and suppresses access to prenatal screening tests.

The parliamentary Social Commission approved the long-standing bill "Defending dignity and protecting women against violence" in July after regressive amendments by the judiciary. The bill, which awaited final approval, contains welcome provisions, including the establishment of special police units, safe houses and a national working group to devise strategies to tackle violence against women and girls. However, it fails to define domestic violence as a separate offence, criminalize marital rape and child marriage, or ensure men who murder their wives or daughters face proportionate punishments. In cases of domestic violence, the bill prioritizes reconciliation over accountability.

The legal age of marriage for girls stayed at 13, and fathers could obtain judicial permission for their daughters to be married

at a younger age. According to official figures, between March 2020 and March 2021, the marriages of 31,379 girls aged between 10 and 14 were registered, representing a 10.5% increase over the previous year.

### **LGBTI PEOPLE**

The murder in May of Alireza Fazeli Monfared, who self-identified as a non-binary gay man, highlighted how the criminalization of consensual same-sex sexual conduct and gender non-conformity with punishments ranging from flogging to the death penalty perpetuated violence and discrimination against LGBTI people.<sup>6</sup>

State-endorsed "conversion therapies" amounting to torture or other ill-treatment remained prevalent, including against children.

Gender non-conforming individuals risked criminalization unless they sought a legal gender change, which required gender reassignment surgery and sterilization.

The military continued to characterize homosexuality as a "perversion". Military exemption cards issued to gay and transgender individuals indirectly disclosed their sexual orientation or gender identity without their consent, putting them at risk of violence.

### **ETHNIC MINORITIES**

Ethnic minorities, including Ahwazi Arabs, Azerbaijani Turks, Baluchis, Kurds and Turkmen, faced discrimination, curtailing their access to education, employment and political office. Despite repeated calls for linguistic diversity, Persian remained the sole language of instruction in primary and secondary education.

Ethnic minorities remained disproportionately affected by death sentences imposed for vague charges such as "enmity against God". The authorities secretly executed those convicted of such charges and refused to return their bodies to their families, as in the cases of four Ahwazi Arab men in March and a Kurdish man, Heidar Ghorbani, in December.<sup>7</sup> At least 20 Kurdish men remained on death row after being convicted of such charges.

The authorities refused to cease and provide accountability for the unlawful killing of scores of unarmed Kurdish cross-border couriers (*kulbars*) between the Kurdistan regions of Iran and Iraq, and of unarmed Baluchi fuel porters (*soukhtbar*) in Sistan and Baluchestan province.<sup>8</sup>

More than 200 Kurds, including dissidents and civil society activists, were swept up in two waves of arbitrary arrests in January and July-August.<sup>9</sup> Most were released after weeks or months of being forcibly disappeared or detained incommunicado, while several remained in prison and several others were sentenced to imprisonment.

### **RELIGIOUS MINORITIES**

Religious minorities, including Baha'is, Christians, Gonabadi Dervishes, Jews, Yaresan and Sunni Muslims, suffered discrimination in law and practice, including in access to education, employment, child adoption, political office and places of worship, as well as arbitrary detention, and torture and other ill-treatment for professing or practising their faith.

People born to parents classified as Muslim by the authorities remained at risk of arbitrary detention, torture or the death penalty for "apostasy" if they adopted other religions or atheist beliefs.

Members of the Baha'i minority suffered widespread and systematic violations, including arbitrary detention, torture and other ill-treatment, enforced disappearance, forcible closure of businesses, confiscation of property, house demolitions, destruction of cemeteries, and hate speech by officials and state media, and were banned from higher education. In April, authorities prevented Baha'is from burying their loved ones in empty plots at a cemetery near Tehran, insisting they bury them between existing graves or at the nearby Khavaran mass grave site related to the 1988 prison massacres; authorities lifted the ban after a public outcry.<sup>10</sup> In June, security forces demolished around 50 Baha'i homes in the village of Ivel in Mazandaran province as part of a long-standing campaign to expel them from the region.

In January, parliament further undermined the right to freedom of religion and belief by introducing two articles to the Penal Code that prescribe up to five years' imprisonment and/or a fine for "insulting Iranian ethnicities, divine religions or Islamic denominations" or for engaging in "deviant educational or proselytizing activity contradicting ... Islam". In July, three Christian converts were sentenced to lengthy imprisonment on this basis.

Several Gonabadi Dervishes remained unjustly imprisoned, including in connection with a peaceful protest that authorities violently quashed in 2018. One of them, Behnam Mahjoubi, died in custody on 21 February following months of torture and other ill-treatment, including deliberate denial of adequate medical care.

Authorities continued to raid house churches.

### **RIGHT TO HEALTH**

The authorities' response to Covid-19 was marked by a lack of transparency and failure to address shortages of vaccines, hospital beds, oxygen supplies and nurses.

Iran launched its Covid-19 vaccination programme in February, but given the Supreme Leader's January decision to ban vaccines produced in the UK and USA, by August less than 6% of the population had been vaccinated. The ban was lifted in August and over 80% of the population had received the first dose of the vaccine by the end of the year.

The authorities failed to devise a national strategy to ensure timely and equitable access to Covid-19 vaccines for thousands of undocumented Afghan nationals, with local officials in some provinces establishing special vaccination centres for this group from October.

In some cities, mobile vaccination teams were dispatched to informal settlements and areas where people experiencing homelessness were living, but outreach remained uneven nationally.

The vaccination of prisoners did not start until August.



Six people were arbitrarily arrested in August and tried on spurious national security charges in October solely for meeting to discuss possible legal action over the authorities' failure to ensure access to Covid-19 vaccines.

## DEATH PENALTY

The death penalty was imposed after unfair trials, including for offences not meeting the threshold of the "most serious crimes" such as drug-trafficking and financial corruption, and for acts not internationally recognized as crimes. Death sentences were used as a weapon of repression against protesters, dissidents and ethnic minorities.

Yousef Mehrdad and Saadollah Fazeli in Arak were sentenced to death for "insulting the Prophet".

Sajad Sanjari, arrested when aged 15, and Arman Abdolali, arrested when aged 17, were executed in August and November, respectively. Over 80 people remained on death row for offences that occurred when they were children.

## IMPUNITY

The authorities continued to cover up the number of those killed during November 2019 protests, dismissed complaints by victims' families, and praised security forces for the crackdown. Throughout the year, security forces dispersed peaceful gatherings of relatives seeking justice and beat and temporarily detained them. Manouchehr Bakhtiari, the father of a killed protester, was detained in April and sentenced to imprisonment in July for denouncing impunity.

The trial of Hamid Nouri, arrested in Sweden for alleged involvement in prison massacres in 1988, began in August under the principle of universal jurisdiction. Consistent with long-standing patterns of denial and distortion, Iran's foreign affairs ministry described the trial as a "plot" concocted by "terrorists" that relied on "fake documentation and witnesses".

The authorities continued to conceal the truth surrounding the January 2020 shooting

down of Flight 752 by the Revolutionary Guards, which killed 176 people, and harassed, arbitrarily detained, tortured or otherwise ill-treated bereaved relatives for seeking justice. In November, the prosecution of 10 low-ranking officials before a military court in Tehran started behind closed doors amid grievances by victims' relatives about the impunity afforded to top military and executive officials.

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1. "Iran: Ebrahim Raisi must be investigated for crimes against humanity", 19 June
  2. *Iran: Rights Groups: Iranian Dissidents Remain at Risk Worldwide Without International Action* (Index: MDE 13/4480/2021), 19 July
  3. "Iran: Security forces use live ammunition and birdshot to crush Khuzestan protests", 23 July; "Iran: Security forces use ruthless force, mass arrests and torture to crush peaceful protests", 11 August
  4. "Iran: Leaked video footage from Evin prison offers rare glimpse of cruelty against prisoners", 25 August
  5. "Iran: A decade of deaths in custody unpunished amid systemic impunity for torture", 15 September
  6. *Iran: Murder of 20-year-old Gay Man Highlights Urgent Need to Protect LGBTI Rights* (Index: MDE 13/4129/2021), 17 May
  7. *Iran: Four Ahwazi Arab men secretly executed* (Index: MDE 13/3864/2021), 18 March
  8. "Iran: Unlawful killings of destitute fuel porters must be independently investigated", 2 March
  9. *Iran: Joint Statement: Urgent International Action Needed to Secure Release of Kurdish Activists and Others Arbitrarily Detained in Iran* (Index: MDE 13/3624/2021), 3 February
  10. "Iran: Stop destruction of mass grave site and allow dignified burials of persecuted Baha'is", 29 April

## IRAQ

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### Republic of Iraq

Head of state: **Barham Ahmed Salih**

Head of government: **Mustafa Al-Kadhimi**

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**State-affiliated armed actors targeted, threatened, abducted and extrajudicially executed dissidents and activists as well as their families, leading survivors to flee into hiding. Iraqi authorities arrested and prosecuted individuals for some of these attacks, but tens of people remained disappeared. The Kurdistan Regional Government (KRG) cracked down on dissent and sentenced activists and journalists**

**under national security and cybercrime laws for acts related to freedom of expression. KRG security and intelligence forces violently dispersed and arrested protesters. Measures to contain Covid-19, coupled with droughts, adversely affected the economic welfare of Iraqis. Armed actors continued to obstruct internally displaced people from accessing their human rights, and Iraqi authorities closed all but two camps and subjected thousands to secondary displacement and collective punishment. Gender-based violence increased dramatically during the pandemic, and central and regional authorities failed to address protection of women and girls in the home. The armed group Islamic State continued to target and kill civilians and members of Iraqi security forces in northern and central Iraq. Courts in Iraq continued to hand down death sentences for a range of criminal acts and carried out executions.**

## **BACKGROUND**

Humanitarian actors reported significant community transmission of Covid-19 throughout the country, but Iraqi authorities opted for restrictive measures such as curfews, restricted hours and closing shopping centres instead of full lockdowns due to the adverse impact on the economic welfare of Iraqis.

The initial results of parliamentary elections on 10 October were disputed after factions of the Popular Mobilization Units (PMU) militias – which are affiliated to the central authorities and were designated as part of the Iraqi armed forces in 2016 – disputed the results in which they lost 48 seats. They cited voter fraud, vote tampering, “foreign interference” and made threats of violence against election committee staff and independent monitors. On 24 October, at least 1,500 supporters of these factions attempted to storm the International Zone (Green Zone) in the capital Baghdad but were stopped by Iraqi security forces. In response, a manual recount of votes was conducted. On 5 November, supporters of the factions again attempted to storm the Green Zone and clashed with

security forces, leaving at least two people dead and over 100 injured. In apparent retaliation, three drone attacks were carried out on Prime Minister Mustafa Al-Kadhimi’s home on 7 November; no one was killed. Iraq’s Supreme Court upheld the election results on 27 December but a new government had not been formed by the end of the year.

In Erbil, capital of the Kurdistan Region of Iraq (KR-I), rocket attacks on the airport where US personnel are based, and on the US embassy in Baghdad’s Green Zone, were attributed to PMU factions.

Hundreds of families returned to Iraq from Syria; they had fled the country during the conflict involving Islamic State.

Turkey increased air attacks on areas in the KR-I, mainly in Duhok and Erbil governorates, targeting the Kurdistan Workers Party.

In November and December, heavy rainfall caused flash floods, destroying at least hundreds of homes in Erbil, displacing thousands of people and killing at least seven.

## **EXTRAJUDICIAL EXECUTIONS AND ENFORCED DISAPPEARANCES**

In several southern governorates, armed actors, including PMU members, extrajudicially killed or attempted to kill tens of activists who rose to prominence during protests that began in October 2019 against government corruption and for improved job opportunities and public services. Most victims were killed late at night, often as they were returning home from protests, mainly by armed men on motorcycles or in vehicles with blacked-out side windows. Shots were usually fired at the head or chest.

In July, the authorities announced the arrest of one suspected perpetrator of these killings but no further information was provided. In October and November, relying on the 2005 Anti-Terrorism Law, courts sentenced to death individuals who had been convicted of targeting and killing activists and journalists in Baghdad and Basra in 2019 and 2020. However, beyond the limited information

provided on these cases, no further information was given, including as to whether any steps were taken to provide redress to any of the victims' families.

PMU members also threatened activists and their families with violence and in some cases extrajudicially executed people. Jaseb Hattab, the father of human rights lawyer Ali Jaseb who was forcibly disappeared by a PMU faction in Amarah city in south-east Iraq in October 2019, was killed in March in retaliation for his campaign for justice for his son.

Members of security forces and PMU factions threatened activists and their families with violence in Baghdad and the southern cities of Basra, Nasriya and Diwaniya, forcing tens of individuals to flee into hiding. A local monitoring group reported that in Basra, security forces had tortured at least three activists to death in detention in July and August.

The fate of tens of activists and protesters abducted by unidentified gunmen and PMU members in 2019 and 2020 remained unknown.

## **FREEDOM OF EXPRESSION**

The KRG used national security reasons to justify systematically targeting critics, journalists, human rights defenders and other civil society activists through prosecutions. KRG security forces arbitrarily arrested tens of people for social media posts, news articles or reporting on demonstrations.

In February, a court in Erbil sentenced five activists and journalists to six years' imprisonment each for acts related to their use of social media and journalistic work, deeming these to be prejudicial to the security and sovereignty of the KR-I. All were charged under laws – including National Security Law 2003, the Law to Prevent the Misuse of Telecommunications Equipment and Articles 430-433 of the Penal Code – that criminalize vaguely defined actions that are not internationally recognized as crimes. The trial was marred by serious violations of fair trial standards, including convictions based on statements or “confessions”

extracted under duress, failure to provide in a timely manner the case documents to defence lawyers, and failure to order investigations into the defendants' claims of torture. The KRG denied in a letter to Amnesty International that the convictions were related to the individuals' work as journalists, but Amnesty International's review of the evidence on which they were convicted found that it consisted entirely of social media messaging for journalistic work.

## **FREEDOM OF ASSEMBLY**

Protests continued throughout 2021 even though the Covid-19 pandemic interrupted and subdued many of them.

By April, KRG security forces had arrested over 100 individuals in the Badinan area in north-west Duhok governorate for taking part in protests against government corruption and non-payment of civil servants' salaries, including those of teachers and health workers. Many were released shortly after arrest, but dozens remained detained at the end of the year. KRG authorities also issued arrest warrants for relatives of activists and critics, leading many to flee their home towns with their families. Between late November and early December, security forces in Sulaimaniya governorate in the KR-I responded to student protesters with tear gas, water cannons, rubber bullets and live ammunition, killing at least eight protesters.

In February, KRG security forces and Parastin intelligence forces (a branch of the security forces under the sole command of the leading political party in the KRG) arrested dozens of people protesting outside the UN office in Erbil to demand the release of their relatives. All of those arrested were held for seven to 10 hours in crowded cells with no access to food or water.<sup>1</sup>

Between January and May, Iraqi security forces in Nasriya, Babylon and Najaf used excessive force, including tear gas and live ammunition, to disperse protesters demanding the release of activists and justice for others who were killed and injured in the context of the protests.

## **ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

Iraq ranked among the countries worst hit by the Covid-19 pandemic, registering over 2 million cases by the end of the year. In March, the country rolled out its national vaccination plan, which identified priority groups including health workers, front line security forces, older people and the internally displaced. However, execution of the plan was slow and badly organized, except in relation to internally displaced people as this was overseen by humanitarian organizations. This, combined with vaccine hesitancy and some people paying for vaccines outside the plan, led to fluctuating rates of vaccination. By the end of the year, just over 20% of the population had received two doses of the vaccine.

Measures to contain Covid-19 such as movement restrictions and lockdowns adversely impacted the economic welfare of families, including increased levels of unemployment and acute poverty. The pandemic also compounded the effects of the lowest rainfall witnessed in Iraq in four decades that, together with extended electricity blackouts, especially in Erbil, Baghdad and several towns and cities in the south of Iraq, increased food insecurity and shortages of drinking water, triggering further protests in these areas.

Fires broke out in the Covid-19 wing of a hospital in Baghdad in April and in a hospital in the southern city of Nasiriya in July, leading to tens of deaths and injuries in both hospitals. The fires were attributed to mismanagement of oxygen tanks that exploded, and were followed by protests demanding an end to corruption.

## **INTERNALLY DISPLACED PEOPLE'S RIGHTS**

By the end of March, Iraqi authorities had closed and consolidated all camps for the internally displaced, leaving only one operating in Ninewa and one in Anbar, while 26 camps remained open in the KR-I. The move by the central authorities rendered thousands of internally displaced women,

men and children homeless or in secondary displacement, and without access to housing and essential services such as healthcare and education. At the end of the year, over 1 million people remained displaced.

In the last pushes to close camps in February and March, Iraqi security forces threatened and forced internally displaced people to evacuate camps in Ninewa without specifying where they should go, while banning their return to anywhere outside their home governorate. Internally displaced people returning to their home areas continued to face blocks, evictions and confiscation and destruction of their homes due to their perceived affiliation to Islamic State. Security forces deliberately denied them the right to access civil status documents, vital for freedom of movement as well as access to healthcare and educational services.

PMU fighters prevented thousands of internally displaced people from returning to their areas of origin in Jurf al-Sakhr, south of Baghdad, citing alleged "Islamic State sympathizing" as a reason. Notably, in May, a PMU leader in Diyala governorate called for the forced displacement of Sunni returnees following several Islamic State attacks.

In late October, Iraqi authorities reported that at least 227 families had been displaced from their village in Diyala governorate. This took place after individuals in cars marked with PMU insignia attacked the village, setting several buildings on fire in what appeared to be retaliation for an Islamic State attack earlier in the month that killed at least 11 people. Iraqi authorities allocated financial aid to the affected families, but this did not lead to returns. By the first week of November, the number of displaced families had reached 300 as PMU commanders called for the implementation of "the Jurf al-Sakhr example".

## **GENDER-BASED VIOLENCE**

Gender-based violence in the domestic and public spheres increased, according to international and national NGOs. In March, a women's rights international NGO estimated

that during Covid-19 lockdowns, the prevalence of gender-based violence increased by at least 75% across Iraq. There was also a rise in child marriages precipitated by the deteriorating economic situation.

While central Iraqi and KRG authorities arrested some men who had killed or abused their female relatives, both authorities failed to take adequate steps to address the full scale of the violations, or the sharp rise in gender-based domestic violence during lockdowns. The Iraqi parliament also failed to prioritize passing a law to combat domestic violence despite mounting pressure and advocacy from civil society.

Unknown assailants subjected female candidates running for Iraq's parliamentary elections in October to smear campaigns and threats of violence, and destroyed and defaced their campaign materials with impunity.

## ABUSES BY ARMED GROUPS

Throughout the year, Islamic State carried out serious human rights abuses in several governorates, notably Kirkuk, Diyala, Salah al-Din, Ninewa and Anbar. These included deliberate attacks on civilians, abductions and summary killings of captives, use of improvised explosive devices and rocket-propelled grenades to target civilians, firing at civilians, and setting agricultural land on fire.

Iraqi authorities completed the excavation of a mass grave in Anbar governorate and identified the victims as individuals who Islamic State had summarily killed in 2014.

## DEATH PENALTY

Courts continued to hand down death sentences in cases of individuals suspected of links to Islamic State or of extrajudicially killing activists, and for offences related to the use and distribution of prohibited substances, kidnappings and assassinations.

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1. *Kurdistan Region of Iraq: Authorities Must End Protests-Related Repression* (Index: MDE 14/4233/2021), 15 June

# IRELAND

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## Ireland

Head of state: **Michael D. Higgins**

Head of government: **Micheál Martin**

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**The state failed to secure truth, justice and reparation for survivors of human rights abuses in “mother and baby homes”. There were concerns over the adequacy and affordability of housing, barriers to accessing abortion services, and criminalization of sex workers. The government proposed a human rights-compliant accommodation system for asylum seekers.**

## IMPUNITY

In January, the final report of the Commission of Investigation into Mother and Baby Homes – established by the government in 2015 following years of campaigning by survivors and their allies – was published. It confirmed long-standing reports of ill-treatment of women and children in these state-funded institutions, which, from the 1920s to the 1990s, were operated by religious orders as a facility where “unmarried mothers” were sent to give birth. Findings included high child mortality rates, poor conditions, physical and emotional abuse, adoptions without women's informed consent, and vaccine trials on children without adherence to regulatory or ethical requirements.

However, there were many serious gaps in the information, findings and analysis presented by the Commission. For example, no findings were made of forced or illegal adoptions, arbitrary detention or forced labour, despite evidence from survivors' testimonies. Proposals made by the government on assessing redress for survivors were severely deficient.

## RIGHT TO HOUSING

A report published in September by the Irish Human Rights and Equality Commission and Economic and Social Research Institute found “persistent

problems in relation to housing access". The report found that some groups, including lone parents, people with a disability and migrants, were particularly impacted by housing quality, overcrowding or affordability issues, while housing affordability also disproportionately impacted children and young people. It found "significant disadvantage in terms of adequate housing", including cultural adequacy, for the Traveller community.

A constitutional referendum on housing promised in the 2020 Programme for Government was not scheduled. It also remained unclear whether the government would propose a constitutional right to housing in line with international human rights standards, as recommended in 2014 by a government-established Constitutional Convention.

## **SEXUAL AND REPRODUCTIVE RIGHTS**

In September, the Abortion Rights Campaign published research into users' experiences of abortion services in Ireland since access was expanded in 2019. It found negative impacts of the mandatory three-day waiting period for access to services on request up to 12 weeks of pregnancy, and barriers to access on lawful grounds in later pregnancy. It revealed lack of access in cases of severe fetal impairment, which the law permits only where the fetus will die before 28 days post-birth. It found uneven availability of abortion services around the country, difficulties in accessing information about abortion care, and negative attitudes and obstruction from some healthcare providers.

Despite government commitments made in 2018, and reports of ongoing intimidation and harassment outside maternity hospitals and clinics providing abortion services, legislation was not introduced to create safety zones to protect the rights of people seeking abortion care.

## **WORKERS' RIGHTS**

Legislation enacted in 2017 that retained offences and doubled criminal penalties for aspects of sex work continued to

criminalize sex workers directly and indirectly. Of particular concern was the offence of "brothel-keeping", whereby two or more sex workers risked prosecution if working together in a premises for safety, as this was considered a "brothel". A government-commissioned review of the operation of the law, launched in 2020, was not completed by the end of the year.

## **REFUGEES' AND MIGRANTS' RIGHTS**

In February, the government published a White Paper in which it proposed replacing the widely criticized "direct provision" system of accommodating asylum seekers with a human rights-compliant model by 2024. It conceded that the current system did not respect the dignity and human rights of individuals. A detailed implementation plan was not published, however. Also unclear was how the rights and welfare of people remaining in this system would be safeguarded during the transition.

## **RIGHT TO HEALTH**

Public inquiries recommended in 2020 by a parliamentary committee set up to review the government's handling of the Covid-19 pandemic – including an inquiry into the high level of deaths of older people in nursing homes – were not established. The government stated that its own review of its efforts would not take place until the pandemic ended.

# ISRAEL AND THE OCCUPIED PALESTINIAN TERRITORIES

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## State of Israel

Head of state: **Isaac Herzog** (replaced Reuven Rivlin in July)

Head of government: **Naftali Bennett** (replaced Benjamin Netanyahu in June)

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**Armed conflict between Israel and Palestinian armed groups in the Gaza Strip in May entailed apparent war crimes and possible crimes against humanity. Disproportionate and reckless strikes by Israeli forces killed 242 Palestinians in Gaza. Unlawful attacks by Israel included targeted strikes on medical facilities and personnel. Israel maintained its illegal blockade on the Gaza Strip, inflicting collective punishment on residents and exacerbating the humanitarian crisis there, and Palestinians' freedom of movement was arbitrarily restricted in the West Bank. Israeli authorities subjected Palestinians to forced evictions, arbitrary detention, torture and other ill-treatment, all committed with almost total impunity. Israel's discriminatory system of governing Palestinians in Israel and the Occupied Palestinian Territories (OPT) constituted apartheid, a crime under international law. The Ministry of Defense labelled six Palestinian civil society organizations as "terrorist" in October. Conscientious objectors to military service were imprisoned. Divorce and other personal status laws governed by religious courts continued to discriminate against women, and domestic violence rose during the Covid-19 pandemic. The authorities denied asylum seekers access to a fair and prompt refugee status determination process, and to economic support. While Israel**

**transferred 5,000 Covid-19 doses to the Palestinian authorities, it sent thousands of doses to diplomatic allies.**

## BACKGROUND

Prime minister Benjamin Netanyahu lost parliamentary elections on 23 March after 12 years in office marred by corruption. A new coalition government was approved on 13 June, bringing to power Jewish supremacist, centrist and left-wing parties in alliance with an Islamist party.

Armed conflict erupted between Israel and Palestinian armed groups in the Gaza Strip between 10 and 21 May. It was the fifth Israel-Gaza conflict in 15 years. In Israeli towns where both Jewish and Palestinian citizens live, inter-ethnic violence led to killings, clashes and damage to property.

The murder rate involving Palestinian citizens of Israel was proportionally 25 times higher than cases involving Jewish citizens of Israel, who constitute about 80% of the population. According to the NGO Aman, criminals killed 110 Palestinian citizens of Israel in 2021, the highest number in decades.

The housing ministry promoted plans for construction of illegal settlements south-west of Bethlehem, east of Jerusalem and south of Ramallah in the OPT.

Climate change adaptation policies were in place but not fairly distributed between Jewish and Palestinian citizens of Israel. An unprecedented heatwave in August caused extensive forest fires.

In July, authorities visited the offices of NSO Group in response to the Pegasus Project investigation that revealed that the company's spyware had been used to target human rights workers and journalists around the world.<sup>1</sup>

## UNLAWFUL ATTACKS

### ISRAEL-GAZA ARMED CONFLICT

During the armed conflict in May, Israel committed apparent war crimes and possible crimes against humanity in the Gaza Strip.<sup>2</sup> According to the OHCHR and the WHO, 242 Palestinians were killed, including 63

children, and some 9,000 were injured. More than 74,000 Palestinians were displaced. According to the World Bank, the housing needs of 4,000 families, including 7,000 children, whose homes were damaged or destroyed had not been met by December.

On 10 May, Israel bombed the seawater desalination plant in north Gaza, cutting water supplies to more than 250,000 people until it was temporarily repaired on 23 May.

Around midnight on 14 May, Israeli air strikes hit the al-Atar family's building in Beit Lahia city, killing Lamya al-Atar and her three children aged between eight months and seven years.

On 12 May, Israel banned foreign reporters from entering Gaza, impeding independent coverage. On 15 May, an Israeli missile struck the building housing the Associated Press and Al Jazeera; journalists had been given 60 minutes to evacuate. Israel said there was a combatant command centre in the basement, which the media organizations denied.

Israeli missiles hit medical facilities and killed medical personnel. On 16 May, attacks launched without warning on al-Wehda district of Gaza City killed Dr Ayman Abu al-Ouf, director of the Covid-19 response and head of internal medicine at Al-Shifa hospital, Gaza's main hospital; Dr Moein al-Aloul, a psychiatric neurologist; and at least 33 other civilians. Israel said they were unintended casualties of an attack on an underground military objective. On 17 May, an Israeli attack hit Al-Rimal clinic, the central laboratory for Covid-19 in Gaza, badly affecting testing and vaccination programmes. The WHO reported that 30 health facilities were damaged in the conflict.

#### **WEST BANK**

In the occupied West Bank, including East Jerusalem, Israeli forces killed 75 and injured 14,679 Palestinians, according to the UN OCHA-OPT, some during arrests in Palestinian homes, others during protests that were mainly against Jewish Israeli settler activities.

Israeli settlers committed acts of violence with impunity. There were 118 settler attacks on Palestinians in 2021, up from 84 in 2020.

On 17 August, settlers threw stones at six Palestinian boys having a picnic in Silat al-Daher, a village near Jenin city in the West Bank. They then rammed their car into 15-year-old Tareq Zbeidi and, according to his testimony to Israeli human rights organization B'Tselem, beat him and tied him to the car's bonnet. Israeli soldiers arrived and transferred the unconscious boy to a Palestinian ambulance that his family had called. No arrests were made.

#### **RIGHT TO TRUTH, JUSTICE AND REPARATION**

On 3 March, ICC Prosecutor Fatou Bensouda initiated an investigation into the situation in Palestine, including events since mid-June 2014 in the OPT. Israel stated that the ICC had no authority and that it would not engage with the investigation.

On 27 May, the UN Human Rights Council established an international commission of inquiry into violations in the OPT and Israel. The Israeli representative to the UN immediately announced that Israel would not cooperate.

#### **FREEDOM OF MOVEMENT**

Israeli authorities arbitrarily restricted Palestinians' freedom of movement.

#### **GAZA STRIP**

The blockade continued to impose collective punishment, as it had since 2007, by preventing the movement of people and goods.

During the May conflict, Israel heavily restricted entry of trucks carrying humanitarian supplies. Only five fuel tankers were allowed to enter and no fuel was allowed through the Israeli-controlled Kerem Shalom pipeline for Gaza's power plant. Israel's Erez passenger crossing remained closed. Around 600 patients could not receive treatment outside Gaza in May. Israel allowed 25,630 truckloads of construction material into Gaza, down from 45,359 in 2020.



## WEST BANK

In the West Bank, 175 permanent military checkpoints and other roadblocks, as well as scores of temporary irregular barriers, continued to prevent Palestinians' access to essential services while Israelis could use the same roads freely. Israel's fence/wall in the West Bank continued to impact agricultural livelihoods of 150 Palestinian communities. It also trapped more than 11,000 Palestinians outside the fence/wall while accommodating Israeli settlements.

## FORCED EVICTIONS

Israeli authorities demolished buildings in the OPT, including East Jerusalem, making more than 1,000 Palestinian residents homeless in areas designated for Israeli settlers. Among those forcibly evicted, women were disproportionately affected as their homes also served as their places of work and income generation, especially in shepherding communities. Israel's army demolished Humsa village in the Jordan Valley in the OPT in February and July, destroying or confiscating animal pens, residential shelters, water cisterns and food reserves.

In August, the Israeli Supreme Court adjudicated on the eviction of seven Palestinian families from their homes in Sheikh Jarrah neighbourhood in occupied East Jerusalem. This followed several years of eviction attempts, harassment by Israeli settlers and use of excessive force by Israeli police. Seven families in Silwan, another neighbourhood of East Jerusalem, also remained at risk of forced eviction.<sup>3</sup>

In the Negev/Naqab in southern Israel, authorities repeatedly demolished buildings in seven villages, affecting 100 Palestinian citizens of Israel. On 2 September, police demolished the village of al-'Araqib. The village had been demolished more than 150 times since July 2010. Al-'Araqib is one of 35 excluded, officially unrecognized, Bedouin villages in the area.

## ARBITRARY DETENTION, AND TORTURE AND OTHER ILL-TREATMENT

Palestinian prisoners were subjected to unfair trials before military courts, prolonged solitary confinement and inadequate medical treatment, and illegal transfer from the OPT to prisons in Israel. According to Addameer, a Palestinian prisoner support organization, 500 were administratively detained without charge or trial at the end of 2021, and 170 children were incarcerated. A survey by Save the Children found that officers beat over 80% of child detainees, and denied access to a lawyer to 47%.

Zakaria Zubeidi suffered broken ribs and jaw while in handcuffs, and Mohammed Al-Arida was beaten on the head, after their capture by Israeli police on 11 September, according to the men's lawyers. The men had escaped from Gilboa Prison in northern Israel five days earlier.

## DISCRIMINATION

Israel's system of governing Palestinians through oppression and domination constituted apartheid, a crime under international law. Palestinians faced routine and systematic discrimination, and therefore human rights violations, in the context of their rights to nationality, freedom of movement, the highest attainable standard of health, family life, education, work and participation in public life.

Palestinian citizens of Israel were prosecuted under incitement laws, but politicians and groups of Jewish supremacists continued to incite racially motivated violence with almost total impunity.

Police used excessive force against Palestinian citizens of Israel demonstrating against evictions in East Jerusalem and military strikes on Gaza, and carried out mass arrests of organizers and participants of protests. Most of those arrested were charged with misdemeanours unrelated to violence. On 12 May, special forces in a Nazareth police station beat at least eight bound Palestinian detainees who had been arrested at a protest.<sup>4</sup>

The Citizenship and Entry into Israel law (temporary amendment), which since 2003 had forbidden family unification of Palestinian spouses with different legal statuses, was not renewed in July. However, the interior minister maintained the policy.

## **HUMAN RIGHTS DEFENDERS**

Laith Abu Zeyad, an Amnesty International campaigner, was banned from travelling outside the West Bank. The reason for the ban, imposed in October 2019, remained secret.<sup>5</sup>

Shatha Odeh, director of the Palestinian Health Work Committees, was arrested on 7 July and remained in military detention. Charges against her alleged her support for the Popular Front for the Liberation of Palestine, a political party with a military wing that Israel has banned.

On 13 October, Druze leader Salman Awwad was arrested after peacefully demonstrating against the Israeli occupation of the Golan Heights. He was charged with organizing an illegal demonstration, closing a road and inciting violence.

On 19 October, the Israeli government declared six Palestinian civil society organizations in the OPT “terrorist organizations”.<sup>6</sup> Two days earlier, the human rights NGO Front Line Defenders had found that the mobile phones of six human rights defenders from these organizations had been hacked using Pegasus spyware.<sup>7</sup> On 18 October, the Israeli minister of interior notified French-Palestinian lawyer Salah Hammouri, one of the six, of the revocation of his Jerusalem residency and deportation on the basis of alleged “breach of allegiance to the State of Israel”.

## **CONSCIENTIOUS OBJECTORS' RIGHTS**

Conscientious objectors to military service were imprisoned. Among them were teenagers Shahar Perets and Eran Aviv, who served 88 and 114 days respectively in military prison for refusing to serve in the Israeli army.

## **WOMEN'S RIGHTS**

Divorce and other personal status laws governed by religious courts continued to discriminate against women. According to Mavo Satum, an Israeli women's rights organization, courts forced some 1,700 women to remain in abusive marriages every year.

On 30 June, the State Comptroller reported insufficient funding and inadequate policies for protecting at-risk women and families. Sixteen women were killed in domestic violence, according to the Israel Observatory on Femicide.

## **LGBTI PEOPLE'S RIGHTS**

On 11 July, the Supreme Court ruled in favour of equality in same-sex couples' and single men's access to assisted reproduction services, bringing their access in line with that for heterosexual couples and single women.

## **REFUGEES' AND MIGRANTS' RIGHTS**

According to UNHCR, the UN refugee agency, Israel hosted some 41,327 refugees and asylum seekers. Most were Eritrean and Sudanese nationals from conflict areas. Only 1% were granted refugee status. Asylum seekers had no access to prompt and fair status determination procedures, nor means of economic support.

## **RIGHT TO HEALTH**

Israel purchased some 30 million doses of Covid-19 vaccines and vaccinated 64% of citizens of Israel, residents of East Jerusalem, migrant workers and Palestinian prisoners with two doses by October; administered third doses to more than 4 million citizens; and started vaccinating five-year-olds in November, according to Israel's health ministry. Israel transferred 5,000 doses to the Palestinian Authority in March and April, while it had sent thousands of doses to diplomatic allies Guatemala, Honduras and the Czech Republic in February, according to press reports.

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1. "Massive data leak reveals Israeli NSO Group's spyware used to target activists, journalists, and political leaders globally", 18 July
  2. "Israel/OPT: Pattern of Israeli attacks on residential homes in Gaza must be investigated as war crimes", 17 May
  3. "Israel/OPT: Scrap plans to forcibly evict Palestinian families in Silwan", 25 May
  4. "Israeli police targeted Palestinians with discriminatory arrests, torture and unlawful force", 24 June
  5. "Israel/OPT: 'Chilling repercussions' of travel ban on Amnesty campaigner must be a wake-up call for all", 6 April
  6. "Israel/OPT: Designation of Palestinian civil society groups as terrorists a brazen attack on human rights", 22 October
  7. "Devices of Palestinian human rights defenders hacked with NSO Group's Pegasus spyware", 8 November

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## ITALY

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### Italian Republic

Head of state: **Sergio Mattarella**

Head of government: **Mario Draghi (replaced Giuseppe Conte in February)**

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**Employers silenced health and care workers who raised concerns about working conditions in care homes during the Covid-19 pandemic. Older people in care homes were denied meaningful contact with the outside world. Violence against women persisted and obstacles to accessing abortion were not addressed. Parliament failed to extend protection against hate crimes to people attacked because of their gender, gender identity or sexual orientation. Migrants with an irregular status remained vulnerable to exploitation and abuses. Cooperation with Libya on migration continued, despite abuses. The authorities continued to criminalize solidarity with refugees and migrants at borders. Torture remained a concern.**

### BACKGROUND

In July, the government extended the state of emergency to combat the Covid-19 pandemic until the end of the year. In September, it also made it obligatory to have a "Covid-19 green pass" showing proof of vaccination, recovery from Covid-19 or a negative test result in order to access public

and private workplaces. The measure sparked demonstrations in some cities. In Rome, protests turned violent when hundreds of people led by the leaders of a far-right party ransacked the national headquarters of the main left-wing trade union.

### WORKERS' RIGHTS

Health and care workers who raised concerns about poor and unsafe working conditions in care homes during the Covid-19 pandemic were subjected to unfair disciplinary proceedings and feared reprisals from their employers. Instead of addressing their concerns over the use of PPE and the true number of Covid-19 cases in care homes, employers used unfair dismissals and anti-union measures to silence them.<sup>1</sup>

In May, an employment tribunal in Milan ruled as unfair the dismissal of an outsourced worker who had reported health and safety violations in March 2020 in a private care home. The court acknowledged his revelations were of public interest to prevent deaths.

### RIGHT TO HEALTH

The rights of care homes' older residents to a private and family life continued to be violated, with prolonged isolation causing a deterioration in residents' physical and mental health. Although visits by family members holding a Covid-19 certificate were allowed to resume in May, and the so-called "green pass" legislation in September recognized the right to daily visits, many private and public care homes continued to deny older people meaningful contacts with the outside world.

A commission of inquiry on the authorities' response to Covid-19 in care homes had not been established by the end of the year.

### VIOLENCE AGAINST WOMEN AND GIRLS

Levels of violence against women remained high. A total of 102 women were killed in domestic violence incidents, 70 of whom by partners or ex-partners. In December, the government approved a bill to strengthen

measures to prevent violence against women and domestic violence. These included access to early provisional compensation during criminal investigations for victims who report the abuse and broader powers for the authorities to adopt surveillance and coercive measures against perpetrators.

## **SEXUAL AND REPRODUCTIVE RIGHTS**

Access to abortion continued to be obstructed due to a persistently high number of doctors and other healthcare providers refusing to provide abortion care.

## **LGBTI PEOPLE'S RIGHTS**

In October, the Senate blocked a bill aimed at combatting discrimination and violence based on sex/gender, sexual orientation, gender identity and disability. The bill would have extended to LGBTI people, women and people with disabilities the same protections available to victims of hate speech and hate crimes based on racist, religious, ethnic and nationalist motives.

## **REFUGEES' AND MIGRANTS' RIGHTS**

By the end of the year, it was estimated that at least 300,000 migrants remained without documentation, making it hard for them to enjoy their rights and leaving them vulnerable to abuses. The regularization measure launched in 2020, aimed at ensuring people with irregular status could obtain residence and work permits and access health services during the pandemic, achieved limited results; according to the latest data available at the end of the year. As of August about 60,000 people had obtained some documentation, about a quarter of the 230,000 who applied, while tens of thousands of applications remained pending. In May, a grassroots trade union called a national strike of migrant agricultural workers to protest about the inadequacy of the regularization measure.

Many people with an irregular status remained unvaccinated, despite some authorities' measures to reach out to them. In September, the government announced a plan to vaccinate, voluntarily, refugees and

migrants on arrival in hotspots and reception centres.

Thousands of migrants continued to work in exploitative conditions and to live in inadequate conditions in informal settlements. They were also vulnerable to racist and xenophobic attacks. In April, three African workers driving near their homes in Rignano, Foggia, were shot at by people in another car. Two of them were injured, one seriously. The authorities opened an investigation. In October, following a visit, the UN Working Group on Business and Human Rights noted that migrant workers employed in agriculture and the garment and logistics industries were trapped in a cycle of exploitation, debt bondage and human rights abuses.

In January, the Rome Civil Tribunal declared illegitimate the expulsion of a Pakistani national to Slovenia and later to Croatia and Bosnia and Herzegovina. The judge found the practice of so-called "informal readmissions", carried out on the basis of a bilateral agreement with Slovenia, to be in breach of national and international human rights law.

Following the seizure of power by the Taliban in Afghanistan, Italy evacuated 4,890 Afghan nationals.

In April, the National Guarantor for the Rights of Persons Detained or Deprived of Liberty published a damning report on his visits to 10 centres for repatriation between 2019 and 2020. The Guarantor criticized legislative and regulatory gaps hindering the protection of people and the gravely inadequate detention conditions.

In May, Moussa Balde from Guinea killed himself while detained in the repatriation centre of Turin – the sixth death in such centres since June 2019. The authorities prioritized his expulsion procedure over his health, notwithstanding the fact that he had just survived a violent attack by three Italian nationals. The isolation ward where he was held was closed in September on the recommendation of the Guarantor.

## COOPERATION WITH LIBYA

By the end of the year, 32,425 refugees and migrants had been captured at sea by Libyan coastguards, supported by Italy and the EU, and returned to Libya, by far the highest figure on record. Italy continued to support the Libyan authorities in containing refugees and migrants in Libya, despite widespread evidence of continuing abuses against them.

Italy's evacuation programmes from Libya continued to benefit very few asylum seekers, with 45 people transferred to Italy in June and 93 in November.

The deployment of Italian military and civilian personnel in Libya to assist Libyan border control authorities was extended for another year in July. The Italian authorities continued to provide Libya with resources instrumental to maritime interceptions, including a new maritime coordination centre delivered in December.

Despite this, by the end of the year, 67,477 people (including 9,699 unaccompanied children) had reached Italy by sea, mostly from Libya and Tunisia, an increase over the 34,154 arrivals in 2020. Deaths at sea of refugees and migrants in the Mediterranean also increased, reaching 1,553 by the end of the year, compared with 999 in 2020.

In October, a court in Naples sentenced the captain of the *Asso Ventotto*, a merchant ship, to one year's imprisonment. In 2018, he had rescued over 100 people, including children, and unlawfully returned them to the Libyan coastguard.

In December, the Cassation Court overturned the conviction of two African men who had protested against an attempt by the crew of the *Vos Thalassa*, the merchant vessel that had rescued them, to return them to Libya. The court ruled that their behaviour was justified by the need to protect themselves and the other 65 people rescued.

## CRIMINALIZATION OF SOLIDARITY

The authorities continued to suppress the activities of individuals and organizations that assist refugees and migrants at borders, using both criminal law and administrative measures.

In September, Mimmo Lucano, former mayor of Riace, Calabria, was sentenced by the Locri tribunal to 13 years and two months' imprisonment for maladministration and embezzlement, notwithstanding prosecutors acknowledging he did not profit from his conduct. For many years, he had organized a welcoming reception system for refugees, asylum seekers and migrants. The sentence was nearly double that requested by the prosecutors.

Court cases against rescue NGOs continued in Sicily. Prosecutors indicted 21 people belonging to the crews of *Iuventa* and of Médecins Sans Frontières and Save the Children's ships for "facilitation of irregular migration" in connection with rescue operations conducted in 2016 and 2017.<sup>2</sup>

The authorities continued to use Port State Control powers to hinder rescue NGOs' activities and seize their ships.

## TORTURE AND OTHER ILL-TREATMENT

Concerns about torture and other ill-treatment of people in prison and police custody persisted and several judicial proceedings against suspected perpetrators were ongoing.

In September, prosecutors laid charges of torture and other ill-treatment against 120 prison officers and senior prison administration officials for a mass beating in the prison of Santa Maria Capua Vetere, Campania, in April 2020, which affected 177 detainees and led to the death of one of them.

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1. *Italy: Muzzled and Unheard in the Pandemic: Urgent Need to Address Concerns of Care and Health Workers in Italy* (Index: EUR 30/4875/2021), 22 October
  2. *Italy: A Slippery Slope for Human Rights: The Iuventa Case* (Index: EUR 30/4475/2021), 4 August

# JAPAN

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## Japan

Head of government: **Fumio Kishida (replaced Yoshihide Suga in October)**

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**Ethnic minorities and LGBTI people continued to experience stigma and discrimination. Legislation allowing for the indefinite detention of undocumented foreign nationals remained in place. Detainees were denied the right to adequate medical care.**

## BACKGROUND

Japan hosted the delayed Olympic Summer Games 2020 against a background of rising numbers of Covid-19 cases and hostile public opinion. On 3 September Yoshihide Suga announced his resignation as prime minister amid public anger at the government's handling of the pandemic.

## DISCRIMINATION

Long-standing discrimination continued towards Japan's ethnic Korean minority, especially those deemed to be aligned with North Korea. In July, the Supreme Court dismissed a claim for damages filed by a Pyongyang-related school and some of its graduates over the government's decision to exclude such Pyongyang-related Korean schools from a programme to provide tuition subsidies for high schools. Four cases on the same issue had previously been rejected by other courts.

## LGBTI PEOPLE'S RIGHTS

In May, after intense negotiation between the ruling and opposition parties, a statement that "discrimination on the basis of sexual orientation and gender identity is unacceptable" was added to the ruling Liberal Democratic Party's (LDP) proposed bill to promote public awareness of sexual orientation and gender identity. However, during the LDP's internal process of approving the cross-party bill, many discriminatory remarks were made by

conservative LDP lawmakers about the proposed addition. Following a public outcry at the remarks, an executive member of the LDP announced that they would not submit the bill to Japan's National Diet. It was still pending at the end of the year.<sup>1</sup>

The government took no steps towards the legal recognition of same-sex marriage. However, in March, the Sapporo District Court ruled in a lawsuit brought by three same-sex couples that the government's failure to recognize same-sex marriage was unconstitutional. The plaintiffs were among 13 couples who had filed similar lawsuits on Valentine's Day in 2019.<sup>2</sup> A total of 141 local municipalities had introduced ordinances or guidelines that acknowledged same-sex unions by the end of the year.

Pressure increased from civil society to reform the Act on Gender Identity Disorder by removing requirements that contravene rights under international law for individuals seeking to change their legal gender. Under the Act, anyone wishing to change their legal gender was required to be unmarried, aged over 20, without minor children, and sterilized or otherwise unable to reproduce. They were also obliged to undergo surgery so that their genitalia more closely resembled that of their new legal gender and were required to undergo psychiatric assessment and receive a diagnosis.

## REFUGEES' AND MIGRANTS' RIGHTS

Authorities continued to subject asylum seekers and irregular migrants to indefinite detention and ill-treatment including inadequate medical care in immigration detention facilities. In March, a 33-year-old Sri Lankan woman, Ratnayake Liyanage Wishma Sandamali, died while in immigration detention. An investigative report released by the government's Immigration Services Agency in August admitted flaws in the medical care system.

Authorities continued to use the Immigration Control and Refugee Recognition Act to indefinitely detain undocumented foreign nationals, including irregular migrants and asylum seekers, until their deportation.

In February, the government submitted an amendment bill to the Act. The bill maintained the presumption of detention, and proposed amendments did not provide for maximum periods of detention and continued to deny due process to individuals by failing to allow for judicial review of detention orders. Moreover, despite very low rates of acceptance of asylum applications – under 1% annually since 2012 – the bill included provisions that allowed the authorities to deport detained asylum seekers after a limited appeals procedure. The government withdrew the bill in May following domestic criticism and international pressure.

In September, the Tokyo High Court found that a decision to deport two Sri Lankan men the day after their asylum claims were rejected was unconstitutional. It ruled that the immigration authorities had essentially deprived the men of the right to appeal and ordered the state to pay ¥600,000 (approximately US\$5,300) in compensation.

## DEATH PENALTY

Three death row inmates – Yasutaka Fujishiro, Mitsunori Onogawa and Tomoaki Takanezawa – were hanged on 21 December, in the first executions since 2019. All three men had been found guilty of murder. Yasutaka Fujishiro suffered from a personality disorder. Mitsunori Onogawa and Tomoaki Takanezawa were waiting for the results of requests for retrial at the time of their execution.<sup>3</sup>

Iwao Hakamada, who spent 47 years on death row and endured long periods of solitary confinement having been found guilty of murder in 1968, remained out of prison on temporary release awaiting a retrial following a Supreme Court decision in 2020. His case and original trial highlighted ongoing concerns about the use of torture by the police to extract “confessions”.

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1. “Japan: Government must deliver an LGBTI bill that ensures zero tolerance of discrimination”, 1 June

2. “Japan: Judicial ruling marks groundbreaking step towards equality”, 17 March

3. “Japan: Abhorrent executions crush hopes of progress under new prime minister”, 21 December

# JORDAN

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## Hashemite Kingdom of Jordan

Head of state: **Abdullah II bin al-Hussein**

Head of government: **Bisher al-Khasawneh**

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**Freedom of peaceful assembly continued to be curtailed, including under sweeping emergency legislation introduced in 2020. The authorities also restricted freedom of expression, both online and offline. Gender-based violence increased in the context of worsening economic conditions and Covid-19 restrictions, as well as due to the continuing lack of legal protection against such crimes. Jordan continued to host over 2.7 million refugees, all of whom were eligible for free Covid-19 vaccinations, but food insecurity among refugees rose sharply.**

## BACKGROUND

Jordan began its Covid-19 vaccine roll-out in January and, according to UNHCR, the UN refugee agency, was one of the first countries to offer free vaccinations to all, including refugees and asylum seekers.

In April, former crown prince Hamzah bin al-Hussein was placed under house arrest, accused of planning a coup, which he denied.

In June, King Abdallah ordered the formation of a 92-member royal committee to “modernize the legislative system”.

Jordan’s economic situation continued to deteriorate, partly due to the impact of Covid-19 measures. In September, the government reopened the country, but maintained the sweeping emergency law enacted at the start of the pandemic in 2020.

## FREEDOM OF ASSEMBLY

The authorities continued to curtail freedom of peaceful assembly, including by arbitrarily arresting people protesting against the government’s Covid-19 measures.

In March, protests erupted in the cities of Irbid, Salt, Aqaba and Karak after at least 10 Covid-19 patients died because of a shortage of oxygen in a government hospital in Salt. Protesters demanded accountability for the deaths and a halt to Covid-19 restrictions such as night curfews that they criticized as ineffective. In December, five individuals were sentenced to three years in prison after being found responsible for the patients' deaths. The protesters also blamed the government for worsening economic conditions and called for an end to the emergency law, known as the defence law, which was used to limit civil and political rights. Security forces met demonstrators with force, including heavy use of tear gas.

To mark the 10th anniversary of the 24 March Movement, a 2011 youth-led movement calling for reform, protests were set to happen in Amman and the northern cities of Irbid, Mafraq and Ramtha to call for the end of the defence law and the cabinet's resignation. However, security forces prevented individuals from joining the protests and arrested dozens of others. The interior minister stated that the government "would not tolerate protests that would worsen the health crisis." All those arrested were released shortly afterwards.

May witnessed several days of protests in solidarity with Palestinians in East Jerusalem's Sheikh Jarrah neighbourhood. On 14 May, Jordanian riot police used tear gas and fired live ammunition in the air to disperse protesters near the King Hussein Bridge in the Jordan Valley.

On 30 June, authorities arrested members of the teachers' trade union, including its head Nasser al-Nawasrah, hours before a planned march in solidarity with teachers forced into early retirement. Authorities had also arrested teachers protesting about the same issue in early January. All those detained were released soon after arrest.

## **FREEDOM OF EXPRESSION**

Civic space continued to shrink as authorities tightened arbitrary restrictions on online and offline expression.

On 25 March, authorities effectively banned Clubhouse, a social media audio app used to discuss topics, including civil and political rights. In response, several human rights organizations published tips on using specific virtual private networks (VPNs) to access the app, which the authorities subsequently blocked.

Several human rights organizations and workers told Amnesty International about internet disruptions in March, including banning Facebook Live to limit coverage of protests.

In April, in the aftermath of the alleged planned coup, a two-day internet shutdown affected parts of western Amman. Several organizations reported to Amnesty International that this adversely affected the vaccination programme and businesses. On 6 April, the public prosecutor issued a gagging order on traditional and social media regarding investigations into the alleged planned coup. The gagging order remained in force at the end of the year.

Between 24 June and 15 July, the Telecommunications Regulatory Commission, in coordination with the Ministry of Education, disrupted messaging apps to "preserve the integrity" of examinations taking place.

On 1 July, Ahmad Tabanjieh Kinani was released on bail after being held for almost a year for peacefully showing solidarity with the teachers' syndicate. He had been detained in August 2020, accused of acts criminalized by the Counter Terrorism Law.

## **WORKERS' RIGHTS**

The economic crisis led to an unprecedented spike in unemployment, rising to 25% in the first quarter and up to 50% for young people.

A total of 146 teachers were forced into early retirement in 2021, including several members and/or board members of the teachers' syndicate, a development widely believed to be retribution for their participation in protests in 2019 and 2020. Early retirement pushed families already under strain because of Covid-19 measures further into poverty.



On 28 March, the prime minister issued Defence Order 28 ending the practice of imprisoning individuals for debt and providing for a travel ban instead. Thousands of people fled Jordan fearing imprisonment for debt. On 14 July, minister of justice Ahmad al-Zeyadat submitted a draft law offering indebted individuals more flexibility in paying off their debts, but the law had not been enacted by the end of 2021.

## WOMEN'S RIGHTS

Gender-based violence continued, with legal protections and accountability for such crimes remaining weak.

In the first half of 2021, several women's rights organizations, as well as the UN, reported that incidents of gender-based violence had increased by over 50% compared to the previous year. By the end of September, 14 women had been killed due to domestic violence according to the Sisterhood is Global Institute in Amman.

Gender-based violence increased in the context of worsening economic conditions largely exacerbated by Covid-19 measures. However, the gradual reopening of services and the removal of movement restrictions improved survivors' access to gender-based violence specialized services. Gender-based violence agencies continued to provide their services remotely and in person, and increased the capacity of their hotlines.

## REFUGEES' AND MIGRANTS' RIGHTS

As of 30 September, according to UNHCR, Jordan was hosting 670,637 Syrian, 66,665 Iraqi, 12,866 Yemeni, 6,013 Sudanese and 696 Somali refugees. It was also hosting 1,453 refugees from 52 other countries registered with UNHCR, in addition to over 2 million Palestinian refugees registered with the UN Relief and Works Agency.

In March, at least four Yemeni asylum seekers were deported to Yemen without due process; they had applied for work permits and were detained for over a month before their deportation. As of April, eight others faced deportation orders. Humanitarian workers reported that asylum seekers faced

deportation if they did not give up their asylum-seeking certificate before applying for work permits. In November, Syrian journalist Ibrahim Awad was arbitrarily arrested and subsequently detained in the al Azraq refugee camp 100km east of Amman.

In May, the government announced it would allow all refugees with expired documents to renew their papers at UNHCR until the end of the year, and that expired documents would not prevent their access to services, including healthcare and schooling.

By June, according to UNHCR, more than half of eligible refugees in Jordan had received at least one Covid-19 vaccination.

In July, the World Food Programme announced that 21,000 Syrian refugees in Jordan would no longer receive food assistance due to a shortage of funds, and that food insecurity among refugees had doubled in the past year to reach 25%. Nearly two in three refugees were on the brink of food insecurity.

## DEATH PENALTY

Authorities continued to hand down death sentences; no executions were carried out.

# KAZAKHSTAN

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Republic of Kazakhstan

Head of state: **Kassym-Jomart Tokayev**

Head of government: **Askar Mamin**

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**The rights to freedom of expression and peaceful assembly remained severely limited and human rights organizations and trade unions faced restrictions. Torture and other ill-treatment remained widespread. People with disabilities continued to face challenges in claiming their basic human rights. LGBTI people faced high levels of discrimination and abuse. Asylum seekers fleeing human rights abuses in China faced imprisonment and discrimination.**

## BACKGROUND

In parliamentary elections held on 10 January, the ruling Nur Otan party won 71%

of the vote. The OSCE election monitoring mission found that voter choice was limited by “undue restrictions on fundamental freedoms of association, peaceful assembly and expression”.

On 10 June, President Tokayev published a Plan of Priority Measures for Human Rights which specifically mentioned the rights of people with disabilities, elimination of discrimination against women and the rights to freedom of association and expression but omitted the right to freedom of peaceful assembly.

According to the WHO, by December there had been 1,060,125 confirmed cases of Covid-19 and 17,972 deaths, and 16,813,018 vaccine doses had been administered. On 6 September, compulsory vaccination was introduced for workers in retail, sport, culture, health and local government organizations. Those not vaccinated were required to take weekly tests.

On 14 October, Kazakhstan was elected to the UN Human Rights Council.

On 29 December, President Tokayev signed off a law abolishing the death penalty and thus fulfilling the requirements for ratification of the Second Optional Protocol to the ICCPR.

## **FREEDOM OF EXPRESSION**

The authorities sought to silence criticism of the government using restrictive legislation. Even though libel was decriminalized in 2020, the Criminal Code retains articles criminalizing “Public insults and other attacks on the honour and dignity of the First President” (Article 373) and “Attacks on the honour and dignity of the President” (Article 375).

On 10 August, a court in Taldykorgan ruled, in civil proceedings, that Serik Kulmyrza and eight other people should remove social media posts because they insulted “the First President of Kazakhstan” (Nursultan Nazarbayev) and “created a negative image of the human rights situation in the country”. The court recommended that prosecutors should open a criminal case under Articles

373 and 375 of the Criminal Code. Only one of the defendants took part in the hearing via WhatsApp and the others only heard of the decision via the media in October.

On 15 September, parliament approved amendments to laws intended to protect children from cyberbullying. The amendments require foreign internet platforms and messenger applications to register and have representatives in Kazakhstan, or face being blocked. Human rights defenders criticized these legislative changes as a means of unduly restricting the right to freedom of expression and access to information.

On 7 October, an ambulance driver, Kenzhebulat Esimseitov, was detained and questioned by police under Article 274 of the Criminal Code for “distribution of knowingly false information”. He was among 24 ambulance drivers who had signed a letter to officials complaining about conditions at the Ambulance Service, including the failure to pay drivers the additional sum due to them because of the Covid-19 pandemic. At the end of the year the case had not been closed, but was not being actively investigated.

### **EXTREMISM LEGISLATION**

There was a rise in the number of people convicted under Article 405 of the Criminal Code for membership of an “extremist” organization. By October, there had been 47 convictions, compared to 14 in 2020. All of those convicted had simply expressed criticism of the government or supported the opposition movements Democratic Choice of Kazakhstan and Koshe Partiyasi, which had been arbitrarily declared “extremist” in closed court sessions in 2018 and 2020, respectively.

On 11 October, Askhat Zheksebaev was sentenced to five years in prison for belonging to an “extremist party”. He was one of the founders of Koshe Partiyasi and had been in detention since August 2020. He was among 13 opposition activists convicted in a politically motivated trial.

On 4 February, prisoner of conscience Maks Bokaev was released from detention after

-serving a five-year sentence. He remained subject to three years of “administrative supervision”, which restricts his rights to freedom of peaceful assembly, expression and association.<sup>1</sup>

## **RIGHT TO PRIVACY**

The mobile devices of at least four Kazakhstani activists were targeted and infected with NSO Group’s Pegasus spyware from June. The four were members of the youth movement Oyan, Qazaqstan.<sup>2</sup>

## **FREEDOM OF ASSEMBLY**

Requests to hold demonstrations were frequently denied under overly restrictive legislation. According to human rights monitors, between July 2020 and October 2021, 133 applications to local authorities in 22 cities were arbitrarily refused. Of those, 103 were in 2021. Peaceful demonstrators were subjected to ill-treatment and “kettling”, amounting to arbitrary detention by law enforcement officers.

On 10 January, a group of about 12 peaceful demonstrators were surrounded by police officers and forced to stand outside in sub-zero temperatures for over nine hours before being released. They were not given access to a toilet or food and drink. One woman was taken to hospital suffering from hypothermia.

## **FREEDOM OF ASSOCIATION**

In January, three NGOs – the Kazakhstani International Bureau for Human Rights, the International Legal Initiative and Echo, an election monitoring group – were arbitrarily suspended for three months, and NGO Erkindik Kanaty was fined under restrictive tax regulations. All had been notified in November 2020 that they had purportedly violated Article 460-1 of the Code on Administrative Violations for failing to properly report on foreign funds each had received, in some cases dating back to 2018.

## **WORKERS’ RIGHTS**

Despite reforms in 2020 that made registration of trade unions easier, some still faced disproportionate bureaucratic hurdles. On 5 February, the Specialized Inter-district Economic Court in Shymkent suspended the independent Industrial Trade Union of Fuel and Energy Workers for six months for failing to register in accordance with the restrictive trade union law.

## **TORTURE AND OTHER ILL-TREATMENT**

According to the report of the National Preventative Mechanism (NPM) for the prevention of torture published in 2021, 63 reports of torture were registered in 2020 and 13 individuals were sentenced. The NPM also noted the poor conditions in detention facilities. Many facilities were inadequately heated during the winter, food was inadequate and there was a severe shortage of medical staff, who continued to be employed by the Penitentiary Administration.

On 15 October, a court in Öskemen sentenced seven prison guards to between five and 10 years’ imprisonment for torturing 25-year-old Andrei Kondratenko. He died in prison on 18 July 2019 after being tortured by prison guards. A witness testified that guards held his head underwater and deprived him of sleep; the witness also testified that guards then forced other prisoners to take Andrei Kondratenko’s body to the punishment cell and make it appear that he had hanged himself.

## **RIGHTS OF PEOPLE WITH DISABILITIES**

People with mental disabilities continued to be deprived of legal capacity by the courts, and thereby of their human rights, including the rights to education, a private life, to vote and to stand for office. In July, the OSCE recommended that all restrictions on the right to vote and stand for office should be lifted and that Kazakhstan introduce laws and policies allowing people with disabilities to access support in exercising their legal capacity rather than being deprived of it.

## LGBTI PEOPLE'S RIGHTS

LGBTI people faced discrimination, marginalization and physical attacks from state and non-state actors.

In May, Zhanar Sekerbayeva and Gulzada Serzhan, founders of the queer feminist collective, Feminita, were physically attacked and abused by an angry mob when they attempted to hold a human rights conference at a hotel in Shymkent. Police officers failed to protect their right to peaceful assembly and forcibly detained them, later claiming that they were detained for their own protection. After the hotel cancelled their booking, they moved to a nearby cafe where an angry mob of men attacked them and punched Zhanar Sekerbayeva in the face. Police officers were in the mob and in video footage can be seen forcing the two activists into police cars. In Karaganda on 28 July, both activists were again attacked by an angry mob when they tried to hold a women's rights conference. Neither incident had been investigated by the police by the end of the year.

## REFUGEES' AND MIGRANTS' RIGHTS

Ethnic Kazakhs fleeing Xinjian in China faced criminal prosecution and imprisonment for crossing the border irregularly, as well as discrimination, inadequate protection, and administrative hurdles, including needing to renew their documents annually and not having the right to travel abroad. In April, three ethnic Kazakhs who had fled from Xinjiang were denied citizenship on the grounds that they had crossed the border irregularly.

1. *Kazakhstan: Prisoner of Conscience Maks Bokaev Released but Restrictions Must be Lifted* (Index: EUR 57/3625/2021), 4 February
2. "Kazakhstan: Four activists' mobile devices infected with Pegasus spyware", 9 December

# KENYA

## Republic of Kenya

Head of state and government: **Uhuru Muigai Kenyatta**

**Police used excessive and sometimes lethal force to break up protests; they unlawfully killed 167 people, including some of those arrested for violating Covid-19 restrictions, and forcibly disappeared 33 people. Incidents of gender-based violence, primarily against women and girls, increased. Courts affirmed the right to housing, but government agencies flouted a presidential moratorium on evictions during the pandemic. A group of LGBTI refugees and asylum seekers were attacked in Kakuma refugee camp. No one was brought to justice for the killing of environmental activist Joannah Stutchbury in July.**

## BACKGROUND

The government continued to impose a curfew and restrictions on movement and public gatherings to curtail the spread of Covid-19.

The authorities granted citizenship to 1,649 members of the Shona community in July, ending decades of statelessness. The Shona migrated to Kenya from Southern Africa in 1959 as missionaries but, following Kenya's independence in 1963, were never registered as citizens. An additional 1,200 people of Rwandan descent, who migrated to Kenya for work during the colonial period, and 58 people of Asian descent, were also granted citizenship. In September, parliament recognized the Pemba community as an Indigenous community. These steps added to progress already made by Kenya over several years to end statelessness for everyone. In 2016, 1,500 members of the Makonde community, who migrated from Mozambique, were also granted citizenship.

## EXCESSIVE USE OF FORCE

The brutal response by police officers to protests resulted in human rights violations against demonstrators. While Covid-19

regulations prohibited protests and public assemblies, there were several spontaneous demonstrations against containment measures and the police responded using excessive force. Alex Macharia Wanjiku was shot in Kahawa West, an informal settlement in Nairobi County, while police dispersed a demonstration against the Nairobi Metropolitan Services. Investigations into the incident by the Independent Policing Oversight Authority (IPOA), an independent civilian body, were not concluded by the end of the year.

## **FREEDOM OF EXPRESSION**

### **SOCIAL MEDIA ACTIVISTS**

Activists continued to use social media platforms to raise governance issues. Although online expression was largely unrestricted, the police arrested Edwin Mutemi wa Kiama, a human rights defender, on 6 April for criticizing on Twitter government borrowing.<sup>1</sup> He was released on bail of KES 500,000 (about US\$4,488) on 7 April, ordered to report daily to the Directorate of Criminal Investigation (DCI) pending investigation, and not to comment on social media about Kenya's debt sustainability. On 20 April, he was released unconditionally due to insufficient evidence that he had violated Section 22 of the Computer Misuse and Cyber Crimes Act of 2018.

### **ENVIRONMENTAL ACTIVISTS**

In July, 67-year-old Joannah Stutchbury, a well-known environmental activist, was shot dead at her home in Kiambu County on the outskirts of the capital, Nairobi.<sup>2</sup> She had received death threats apparently linked to campaigns against construction of buildings in the Kiambu Forest. Although the president ordered the DCI to expedite investigations into her death, no suspects were arrested or prosecuted.

## **DISCRIMINATION**

### **GENDER-BASED VIOLENCE**

In May, the Ministry of Public Service, Gender and Youth Affairs reported a five-fold increase in gender-based violence, mainly

against women and girls, since the beginning of the Covid-19 outbreak, identifying, in particular, physical assault, rape and attempted rape, murder, "defilement", physical harm, and psychological violence. The upsurge occurred in the context of prolonged lockdown periods, growing inequality and lack of mental health support.

### **RIGHT TO HOUSING AND FORCED EVICTIONS**

Courts, including the Supreme Court, affirmed the right to housing and condemned forced evictions in several pre-pandemic cases.<sup>3</sup> In January, the Supreme Court ruled that, in the absence of accessible and adequate housing, the government must protect the rights and dignity of those in informal settlements. In July, it finally ruled on the 2013 eviction of residents from City Carton, an informal settlement in Nairobi, by the Moi Educational Centre and the Inspector General of Police. It held that their forced eviction violated fundamental rights to inherent human dignity, security of the person, and to accessible and adequate housing guaranteed under the Constitution.

Government agencies breached a presidential moratorium on evictions during the pandemic. Furthermore, the evictions were carried out without regard to due process requirements, including adequate notice. In February, 3,500 residents of Kibos, Kisumu County, were violently evicted by Kenya Railways Corporation officers, without adequate notice. Armed police used tear gas to force residents from their homes. A two-year-old boy who had been trapped under debris died during the evictions. In August, the High Court ruled that the Kenya Railways Corporation had violated the community's rights and failed to follow fair administrative procedures. The decision barred future forced evictions against the community where alternative resettlement options are not provided. The residents belonged to the minority Nubian community who were resettled in Kibos in 1938. Since then, the state made no attempt to guarantee their security of tenure there, and for decades they have struggled to obtain recognition of their tenure.<sup>4</sup>

In October, police supervised evictions in Deep Sea and Mukuru kwa Njenga, informal settlements in Nairobi, to pave the way for the construction of roads, leaving hundreds of residents homeless. While authorities claimed to have given sufficient notice, the government did not appear to provide adequate alternative settlements or compensation for the residents and did not meet its obligation to ensure access to housing as directed by the courts.

### **REFUGEES' AND MIGRANTS' RIGHTS**

In March, citing increased insecurity and sustenance costs, the government issued a 14-day ultimatum to UNHCR, the UN refugee agency, saying that if it did not close the Kakuma and Dadaab refugee camps, steps would be taken to return refugees to their countries of origin.<sup>5</sup> The camps hosted around 512,000 refugees, around half of them from Somalia. Refugees, including LGBTI people, expressed their fear of returning to countries from which they had fled to seek safety in Kenya. On 30 April, the Kenyan government, following a meeting with UNHCR, postponed the closure of the Dadaab refugee camp to June 2022, retracting its initial position of immediate closure.<sup>6</sup>

There were around 1,000 LGBTI refugees in the Kakuma and Dadaab camps who were inadequately protected from homophobic attacks. In late March, unidentified people attacked the LGBTI refugee shelter in Kakuma camp, throwing a petrol bomb at the LGBTI refugees' houses. Two LGBTI refugees suffered second degree burns on about 50% of their bodies and were evacuated for specialized medical attention in Nairobi. One of them, 22-year-old Chriton Atuhwera died on 12 April. Chriton Atuhwera, also known as Trinidad, had fled to Kenya from Uganda where he had been persecuted because of his sexuality.<sup>7</sup>

### **RIGHT TO HEALTH**

Although the cost of vaccinating the adult population against Covid-19 was equivalent to 1% of the country's annual budget (KES 38,329,600,000, around US\$350

million) only 15% were fully vaccinated. While commercial vaccine supplies remained a challenge to Kenya, the government made no commitment to allocate sufficient resources for vaccinations in the 2021-2022 annual budget.

### **UNLAWFUL KILLINGS AND ENFORCED DISAPPEARANCES**

During the year, 167 people were killed and 33 were forcibly disappeared by the police. Only 28 prosecutions were initiated against suspected perpetrators of unlawful killings and enforced disappearance. In April, a youth known as Collins from Mathare, an informal settlement in Nairobi, was arrested and killed by a police officer already suspected of multiple killings. His body was taken to the Nairobi City mortuary. The authorities did not investigate the crime.

In June, 28-year-old Erick Achando, a motorcycle taxi driver, was arrested in Kisii County for violating the curfew. He died a few days later in a police cell after failing to pay a fine of KES 8,000 (around US\$71). The police claimed that he had died of an illness. Two police officers were arrested and charged with his murder following an investigation by the Internal Affairs Unit of the National Police Service and an autopsy report that confirmed he died of severe head injuries after being hit by a blunt object.

Following an inquest,<sup>8</sup> Police Constable David Kibet Rono was arrested and charged in July with the murder in 2015 of 20-year-old Nura Malicha Molu who died after being shot in Nairobi's Huruma estate. His alleged killer claimed to have acted in self-defence but the inquest found that he had not posed any danger to the officer. The decision came five years after the IPOA began investigating the killing and found inconsistencies, including in the various testimonies from police officers. For example, material evidence, including a weapon said to belong to Nura Malicha Molu, was not presented by officers for analysis.

In August, the bodies of brothers Benson Njiru Ndwiga and Emmanuel Mutura, aged 22 and 19 respectively, were found in Embu

Level 5 Hospital mortuary, two days after they were arrested by officers from Manyatta police station for allegedly breaking the curfew. Six police officers suspected of involvement in the murders were arrested and charged on the IPOA's recommendation. They were released on bail of KES 3,000,000 (about US\$26,291) on 4 November and barred from entering Embu County to guard against any potential interference with evidence and witnesses.

1. "Kenya: Release and cease attacks on Edwin Mutemi wa Kiama", 5 October
2. "Kenya: Statement on Joannah Stutchbury's murder", 16 July
3. "Kenya: Kibos land and demolition case: High court finds Kenya Railways Corporation and the Ministry of Interior and Coordination of National Government guilty of gross human rights violations", 1 September
4. "Kenya: Press statement on the forceful mass eviction of the Nubian community of Kibos, Kisumu County", 8 February
5. "Kenya: Amnesty International statement on the proposed closure of Dadaab and Kakuma refugee camps", 6 April
6. "Kenya: Clarification on our statement on revised roadmap for the closure of Kakuma and Dadaab refugee camps", 30 April
7. "Kenya: Amnesty International statement on the killing of Ugandan refugee Chriton 'Trinidad' Atuhwera" 13 April
8. "Kenya: Fix loopholes that facilitate unlawful killings", 9 August

## KOSOVO\*

### Kosovo\*

Head of state: **Vjosa Osmani (replaced Glauk Konjufca in April)**

Head of government: **Albin Kurti (replaced Avdullah Hoti in March)**

\*This designation is without prejudice to positions on status, and is in line with UN Security Council Resolution 1244 and the International Court of Justice Advisory Opinion, *Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo*.

**Proceedings continued at the Kosovo Specialist Chambers established in The Hague in 2016. Journalists faced indirect pressure and online violence. Kosovo courts issued their first conviction for wartime sexual violence. Impunity for cases of institutional negligence in addressing**

**domestic violence continued. A hydropower company withdrew its lawsuits aimed at silencing activists.**

## BACKGROUND

Following snap elections in February, the Vetëvendosje (Self-determination Movement) party won power, replacing the government of Avdullah Hoti. The parliament elected Vjosa Osmani as president.

## RIGHT TO TRUTH, JUSTICE AND REPARATION

In September, the trial began of Salih Mustafa, commander of a Kosovo Liberation Army unit, indicted on charges of arbitrary detention, cruel treatment, torture and murder. Pristina Basic Court sentenced former reservist policeman Goran Stanišić to 20 years' imprisonment for war crimes against ethnic Albanians committed in 1999.

## ENFORCED DISAPPEARANCES

More than 1,600 people remained missing. In June, 11 bodies of Kosovo Albanians were exhumed from a mass grave at the Kiževak mine in Serbia. In September, the remains of seven Kosovo Albanians were returned to Kosovo authorities. Kosovo authorities returned the remains of three Serbs to Serbian authorities.

## WARTIME SEXUAL VIOLENCE

In Kosovo's first conviction for wartime sexual violence, Pristina Basic Court sentenced former Kosovo Serb police officer Zoran Vukotić to 10 years' imprisonment for raping a 16-year-old girl in 1999.

As of December, a government commission had granted the status of survivor of wartime sexual violence to 1,048 of 1,618 applicants, although over 4,500 rape survivors had been counselled by the NGO Medica Gjakova.

## VIOLENCE AGAINST WOMEN AND GIRLS

Impunity for cases of institutional negligence in addressing domestic violence continued. The murders of two women, Sebahate Morina and Marigona Osmani, both victims of femicide, sparked public protests against

gender-based violence. The Ombudsperson found the state institutions responsible for violating Sebahate Morina's right to life because they neglected a domestic violence report filed by her daughter days before she was murdered by her ex-husband. Kosovo courts handed down one life sentence and a 25-year sentence in femicide cases. A judge and a prosecutor faced disciplinary proceedings for convicting the rapist of a 15-year-old girl to only eight months' imprisonment.

## FREEDOM OF EXPRESSION

Three doctors were penalized for speaking to the media about practices in a public hospital cardiology clinic "without permission and damaging the image of the institution". Two of them were prohibited from promotion or salary raises for three years, and one received a 40% pay cut for three months.

### JOURNALISTS

Journalists faced threats, indirect pressure, obstruction, online violence and attacks. In February, journalist Visar Duriqi was injured by unidentified people. In October, journalists were attacked by protesters while covering a police action in Mitrovica. In December, Pristina Basic Court ordered the house arrest of two people for threatening journalist Vehbi Kajtazi.

### HUMAN RIGHTS DEFENDERS

Amnesty International called on Austrian hydropower company Kelkos Energy to withdraw defamation lawsuits against activists Shpresa Loshaj and Adriatik Gacaferi, who had criticized the environmental impact of its Kosovo operation.<sup>1</sup> Kelkos withdrew the lawsuits in October.

## REFUGEES' AND MIGRANTS' RIGHTS

The government agreed to provide shelter and grant temporary protection to up to 2,000 Afghan evacuees waiting to be resettled in other host countries. Afghans hosted in the camps enjoyed no freedom of movement outside and visits by media and other observers inside the camps were restricted.

## LGBTI PEOPLE'S RIGHTS

The government approved a draft Civil Code allowing same-sex civil unions, to be regulated by a special law.

## DISCRIMINATION

### ROMA, ASHKALI AND EGYPTIAN PEOPLE

Roma, Ashkali and Egyptian people continued to face barriers to accessing drinking water and employment, as well as accessing online education for children during Covid-19 school closures.

Following a civil society petition, the government awarded €20,000 in damages to the family of Kujtim Veseli, an 11-year-old Ashkali child who was repeatedly raped and finally murdered in 2019. Months before the murder, Kujtim's abuser had confessed to the police that he had raped Kujtim but he was not arrested or detained. The Ombudsperson found a violation of Kujtim's right to life.

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1. "Kosovo: Defamation lawsuits seeking to silence environmental activists must be withdrawn", 28 June

## KUWAIT

### State of Kuwait

Head of state: **Nawaf al-Ahmad al-Jaber al-Sabah**

Head of government: **Sabah al-Khaled al-Hamad al-Sabah**

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**The authorities detained and prosecuted government critics under legal provisions criminalizing speech deemed offensive to the head of state. Members of the stateless Bidun minority continued to face discrimination. Courts continued to hand down death sentences; no executions were reported.**

## BACKGROUND

In February, the Emir suspended parliament for a month, stating it was in a bid to defuse tensions between the government and parliament. Reasons for the tensions included a proposed general amnesty bill to pardon a group of former opposition members of parliament (MPs) convicted in



relation to their participation in a 2011 protest, as well as the sentencing of a group of men following an unfair trial on charges that included “spying for Iran and Hizbullah”. On 8 November, the Emir granted pardons and reduced the sentences of 35 men, including 11 former MPs.

## **FREEDOM OF EXPRESSION AND ASSEMBLY**

The authorities detained and prosecuted government critics and activists under provisions in the Cybercrime Law and Penal Code, including for speech deemed offensive to the Emir.

In April, the government approved amendments to the Kuwaiti Code of Criminal Procedure that mean the authorities can no longer order pretrial detention in cases related to freedom of expression. However, individuals can still be prosecuted and ultimately imprisoned for voicing their opinion.

At the end of June, Jamal al-Sayer, a poet, posted tweets on his account addressing the Emir and criticizing him for the tensions between the government and parliament. On 5 July, a number of State Security officers dressed in plain clothes arrested him as he was returning home in his car. He was released nine days later pending charges of “insulting the Emir, spreading false news with the aim of undermining the state, and misuse of his phone”. On 9 November, a criminal court acquitted him.

## **ARBITRARY DETENTION**

At the beginning of November, in the first such case reported in 2021, the State Security Agency arbitrarily detained 18 men, including 10 Kuwaiti nationals, accusing them of sending money to Hizbullah in Lebanon.<sup>1</sup> Many were interrogated for several days without access to a lawyer. At the end of the year, the detainees had yet to be formally charged.

## **RIGHT TO HEALTH**

Until April, Kuwait prioritized Kuwaiti nationals for its Covid-19

vaccination campaign, which began in December 2020 and was free of charge. Foreign nationals and migrant workers, who comprise up to 70% of the population, were denied access to vaccines for the first half of the year until July, when vaccines were made available to everyone.

## **DISCRIMINATION BIDUN**

Stateless Bidun people remained unable to access a range of public services.

Draft laws on the Bidun issue were proposed in parliament but none were voted on. In May, five MPs submitted a proposal for granting the Bidun basic socio-economic rights, including access to education, healthcare and work. In September, the speaker of parliament tabled a bill on the same draft law proposed in 2019 that, if enacted, would make Bidun individuals’ access to services conditional on relinquishing their claims to nationality.

## **MIGRANTS’ RIGHTS**

On 1 January, a decision to ban the renewal of visas for migrants over the age of 60 and not holding a university degree came into force. In October, a legislative advisory body nullified the decision, which could have provided grounds for the expulsion of thousands of people, including many who have lived in Kuwait for decades. Controversial new regulations were then introduced, allowing renewal of visas for an expensive annual fee in addition to private health insurance. Palestinian nationals, children of Kuwaiti women, and those born in Kuwait are exempt from the fees.

During the Covid-19 pandemic, Kuwait imposed an entry ban on foreign nationals, including migrant workers with valid residency permits. On 1 August, the ban was lifted on condition of a valid residency permit and recognized double Covid-19 vaccination.

In a rare case in which a perpetrator of abuse against a migrant worker had been held to account, the Appeal Court overturned in late May the death sentence that had been imposed on a Kuwaiti woman accused of

killing her employee, Filipina domestic worker Jeanelyn Villavende, and reduced her sentence to 15 years in prison. The court upheld the four-year sentence against her Kuwaiti husband.

## WOMEN'S RIGHTS

In early February, Kuwaiti women launched their own #MeToo movement against sexual harassment under the name Lan Asket (“I will not be silenced”).

During the year, at least two women were murdered, including a Bidun woman at the hands of her brother. In one of the cases, in January, Farah Hamza Akbar was abducted and held briefly by Fahad Subhi Mohieddin Mohammed, who had been harassing her. She lodged a complaint while he remained free, having signed a pledge not to harm her, and the case went to trial on abduction charges. In mid-April, Fahad Mohammed killed her. He was sentenced to death on 6 July for murder and on 26 July he was additionally sentenced to 15 years in prison for abduction. He appealed against both sentences.

In May, two women, a Kuwaiti national and a Bidun, were arrested for placing street signs bearing the initials of female victims of male violence and the manner of their deaths. They were later released.

## LGBTI PEOPLE'S RIGHTS

On 3 October, a criminal court convicted Maha al-Mutairi, a transgender woman, under the 2014 Communications Law and Article 198 of the Penal Code which criminalizes “imitat[ing] the other sex in any way,” and sentenced her to two years in prison and a fine based on her online activities in 2021. She was incarcerated in Kuwait Central Prison for men. She lodged an appeal against her sentence.

## DEATH PENALTY

Courts continued to hand down death sentences; no executions were reported.

1. “Kuwait: Authorities must release arbitrarily detained individuals”, 14 December

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# KYRGYZSTAN

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## Kyrgyz Republic

Head of state: **Sadyr Japarov** (replaced **Talant Mamytov in January**)

Head of government: **Ulukbek Maripov** (replaced **Artem Novikov in February**)

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**Survivors of domestic violence faced difficulties in reporting abuse and accessing support. Peaceful demonstrators faced violence and the new Constitution undermined the right to freedom of peaceful assembly. Journalists and activists critical of the government faced attacks on social media and unjust prosecution. Torture and other ill-treatment remained widespread, as did impunity.**

## BACKGROUND

A new Constitution was passed by referendum and enacted in May. The Council of Europe's Venice Commission and the OSCE expressed concerns over the “overly prominent” role of the president, the weakened role of the parliament and “potential encroachments on judicial independence”.

Clashes between local residents on the Kyrgyz-Tajik border in April-May left at least 36 Kyrgyzstanis dead.

The Covid-19 pandemic continued to affect the economy. The vaccination programme was delayed by a shortage of vaccines and hampered by inefficient distribution of humanitarian aid, but by September over 1 million people had had at least one vaccination. In June vaccination was made compulsory for all health workers and later for other categories, causing controversy, although sanctions for those refusing were unclear.

## **GENDER-BASED VIOLENCE AND DISCRIMINATION**

Domestic violence remained widespread. Survivors remained discouraged from reporting abuse, due to economic dependence on the perpetrator and social stigma.

There were no comprehensive or unified statistics on domestic violence and figures varied across different government bodies. By September, the Ministry of Internal Affairs had registered 7,665 incidents, a 30% increase compared to 2020.

Women with disabilities faced greater barriers in reporting domestic violence. In February Almira Artykbek-kyzy was finally able to leave the family home with the assistance of her brother and report the years of sexual and physical abuse perpetrated against her by some family members. Almira Artykbek-kyzy, who suffers from cerebral palsy, had been denied an education, deprived of legal capacity and kept a virtual prisoner in the family home. A criminal case brought against her relatives was ongoing at the end of the year.

## **WOMEN'S RIGHTS**

In July, the president approved a new “concept on spiritual-moral development and physical education of individuals”. This calls on state bodies to promote traditional values and recommends that media outlets propagate the values of a traditional society [and] the ideals of the family.

On 16 November, Allyn Kapalova, a feminist artist and writer, lost a final appeal at Bishkek City Court in her case against the State Registration Service in favour of putting matronymics instead of patronymics in the passports of her three children.

## **FREEDOM OF ASSEMBLY**

Protesters demonstrating peacefully against the new Constitution and in favour of gender equality were subjected to intimidation by state and non-state actors.

Article 10 of the new Constitution allows restrictions on events that contradict “moral and ethical values” or “the public

consciousness”, without defining these concepts. Activists expressed concerns that this could be used to unduly restrict the right to freedom of peaceful assembly.

In March, municipal authorities in the capital, Bishkek, obtained a court order banning all assemblies in the centre of Bishkek for two months on the grounds that rallies disturb local residents “resulting in negative feelings and concerns about personal safety”. The ban was overturned by a court in April following an appeal by a civil society movement.

In April, a peaceful rally against violence against women in Bishkek was disrupted by about 200 men who harassed the participants. Police took no action to protect the peaceful demonstrators.

## **FREEDOM OF EXPRESSION**

Journalists and civil society activists critical of the authorities faced harassment, intimidation, and in some cases unfounded criminal charges.

In February, the civil defamation case against two leading independent media outlets, Radio Azattyk and Kloop, and a journalist, brought by the family of a former top customs official, was dropped, after the official was found guilty of corruption in criminal proceedings.

In March, civil society activist Tilekmat Kurenov was detained and later charged with “calling for mass riots” (through his posts on social media) and for the “violent overthrow of the government”. In April, he was transferred to house arrest and on 20 August he was convicted and sentenced to one and a half years in prison. He had been among the organizers of a peaceful rally against the new Constitution.

Also in March, officers from the State Committee for National Security (SCNS) questioned April TV journalist, Kanat Kanimetov, about his coverage of a previous investigation carried out by the SCNS. In April, his relatives in his family home in Balykchy were questioned and threatened with being searched.

In August, the Law on Protection from False and Inaccurate Information was signed by the president, amid concerns that it unduly restricted the right to freedom of expression and could prevent criticism of public figures. It empowered unnamed state bodies to shut down or block websites for publishing “false or inaccurate” information, on the basis of a complaint by a private individual or a legal entity.

## **TORTURE AND OTHER ILL-TREATMENT**

Torture and other ill-treatment by law enforcement officials continued to be widespread and ineffectively investigated. According to a survey published in July by the NGO Coalition against Torture, 35% of survivors were tortured during questioning as suspects, 28% while being questioned as witnesses and 24% while the police were checking their identity.

The UN Human Rights Committee ruled in March in the case of Sharobodin Yuldashev that Kyrgyzstan had failed to carry out a prompt, efficient and impartial investigation into his torture allegations. Sharobodin Yuldashev, an ethnic Uzbek, was tortured by police officers in July 2011 to force him to “confess” to crimes during the ethnic violence in southern Kyrgyzstan in 2010. In December 2011, the four police officers who had tortured him were charged with abuse of power and unlawfully entering his house. They were acquitted in 2012. Sharobodin Yuldashev was sentenced to 16 years’ imprisonment for participating in mass riots, destroying property, robbery and taking hostages.

In July, a new Criminal Procedural Code was adopted alongside other laws. Human rights defenders expressed concerns that it impeded the work of lawyers while delaying their access to suspects. Furthermore, it reintroduced an additional check before the opening of criminal investigations which had existed before 2017 and prevented prompt investigations into torture allegations.

## **IMPUNITY**

In May, the State Penitentiary Service closed its investigation into the death in 2020 of prisoner of conscience Azimjan Askarov from Covid-19-related complications. A human rights NGO, Bir Duino, successfully appealed against the decision and petitioned the Prosecutor’s Office to transfer the investigation to the State Committee for National Security to avoid a conflict of interest. Azimjan Askarov, an ethnic Uzbek human rights defender, had been sentenced to life imprisonment in September 2010, following an unfair trial and torture. Numerous international demands for his release, and concerns over his deteriorating health, had been ignored.

## **LATVIA**

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### **Republic of Latvia**

Head of state: **Egils Levits**

Head of government: **Arturs Krišjānis Kariņš**

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**Border guards used force to pushback refugees and migrants at the border with Belarus. Women and girls faced difficulties accessing sexual and reproductive health services. There remained no legal bar to discrimination on grounds of sexual orientation and gender identity. Statelessness remained high. Some children were discriminated against in access to education.**

## **BACKGROUND**

The state of emergency in response to the Covid-19 pandemic ended in April but many restrictions remained.

Latvia acceded to the Optional Protocol to the Convention against Torture in December.

## **REFUGEES’ AND MIGRANTS’ RIGHTS**

Under a state of emergency beginning in August, Latvian border guards used force to summarily return people arriving at the border with Belarus in search of asylum in Latvia. The emergency law provided for food and medical assistance in compliance with

measures ordered by the European Court of Human Rights, but concerns were raised that the needs of asylum seekers were not being met. In November, Latvia installed a temporary 37km fence on its border with Belarus. In December, the EU Commission proposed allowing Latvia, Lithuania and Poland extended timescales to register and process asylum claims, as well as simplified and quicker return procedures, weakening EU asylum procedures. By year's end some 4,045 people had been intercepted at the border and pushed back to Belarus and around 446 detained for entering the country irregularly.

## WOMEN'S RIGHTS

In June, the Constitutional Court found the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) to be in compliance with the Latvian Constitution, but no further progress towards its ratification was made.

## SEXUAL AND REPRODUCTIVE RIGHTS

Women and girls faced difficulties accessing sexual, reproductive and other essential health information and services. The UN's Committee on Economic, Social and Cultural Rights (CESCR) noted in particular the limited access to free contraception for adolescent girls and young women.

## LGBTI PEOPLE'S RIGHTS

After being cancelled in 2020 due to the Covid-19 pandemic, Baltic Pride took place in August. In March, the CESCR raised concerns that the legislative framework continued to omit sexual orientation and gender identity as grounds for discrimination. Parliament failed to legislate to recognize and protect the rights of same-sex couples, despite consecutive Constitutional Court rulings confirming this obligation was enshrined in the Constitution. In December, the Supreme Court concluded that administrative courts may temporarily provide such recognition and protection pending legislation.

The ILGA-Europe index ranked Latvia the second worst EU country in which to be an LGBTI person, referring to bias-motivated speech, violence and other forms of discrimination.

## RIGHT TO A NATIONALITY

Despite legislative changes in 2020, statelessness remained high. Close to 200,000 people held the status of "non-citizens", facing discrimination in accessing economic, social, cultural and other rights.

## RIGHT TO EDUCATION

The CESCR noted an increase in the number of Roma students completing compulsory primary education but expressed concern about discrimination against children belonging to minority groups and undocumented migrant children, the exclusion of people with disabilities from mainstream education, and the disproportionately high number of Roma children enrolled in special needs programmes.

# LEBANON

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## Republic of Lebanon

Head of state: **Michel Aoun**

Head of government: **Najib Mikati (replaced Hassan Diab in July, who replaced Saad Hariri in July)**

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**The authorities' response to Lebanon's deepening economic crisis failed to ensure residents' right to health and even their right to life during the most acute moments of fuel and medicine shortages, as it lifted subsidies while failing to roll out an effective social protection scheme to help mitigate the impact of these policies. Impunity continued to protect perpetrators of murder, torture and the devastating explosion in 2020 at the port in the capital, Beirut. Authorities used terrorism-related charges to prosecute protesters in Tripoli demanding socio-economic rights. Migrant workers, particularly women domestic workers, continued to have their rights**

**abused under the discriminatory *kafala* (sponsorship) system. Women still faced discrimination in law and in practice. Authorities continued to deport Syrian refugees back to Syria, despite risks of egregious human rights abuses there. Allegations of torture of Syrian refugees documented since 2014 were still not investigated, even when raised in courts.**

## **BACKGROUND**

Lebanon's economic crisis ranked in the top 10 most severe crises globally since the mid-19th century, according to the World Bank. By the end of the year, the Lebanese lira had lost 95% of its value since late 2019 and annual food inflation stood at 357.95% as of November 2021. The World Food Programme said in September that 22% of Lebanese people, 50% of Syrian refugees and 33% of refugees of other nationalities were food insecure. According to a UN study, 82% of the population were living in multidimensional poverty in September.

In January, the UN Human Rights Council reviewed Lebanon's human rights record as part of the UPR.

On 15 July, the prime minister designate, Saad Hariri, resigned and was replaced on 26 July by Najib Mikati, who successfully formed a cabinet that was endorsed by parliament on 20 September. The Mikati government operated only for 20 days then froze its cabinet meetings due to political feuds over the investigation into the Beirut port explosion of 4 August 2020.

On 11 August, the Central Bank started lifting fuel import subsidies, prompting critical shortages of petrol and diesel, exacerbated by smuggling and hoarding, which in turn led to dozens of people being killed or injured by explosions of stockpiled fuel in residential areas.

After months of delays, in December the government launched a "ration card" programme for 500,000 families, but the funding for this card remained uncertain at the end of the year.

## **RIGHT TO HEALTH**

Throughout the year, access to health services remained severely impacted by the economic crisis. According to a September UN study, the percentage of households deprived of healthcare increased from 9% in 2019 to 33%, equivalent to approximately 400,000 households out of 1.2 million, and the number of people unable to obtain medicine more than doubled.

In July and August, acute fuel and medicine shortages endangered lives, including the ability of hospitals to ensure adequate healthcare. Authorities failed to prioritize hospitals and other critical services in their redistribution of fuel seized from smugglers and hoarders. In September, the directors of three of Lebanon's largest hospitals told Amnesty International that they had been unable to secure enough fuel to sustain operations for even one month, leaving them reliant on UN donations.<sup>1</sup>

On 26 August, cancer patients gathered outside the UN offices in Beirut protesting against the medicine shortage, following the government's failure to pay pharmaceutical suppliers as part of a subsidy programme. The health ministry partially blamed the shortages on hoarding by traders, yet the authorities took no action to prevent or punish such hoarding.

On 9 November, the government lifted pricing subsidies on most medications, except for cancer, dialysis and mental health treatments. Throughout the year, drugs remained unavailable and unaffordable to most of the population.

By the end of the year, 35.15% of the population, both nationals and residents, had received their first Covid-19 vaccination and 28% their second. While refugees in Lebanon had access to vaccination via teams deployed by UNHCR, the UN refugee agency, the proportion of refugees vaccinated remained disproportionately low.

## **IMPUNITY**

Lebanese officials responsible for human rights violations continued to enjoy impunity for murder, torture and the port explosion

alike. Authorities repeatedly obstructed the investigation into the Beirut port explosion, taking numerous steps to shield politicians and officials from the investigative judge's summonses and even prosecution.<sup>2</sup>

In June, a group of 53 Lebanese and international rights groups, including Amnesty International, as well as 62 survivors and families of victims and firefighters, called on the UN Human Rights Council to create a fact-finding investigative mechanism into the explosion.<sup>3</sup> In July, Lebanese authorities rejected the second investigative judge's repeated requests to lift immunity for members of parliament (MPs) and to question senior members of the security forces. The MPs filed more than a dozen complaints accusing the judge of political bias and causing four suspensions of the investigation. The judiciary dismissed most of these complaints, but a complaint filed in December suspended the investigation to 2022.

The investigation into the 4 February fatal shooting of intellectual and activist Lokman Slim in his car in southern Lebanon had yielded no results by the end of the year.

## **FREEDOM OF EXPRESSION AND ASSEMBLY**

Throughout the year, small protests took place across Lebanon in reaction to fuel and medication shortages, and against the rising cost of living and government inaction on the economic crisis.

The authorities for the most part allowed these protests to go ahead; however, in January, security forces used live ammunition, tear gas and water cannons against protesters in the northern city of Tripoli, after clashes with protesters who burnt municipality buildings. One protester was killed and 300 injured, while security forces said that over 40 of their members were injured. Between 25 and 31 January, 35 people were detained incommunicado in connection with the protests. After his release, one detainee bore signs of severe beatings all over his body, with significant injuries to his head, shoulders and neck, and

reported that he had been tortured or otherwise ill-treated. On 19 February, the military prosecutor filed terrorism-related charges against at least 23 detainees, including two minors, in what Amnesty International considered to be an attempt to harass protesters.<sup>4</sup> If convicted, those charged could face the death penalty. The detainees were released on bail after weeks of detention.<sup>5</sup>

On 11 August, parliamentary police as well as unidentified armed men attacked relatives of the victims of the port explosion and journalists.<sup>6</sup>

Security services continued to summon for interrogation activists, artists and journalists in relation to their online expression critical of the authorities. On 4 October, the General Security (GS) summoned theatre director Awad Awad for interrogation over an improvised play, accusing him of criticizing the president and failing to obtain GS censorship bureau approval to stage the play, as required under Lebanese law. He was subsequently released.

## **WOMEN'S RIGHTS**

Women continued to face discrimination in law and practice. Women's rights groups continued to advocate for various personal status and political rights, including the right to equal custody of children and for women to pass on their nationality to their husband and children when married to a foreign national.

In its third examination before the UN Human Rights Council, Lebanon rejected several recommendations to lift its reservations to CEDAW, including adopting a unified personal status law, but partially accepted a recommendation to amend its discriminatory nationality law.

## **MIGRANTS' RIGHTS**

Migrant domestic workers in Lebanon, 99% of them women, continued to suffer discriminatory practices under the *kafala* system. The economic crisis coupled with the pandemic meant many migrant domestic workers were dismissed without pay, their

belongings or passports. By October, the International Organization for Migration said that about 400,000 mostly Asian and African migrant and domestic workers living in Lebanon were stranded without work or the means to return home.

In its UPR, Lebanon failed to commit to abolishing *kafala* and refused the recommendation to sign and ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

## REFUGEES' RIGHTS

Lebanon continued to host the largest number of refugees per capita globally, with an estimated 1.5 million Syrian refugees, including 879,529 registered with UNHCR as of September.

In March, Amnesty International released a report documenting an array of violations committed primarily by Lebanese military intelligence against 26 Syrian refugees, including four children, held on terrorism-related charges between 2014 and early 2021. Among the violations were unfair trial and torture, which included beatings with metal sticks, electric cables and plastic pipes. Authorities failed to investigate the torture claims, even when detainees or their lawyers told a judge in court that they had been tortured.<sup>7</sup>

Lebanon continued to forcibly deport refugees back to Syria, despite the risks of egregious violations upon return. On 28 August, army intelligence officers arrested six Syrian men outside the Syrian embassy in Baabda District after the men had received calls from the embassy inviting them to collect their passports. The men were accused of entering the country illegally and handed over to the GS, which issued a deportation order on 5 September. The six men were held incommunicado for 46 days. Following pressure for their release, the GS cancelled the deportation order on 8 September and released all the men on 12 October.<sup>8</sup>

In another incident in September, the GS detained three Syrian men at Beirut

international airport. Following mounting pressure to stop the men's forcible deportation, the GS released them in October. The men had fled ongoing hostilities in Daraa governorate in southern Syria.

## DEATH PENALTY

Courts continued to hand down death sentences; no executions were carried out. In the UPR process, Lebanon rejected recommendations to abolish the death penalty.

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1. "Lebanon: Authorities violating right to health and endangering lives by failing to provide fuel to hospitals", 6 September
  2. "Lebanon: One year on from devastating Beirut explosion, authorities shamelessly obstruct justice", 2 August
  3. "Lebanon: UN Human Rights Council must establish probe into Beirut blast", 15 June
  4. "Lebanon: Authorities step up repression through use of terrorism charges against protesters", 8 March
  5. Lebanon: *Open Letter to Human Rights Committee of the Lebanese Parliament Regarding Violations of Rights During Protests in Tripoli in January 2021* (Index: MDE 18/3733/2021), 22 February
  6. "Lebanon: Parliament police take part in vicious attack on families of Beirut blast victims and journalists", 12 August
  7. Lebanon: "I Wished I Would Die" – *Syrian Refugees Arbitrarily Detained on Terrorism-Related Charges and Tortured in Lebanon* (Index: MDE 18/3671/2021), 23 March
  8. "Lebanon: General Security must halt imminent deportation of six Syrians", 8 September

## LESOTHO

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Kingdom of Lesotho

Head of state: **Letsie III**

Head of government: **Moeketsi Majoro**

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**No one was brought to justice for the murder of Lipolelo Thabane and the attempted murder of Thato Sebolla in 2017. The Appeal Court awarded damages to a man who had been tortured by the police in 2015. The Covid-19 pandemic led to an increase in gender-based violence. It had a devastating effect on the healthcare system and led to greater economic hardship for many.**



## **IMPUNITY**

Former prime minister Thomas Thabane was charged for the 2017 murders of Lipolelo Thabane, his estranged wife, and the attempted murder of her acquaintance, Thato Sebolla. He was informed of the charges by the high court on 30 November. He and his current wife, and former First Lady Maesaiah Thabane, are the main suspects in the case. In February 2020, Maesaiah Thabane was charged with murder, attempted murder and conspiracy to murder. The high court in Maseru, the capital, granted her bail but in July 2020 she was re-arrested when her bail was revoked and released again on bail of LSL10,000 (around US\$700). In February 2020, Thomas Thabane had sought immunity from prosecution as a sitting prime minister but the case was abandoned when he stood down the following May. In August 2021, Nqosa Mahao, who had been removed from his post as law and justice minister in April, revealed that, following police investigations during his tenure, enough evidence had been gathered to arrest and charge Thomas Thabane with his late wife's murder. However, the Director of Public Prosecutions decided not to pursue the charges. In September, police sources told the *Lesotho Times* newspaper that political interference and other forms of obstruction of justice continued to hinder progress.

## **FREEDOM OF ASSEMBLY**

The government used Covid-19 as a justification for its ban on protests, denying people their right to peaceful assembly.

## **TORTURE AND OTHER ILL-TREATMENT**

In May, the Court of Appeal awarded LSL250,000 (about US\$17,500) in damages to Tšolo Tjela for the torture he was subjected to in police custody in Mafeteng city in 2015. According to the judgment, the compensation covered "shock and suffering, contumelia and medical expenses". The Court said the torture of suspects by police officers was responsible for making "the country... lawless" and blamed the Police

Commissioner for failing to prevent such crimes. In November 2020, the Chief Justice in the high court had awarded Tšolo Tjela LSL400,090 (around US\$28,000) which was reduced by the appeal court.

## **GENDER-BASED VIOLENCE**

Gender-based violence, including domestic violence, continued to rise in the context of Covid-19, especially in rural areas where more women and girls lost their jobs and had to rely on their male partners for survival. Access to legal remedies for women in these areas was limited, partly owing to lack of information. In March, UNAIDS reported that one in three women had been abused by an intimate partner, and less than 40% of women who experienced violence reported it or sought help.

## **ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

According to an economic survey carried out by the World Bank, Covid-19 lockdown measures resulted in job and income losses affecting people in urban and rural areas. The global economic slowdown led to a reduction of remittances sent home by Basotho who worked abroad, especially in South Africa where many were employed as domestic workers or in mining. This resulted in increasing economic hardship.

## **RIGHT TO HEALTH**

The effects of the Covid-19 pandemic continued to put the already inadequate healthcare system under strain. Early in the year, Lesotho emerged from a second wave of infections. Vaccines were still in short supply by mid-year, and the vaccination drive struggled to gain momentum. By the end of the year, only 30.2% of the population had been fully vaccinated while around 30.5% had received one dose; 31,106 Covid-19 cases and 683 related deaths had been recorded since the beginning of the pandemic. Sinopharm in China, foreign corporate companies and multinational corporations continued to donate Covid-19 vaccines and PPE to Lesotho.

# LIBYA

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## State of Libya

Head of state: **Mohamed al-Menfi (replaced Fayed al-Sarraj in March)**

Head of government: **AbdelHamid al-Dbeibeh (replaced Fayed al-Sarraj in March)**

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**Militias, armed groups and security forces continued to arbitrarily detain thousands of people, some for over a decade, without allowing them to challenge the lawfulness of their detention. Scores of journalists, politicians, government employees and civil society activists were abducted, forcibly disappeared and tortured or otherwise ill-treated on the basis of their actual or perceived political, regional or tribal affiliation and/or activism connected to planned elections. Militias and armed groups killed and wounded civilians and destroyed civilian property during sporadic, localized clashes. Attacks by armed groups on water infrastructure undermined access to clean water for millions of people. Authorities continued to integrate into state institutions and fund militias and armed groups responsible for war crimes and serious human rights violations. Authorities failed to protect women, girls and LGBTI people from sexual and gender-based violence or to address discrimination. Ethnic minorities and internally displaced people faced barriers in accessing education and healthcare. Militias and security forces used unlawful lethal force and other violence to arbitrarily arrest thousands of migrants and refugees, while EU-backed Libyan coastguards intercepted at sea thousands of others and forcibly returned them to detention in Libya. Detained migrants and refugees were subjected to torture, unlawful killings, sexual violence and forced labour. Military courts convicted scores of civilians in grossly unfair trials.**

## BACKGROUND

The UN-mediated process led to the swearing-in of the Government of National Unity (GNU) in March, tasked with preparing for presidential and parliamentary elections. Political divisions persisted and the Libyan Arab Armed Forces (LAAF), an armed group, retained effective control over large parts of eastern and southern Libya.

On 22 December, presidential elections scheduled to begin on 24 December were postponed after authorities failed to confirm a list of eligible candidates. Disagreements over the eligibility of candidates and the constitutional and legal basis for elections persisted, with various political constituencies dismissing electoral laws announced by parliament's spokesperson as invalid because of the absence of a parliamentary vote, procedural irregularities and breaches of the UN-backed roadmap. For a period in December, after AbdelHamid al-Dbeibeh announced his candidacy in elections, deputy prime minister Ramadan Abu Janah assumed the role of prime minister.

Despite an August agreement by GNU and LAAF representatives on the gradual withdrawal of foreign fighters, thousands remained in the country.

Libya's economy showed signs of recovery, in part due to the resumption of oil production. However, failure to adopt a national budget and unify the Central Bank curtailed the population's enjoyment of socio-economic rights and led to repeated delays in wages for public sector workers.

In October, the UN Human Rights Council extended the mandate of the Fact-Finding Mission to investigate crimes under international law committed in Libya since 2016.

## ARBITRARY DETENTION AND UNLAWFUL DEPRIVATION OF LIBERTY

The GNU and LAAF announced the release of scores of prisoners, including al-Saadi al-Gaddafi, son of former ruler Muammar al-Gaddafi. However, militias, armed groups and security forces continued to arbitrarily detain

thousands of people; some had been held for over 10 years without charge or trial.

Throughout the year, men and women were arrested for their actual or perceived political or tribal affiliation or activism in connection to elections, and subjected to enforced disappearances or held incommunicado for up to seven months.<sup>1</sup>

In March, the Internal Security Agency, an armed group affiliated with the LAAF, abducted Haneen al-Abduli from a street in Benghazi and detained her in al-Kouwifyia prison until 28 June, after she had publicly called for accountability for the murder of her mother, lawyer Hanan al-Barassi, who was gunned down in 2020.<sup>2</sup>

Military courts in LAAF-controlled areas convicted dozens of civilians in grossly unfair trials.<sup>3</sup> The right to adequate defence, a reasoned judgment and genuine review were routinely flouted.

In September, the LAAF released journalist Ismail al-Zway, who was serving a 15-year prison sentence imposed by a military court due to his media work.

## **TORTURE AND OTHER ILL-TREATMENT**

Militias and armed groups systematically tortured and otherwise ill-treated detainees in official and unofficial places of detention with impunity. Beatings, electric shocks, mock executions, flogging, waterboarding, suspension in contorted positions and sexual violence were reported by prisoners held by the Special Deterrence Force, Stability Support Apparatus, Brigade 444, Public Security Agency and the Security Directorate Support Force militias, as well as by armed groups including the Internal Security Agency, Tareq Ibn Zeyad and the 128th and 106th brigades.

Prison officials, militias and armed groups held detainees in cruel and inhuman conditions, characterized by overcrowding, denial of healthcare and lack of hygiene, exercise and sufficient food. At least two men died in custody after being denied adequate healthcare.

Libyan legislation retained corporal punishments, including flogging and amputation.

In June, a Tripoli military court sentenced a soldier to 80 lashes for drinking alcohol; military police carried out the flogging.

## **UNLAWFUL KILLINGS**

The bodies of at least 20 individuals were found following their abduction by militias and armed groups. Some had marks of torture or gunshot wounds.

In August, the body of Abdelaziz al-Ogali, a 56-year-old man abducted in November 2020 by armed men believed to be affiliated with the LAAF, was found in Benghazi.

## **FREEDOM OF ASSOCIATION AND EXPRESSION**

Throughout the year militias and armed groups in areas controlled by the GNU and LAAF threatened and ordered dozens of activists and politicians to cease their activism and political involvement in the elections, arresting at least 20 men.

After the National Youth League, a state body, called for protests against the postponement of the elections, armed men abducted its director Imad al-Harati from his Tripoli office in September and held him incommunicado for nine days.

In October, parliament passed a cybercrime law that severely limits free expression online, allows for government surveillance and censorship, and punishes with imprisonment the dissemination of content deemed “immoral”.

Militias and armed groups continued to target journalists and social media users through arbitrary arrest, detention and threats, simply for expressing critical views or carrying out their work.

In October, unidentified armed men in military uniform abducted journalist Saddam al-Saket during his coverage of a sit-in by refugees in Tripoli. His whereabouts remained unknown.

NGO registration, funding and activities were subject to opaque and lengthy procedures. A case against undue

restrictions to the right to freedom of association in Decree No. 286/2019 regulating NGOs, remained pending at a Tripoli administrative court.

Humanitarian actors reported increased access restrictions to Libya and communities in need.

## UNLAWFUL ATTACKS

While the national ceasefire in place since October 2020 held, militias and armed groups violated international humanitarian law during sporadic, localized armed clashes, including indiscriminate attacks and destruction of civilian infrastructure and private property.

In June, clashes involving machine guns between the Criminal Investigations Unit, a militia based in al-Zawiya city, and a militia led by Mohamed al-Shalfoh, based in the neighbouring city of al-Agiliat, left two women and one man dead and damaged civilian property.

In October, a boy was killed in the southern city of Sebha during clashes between Brigade 116, an armed group affiliated with the LAAF but nominally commanded by the GNU, and a local armed group.

Landmines planted by LAAF-affiliated non-state actors before their withdrawal from Tripoli in 2020 killed and wounded at least 24 civilians, including children. In March, a man and a boy were killed in two separate landmine explosions in Tripoli's southern outskirts.

Armed groups repeatedly attacked the Great Man-Made River (GMMR) infrastructure, a network of waterpipes that transports water from aquifers in the south to coastal areas, limiting access to water for millions of people. In August, armed men affiliated with the Magarha tribe forced the GMMR administration to cut water supplies to western Libya for a week, demanding the release of their tribal leader Abdallah al-Senussi, a former intelligence chief who was sentenced to death in 2015.

In June, the Islamic State armed group claimed a suicide attack on a police checkpoint that killed six civilians in Sebha.

Several countries, including Russia, Turkey and the United Arab Emirates (UAE), violated the UN arms embargo established since 2011 by retaining foreign fighters and military equipment in Libya. Verified videos showed militias using UAE-manufactured and exported armoured vehicles in a raid against migrants and refugees in Tripoli in October, which were likely seized by GNA-affiliated militias (the previous Government of National Accord) from the LAAF during the 2020 hostilities in Tripoli.

## IMPUNITY

Officials and members of militias and armed groups responsible for crimes under international law enjoyed near total impunity. Authorities continued to fund abusive armed groups and militias without vetting and to integrate them into state institutions.

In January, Abdel Ghani al-Kikli, commander of the Abu Salim Central Security Force militia, was appointed head of the newly created Stability Support Authority tasked with law enforcement and intelligence, despite credible reports about his militia's involvement in war crimes since 2011.

Libyan officials and those with de facto control of territory ignored ICC arrest warrants, with Saif al-Islam al-Gaddafi, who had been indicted by the ICC on charges of crimes against humanity, running for the presidency.

In February, Al-Tuhamy Khaled, wanted by the ICC for crimes against humanity and war crimes, died at liberty in Egypt. In March, Mahmoud al-Werfalli, wanted by the ICC for the murder of 33 people in Benghazi and surrounding areas, was assassinated in Benghazi.

In April, the GNU released Abdelrahman Milad, also known as Bidja, following a decision by the public prosecutor citing lack of evidence. He remained under UN Security Council sanctions, imposed in June 2018, over his involvement in human trafficking. He resumed his role as head of the Libyan Coast Guard-Western Branch in al-Zawiya. Osama al-Kuni remained director of al-Nasr detention centre in al-Zawiya, despite being

added to the UN Security Council sanctions list in October for his role in crimes against detained migrants and refugees.

In June, the LAAF claimed that members of the Tareq Ibn Zeyad armed group killed Mohamed al-Kani, a commander of the al-Kaniat armed group, while he was resisting arrest. Hundreds of mass graves containing bodies of men, women and children believed to have been unlawfully killed by al-Kaniat were uncovered in Tarhouna after al-Kaniat's withdrawal from the city in June 2020. Although authorities announced investigations, no suspected perpetrators were brought to justice.

In October, the Fact-Finding Mission found that all parties to the conflict had violated international law, and that abuses against refugees and migrants may amount to crimes against humanity.

## **SEXUAL AND GENDER-BASED VIOLENCE**

Libyan authorities failed to protect women, girls and LGBTI individuals from sexual and gender-based violence as well as killings, torture and unlawful deprivation of liberty, by militias, armed groups and other non-state actors. Women and girls faced barriers to seeking justice for rape and other sexual violence, including the risk of prosecution for engaging in sexual relations outside marriage, criminalized in Libya, and revenge by perpetrators. Women activists and politicians, including Najla al-Mangoush, GNU's minister of foreign affairs, and presidential candidates Laila Ben Khalifa and Huneida al-Mahdi, faced misogynistic abuse and threats online.

In February, following a family dispute, student Widad al-Sheriqi was abducted by armed men led by her father, tortured and held captive in a private location in al-Zawiya until she escaped in March.

In July, the Special Deterrence Force captured and forcibly returned a girl survivor of parental domestic violence to her family.

Armed groups and militias continued to attack, harass and arrest LGBTI people. Consensual same-sex sexual relations remained criminalized.

In September, a transgender man fled Libya after an armed group affiliated with the LAAF threatened to kill him and his friend in Benghazi.

## **DISCRIMINATION**

### **ETHNIC MINORITIES AND INDIGENOUS COMMUNITIES**

Some Tabu and Tuareg, especially those without national identity cards, faced discrimination in southern Libya in accessing essential services, including healthcare and education, as well as sports clubs. In al-Kufra, Tabus were unable to access the south-eastern city's only university as it is located in an area controlled by rival armed groups. In September, the prime minister announced the establishment of a committee to review contested Libyan citizenship claims mainly by ethnic minorities.

### **INTERNALLY DISPLACED PEOPLE**

Nearly 200,000 people remained internally displaced, some for over 10 years.

Thousands of internally displaced people from eastern Libya were unable to return home due to fear of reprisals by armed groups and destruction of their property. Thousands of residents of Tawergha city, forcibly displaced since 2011, were unable to return to their homes due to lack of security and essential services.

Internally displaced people faced barriers curtailing their access to education, healthcare, housing and employment due to the failure of successive governments to prioritize their rights, including in national budgets, and to protect them from arbitrary detention, threats of eviction and other attacks by armed groups and militias.

### **REFUGEES' AND MIGRANTS' RIGHTS**

Refugees and migrants were subjected to widespread and systematic human rights violations and abuses at the hands of state officials, militias and armed groups with impunity.

EU-backed Libyan coastguards endangered the lives of refugees and migrants crossing the Mediterranean by shooting or otherwise deliberately damaging their boats, leading to loss of life (see Italy entry). They intercepted

and forcibly returned 32,425 refugees and migrants to Libya, where thousands were detained indefinitely in harsh conditions in facilities overseen by the Directorate for Combating Illegal Migration (DCIM).<sup>4</sup> Thousands of others were forcibly disappeared following disembarkation.

Refugees and migrants were also arbitrarily arrested in their homes, on the streets and at checkpoints. In October, Libyan security forces and Tripoli-based militias used unlawful lethal force and other violence to round up over 5,000 men, women and children from Sub-Saharan Africa.<sup>5</sup>

Guards and militia subjected those in their custody to torture and other ill-treatment, including sexual and gender-based violence, forced labour and other exploitation, including at the al-Mabani DCIM detention centre opened in January in Tripoli. Guards in the Shara' al-Zawiya DCIM centre in Tripoli raped migrant women and girls and coerced them into sex in exchange for food.

DCIM authorities in eastern Libya expelled at least 2,839 refugees and migrants to Chad, Egypt and Sudan without any due process.

Libyan authorities prevented departures of several resettlement and evacuation flights for refugees and asylum seekers out of Libya.

Guards, men in military uniforms and militia unlawfully shot at refugees and migrants in DCIM centres or during escape attempts, killing at least 10 and injuring dozens in al-Mabani detention centre and Abu Salim-controlled detention centres in separate incidents in February, April, July and October.

## RIGHT TO HEALTH

The Covid-19 vaccine rollout began in April, but was marred by delays, initial exclusion of undocumented people, and failure to prioritize health workers and other at-risk groups. Libyan authorities failed to procure sufficient vaccines, raise awareness or ensure accessibility to at-risk groups. Migrants, refugees and internally displaced people faced additional barriers in accessing the vaccine due to nepotism and discrimination, while militias and armed

groups did not vaccinate people in their custody. By the end of the year, only 12% of Libyans and less than 1% of foreign nationals were fully vaccinated.

The health sector struggled due to limited and damaged infrastructure and equipment, leading to the closure of several Covid-19 isolation centres. Armed men abducted and violently attacked healthcare and humanitarian workers.

## DEATH PENALTY

Libyan law retained the death penalty for a wide range of offences not limited to intentional killing, and death sentences continued to be passed. No executions were carried out.

In May, the Supreme Court quashed the conviction and death sentence against Saif al-Islam al-Gaddafi and eight others, citing fair trial concerns, and ordered a retrial.

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1. "Libya: Authorities must address violations after elections postponed", 22 December
  2. "Libya: Government of National Unity must not legitimize militias and armed groups responsible for harrowing abuses", 6 August
  3. "Libya: Military courts sentence hundreds of civilians in sham, torture-tainted trials", 26 April
  4. "Libya: Horrific violations in detention highlight Europe's shameful role in forced returns", 15 July
  5. "Libya: Unlawful lethal force and mass arrests in unprecedented migrant crackdown", 8 October

## LITHUANIA

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### Republic of Lithuania

Head of state: **Gitanas Nausėda**

Head of government: **Ingrida Šimonytė**

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**Migrants were forcibly returned to Belarus. Parliament voted against legalizing same-sex unions. Domestic violence remained widespread. Lithuania had still not ratified the Istanbul Convention, nor implemented the European Court of Human Rights' ruling regarding Abu Zubaydah.**

## REFUGEES' AND MIGRANTS' RIGHTS

Following a significant increase in the number of migrants arriving at the border from Belarus in August, Lithuania declared a state of emergency in November, which was extended until January 2022.

By the end of the year, Lithuanian border guards had reportedly forcibly returned over 8,000 migrants to Belarus since August. Migrants were held in poor conditions in camps. The prime minister announced plans to build a barrier separating Lithuania and Belarus. Construction began in November.

On 1 December, the European Commission published proposals allowing Lithuania to derogate from EU rules for six months. The measures allow Lithuania to extend the registration period for asylum application and simplify returns, thereby weakening asylum protections.

On 23 December, parliament voted to increase the six-month detention limit, introduced in July, to one year for migrants entering Lithuania from Belarus.

## WOMEN'S RIGHTS

The issue of Lithuania's ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) was excluded from the parliamentary session in March.

## GENDER-BASED VIOLENCE

Domestic violence remained widespread and was exacerbated during the Covid-19 pandemic. In March, the parliamentary Ombudsman's Office published its 2020 annual report, which concluded that provision of assistance to victims of domestic violence was insufficient.

## LGBTI PEOPLE'S RIGHTS

In May, parliament narrowly voted against debating a bill – the “partnership law” – to legalize same-sex unions.

In September, the city of Kaunas held its first LGBTQ+ march. The local authorities, which had refused to issue a permit, lost an appeal and were ordered to authorize the

event by Lithuania's Supreme Administrative Court.

## ARBITRARY DETENTION

Abu Zubaydah, a Palestinian national detained in Guantánamo Bay, submitted a petition in April to the UN Working Group on Arbitrary Detention, and in November to a US federal court, calling for his release. In 2018, the European Court of Human Rights had ruled against Lithuania for its deliberate facilitation of Abu Zubaydah's enforced disappearance and torture in a secret CIA prison that it hosted between 2005 and 2006. By the end of the year, Lithuania had still not yet fully implemented the court's decision.

# MADAGASCAR

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### Republic of Madagascar

Head of state: **Andry Rajoelina**

Head of government: **Christian Ntsay**

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**The severe drought in southern Madagascar had a devastating impact on a wide range of human rights, including the rights to life, health, food, water and sanitation. At least 2,747 prisoners were pardoned but detention facilities remained overcrowded, and conditions poor. Media workers were harassed for reporting on subjects such as the Covid-19 pandemic. Gender-based violence, particularly against women and girls, was widespread and abortion remained criminalized. LGBTIQ+ people continued to face discrimination.**

## BACKGROUND

In June, the security forces said they prevented an alleged assassination attempt on President Andry Rajoelina and other members of the government, including the then minister of interior and decentralization, the minister of national defence and the minister of communication and culture. Dozens of people, including national police and military personnel, were investigated for

their involvement in the alleged assassination attempt.

## **HUMAN RIGHTS IMPACT OF CLIMATE CHANGE**

The southern region of Madagascar experienced its worst drought in 40 years, with more than 1 million people on the brink of famine and over 14,000 people living in famine-like conditions.

### **RIGHTS TO FOOD, WATER, EDUCATION AND SANITATION**

The severe drought affected the population of southern Madagascar, most of whom rely on subsistence agriculture, livestock and fishing as their main sources of livelihood. Their ability to enjoy the internationally recognized right to a clean, healthy and sustainable environment which is essential to the enjoyment of many other rights, including the rights to life, health, water and sanitation, was seriously undermined.<sup>1</sup>

Children and women were disproportionately affected by the drought. Children dropped out of school to help their families to find food. Women had to engage in negative coping mechanisms, such as restricting adult family members' food intake to provide for children and preparing cheaper and less nutritious food for their families. Additionally, families increasingly migrated to other regions to escape hunger.

## **DETAINEES' RIGHTS**

Conditions in detention facilities were poor and overcrowded. The prison administration's statistics showed that by July, prisons with a maximum capacity for 10,645 inmates held 27,611 people, including 918 children, all of whom suffered inhumane conditions. Thousands of people continued to be detained without trial. By July, around 45% of the prison population, including 77% of child prisoners, were in pretrial detention.

In June, President Rajoelina commuted the sentences of 10,840 detainees and pardoned at least 2,747 sentenced prisoners, including people convicted of minor offences who had up to three months left on their sentence; women over 55 and men over 60 who had been in prison for 10 years or more; and

children who had served at least half their sentence.

## **FREEDOM OF EXPRESSION**

### **MEDIA**

On 22 April, an inter-ministerial decision led to the banning of radio and audiovisual broadcasts in the regions of Analamanga, Atsinanana, Sava, Boeny and Sofia as they were deemed to be "responsible for threatening public order and security and threatening national unity." The decision was reversed on 26 April after a backlash from civil society and media organizations.

The government used Law 91-011 of 1991 – intended to be applied only in exceptional circumstances – to limit the media's ability to share information on the Covid-19 pandemic, except for government sanctioned information. Journalists who attempted to report information not sanctioned by the government were harassed and intimidated.

On 30 May, the Madagascar Collective of Journalists denounced harassment against journalists. Police officers said journalists were not allowed on the streets during the Covid-19 lockdown. Also in May, a journalist from *Basy Vava* newspaper was harassed and threatened with prosecution for public defamation after she published an article on alleged embezzlement of public funds by a former communications director in the president's office.

## **SEXUAL AND GENDER-BASED DISCRIMINATION AND VIOLENCE**

### **SEXUAL AND REPRODUCTIVE RIGHTS**

On 28 September, Nifin'Akanga, which campaigns for decriminalization of abortion, published a report based on findings from its national survey. The report highlighted that 52.5% of abortions took place in unhygienic conditions outside health facilities, such as in the homes of women and girls or of the abortion practitioners; and that 31% of abortions were performed by people with no medical training. The report noted that unsafe abortion increased the risks of severe complications, including haemorrhage, physical damage, psychological trauma and



even death. The report also found that over 90% of women and girls were not using contraceptive methods, due to lack of access and lack of sexual education and were therefore not protected from the possibility of unwanted pregnancies.

On 19 October, proposed law 004-2021/PL to modify article 317 of the Penal Code to decriminalize abortion was tabled before the National Assembly. The law aimed to decriminalize abortion where pregnancy presents a risk to the life of the pregnant woman or girl, in cases of serious fetal impairment, and pregnancy resulting from rape or incest.

### **GENDER-BASED VIOLENCE**

Local organizations and the media reported an increase in the number of domestic violence cases during the pandemic and the resulting rise in the numbers of people in poverty.

### **LGBTIQ+ PEOPLE'S RIGHTS**

Discrimination against and stigmatization of people on grounds of their sexual orientation and gender identity remained widespread in Malagasy society. On 1 July, the interior ministry suspended an annual LGBT event scheduled for 3 July in Antananarivo, the capital. The Director General for Culture explained the ministry's decision, saying that "homosexual-related activities are not yet permitted in Madagascar" and concluded that "the event will be cancelled as it harms morality".

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1. [Madagascar: It Will Be Too Late to Help Us Once We Are Dead: The Human Rights Impact of Climate Change in Drought-Stricken Southern Madagascar \(Index: AFR 35/4874/2021\)](#), 26 October

## **MALAWI**

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### **Republic of Malawi**

Head of state and government: **Lazarus McCarthy Chakwera**

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**Gender-based violence against women and girls escalated. Prosecutions for murder and other violent attacks against persons with albinism were continually delayed.**

**Allegations of corruption involving the use of Covid-19 funds, and vaccination shortages undermined the right to health. Despite steps to decongest prisons, they remained overcrowded, and conditions were poor. The Supreme Court of Appeal ruled that the death penalty was unconstitutional.**

### **BACKGROUND**

Two million people in rural areas and 610,000 people in the cities of Lilongwe, Blantyre, Mzuzu and Zomba faced acute food insecurity.

### **VIOLENCE AGAINST WOMEN**

Despite numerous interventions to curb violence against women, particularly in schools, cases of sexual, physical and emotional abuse, predominantly against women and girls, escalated. The police recorded around 250 such cases each month.

### **DISCRIMINATION**

#### **PERSONS WITH ALBINISM**

Persons with albinism were murdered and faced other violent attacks and mutilations. In February, unidentified men murdered Dayton Saidi in Mangochi; in the same month, unidentified assailants attempted to abduct a 12-year-old girl in Machinga. The body of Ian Muhamba, aged 20, was found in August in Blantyre. Two suspects were arrested for his killing. Prosecutions against alleged perpetrators of such crimes were continually delayed.

### **RIGHT TO HEALTH**

Reported cases of corruption impacted people's ability to access health services. Senior government officials were implicated in the mismanagement of Covid-19 funds. An audit report on Covid-19 funds during 2020 was commissioned in February 2021 and published in April. It revealed that government officials and private sector employees had abused about US\$1.3 million of the funds. In April, police arrested 64 people for alleged misuse of Covid-19 funds, and the president fired the labour minister

following his indictment on mismanagement of such funds.

The vaccination roll-out began in March with 512,000 doses. In May, the World Bank approved a US\$30 million grant to help Malawi acquire more vaccines. Thousands of people were unable to receive their Covid-19 vaccinations when, in June, health authorities closed over half the country's vaccination centres because of shortages. By August, around 455,000 people had received their first dose, and at least 139,000 had been fully vaccinated.

## DETAINEES' RIGHTS

Prisons were chronically overcrowded and conditions were poor; facilities were dilapidated and there was insufficient access to basic services. By April, overcrowding fell from 260% of prison capacity to 186% due to the Chilungamo Programme (an initiative to improve justice and accountability in the country). However, in Chichiri prison, the largest in the Southern Region, cells with a 60-person capacity continued to hold over 200 men.

## DEATH PENALTY

In April, the Supreme Court of Appeal ruled that the death penalty was unconstitutional and contrary to the right to life guaranteed under the Constitution. The Court ordered the re-sentencing of all convicts facing execution. However, following the retirement of Chief Justice Dunstain Mwaungulu in August, the remaining judges issued what they called a perfected judgment, overturning the declaration that the death penalty was unconstitutional.

# MALAYSIA

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## Malaysia

Head of state: **Abdullah**

Head of government: **Ismail Sabri Yaakob (replaced Muhyiddin Yassin in August)**

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**Human rights defenders, journalists, opposition leaders and others were**

**investigated, arrested and prosecuted for criticizing the government. The government used Covid-19 measures to restrict the rights to freedom of expression and assembly. Further custodial deaths were recorded but no one was held to account. Immigration raids, detention and other forms of persecution against refugees, asylum seekers and migrant workers continued. LGBTI people faced increased discrimination.**

## BACKGROUND

The government's handling of the Covid-19 pandemic caused public protest and political instability. A state of emergency was imposed from January to 1 August 2021 in response to the pandemic under which the national parliament and state legislative assemblies were suspended. Prime Minister Muhyiddin Yassin resigned on 16 August after losing majority support. His replacement, Ismail Sabri Yaakob, was sworn in one week later.

## FREEDOM OF EXPRESSION

In February, news outlet Malaysiakini was fined RM500,000 (approximately US\$119,000) for contempt of court for comments posted by its readers criticizing a court judgment. The Communications and Multimedia Act (CMA) and Sedition Act were used to criminalize dissenting voices. In March, the government enacted an ordinance to combat "fake news" in relation to Covid-19, which expired with the lifting of the state of emergency in August.<sup>1</sup>

Activists, journalists and others faced investigation, prosecution and harassment for criticizing the authorities. In July, refugee rights activist Heidy Quah was charged under the CMA for a comment posted on social media in 2020 highlighting poor conditions at an immigration detention centre.

In July, police raided the offices of the makers of an animated film on police violence. On 29 July student activist Sarah Irdina Arif was detained under the Sedition Act and questioned for social media posts supporting "Lawan", a movement protesting

against the government's handling of Covid-19.

## **FREEDOM OF ASSEMBLY**

The Peaceful Assembly Act (PAA) and Covid-19 control laws and regulations were used to prevent and disperse peaceful protests. In March, police interrogated demonstrators following a protest calling for the voting age to be lowered to 18.<sup>2</sup> In May, protesters calling for parliament to be reconvened were investigated under the PAA. In July, police threatened to arrest doctors at one medical facility who were participating in a nationwide hour-long strike in support of better job security. The strike was called off as a result.

In the weeks preceding the resignation of Prime Minister Muhyiddin Yassin, the crackdown on the right to peaceful assembly intensified.<sup>3</sup> Dozens of people were investigated in relation to a “Lawan” protest in the capital, Kuala Lumpur, on 31 July. Many others reported being harassed by police in their homes.

On 2 August riot police blocked 107 opposition members of parliament (MPs) from entering the parliament building, which had been sealed off after the government said Covid-19 cases had been detected. Police called in for questioning MPs who were part of the protest that led to the blockade and fined them for violating Covid-19 control laws.

On 19 August, police dispersed a “Lawan” vigil for Covid-19 victims and arrested and fined 13 people for violating Covid-19 control laws. Two participants were charged under the Police Act for behaving in “a riotous, indecent, disorderly or insulting manner.” Organizers cancelled a subsequent “Lawan” protest. The police nevertheless obtained a court order barring 34 activists from entering Kuala Lumpur and blocked roads leading to the city.

## **REFUGEES’ AND MIGRANTS’ RIGHTS**

The harsh treatment of refugees, asylum seekers and migrant workers continued with immigration raids, arrests, detentions and

deportations to countries where returnees were at real risk of human rights violations. In February, the government deported 1,086 migrants and asylum seekers to Myanmar in defiance of a court order and despite increased violence and threats of persecution following the military coup there.

In June, hundreds of people were detained during a series of raids on areas with high numbers of undocumented migrants. Crowded immigration detention facilities placed those detained at increased risk of contracting Covid-19.<sup>4</sup> The government also disseminated anti-Rohingya posters and other anti-migrant messages online.

In May, the Canadian government announced that it was investigating allegations of forced labour in palm oil plantations and glove factories in Malaysia.

## **CRUEL, INHUMAN OR DEGRADING TREATMENT**

At least 19 people died in police custody or shortly after release during the year. A 40-year-old man died in April after being hospitalized on release from police detention the previous month. According to media reports, the autopsy found that A Ganapathy’s death was due to injuries sustained while in police detention. The government claimed that investigations were ongoing, but no one was charged. According to government figures, 105 people died in police custody, prisons and immigration detention centres between January 2020 and September 2021.

## **LGBTI PEOPLE’S RIGHTS**

The persecution of LGBTI people and activists continued. In January, the government said it was considering increased penalties for “wrongdoings” by LGBTI people. In June, the government’s “anti-LGBTI task force” warned of action against those “promoting the LGBTI lifestyle.” As of June, 1,733 individuals had been sent to government “rehabilitation” camps run by the Islamic Development Department (Jakim) with the aim of changing the “lifestyle” and “sexual orientation” of LGBTI people. In

October, Nur Sajat, a transgender woman, successfully claimed asylum in Australia. She alleged that she was sexually assaulted while in police detention in January.

## INDIGENOUS PEOPLES' RIGHTS

Indigenous people in Kelantan state protested plans to build a dam, with community leaders alleging lack of free, prior and informed consent. In July, an Indigenous community filed a judicial review against the Selangor state government challenging a notice to evict them from their land to make way for a tourism project.

## DEATH PENALTY

Progress towards the abolition of the death penalty stalled although a moratorium on executions remained in place. Mandatory death sentences continued to be imposed, including for drug-related offences.

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1. "Malaysia: Government must immediately withdraw draconian fake news ordinance", 15 March
  2. "Malaysia: Drop investigations into the Undi18 protest", 30 March
  3. "Malaysia: PM's resignation must restore respect for freedom of expression and assembly", 17 August
  4. "Malaysia: Immigration raids on migrant workers during lockdown 3.0", 3 June

## MALDIVES

### Republic of Maldives

Head of state and government: **Ibrahim Mohamed Solih**

**The space for freedom of expression and dissent shrank. The impunity enjoyed by Islamist groups had a chilling effect on civil society and opposition voices.**

## BACKGROUND

The archipelago remained vulnerable to climate change and experienced increased flooding, erosion and fresh water shortages. The government of the Maldives committed to achieving net-zero emissions by 2030, subject to receiving the technical and financial support required from the international community. The Maldives is one

of the most vulnerable countries to climate change and this will in turn affect the rights of its citizens.

## FREEDOM OF EXPRESSION AND ASSEMBLY

Throughout the year there were frequent police crackdowns on protests, particularly those by opposition political groups. Media personnel reporting on protests were also attacked or harassed by police. Police dispersed protesters, citing the Freedom of Peaceful Assembly Act 2016 and health guidelines because of the Covid-19 pandemic.

The new Evidence Bill contained a worrying provision that would allow journalists to be forced to reveal their sources, a contravention of media ethics and the right to freedom of expression.

On 6 May, an explosion targeted former President Mohamed Nasheed outside his home. Mohamed Nasheed, the current Speaker of the Maldives' Parliament, had previously spoken out against alleged corruption and extremist groups operating in the Maldives. He was seriously injured in the blast along with four others. According to media reports, the police stated that the explosion was orchestrated by "Islamic State sympathizers".

Investigations continued against the Maldivian Democracy Network (MDN), a widely respected NGO, which was de-registered and banned by the authorities in November 2019 and had its bank accounts closed in 2020. The investigations concerned allegations of blasphemy against Islam, in relation to a report published by MDN in 2016. By the end of the year there had been no thorough, impartial and transparent investigation into MDN's forced closure.

The government had yet to respond to the targeting of the women's rights organization Uthema by extremist groups in April 2020. The groups called for Uthema to be banned, labelling the organization "anti-Islam". The authorities' inaction was despite Uthema calling for the government to facilitate a dialogue with groups opposed to its work.

## FREEDOM OF RELIGION

In May a bill was proposed in Parliament to criminalize hate speech. Media reports claimed the bill targeted conservative Muslim groups and that the MP who proposed it had received threats from these groups.

## RIGHT TO TRUTH, JUSTICE AND REPARATION

On 15 January, President Solih appointed three Ombudspersons to the Office of the Ombudsperson for Transitional Justice, established under the Transitional Justice Act of 2020. According to the President's Office, the Act sought to end the culture of impunity, strengthen the rule of law, prevent future abuses of authority and provide accountability and reparations for victims of violations that occurred between 1 January 1953 and 17 November 2018.

On 24 April, protesters gathered to raise concerns about the increase in cases of harassment and violence against women and children in the country. This was in light of government failures to safeguard women and children, and properly investigate cases of harassment and violence against them. Protesters said they were threatened with arrest by the police.

In April, seven years after the disappearance of journalist Ahmed Rilwan, the Presidential Commission on Investigation of Murders and Enforced Disappearances (DDCom) stated there were new developments in the case which would be shared with the Prosecutor General's Office.

The trial of six men accused of involvement in the killing of blogger Yameen Rasheed in 2017 faced severe delays. In February, Yameen Rasheed's family expressed concern about the carelessness and negligence of the prosecutors' handling of the trial. In April, DDCom called on the authorities to accelerate the trial.

At the end of the year, there had yet to be any transparent, thorough, independent and impartial investigations conducted into the death on 13 September of Mohamed Aslam, a prisoner at Hulhumalé prison, and

allegations of the torture of Ahmed Siraj in police custody in 2020.

# MALI

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### Republic of Mali

Head of state: **Assimi Goïta** (replaced Bah Ndaw in May)

Head of government: **Choguel Kokalla Maïga** (replaced Moctar Ouane in June)

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**Military forces and armed groups continued to commit human rights violations and abuses against civilians, including war crimes. The intelligence services were suspected of forcibly disappearing senior officials. There were some developments in investigations into the use of lethal force during protests in 2020 but progress was limited regarding justice for violations by the military. The government failed to protect citizens from discrimination based on social status. The Covid-19 vaccine roll-out was slow.**

## BACKGROUND

Following a cabinet reshuffle in May, the military arrested the transitional president and prime minister in the second coup in nine months. There were clear signs that the transitional government phase might extend beyond the February 2022 deadline. ECOWAS suspended Mali following the coup and imposed sanctions against several transitional leaders. In October, the ECOWAS Special Representative in Mali was ordered to leave the country.

Civilians bore the brunt of the continuing armed conflict in the Mopti and Ségou regions. In June, the French authorities announced plans for a phased reduction of Operation Barkhane, their regional counterterrorist operation in the Sahel region. Rumours that a Russian private military company would fill the void further strained Franco-Malian relations.

## **ABUSES BY ARMED GROUPS**

The Group for the Support of Islam and Muslims (GSIM) and the Islamic State in the Greater Sahara (ISGS) committed war crimes and other abuses against civilians.

The GSIM blockaded many villages and communities, restricting residents' free movement and access to their farmland and water, to force them to cease collaboration with the army. Farabougou village in Ségou region was blockaded for six months until April.

Between April and August, the GSIM blockaded Dinagourou in the Mopti region, denying villagers access to their lands during the rainy season.

In August, ISGS attacks in the Ansongo Cercle killed 51 civilians in the Ouattagouna, Karou and Daoutegé communes of the Ménaka region.

## **VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW**

Military operations in the Mopti region led to serious human rights violations which could in some cases amount to crimes under international law.

On 3 January, the French military killed 22 people who had gathered for wedding celebrations, in an airstrike on Bounti village. The airstrike occurred in the context of Franco-Malian military operations between 2 and 20 January. An investigation by MINUSMA (the UN mission in Mali) concluded that most of the guests were civilians from Bounti and nearby villages, including 19 of those killed, while three were possibly members of Katiba Serma, a GSIM-affiliated group. It recommended that the Malian and French authorities conduct an independent, credible and transparent investigation into the attack and possible violations of humanitarian law.

Following an attack on a Malian military position in Boni (Mopti region) in February, local residents said Malian armed forces committed violations in retaliation, including the enforced disappearance of 17 bus travellers in March and the torture and other

ill-treatment of dozens of marketgoers in April.

On 2 April, Malian soldiers extrajudicially executed four people on the outskirts of Diafarabé town, according to the victims' relatives. The victims, who lived near an army camp, were accused of harbouring people who had attacked the camp that day.

In October, Malian soldiers arrested at least 30 people in Sofara on market day. A video documenting the arrests showed soldiers torturing an elderly man to force him to confess to belonging to an armed group. Later that month, the army announced it was investigating the torture and that the soldiers responsible had been suspended. The same communiqué announced that "22 presumed terrorists" had been arrested in Sofara and held in the gendarmerie's custody.

## **ARBITRARY ARRESTS AND DETENTIONS**

In March, the Appeal Court of Bamako dismissed all charges, due to lack of evidence, against several individuals arbitrarily arrested in December 2020. The detainees, including popular radio host Mohamed Youssouf Bathily - also known as "Ras Bath" - and five senior civil servants had been accused of plotting to "destabilize the institutions of the transition" with former prime minister Boubou Cissé, who was accused but never arrested. They were released from custody in April; however, in May, Ras Bath was arbitrarily detained again for a week after he denounced the judiciary's complicity in the "sham" investigation against him.

Following the coup in May, the military arbitrarily arrested and detained the former president, Bah Ndaw, and prime minister Moctar Ouane without charge at the Soundiata Keita military camp in Kati; after a few days, Bah Ndaw was transferred to Camp A in Bamako, and Moctar Ouane placed under house arrest in Bamako. The military justified their detention on security grounds. In August, both were released and allowed to move freely.

Two civil servants were forcibly disappeared for two months, allegedly by the Sécurité

d'État, before being transferred to Bamako central prison. Kalilou Doumbia, Permanent Secretary to the Presidency under Bah Ndaw, was arrested on 6 September according to Human Rights Watch, and his family was unable to obtain information as to his whereabouts or his fate. On 10 September, Moustapha Diakité, a police commissioner based in Kayes, was also disappeared after he was summoned to a meeting with the National Police high command. It was not until 5 November that the whereabouts of both men became known when, along with Colonel Kassoum Goïta, former head of the Sécurité d'État, and four other individuals, they were charged with criminal conspiracy and plotting against the government.

## **RIGHT TO TRUTH, JUSTICE AND REPARATION**

In April, the Bamako Assizes Court heard 12 trials on terrorism charges, leading to the conviction of 28 people who were given life sentences, and the acquittal of one. In October, another Special Assizes session in Bamako heard 47 additional cases under terrorism charges. In some cases, violations of the right to a fair trial were documented with illegal pretrial detention by intelligence services and a lack of legal representation during preliminary investigations. In June, the Assizes Court of Mopti tried 12 people for the unlawful killings of 39 civilians from Koulogon-Peul in January 2019. The accused, who had been provisionally released by the court, were convicted in their absence and sentenced to life imprisonment on charges including murder.

There was limited progress in investigations into crimes under international law committed by the military.

In September, the commander of the Special Anti-Terror Force, Oumar Samaké, was arrested and charged with “murder, aggravated assault, lethal assault and complicity in murder”, in relation to the deaths of 14 protesters in 2020 following the use of excessive force by security forces. His arrest led to spontaneous protests by police officers, who freed him from the main prison

in Bamako and paraded him through the streets. Oumar Samaké returned voluntarily to pretrial detention after the government gave him an ultimatum.

## **DISCRIMINATION**

Discrimination and violence continued against people based on social status arising from their descent. In September, one person was killed and many others injured in a mob attack in Tomora against an Independence Day procession of people belonging to a caste perceived to be inferior.

## **RIGHT TO HEALTH**

In February Mali received its first batch of 396,000 Covid-19 vaccines through COVAX. By December, 963,968 doses were administered, with 349,000 (1.7% of the population) having received two doses. Vaccinations were mainly concentrated in urban centres due to the lack of security in the central and northern regions and poor medical infrastructure made it difficult to conserve doses for delivery to remote areas.

# **MALTA**

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## **Republic of Malta**

Head of state: **George Vella**

Head of government: **Robert Abela**

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**An independent inquiry into the killing of journalist Daphne Caruana Galizia found that the state had failed to protect her and had created a climate of impunity that facilitated her killing. A total ban on abortion remained in place. Asylum seekers and migrants continued to be unlawfully detained in appalling conditions. Three asylum seekers remained on trial for opposing their unlawful pushback to Libya after surviving a shipwreck.**

## **BACKGROUND**

In June, the intergovernmental Financial Action Task Force placed Malta on the so-called “grey list” of countries with weak safeguards against money-laundering and

the financing of terrorist activities, effectively discouraging international investment.

## **RIGHT TO TRUTH, JUSTICE AND REPARATION**

In July, the final report of the independent inquiry into the 2017 killing of journalist Daphne Caruana Galizia was published. The inquiry found that the authorities had failed to recognize the imminent risks to her life and to take steps to protect her; and that the prime minister and other officials at the highest levels had created a climate of impunity which facilitated her killing. The inquiry recommended the continuation of investigations into all aspects of the killing and systemic reforms to strengthen the rule of law and the protection of journalists. In August, a former businessman suspected of ordering her killing was indicted. Two men accused of planting the bomb which killed her were awaiting trial, while a third, who pleaded guilty, was sentenced in February to 15 years' imprisonment.

## **SEXUAL AND REPRODUCTIVE RIGHTS**

A total ban on abortion remained in place, preventing people from accessing the procedure even in cases where their health was at risk. In May, a member of parliament presented a bill to decriminalize abortion, the first time such a proposal had been tabled in parliament. However, opponents of the proposal prevented its discussion from taking place.

## **REFUGEES' AND MIGRANTS' RIGHTS**

By the end of the year, 832 refugees and migrants reached Malta by sea, many after being rescued by the Maltese armed forces. By the end of September, when arrivals by sea had reached 464 people, a quarter of them were unaccompanied children and most were Syrian, Sudanese and Eritrean nationals. In 2020, 2,281 people had reached Malta by sea in search of safety.

In March, the Council of Europe (CoE) Commissioner for Human Rights criticized Malta for ignoring or responding slowly to distress calls from refugees and migrants at

sea and for instructing private vessels to return rescued people to Libya.

In May, the OHCHR also expressed concern about the lives of people at sea being endangered by Malta and other EU states delaying rescues and shifting responsibilities for rescue onto Libyan authorities, resulting in people being returned to abuse in Libya.

Asylum seekers continued to be detained arbitrarily in sub-standard, unsanitary conditions. Both the CoE Commissioner and the European Committee for the Prevention of Torture (CPT) expressed concerns over the legality and length of detention for numerous asylum seekers. In March, the CPT published the report of the visit it carried out in various centres, including the Hermes Block and Safi Detention Centre, in September 2020. The CPT described a system of "institutional mass neglect", inhuman and degrading treatment, and reports of ill-treatment and excessive use of force. It urged Malta to reconsider its immigration detention policy. In October, the CoE Commissioner for Human Rights also visited Safi Detention Centre. She urged the authorities to immediately ensure dignified conditions there and to consider alternatives to immigration detention.

In March, the European Court of Human Rights, in the case of *Feilazoo v. Malta*, found that Malta had violated the rights of a Nigerian national by holding him in prolonged isolation in inadequate conditions and detaining him unnecessarily with people in Covid-19 quarantine.

In March, the European Commission against Racism and Intolerance expressed concern that Malta had no plans to introduce a form of regularization for people who had resided there for many years and could not be returned to their countries of origin.

The survivors and the relatives of some of those who died during the so-called "Easter Monday" pushback to Libya, carried out in April 2020 by a merchant vessel contracted by the Maltese government, sued Malta for denying their right to asylum. At a hearing in May, a former senior official confirmed organizing several pushbacks, including the "Easter Monday" one.



In October, 32 men sued the government for their unlawful detention in ferry boats, positioned outside territorial waters to circumvent human rights obligations, between late April and early June 2020. They were among over 400 people detained by the government in boats unequipped for long stays, without being provided with legal grounds for their detention.

Three asylum seekers remained on trial for opposing their unlawful return to Libya, with over 100 other people, by the captain of the ship that rescued them at sea. Witnesses described how the young men, known as the “El Hiblu 3”, were only trying to mediate between the survivors and captain. They faced charges, including under counter-terrorism legislation, punishable by life imprisonment.<sup>1</sup>

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1. Malta: The El Hiblu 3 Case – Update. The Long Wait for Justice (Index: EUR 33/3884/2021), 26 March

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## MEXICO

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### United Mexican States

Head of state and government: **Andrés Manuel López Obrador**

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**The government continued to make public statements attacking civil society organizations, the media, human rights defenders and academics, as well as women protesting against gender-based violence. There were repeated reports of excessive use of force by police officials when detaining people or policing protests and by members of the National Migration Institute (INM) and the National Guard against migrants. Women and girls continued to face high levels of gender-based violence and criminal investigations for feminicides remained inadequate. The Supreme Court issued a historic ruling decriminalizing abortion.**

### BACKGROUND

Despite international recommendations, as part of its public security strategy, the

presidential administration continued to deploy the largest number of military personnel in the streets since the beginning of the “war on drugs” in 2006, according to official data released following freedom of information requests. It also presented a bill to formally incorporate the National Guard into the armed forces. The National Guard was the security force with most complaints filed against it before the National Human Rights Commission, with an increase in complaints received compared to the previous year.

A truth and justice commission was established in relation to grave human rights violations committed during the “Dirty War” (1960s to 1980s). Civil society organizations praised the inclusion of victims in the process yet highlighted the need to guarantee collaboration from the army in making historic archives available.

The independence of the judiciary was put at risk by a legislative reform to extend the term of the Chief Justice of the Supreme Court and the counsellors of the Federal Judiciary; it was declared unconstitutional by the Supreme Court in November.

In June, the Supreme Court declared unconstitutional articles of the General Health Law prohibiting the recreational use of cannabis.

In October, the Supreme Court ruled unconstitutional some articles of the National Law on the Use of Force and asked Congress to legislate on several principles that were left out of the law. However, it did not rule on the creation of an external police observatory, as ruled by the Inter-American Court of Human Rights, regarding the serious human rights violations committed in San Salvador Atenco in May 2006.

### ENFORCED DISAPPEARANCES AND IMPUNITY

Authorities registered at least 7,698 cases of missing and disappeared persons during 2021, of which 69% were men and 31% were women. This brought the total number of reports of missing and forcibly disappeared people in Mexico since 1964 to over 97,000

by the end of the year. Impunity largely prevailed on this issue, with just 35 convictions for the crime of enforced disappearance. According to official figures, the bodies of more than 52,000 people remained unidentified, most of them in mass graves. Several people searching for their missing relatives were killed during the year; no one had been brought to justice for the killings by the end of the year.

In April, authorities arrested 30 marines accused of a series of enforced disappearances in Nuevo Laredo, Tamaulipas state, in 2018, 12 of whom were subsequently released by administrators of justice on procedural grounds. In July, the navy offered a public apology for the disappearance of 47 people in the same incidents and pledged to cooperate with ongoing investigations.

In June, the Attorney General's Office announced the identification of the remains of Jhosivani Guerrero, the third of the 43 students from Ayotzinapa who went missing in 2014 to have been identified. After considerable delays, in September, the President sent a letter to the Prime Minister of Israel, emphasizing the importance of the extradition of Tomás Zerón, accused of torture in the Ayotzinapa case and currently seeking asylum in Israel. Parents of the Ayotzinapa students reported that the Ministry of Defence hindered the progress of the investigations in the case.

The UN Committee on Enforced Disappearances (CED) visited Mexico in November and noted the challenge of tackling disappearances as "immense" and called on authorities to redouble efforts to combat structural impunity and ensure coordination between different government ministries.

## **UNLAWFUL KILLINGS**

In March, several UN bodies and human rights organizations condemned the death of Victoria Salazar, a Salvadoran refugee, at hands of four police officers in Tulum, state of Quintana Roo, as a result of excessive force during her arrest.

In August, 23-year-old José Eduardo Ravelo died of multiple injuries inflicted by police officers in the state of Mérida. The National Human Rights Commission concluded that his death was the result of excessive force and torture during his detention. By the end of the year, no one had been brought to justice for these crimes.

In September, two former state and federal police commanders were arrested, accused of responsibility in the repression of a teachers' protest in 2016 in Nochixtlán, state of Oaxaca, that left at least six people dead and more than 100 injured.

## **ARBITRARY ARRESTS AND DETENTIONS**

In May, the cases of Daniel García Rodríguez and Reyes Alpizar Ortíz reached the Inter-American Court of Human Rights. The two men had been held in pretrial detention since 2002.

In June, police in the city of León, state of Guanajuato, detained dozens of people for not wearing masks, without taking measures to prevent Covid-19 infection during the arrests.<sup>1</sup> Several were held for several hours before being brought before a judge.

## **TORTURE AND OTHER ILL-TREATMENT**

In August, the President issued a decree, in line with provisions of pre-existing national laws, to release prisoners held in prolonged pretrial detention who were elderly or victims of torture. However, the decree did not adopt recommendations from civil society organizations and restricted the threshold for proving torture to people who had had a medical examination based on the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol). It also excluded prisoners accused of involvement in organized crime and kidnapping. The decree resulted in approval of the release of more than 682 prisoners and 4,233 files were under review.

The UN Working Group on Arbitrary Detention called on Mexican authorities to immediately release Verónica Razo Casales,

held in pretrial detention since 2011, and convicted by a federal judge in December 2021. She had been arbitrarily detained and tortured with rape by members of the Federal Police.

Authorities detained a former Federal Police commander accused of torture in the case of French citizen Florence Cassez. She was detained in 2007 and released in 2013 after being cleared of the crime of kidnapping. Her co-defendant, Israel Vallarta, also a torture victim, remained in pretrial detention, 15 years after his arrest.

The National Programme for the Prevention and Punishment of Torture and Ill-treatment had still not been published by the end of the year.

## **FREEDOM OF EXPRESSION AND ASSEMBLY**

Authorities continued to stigmatize and repress feminist protests and to misuse the criminal justice system to discourage people from taking part in them. Days before International Women's Day demonstrations, the President and some other officials described the protests as violent. In the states of Querétaro, Aguascalientes and Jalisco, the security forces detained at least 44 women protesters for allegedly damaging property, in some cases demanding large sums of money to clear them of responsibility.

In May, during a protest by students from the Mactumactzá Rural Normal School in the state of Chiapas, the authorities detained 97 people. Of these, 74 were women, some of whom reported being subjected to sexual violence by police officers.

In June, a court handed down a second conviction against the former mayor of Chinipas, state of Chihuahua, for the killing of journalist Miroslava Breach in 2017.

The organization Article 19 recorded at least seven killings of journalists during the year.

An investigation revealed that the former government purchased Pegasus software to carry out secret surveillance of dozens of journalists, activists and human rights defenders.<sup>2</sup> In November, authorities

arrested a man as a suspected operator of the espionage software.

In response to student protests, police from the Federal Protection Service took charge of security at the Centre for Economic Research and Teaching in December, a public university in Mexico City, making it one of the very few academic institutions in the country to have a police presence on campus.<sup>3</sup>

## **VIOLENCE AGAINST WOMEN AND GIRLS**

The authorities registered 3,427 killings of women in the country during the year, of which 887 were under investigation as feminicides.

In the state of Mexico, the state with the highest number of feminicides in 2021, there were serious flaws in the criminal investigations of these crimes.<sup>4</sup> The authorities failed to properly safeguard the evidence collected, examine all lines of investigation and correctly apply a gender perspective. As a result, it was left to families to invest time and money in pursuing investigations, which increased the likelihood that these crimes would go unpunished. In addition, victims' families continued to be threatened and mistreated by the authorities.

These shortcomings were neither unique to the state of Mexico nor new (they had already been observed in Ciudad Juárez, Chihuahua, since the 1990s) but served to highlight Mexico's persistent failure to investigate and prevent violence against women.

In May, a statue in memory of Karla Pontigo was installed in San Luis Potosí as part of the reparation for her killing. Her femicide remained unpunished.

## **HUMAN RIGHTS DEFENDERS**

Human rights defenders continued to face high levels of violence and the vast majority of attacks remained unpunished.

Organizations reported an increase in violence against defenders of the land, territory and environment. The government made statements calling into question the work of organizations and communities that opposed megaprojects promoted by the presidential administration.

The whereabouts of human rights defenders Grisell Pérez Rivera, Claudia Uruchurtu Cruz and Irma Galindo, who disappeared in March and October in the states of Mexico and Oaxaca, remained unknown at the end of the year. In June, the OHCHR expressed concern about the disappearances and killings of several leaders of the Yaqui Indigenous people in Sonora state.

In November, the media reported that instead of investigating the 2011 San Fernando massacre of 193 people, the Public Prosecutor's Office opened criminal proceedings in 2016 for kidnapping and organized crime against a journalist and two human rights defenders who had been documenting and accompanying the families.

The Interior Minister reported that by October, 1,506 people were beneficiaries of the Mechanism for the Protection of Human Rights Defenders and Journalists, of whom 1,011 were human rights defenders. He announced reforms to consolidate the Mechanism and strengthen investigations into attacks against defenders.

By the end of the year, the recommendations of the OHCHR regarding the creation of a comprehensive policy to protect human rights defenders had yet to be implemented.

## **RIGHT TO HEALTH**

During the year, 55.9% of the population received full Covid-19 vaccination. The authorities ignored WHO standards by omitting private sector health professionals from the first stage of vaccination.

One year on from his unfair dismissal after he spoke out about poor working conditions, Jorge Pérez, a 70-year-old cleaner in a public hospital, had not obtained justice or redress.

## **SEXUAL AND REPRODUCTIVE RIGHTS**

In a landmark ruling, the Supreme Court determined in September that the criminalization of abortion in the state of Coahuila was unconstitutional. The Court opened the way for decriminalization in the rest of the country by establishing this as a

mandatory criterion to be applied by judges in all states.

Months earlier, Hidalgo and Veracruz joined the list of states that authorized abortion up to the 12th week of pregnancy; Baja California did so in October and Colima in December. By the end of the year abortion was legal in six states.

The Supreme Court also invalidated the clause on conscientious objection to abortion by medical professionals contained in the health law and asked the legislature to approve a new clause that guarantees that refusals to provide abortion care is exercised without putting at risk the human rights of others, especially the right to health.

## **REFUGEES' AND MIGRANTS' RIGHTS**

Migrants, refugees and asylum seekers continued to face excessive use of force, arbitrary detention and unlawful returns by the authorities, as well as abductions and killings by non-state actors. In January, the burned bodies of 19 people, including 16 Guatemalans, were found in a vehicle in Camargo municipality, Tamaulipas, an area where criminal gangs operate and migrants often try to cross the border with the USA. By November, authorities had detained 252,526 people in overcrowded immigration detention centres that did not comply with basic sanitary measures, despite the pandemic. Children were among those held, although the law expressly prohibits the detention of children.

The country's refugee agency received 131,448 asylum applications in 2021, the highest to date. For the first time, the largest number of asylum seekers came from Haiti, followed by Honduras. Tens of thousands of people, mostly Haitians, were stranded in precarious conditions in Tapachula, state of Chiapas, for months as the asylum system collapsed due to high demand, and the INM initially refused to issue humanitarian visas allowing them to work or move to another state, as required by law.<sup>5</sup>

Local organizations reported that from August onwards the authorities carried out unlawful deportations at the border with

Guatemala of Central Americans and Haitians detained in the Mexican interior or at the US border. The Inter-American Commission on Human Rights and OHCHR condemned the excessive use of force by the INM and the National Guard against thousands of Haitians seeking to leave the state of Chiapas. The authorities subsequently carried out raids in several states of the country to detain Haitians. In October, the National Guard fired on a truck carrying migrants in Chiapas state, causing the death of two migrants.

By November, authorities had sent back 101,571 people, most from Central America. Among them were thousands of unaccompanied children whose best interests the authorities failed to take into account.<sup>6</sup>

## LGBTI PEOPLE'S RIGHTS

The state congresses of Baja California, Guanajuato, Querétaro, Sinaloa, Sonora, Yucatán and Zacatecas approved same-sex marriage, bringing the number of states that recognize same-sex marriage to 26. A reform approved in the state of Mexico brought to 14 the number of states that have laws guaranteeing recognition of gender identity and allow people to change the name and gender on their birth certificates.

Mexico had the second highest number of attacks against LGBTI people in the region. The National Observatory of Hate Crimes Against LGBT Persons recorded at least 72 killings and disappearances during the year.

## INDIGENOUS PEOPLES' RIGHTS

As in previous years, Congress failed to pass a law to regulate Indigenous peoples' right to free, prior and informed consent, guaranteed under ILO Convention 169, despite a 2020 Supreme Court ruling. The President passed a decree to fast-track approval processes for infrastructure and megaprojects, overriding environmental approvals and processes for consultation with Indigenous peoples. The Supreme Court placed an injunction on the decree following a constitutional challenge presented by the national transparency agency.

## FAILURE TO TACKLE CLIMATE CRISIS

The government proposed a reform to the electricity and energy sector which experts said posed risks to investment in the renewable energy sector.

Mexico's new commitments on climate change presented at the Conference of the Parties on Climate Change in November were criticized for being essentially almost the same as its commitments of 2015.

1. "Mexico: Open letter from Amnesty International to the Governor of Guanajuato and the President of León Municipality", 29 June (Spanish only)
2. "Mexico: Pegasus in México: No to surveillance", 28 July (Spanish only)
3. "Mexico: The entry of the SPF into the CIDE to carry out security and surveillance tasks has a chilling effect that inhibits the right to peaceful assembly and freedom of expression of people in that academic institution", 31 December (Spanish only)
4. Mexico: Justice on Trial: Failures in Criminal Investigations of Femicides Preceded by Disappearance in the State of Mexico (Index: AMR 41/4556/2021), 20 September
5. Haiti: Not Safe Anywhere: Haitians on the Move Need Urgent International Protection (Index: AMR 36/4920/2021), 28 October
6. USA: Pushed into Harm's Way: Forced Returns of Unaccompanied Migrant Children to Danger by the USA and Mexico (Index: AMR 51/4200/2021), 11 June

## MOLDOVA

### Republic of Moldova

Head of state: **Maia Sandu**

Head of government: **Natalia Gavriļița (replaced Aureliu Ciocoi in August)**

**Torture and other ill-treatment persisted. Impunity for grave past abuses by law enforcement agencies remained endemic. Concerns over unfair trials continued. Judicial oversight of surveillance and approval of pretrial detention was reported to be weak. Little progress was made in addressing domestic violence. In the breakaway Transdnistria region critics of the de facto authorities faced prosecution and concerns were raised about the right to education.**

## BACKGROUND

A stand-off between the President and parliament following the Prime Minister's resignation came to an end with early parliamentary elections in July, resulting in the formation of the first non-coalition government since 2009.

In September parliament voted to appoint a new national human rights Ombudsperson, amid concern in some quarters that her role as legal adviser to Maia Sandu in the 2020 presidential elections may create a potential conflict of interest.

The Covid-19 pandemic continued to affect the economy, resulting in falling standards of living for many, although government economists predicted a return to growth by the end of the year. Free Covid-19 vaccination was made widely available, with a choice of vaccines, and promoted during vaccination marathons in the capital, Chisinau, and elsewhere. The uptake of free Western-supplied vaccines in the breakaway Transnistria region was lukewarm, with many residents preferring the Russian-produced Sputnik vaccine or resisting vaccination altogether.

## TORTURE AND OTHER ILL-TREATMENT

No visible progress was made in addressing torture and other ill-treatment. Overcrowding, unsanitary and otherwise inadequate detention conditions were regularly reported in adult, juvenile and mixed penitentiary institutions.

The National Ombudsperson for Children's Rights reported further adverse effects of the Covid-19 pandemic on conditions for minors in detention, with those from socially disadvantaged families particularly affected. Complaints of poor diagnostics and health provisions were commonplace, while medical staff remained part of penitentiary rather than health authorities.

A riot at the Brănești penitentiary institution, on 5 February, highlighted the issue of an informal hierarchy and inter-prisoner violence, which the authorities chronically failed to address.

## IMPUNITY

Impunity for major past human rights violations by members of law enforcement agencies, including mass torture and other ill-treatment of peaceful protesters in 2009, remained endemic.

No progress was reported in the case of the abduction and forcible return of seven Turkish nationals by Moldovan security services in 2018, further to the limited investigation and a single conviction and non-custodial sentence in 2020. In March, the Council of Europe's Committee of Ministers considered implementation of the European Court of Human Rights decision in this case (*Ozdiil and Others v. Republic of Moldova*) and "firmly reiterated" the need to ensure effective oversight and accountability of the security services and "regretted the authorities' lack of a response" to its previous call. In October, Moldova submitted its Updated Action Plan on the judgment which committed it to review past judicial decisions and adopt legislation intended to increase the accountability of its security services.

## RIGHT TO A FAIR TRIAL

Concerns over unfair trials persisted.

No progress was reported in the 38 criminal cases in which the Prosecutor General had acknowledged political motivation and promised a review in 2020. In none was the conviction quashed or criminal proceedings terminated. In the most high-profile case, Veaceslav Platon, freed in 2020 pending a new investigation and retrial, left Moldova in July. The Prosecutor General was widely blamed for him leaving the country but brushed aside criticism as "political interference" with his work. The handling of these cases in light of persistent concerns over selective justice again exposed the weaknesses of the criminal justice system, its vulnerability to political interference and the need for reform.

## RIGHT TO PRIVACY

NGOs and defence lawyers continued to express concern that judicial review of law enforcement agencies' requests for

wiretapping of private communications and for placing criminal suspects in pretrial detention was insufficiently probing, and resulted in near-total approval. Safeguards envisaged in national law, such as the persons being wiretapped being compulsorily informed, were not observed.

At a press conference on 4 October, the Prosecutor General accused a former colleague and several NGOs of plotting to unseat him, and claimed he had seen the content of their mobile communications. He was arrested the following day on several charges, including abuse of authority.

## **GENDER-BASED VIOLENCE**

On 14 October parliament approved ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), which Moldova signed in 2017. Little tangible progress was made, however, in addressing domestic violence, which predominantly affected women.

## **TRANSNISTRIA REGION**

### **FREEDOM OF EXPRESSION**

Critics of the de facto authorities faced criminal prosecution.

In July, pensioner Mikhail Yermuraki was convicted of “insulting the President” and fined the equivalent of US\$600. Two other charges against him, “denying the positive role of Russian peacekeepers” and “inciting national, racial, religious hatred”, were dropped.

In the same month, activist Gennadiy Chorba was sentenced to three years and three months’ imprisonment, for the same offence of insulting the President as well as on charges of “extremism” in connection with a peaceful picket a year earlier which he had attended. The de facto authorities accused him of inciting people to protest, as well as of making derogatory comments about medical personnel during the pandemic.

### **RIGHT TO EDUCATION**

In August, the de facto Transnistrian authorities refused to reregister the Lucian

Blaga Theoretical High School, the only Romanian-language school in the regional capital, Tiraspol, and suspended its operations for at least three months. The reasons were not reported. The de facto authorities reversed the decision to suspend the school in the same month, after intervention by the OSCE and other international partners.

# **MONGOLIA**

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## **Mongolia**

Head of state: **Ukhnaa Khurelsukh (replaced Khaltmaa Battulga in June)**

Head of government: **Luvsannamsrai Oyun-Erdene**

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**Covid-19 restrictions were used to repress the rights to freedom of expression and peaceful assembly. Health workers were threatened and assaulted for protesting against poor working conditions. Authorities failed to adequately address allegations of torture.**

## **BACKGROUND**

Over 200 protests took place during the year, mainly against the negative impact on people’s livelihoods caused by government measures in response to the Covid-19 pandemic.

## **FREEDOM OF EXPRESSION AND ASSEMBLY**

Restrictions introduced to control the spread of Covid-19 that prohibited demonstrations were used to as a pretext to arbitrarily and sometimes forcibly disperse peaceful protests. Some protest organizers were arrested, detained and fined.<sup>1</sup>

## **WORKERS’ RIGHTS**

The Covid-19 pandemic exposed long-standing weaknesses in the healthcare system. Frontline health workers were subjected to harassment by the authorities and physical assaults by frustrated and desperate patients. Protests about health workers’ treatment, including poor working

conditions and exhaustion, were met by threats from the prime minister.

Many health workers continued to work despite their own poor health for fear of losing their jobs. As of October, approximately one in five health workers had been infected with Covid-19.

## RIGHT TO EDUCATION

Government-imposed school closures in response to Covid-19 severely impacted access to education for children of herders and other children living in rural areas or areas with limited or no access to the internet and television. Schools reopened in September after almost two academic years.

## HUMAN RIGHTS DEFENDERS

In July, the Law on the Legal Status of Human Rights Defenders entered into force. It consolidated legal protections for human rights defenders but also contained provisions that could be interpreted to arbitrarily restrict human rights defenders' voices and put them at risk of prosecution. Rights activists, including herders working on environmental and land rights issues and advocates, continued to face threats, intimidation and prosecution for their legitimate activities.<sup>2</sup>

## TORTURE AND OTHER ILL-TREATMENT

There was no progress towards setting up a national mechanism for the prevention of torture, which was provided for under the 2020 revised law on the National Human Rights Commission of Mongolia, despite Mongolia's acceptance of relevant recommendations during its UPR.

Torture survivors and victims' families remained unable to access full and effective reparation. Investigations into allegations of torture were generally flawed and those suspected of being responsible were rarely brought to justice. According to statistics published by the Prosecutor General's Office in October, 53 alleged torture cases had been reviewed, but only three resulted in prosecutions.

## RIGHT TO HOUSING

The government continued to block the establishment of "Citizens' Representative Organisations". Provided for in the Law on Urban Redevelopment, these bodies ensure the participation of communities in decisions relating to the projects affecting their land and housing. In October, the Supreme Court dismissed the case of Davaanyam Puntsag and his family who were forcibly evicted in 2018 when a property developer demolished their home in the Bayangol district of the capital, Ulaanbaatar.

## LGBTI PEOPLE'S RIGHTS

Online discriminatory comments posted by the Deputy Mayor of Ulaanbaatar in September led to an increase in threats and hate speech against LGBTI people, activists and organizations.

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1. "Mongolia: The right to freedom of assembly and expression is being suppressed", 12 May (Mongolian only)
  2. "Mongolia: The real situation of human rights defenders is a problem," 25 May

# MONTENEGRO

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## Republic of Montenegro

Head of state: **Milo Đukanović**

Head of government: **Zdravko Krivokapić**

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**Impunity persisted for crimes under international law and attacks on journalists. Misogynist hate speech increased, while ethnic division and religious intolerance deepened. The government failed to deliver promised reforms.**

## BACKGROUND

The shaky multi-ethnic coalition government began to address past violations, including political control of the police, prosecution and judiciary, and complicity with organized crime.



## **RIGHT TO TRUTH, JUSTICE AND REPARATION**

The NGO Human Rights Action urged the new Supreme State Prosecutor to revise the unimplemented 2015 War Crimes Strategy and adopt measures ending impunity. Investigations opened into one case, transferred from Bosnia and Herzegovina.

Judgment remained pending after the European Court of Human Rights (ECtHR) concluded its consideration of Montenegro's failure to provide justice to relatives of Bosniak refugees transferred in 1992 by Montenegrin police to Bosnian Serb forces and subsequently murdered.

The Minister of Justice and Human Rights was dismissed in June for refusing to accept a government resolution recognizing the Srebrenica genocide.

## **TORTURE AND OTHER ILL-TREATMENT**

The ECtHR awarded €7,500 to both Momčilo Baranin and Branimir Vukčević, finding that their ill-treatment by police during anti-government protests in October 2015 had not been effectively investigated. However, the ECtHR considered Milorad Martinović's complaint terminated, as Montenegro had prosecuted two police officers and awarded compensation. Video footage showed Martinović being attacked by around 20 unidentified riot police. In July, police wearing balaclavas and without visible identification were again filmed ill-treating an individual.

## **FREEDOM OF EXPRESSION**

In April, police and prosecutors participated for the first time in the Commission for Monitoring Violence against the Media.

In December parliament adopted amendments to the Criminal Code strengthening protection for journalists and media workers. Twenty-five journalists reported physical or verbal attacks, including death threats.

## **FREEDOM OF RELIGION AND BELIEF**

In September, former government supporters and others attempted to prevent the enthronement of the new head of the Serbian

Orthodox Church. Police responded with tear gas and rubber bullets.

## **GENDER-BASED VIOLENCE**

In April, NGOs called for a law on sexual harassment after misogynistic hate speech was directed at the Minister of Health, female politicians and other women.

The increase in domestic violence, attributed to the pandemic, continued. Few criminal prosecutions took place and shelter capacity remained inadequate.

## **DISCRIMINATION**

In June the Council of Europe warned of growing ethnic division. Montenegrins and Serbs were prosecuted for inciting ethnic hatred. Albanians and Bosniaks claimed that Covid-19 measures to close cafes in Tuzi were discriminatory. In November Bosniak activist Sabina Talović was injured in a racially-motivated attack.

Around 30% of Roma and Egyptians living in Podgorica did not receive Covid-19-related social and economic assistance. Bijelo Polje municipality failed to provide adequate alternative housing to 26 Roma families in advance of road-widening, instead offering an inadequate payment to leave. The authorities failed to assist undocumented Roma and Egyptians at risk of statelessness.

## **LGBTI PEOPLE'S RIGHTS**

In March, two women were the first of five couples to be married under the Law on Life Partnership of Same-Sex Partners. In March, a transgender member of LGBT Forum Progress was attacked by unknown assailants and seriously injured.

# MOROCCO/ WESTERN SAHARA

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Kingdom of Morocco

Head of state: **Mohamed VI**

Head of government: **Aziz Akhannouch (replaced Saad-Eddine El Othmani in October)**

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**The authorities continued to use the 2020 health emergency decree-law to arbitrarily restrict freedom of expression and assembly, including of journalists, activists and workers. The authorities continued to violate the rights of pro-independence Sahrawi activists through arbitrary house arrests, ill-treatment and harassment. The government introduced a Covid-19 vaccine pass necessary for anyone to enter their places of work, public and private administrations, restaurants and to travel inside and outside Morocco. Protests against the pass were held in several cities and were met by force at least once. The Feminist Action Union recorded monthly increases in domestic violence cases in almost every city in Morocco. Parliament passed a new law that allows for gender reassignment for those born “hermaphrodites”, which was criticized by LGBTI communities for its vagueness and lack of reference to transgender people. Migrants and asylum seekers were arbitrarily detained and, in areas close to border crossings, the authorities raided the lodging places of sub-Saharan nationals, sometimes burning their belongings or forcibly evicting them.**

## BACKGROUND

Government measures to support the economy during the second year of the pandemic included compensating those who could not work, although this only applied to those in formal jobs.

In October, the UN Mission for the Referendum in Western Sahara (MINURSO) was renewed, but still lacked a human rights mandate. Human rights organizations could

still not access Western Sahara and Polisario camps.

On 21 October, the government announced that a vaccine pass would be necessary to enter places of work, restaurants and for all travel inside and outside of Morocco. The union of café and restaurant owners, the lawyers' union and some rights organizations criticized the move, saying the pass was unconstitutional, arbitrary or a danger to the economy. Protests against the decision were held across Morocco on 31 October.

Between January and December, the king issued royal pardons affecting 4,127 prisoners.

In September, Algeria cut diplomatic ties with Morocco.

## FREEDOM OF EXPRESSION AND ASSOCIATION

Human rights defenders, journalists, social media users, academics and activists continued to face repression of the legitimate exercise of their freedom of expression. At least seven were arrested and/or prosecuted for freedom of expression-related offences. On 23 March, academic and human rights defender Maati Monjib was provisionally released from El Arajat prison near the capital Rabat. In October, he was prevented from travelling to France for a medical appointment and to see his family, due to an arbitrary travel ban imposed since October 2020.

In July, Omar Radi, an independent journalist who was often critical of the authorities, was sentenced to six years in prison on charges of espionage and rape after a trial that did not meet international fair trial standards. Among other things, he was denied the right to see and challenge each piece of evidence used against him.

In September, the Marrakesh Court of First Instance sentenced Jamila Saadane to three months in prison for videos she posted on YouTube accusing the Moroccan authorities of covering up prostitution networks and human trafficking in Marrakesh. She was convicted of “insulting institutions” and “spreading false information”.

The Moroccan authorities continued to violate the rights of pro-independence Sahrawi activists throughout the year, through ill-treatment, arrests and harassment. In May, the authorities arrested Essabi Yahdih, a Sahrawi journalist and director of the online Algargarat Media company, at his workplace in Western Sahara. They interrogated him about his journalistic work and accused him of filming military barracks in Dakhla, a city in Western Sahara. On 29 July, he was sentenced to one year in prison and a fine. In Dakhla prison he was denied medical attention for pre-existing hearing and sight conditions.

## **RIGHT TO PRIVACY**

In July, together with the coalition Forbidden Stories, Amnesty International revealed that NSO Group's Pegasus surveillance spyware was used extensively by the Moroccan authorities. Journalists, activists and political figures of French and Moroccan origin had been targeted with the spyware. The devices of Hicham Mansouri, a Moroccan journalist living in exile in France; Claude Mangin, the partner of Naama Asfari, a Sahraoui activist who is imprisoned in Morocco; and Mahjoub Maliha, a Sahraoui human rights defender, were infected with Pegasus software in violation of their rights to privacy and freedom of expression.

## **FREEDOM OF ASSEMBLY**

On at least four occasions, the authorities repressed peaceful protests demanding improved working conditions and used the health emergency decree-law to suppress workers' grievances.

In April, police arbitrarily arrested 33 teachers who were protesting peacefully in Rabat against education policies they deemed harmful for public education and forcibly dispersed the protesters even though they were respecting Covid-19 safety measures such as social distancing. The teachers were provisionally released after 48 hours but were still facing charges of "incitement to unarmed gathering without an authorization", "breaching health emergency

status" and "offending public officials". Their trial was ongoing at the end of the year.<sup>1</sup>

In July, Nouredine Aouaj, an activist and human rights campaigner, was sentenced to two years' imprisonment. He was arrested in June after joining a peaceful rally supporting jailed journalists Omar Radi and Suleiman Raissouni, and charged with "insulting constitutional institutions, principles and symbols of the kingdom", "denouncing fictitious crimes" and "undermining judicial authority".

## **TORTURE AND OTHER ILL-TREATMENT**

Some prisoners were held in harsh conditions, including prolonged and indefinite solitary confinement, in violation of the prohibition of torture and other ill-treatment.

Suleiman Raissouni, a journalist and editor of *Akhbar Al Yaoum* newspaper, remained in solitary confinement since his imprisonment in May 2020. He staged a 118-day hunger strike from 8 April to protest against his solitary confinement.

Mohamed Lamine Haddi, sentenced in connection with the Gdeim Izik protest, continued to be held in solitary confinement since 2017. In March, prison guards ended his hunger strike held in protest at his ill-treatment by force-feeding him, which amounts to torture under international law.

Members of the security forces raided the house of Sahrawi activist Sultana Khaya in Boujdour at least three times in 2021. She said that during a raid in May, members of the security forces beat her and tried to rape her with batons, and attacked and raped her sister. On 15 November, members of the security forces broke into her house and raped her and sexually abused her two sisters and 80-year-old mother.<sup>2</sup>

## **RIGHT TO HEALTH**

In May, the Independent Syndicate of Public Sector Doctors held a 48-hour national strike, excluding emergency services, to protest at the authorities' inaction to their long-standing demands for improved pay and working

conditions and better resourced public hospitals.

By the end of the year, Morocco had fully vaccinated about 67% of the country's population against Covid-19.

## **WOMEN'S AND GIRLS' RIGHTS**

A national pandemic fund was created in 2020 to compensate those forced to leave work. However, Moroccan NGO the Feminist Action Union found that women were less able than men to benefit from the scheme as they are less likely to be in regular work

Implementation of the 2018 Law 103-13 for the prevention of violence against women remained weak. Contrary to claims by the Public Prosecution Office that domestic violence cases decreased by 10% compared to previous years, the Feminist Action Union recorded monthly increases in domestic violence cases from January to April in almost every city in Morocco.

In May, the Minister of Justice announced that the number of child marriages had reduced since 2019. UN Women disputed this, saying the figures do not provide information on the forms of customary marriage involving children, nor do they consider the impacts of the Covid-19 pandemic on mobility and access to public administrations. Article 19 of the Family Code sets the marriage age at 18, but Articles 20 and 21 give judges in charge of family issues the right to authorize requests for child marriages.

In January, former police officer Wahiba Kharchich relocated to the USA after suffering defamation when media company ChoufTV published a video alleging to show her having an extra-marital affair in December 2020. She had filed a complaint in 2016 about sexual harassment by her boss Aziz Boumehti, head of El Jadida police unit, which was never followed up.

## **LGBTI PEOPLE'S RIGHTS**

Article 489 of the Penal Code continued to criminalize consensual same-sex sexual relations.

In July, parliament passed Article 28 of the 36.21 Civil Status Bill, which states that the gender assigned to "hermaphrodite" newborns can be changed later in life. While billed as an advancement in LGBTI rights in Morocco, the amendment was criticized by trans rights organizations who said they had not been consulted and that many find the term "hermaphrodite" offensive.

Furthermore, the law continues to assign intersex people to either male or female genders, does not extend to allowing transgender people to transition and focuses on the appearance of genitals without reference to chromosomes or hormones.

There remained no mention of transgender people in law.

In February, gender non-conforming artist Abdelatif Nhaila was released after serving a four-month prison sentence imposed in 2020. Police arrested him after he visited a police station to report death threats and homophobic harassment he had received as part of a widespread social media smear campaign begun in April 2020, and subsequently prosecuted him for "violating the state of health emergency" and "insulting an official".

## **REFUGEES' AND MIGRANTS' RIGHTS**

The authorities arrested and arbitrarily detained migrants and asylum seekers during the year, deporting some to their country of origin and expelling others to southern areas of Morocco and the Western Sahara. In areas close to border crossings or on migratory routes to Europe, including Nador, Oujda and Laayoune, the authorities raided the housing and encampments of sub-Saharan nationals, sometimes burning their belongings or forcibly evicting them from their makeshift shelters, according to the Moroccan Association for Human Rights.

In addition to refugees and migrants from sub-Saharan Africa or Middle Eastern and North African countries, most of the 8,000 or more individuals who crossed from Morocco into the Spanish enclave of Ceuta in late May (see Spain entry) were Moroccans and included at least 2,000 unaccompanied

children.<sup>3</sup> Between April and May, at least three unidentified migrants and nine Moroccan men died during attempts to reach the Spanish enclaves of Ceuta and Melilla from Moroccan territory.

Morocco continued to cooperate with the EU to prevent the irregular entry of migrants from its territory into Europe. In June, a group of 15 Sudanese and Chadian asylum seekers, including two minors, were sentenced to six months in prison for attempting to enter Melilla from Morocco.

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1. "Morocco: Drop charges against teachers who peacefully protested over workers' rights", 19 May
  2. Morocco/Western Sahara: Further Information: Sahrawi Activist Raped by Moroccan Forces: Sultana Khaya (Index: MDE 29/5058/2021), 30 November
  3. "Spain/Morocco: People 'being used as pawns' as political games turn violent", 19 May

## MOZAMBIQUE

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### Republic of Mozambique

Head of state and government: **Filipe Jacinto Nyusi**

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**The armed group known locally as al-Shabaab, government security forces and private military operatives continued to commit war crimes and other serious human rights violations. The authorities mishandled the humanitarian crisis in Cabo Delgado, seriously undermining rights to food, water, education, housing and health. Violence against women and girls continued unchecked. Expectant mothers were treated inhumanely, and were beaten, insulted and humiliated in public maternity wards. The authorities stifled activity within civic space through intimidation, harassment and threats against civil society activists and journalists.**

### BACKGROUND

The armed conflict in Cabo Delgado province remained the most critical issue, with President Nyusi facing criticism about his mishandling of the conflict. Under mounting pressure from the Southern African

Development Community (SADC), he relented to the call for the deployment of foreign troops to the region where, by the end of the year, Mozambican, SADC and Rwandan troops were fighting insurgents.

The "hidden debt" trial exposed, to a limited extent, the corruption scheme which drove the country into economic crisis, further deepening the unpopularity of the governing party, the Mozambique Liberation Front.

### VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW

Civilians were caught between three armed forces in the conflict in Cabo Delgado, in which more than 3,000 people have died since the conflict began. Fighters in the armed rebel group, known locally as al-Shabaab (not thought to be related to al-Shabaab in Somalia) killed civilians using the most gruesome methods, looted their property, burned their homes, and kidnapped women and children. The Mozambican security forces abused people they were meant to protect through harassment, extortion, torture, enforced disappearances and extrajudicial killings. The Dyck Advisory Group, a private military company hired by the government as a rapid reaction force, fired machine guns and dropped explosives indiscriminately from helicopters, often failing to distinguish between civilian and military targets. The death toll continued to rise throughout the year.<sup>1</sup>

### INTERNALLY DISPLACED PEOPLE'S RIGHTS

Nearly 1 million people (primarily women, children and older people) were internally displaced in the homes of families and friends and in camps in relatively secure settlements in the south of Cabo Delgado province, where they lacked adequate access to food, water, education, health and housing. Food scarcity primarily affected women and children, putting their health at risk. The authorities responsible for food aid distribution demanded sexual favours from displaced women in exchange for registration, documentation and food aid. The

displaced people settled in locations without adequate water and sanitation in overcrowded dwellings without privacy or proper ventilation, putting their health at risk. The settlements offered few health and education services, and large numbers of children did not attend school.

## **VIOLENCE AGAINST WOMEN AND GIRLS**

Violence against women and girls remained rampant, with few measures taken to hold perpetrators accountable. Although such violence was prevalent prior to the Covid-19 outbreak, it was, according to local women human rights defenders and organizations, further aggravated during the restrictive measures taken to control the virus.<sup>2</sup>

In June, revelations emerged that, for years, the wardens of the Ndlavela Women's Prison in Maputo province had created an elaborate scheme for sexual abuse and exploitation of prisoners.

In March, in Beira, Sofala province, a man brutally killed his wife with an iron bar, alleging that she had been drinking beer with a male neighbour. In April, in Balama, Cabo Delgado province, a man beat his wife to death because he suspected she had had an affair. In Nampula province, in July, a man tied up his wife, poured petrol on her and set fire to her because he suspected her of infidelity; and in September, a school janitor sexually assaulted a 16-year-old girl on her way to school, after threatening her with physical violence. In all these cases the perpetrators remained in police custody. In August, a human resources manager at a primary school in Murrupula district, Nampula province, was found sexually assaulting a 14-year-old schoolgirl with autism. The police dismissed the case, forcing the girl's family to take the case to the district Public Prosecutor, who assigned the case to the investigative police unit.

## **SEXUAL AND REPRODUCTIVE RIGHTS**

Local women's organizations heard testimonies from dozens of women who described being subjected to physical aggression, insults and humiliation by nurses

and midwives in some public maternity wards. Pregnant women dreaded the prospect of delivering their babies in public hospitals and clinics due to obstetric violence. The abuse often took place at night in the absence of staff supervisors. Significant numbers of women who had delivered babies in maternity wards said they were expected to pay bribes to midwives and nurses to be treated with respect and dignity. When they failed to do so, they were left unattended as their waters broke and at the point of their baby's birth, forcing them to negotiate the payment of bribes at the height of their fear and physical pain. Despite repeated calls by women's rights groups, the Mozambican authorities made no apparent attempts to address the problem by bringing perpetrators to justice or compensating the survivors.

## **FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY**

The authorities restricted activity within civic space. On various occasions the police prevented activists from exercising their civic rights, including their right to peaceful assembly.

In May, the police dispersed students who were peacefully protesting against a new law giving parliamentary workers benefits which the protesters considered to be excessive. In June, they prevented activists from the Centre for Democracy and Development from submitting a list of their concerns to the Administrative Tribunal. The activists were protesting at the construction of urban toll gates on the Maputo circular road. In September, police officers beat and arbitrarily arrested six journalists in Nampula province for covering a peaceful protest against government delays in paying Covid-19 subsidies. In October, the police prevented medical doctors from peacefully protesting in solidarity with another doctor who was among a group of people who had been abducted. The mayor of Maputo claimed that he had not authorized the event, even though the constitution requires organizers only to inform, not ask permission from, the

authorities four days ahead of any planned gathering.

1. "What I Saw Is Death": War Crimes in Mozambique's Forgotten Cape (Index: AFR 41/3545/2021), 2 March
2. "Treated Like Furniture": Gender-Based Violence and Covid-19 Response in Southern Africa (Index: AFR 03/3418/2021), 9 February

# MYANMAR

## Republic of the Union of Myanmar

Head of state: **Myint Swe** (replaced **U Win Myint** in February)

Head of government: **Min Aung Hlaing** (from August)

**The human rights situation deteriorated dramatically after a military coup in February. Security forces killed over 1,000 people and detained many thousands of others who opposed the military takeover. Widespread torture of detainees was reported. Armed conflict, including indiscriminate attacks and attacks against civilians and civilian objects by the military, forcibly displaced tens of thousands of people. Similar vast numbers remained displaced as result of past conflict or violence. People in areas affected by armed conflict lacked basic services, and in some areas the military blocked the delivery of humanitarian aid. Women and girls were subjected to sexual violence by the military. Children were denied the right to education. Dozens of people were sentenced to death by military tribunals in their absence.**

## BACKGROUND

The military staged a coup on 1 February and arrested State Counsellor Aung San Suu Kyi and President U Win Myint, along with other senior leaders from the ruling National League for Democracy (NLD). The military formed the State Administrative Council (SAC) to govern the country led by General Min Aung Hlaing, who was also appointed as prime minister when the role was re-established in August.

Following the military takeover, thousands of people throughout the country took part in

protests, and public and private sector employees participated in a mass civil disobedience movement.

The Committee Representing Pyidaungsu Hluttaw (CRPH), a group of NLD-led elected members of Myanmar's parliament, formed a National Unity Government. It was led by Duwa Lashi La as acting president in place of the imprisoned U Win Myint. The National Unity Government, which also included some representatives of ethnic minority groups, was declared a terrorist group by the military.

On 5 May, the National Unity Government announced the establishment of the People's Defence Force (PDF) to counter SAC "violence against the public and its military offensives". On 7 September, the National Unity Government declared a "people's defensive war", which was followed by escalating violence throughout Myanmar. Fighting between the military government's forces and ethnic armed organizations (EAOs) also escalated.

## REPRESSION OF DISSENT

The military government violently cracked down on those who opposed its February coup, widely using rubber bullets, tear gas, water cannons, live rounds of ammunition and other lethal force against protesters. According to the NGO Assistance Association for Political Prisoners (Burma) (AAPP), as of 31 December the military government's security forces had killed at least 1,384 people, including 91 children, and arrested 11,289.

Those killed included protesters and bystanders. On 10 March, after examining more than 50 video clips of the ongoing crackdown, Amnesty International concluded that the military had used lethal tactics and weapons appropriate only for battlefield use against peaceful protesters in cities and towns across the country.<sup>1</sup> On 2 May, for example, there were reports of security forces throwing grenades into a crowd of protesters in northern Kachin State. Soldiers were also witnessed indiscriminately firing live ammunition in urban areas on multiple occasions.

Thousands of doctors and other healthcare workers joined the protests and refused to work under the military government, although many provided medical care to injured protesters and to Covid-19 and other patients outside state hospitals. As of 31 December, at least 12 health workers had been killed, and 86 remained in detention.

The military authorities also attacked trade unionists, workers and civil servants who joined protests demanding a return to democracy. Workers were intimidated and threatened into returning to work, and trade union leaders and workers were among those arrested and killed.

## **FREEDOM OF EXPRESSION AND ASSOCIATION**

The military government announced amendments to the Penal Code that criminalized both the intent to criticize and actual criticism of government actions. These included the addition of Section 505(a) which criminalized comments that “cause fear” and spread “false news”, as well as criminalizing individuals “committing or agitating, directly or indirectly, a criminal offense against a government employee”. As of 31 December, 189 people had been convicted under Section 505(a). According to AAPP, at least another 1,143 detained individuals were awaiting sentencing and warrants for 1,545 others had been issued, including under Section 505(a) which carries a sentence of up to three years’ imprisonment.

New provisions were also introduced in the Criminal Procedure Code to allow searches, seizures, arrests, surveillance and interception of communications to take place without warrants.

The military authorities periodically imposed nationwide internet and telecommunications shutdowns, violating the right to freedom of expression. In areas where there were military operations, such as in Hpakant township in Kachin State, Chin State and the regions of Sagaing, Magway and Mandalay, internet and WiFi services were suspended and, in some instances, mobile phone networks cut. This severely obstructed

communications, including those concerning human rights violations committed by security forces, as well as negatively impacting humanitarian operations.

The military authorities closed at least five independent news publications and revoked the licences of eight media outlets. At least 98 journalists were arrested following the coup, including three foreign journalists. One journalist, Ko Soe Naing, died while in custody.

At the end of the year, at least 46 journalists and other media workers remained in detention. This included 13 who had been convicted and sentenced to terms of imprisonment.

In early December, a court sentenced Aung San Suu Kyi to four years’ imprisonment, later reduced to two, on bogus charges of inciting dissent and breaking Covid-19 rules. Verdicts in relation to other charges against Aung San Suu Kyi were postponed.<sup>2</sup>

## **TORTURE AND OTHER ILL-TREATMENT**

According to the AAPP, at least 8,338 of those arrested since 1 February remained in detention as of 31 December, including 196 children. In addition to journalists, these included NLD party members and their relatives, peaceful protesters, members of the civil disobedience movement and other activists, as well as bystanders. Relatives who were able to visit family members in detention reported seeing physical injuries and other signs of torture or ill-treatment. The UN also documented the widespread use of torture by security forces against detainees, in some cases resulting in death.

Sexual violence and threats of sexual violence by the security forces against women, girls and in some instances men arrested during protests, were documented by the UN and others, including in the context of interrogations. Detained LGBTI people who participated in the protests, often under rainbow flags, were also reported to have been subjected to torture including sexual violence.



## ATTACKS ON CIVILIANS

The military used its “Four Cuts” strategy to cut off EAOs and People’s Defence Force (PDF) units from funding, food, intelligence and recruits with devastating consequences for civilians. The military launched air strikes, shelling and arson attacks against towns and villages in the ethnic states of Kayah, Kayin, Kachin and Chin, and in the regions of Sagaing, Magway and Thanintharyi. The UN Special Rapporteur on the situation of human rights in Myanmar reported that, as of September, 200,000 people had been forcibly displaced in a bid to escape attacks by the military.

In May, following assaults by a newly formed PDF unit, the Chinland Defence Force (CDF), the military laid siege to the town of Mindat in Chin State using heavy artillery fire and cutting off essential services. According to the UN, around 15 villagers, including a pregnant woman, were used by the military as human shields and others were trapped without water or electricity. As clashes between the military and the CDF escalated in October, there were also reports of arson attacks by the military. In the town of Thantlang alone, at least 160 houses and four churches were reportedly destroyed in late October.

From May to November, the military launched retaliatory attacks on villages in Kayah and Southern Shan states in response to attacks by the Karenni Nationalities Defence Force, a joint PDF and EAO force, on police and military facilities in Demoso and Loikaw townships in Kayah State and Pekon townships in southern Shan State. At least 55 civilians were killed and churches reportedly destroyed during successive military attacks in these areas.

In December, reports of the killing by the military of at least 35 civilians in eastern Kayah State, including four children and two humanitarian workers from Save the Children, prompted condemnation by the UN Security Council and renewed calls for a global arms embargo on the Myanmar military government.

There were reports of rape and other sexual violence by the military against women and children in conflict-affected areas. According to media reports, soldiers gang-raped a woman in front of her husband during a military raid in Aklui village close to Tedim township in Chin State in November. The victim’s pregnant sister, who lived in the same village, was also reportedly raped. According to the same source, the military also raped a 62-year-old woman in Kutkai township, northern Shan State.

## INTERNALLY DISPLACED PEOPLES’ RIGHTS

As of 9 December, indiscriminate attacks and attacks directed against civilians and civilian objects, primarily by the military, and fighting between the military, EAOs and PDFs, had displaced more than 284,700 people, including over 76,000 children.

Around 336,000 people were already internally displaced prior to the military takeover. These included 130,000 people living in camps in Kachin, northern Shan State and parts of the south-east, and more than 90,000 people in Rakhine and Chin states displaced by fighting between the Arakan Army and the military before hostilities between them ceased in November 2020. There were concerns about lack of humanitarian access to many of the sites in which they were living.

At least 126,000 Rohingya Muslims remained effectively interned in camps in Rakhine State since violence in 2012. After the coup, local authorities reinstated a directive that further restricted the freedom of movement of Rohingya communities living in northern Rakhine. These communities continued to have very limited access to basic services, including healthcare and education. The rapidly deteriorating human rights situation in Myanmar failed to provide an enabling environment for voluntary repatriations of Rohingya refugees in Bangladesh who fled atrocities in Rakhine State in 2016 and 2017.

## DENIAL OF HUMANITARIAN ACCESS

The military authorities restricted humanitarian access to internally displaced people in Kayah, Chin and Shan states. There were reports of roads being blocked and aid convoys being turned back by the soldiers. In June, the military destroyed an ambulance and burned stockpiles of rice and medicine intended for displaced people in Pekon township, Shan State.<sup>3</sup> In other areas, including Kachin and Rakhine states, the military authorities imposed additional requirements on humanitarian organizations in order to obtain travel authorizations that severely delayed the delivery of aid to vulnerable populations.

## ABUSES BY ARMED GROUPS

In July and September, fighting erupted between the Restoration Council of Shan State, the Shan State Army-North, and the Ta'ang National Liberation Army, three EAOs in Shan State. These groups reportedly abducted villagers and subjected them to forced labour.

## RIGHT TO HEALTH

The health system effectively collapsed in the aftermath of the military takeover as health workers joined the civil disobedience movement and a third wave of Covid-19 hit the country. Health workers clandestinely providing medical care, including to injured protesters, were attacked and arrested by the security forces. According to the WHO, more than 286 attacks on healthcare facilities and personnel took place during the year, accounting for over one third of attacks on healthcare globally. The majority of attacks were attributed to the military, although bomb attacks by unknown assailants against military-run hospitals were also reported. At least 26 health workers were killed and 64 injured during the year.

The military government further undermined the Covid-19 response by confiscating personal protective equipment and already severely limited oxygen supplies in Chin, Kayin and Yangon for use by the military. In July security forces reportedly

opened fire to disperse people queuing for oxygen cylinders in Yangon.

Women and girls faced difficulties in accessing sexual and reproductive healthcare, especially in armed conflict areas. There were reports of displaced women giving birth without access to basic medical services. In several reported cases in Kayah and Shan states, newborn babies of displaced families died due to lack of adequate healthcare and shelter.

## RIGHT TO EDUCATION

Almost 12 million children and young people had no access to formal education due to the combination of Covid-19-related school, college and university closures, armed conflict and the actions of the military authorities. Teachers who participated in the civil disobedience movement were among those arrested and at least 139 teachers had been detained as of the end of November. Schools and other educational facilities were bombed or otherwise attacked by unknown actors. In May alone, at least 103 such attacks were reported. The military occupied schools and university campuses across Myanmar.

## DEATH PENALTY

Military courts sentenced dozens of people, including several children, to death after unfair trials. Many were tried in their absence.

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1. "Myanmar: Vast arsenal and notorious troops deployed during nationwide 'killing spree' protest crackdown", 11 March
  2. "Myanmar: Unbridled destruction of freedoms as Aung San Suu Kyi sentenced", 6 December
  3. "Myanmar: After coup, Myanmar military puts chokehold on people's basic needs", 17 December

## NAMIBIA

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**Republic of Namibia**

Head of state and government: **Hage Geingob**

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**Police repeatedly used excessive force. The use of prolonged and indefinite pre-trial**

detention was exacerbated under Covid-19 restrictions. Gender-based violence remained widespread and LGBTI people faced discrimination. There was a shortage of Covid-19 vaccine supplies. Oil and gas exploration threatened the environment and Indigenous peoples' livelihoods. A commission recommended that the government enact legislation to protect ancestral land rights. The president was implicated in corruption allegations.

## **EXCESSIVE USE OF FORCE**

In April, a man with disabilities was assaulted by police officers before he and his sister-in-law were arrested for violating Covid-19 curfew regulations in Khorixas town. In June, a police officer shot and injured three pre-trial detainees at Rundu police station. In August, a police officer shot and killed two people, including a police officer, in Lüderitz town.

## **DETAINEES' RIGHTS**

The use of prolonged and indefinite pre-trial detention was exacerbated as a result of Covid-19 restrictions. Several detainees had their hearings postponed as correctional authorities imposed a lockdown in prisons; conditions in detention centres and police holding cells remained poor.

## **DISCRIMINATION**

### **WOMEN'S AND GIRLS' RIGHTS**

The tier four Covid-19 lockdown made life especially difficult for those women and girls who were forced to self-isolate with their abusers. In February, the Chief Justice announced that domestic violence court cases had increased sharply in 2020. Child marriage persisted and in January it was reported that a four-year-old's parents had married her to a 25-year-old man when she was only two.

### **LGBTI PEOPLE'S RIGHTS**

LGBTI people remained subject to widespread discrimination. In April, a transgender woman was accused by police of faking her identity to avoid prosecution and

was subjected to transphobic harassment while in custody.

## **ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

### **RIGHT TO HEALTH**

In July, Namibia experienced a third wave of Covid-19 infections, exacerbated by insufficient vaccine supplies and slow vaccine uptake. During the pandemic, access to sexual and reproductive health services was further disrupted.

### **RIGHT TO ANCESTRAL LANDS**

In January, the Commission of Inquiry into Claims of Ancestral Land Rights and Restitution published a report supporting the restitution of ancestral land rights. The commission concluded that land claims demanded by groups and individuals as restitution fell under the broader concept of reparations under international and human rights law. In light of this, it recommended that parliament enact an ancestral land rights claim and restitution law within the next two years, on condition that the process and its outcome be consistent with constitutional, international and human rights law.

### **ENVIRONMENTAL DEGRADATION**

In August, UNESCO's World Heritage Committee registered its concern about oil exploration licences being granted in environmentally sensitive areas in the Kavango river basin, in north-eastern Namibia, to Canadian-based mining company ReconAfrica. This followed the government's confirmation that drilling operations had been successfully concluded on the 6-1 well. Environmental activists and local people organized several petitions and other protests against drilling during the year, but drilling continued. The operations threatened the fragile environment and the livelihoods of local Indigenous peoples.

## **IMPUNITY**

In April, the president was implicated in allegations of corruption involving the country's lucrative fishing industry. Officials were accused of engaging in corrupt practices for which they enjoyed impunity.

# NEPAL

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## **Federal Democratic Republic of Nepal**

Head of state: **Bidya Devi Bhandari**

Head of government: **Sher Bahadur Deuba (replaced Khadga Prasad Sharma Oli in July)**

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**Federal legislation limiting the rights to freedom of expression and privacy remained pending, while provincial governments drafted new bills threatening media freedom. Protesters were detained and security forces continued to use unnecessary and excessive force to disperse protests. The government failed to deliver justice, truth and reparations to victims of the 1996-2006 conflict. Thousands died of Covid-19 amid a severe shortage of vital infrastructure and lack of an adequate response by the government. Gender-based discrimination continued in law and practice. The authorities failed to carry out credible and independent investigations into several deaths in custody, mostly of people from marginalized communities.**

## **BACKGROUND**

Amid disputes within the ruling party, Prime Minister Oli dissolved the lower house of the parliament in May. Calling it an “unconstitutional move”, in July the Supreme Court reinstated the dissolved lower house and ordered the appointment of Sher Bahadur Deuba as the new prime minister.

In October, unseasonal rainfall linked to climate change led to floods and landslides, resulting in more than 100 deaths and displacing more than 1,100 families. The rains affected farmers’ livelihoods and threatened food security, destroying more than 325,000 tonnes of paddy crops, the highest losses on record. The government’s mitigation and relief support was inadequate.

## **FREEDOM OF EXPRESSION AND ASSEMBLY**

The authorities continued to use the Electronic Transactions Act 2006 to arbitrarily detain individuals, including journalists. They

particularly targeted those critical of the government and of the leaders of the ruling party.

In February, the Ministry of Communication and Information Technology drafted social media guidelines that would give the government sweeping powers to regulate social media content and criminalize users’ activities, including the ability to hold people liable for liking, sharing and commenting on posts. Several bills threatening the rights to freedom of expression and privacy remained pending in the federal parliament, and the provincial governments in Bagmati, Gandaki and Lumbini provinces drafted bills that would limit freedom of expression, especially media freedom.

In May, the Office of the Registrar of the Supreme Court summoned two journalists, pressuring them to divulge their sources and to apologize for reporting on an alleged meeting between Prime Minister Oli and Chief Justice Cholendra Shumsher Rana.

In June, 20 civil society leaders were arrested while peacefully protesting against political interference in the Medical Education Commission.

In October, police detained 13 activists who were peacefully demanding impartial investigations into the death of one woman and the disappearance of another in Banke district. Ruby Khan, one of the protesters, was detained by police on trumped-up charges of “polygamy” before the Supreme Court ordered her release.

Also in October, four men died when security forces opened fire to evict protesters in Rupandehi district.

## **RIGHT TO TRUTH, JUSTICE AND REPARATION**

The government continued to fail to deliver truth, justice and reparations to tens of thousands of victims of crimes under international law and other grave human rights violations committed during the 1996-2006 conflict. The Truth and Reconciliation Commission and the Commission of Investigation on Enforced Disappeared Persons, which had respectively

collected more than 60,000 and 3,000 complaints from victims, failed to resolve a single case. By the end of the year, the government had still not amended the Investigation of the Enforced Disappeared Persons, Truth and Reconciliation Commission Act of 2014, as ordered by the Supreme Court in 2014 and 2015, to bring it in line with Nepali and international human rights standards. In July, the government extended the terms of the two Commissions.

## **RIGHT TO HEALTH**

The second wave of Covid-19, which began in April, caused the collapse of the country's fragile healthcare system, resulting in more than 7,000 deaths. The situation was exacerbated by a severe shortage of vaccines, medical facilities and vital hospital supplies including oxygen, ventilators and other life-saving medical equipment, and a lack of adequate preparation by the government. People from marginalized groups such as Dalits and people living in poverty, including daily wage earners, were also hit by the worsening socio-economic situation resulting from the pandemic and related restrictions.

## **TORTURE AND OTHER ILL-TREATMENT**

Torture and other ill-treatment were widespread in pretrial detention to extract "confessions" and intimidate detainees. By the end of the year, there had yet to be any convictions under the 2017 Criminal Code, which criminalized these practices.

Several deaths in custody were reported during the year – mostly of detainees from marginalized Dalit and Madhesi communities. No independent investigations were carried out.

In July, Paltu Ravidas was found dead in the toilet of the Dhanusha District Police Office after being detained by police. In August, a police officer on duty at the time of Paltu Ravidas' death was suspended for six months. In September, Bhim Kamat died in the custody of Morang District Police. In October, Mohammad Hakim Sah and Dhan Bahadur Rana died in the custody of the

Sunsari and Kailali District Police Offices respectively.

The government failed to implement the National Human Rights Commission's (NHRC) recommendations to hold those responsible for human rights violations to account. In July, the government promoted a police officer whom the NHRC had recommended for prosecution over an extrajudicial killing.

## **INDIGENOUS PEOPLES' RIGHTS**

The government failed to reform the National Parks and Wildlife Conservation Act 1973, which does not meet international standards. Indigenous people, evicted from their ancestral lands during the establishment of national parks and conservation areas, remained landless and continued to live in informal settlements facing risks of further forced evictions. The authorities failed to allow their return, or provide them with alternative land and livelihoods, compensation, or access to protected areas for fishing, grazing and gathering food, medicinal herbs and firewood. Farmers whose lands came within the boundary of the Bardiya National Park as a result of the Geruwa river changing its course continued to be denied access to their lands some three decades later.

## **GENDER-BASED DISCRIMINATION**

Gender-based discrimination continued and the government did not reform constitutional provisions which denied women equal citizenship rights. The restrictive provision for statutory limitations for rape in the Criminal Code continued to allow impunity for perpetrators.

In February, the Department of Immigration proposed introducing a policy requiring women below the age of 40 to obtain permission from their families and a recommendation from the local government before travelling internationally. Following widespread public backlash, the Department of Immigration issued a clarification stating that the provision, which had been suggested to prevent trafficking, would only apply to

women travelling to the Gulf and African states for the first time. The policy had not come into force by the end of the year.

## NETHERLANDS

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Kingdom of the Netherlands

Head of state: **Willem-Alexander**

Head of government: **Mark Rutte**

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**Legislation excluding certain documents as evidence in applications for international protection was ruled in violation of EU law. A new bill defining all forms of involuntary sexual penetration as rape was published. The tax authorities used a discriminatory algorithmic system to detect potential fraud in childcare benefits. A court ruled that border police could continue to use racial profiling. The National Coordinator for Counterterrorism and Security was revealed as having illegally monitored activists on social media for years.**

### REFUGEES' AND MIGRANTS' RIGHTS

In June, the European Court of Justice ruled that Dutch legislation – which automatically dismissed subsequent applications for protection as inadmissible when the documents submitted were not authenticated – was not in line with EU law. This ruling makes it possible for rejected applicants for international protection to submit new applications, with the authorities no longer able to refuse to examine such documents.

People seeking international protection in Curaçao, one of the constituent countries of the Netherlands, were detained in inhumane conditions, subjected to ill-treatment and denied their right to seek protection.<sup>1</sup>

### VIOLENCE AGAINST WOMEN AND GIRLS

In March the Minister of Justice and Security published a new draft of the Sexual Offences Act which proposed that all involuntary sexual penetration would be defined as rape. By year's end the proposal had still not been submitted to parliament, however, and civil society expressed concern at the minister's

suggestion that the bill may not be implemented until 2024.

### DISCRIMINATION

#### ALGORITHMS

The tax authorities were exposed as utilizing a discriminatory algorithmic system to detect inaccurate and potentially fraudulent applications for childcare benefits. Tens of thousands of people were falsely accused of fraud and were compelled to repay large sums of money. This led to devastating problems for the families, ranging from debt and unemployment to forced evictions and health issues. In particular, people with a migrant background and from low-income households were disproportionately affected as information on whether an applicant had Dutch nationality was used as a risk factor in the algorithmic system and the algorithms assigned people on lower incomes a higher risk score.<sup>2</sup>

#### RACIAL PROFILING

Law enforcement agencies continued to use racial profiling, although the government denounced the practice in principle. In September the District Court of The Hague ruled that ethnicity could be used along with other criteria in deciding whether to stop an individual against whom there was no suspicion of any wrongdoing. A civil society coalition including Amnesty International had filed the lawsuit seeking to challenge racial profiling.<sup>3</sup>

### RIGHT TO PRIVACY

In April, journalists revealed that the National Coordinator for Counterterrorism and Security had been monitoring activists on social media for years. The Coordinator collected, analysed and shared their personal data without a legal basis or the activists' consent, using fake profiles. After the revelations, the Minister of Justice proposed a controversial and far-reaching bill through which the government urgently sought to continue online surveillance. Amnesty International urged the ministry to address the human rights impact of such surveillance and enshrine human rights protection in law.

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1. Netherlands: Still no Safety: Venezuelans Denied Protection in Curaçao (Index: EUR 35/4724/2021), 11 October
  2. "Netherlands: Dutch childcare benefit scandal an urgent wake-up call to ban racist algorithms", 25 October
  3. "Netherlands: Court allows racial profiling", 22 September

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## NEW ZEALAND

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### New Zealand

Head of state: **Elizabeth II, represented by Cynthia Kiro (replaced Patricia Lee Reddy in October)**

Head of government: **Jacinda Ardern**

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**Criminal detention facilities continued to be used to detain people seeking asylum. Official investigations highlighted ongoing concerns about conditions in detention and prison facilities. Following evidence of human rights violations in a women's prison, the government issued an apology and ordered improvements. Reviews of childcare and protection services continued.**

### REFUGEES' AND MIGRANTS' RIGHTS

Asylum seekers continued to be detained solely on immigration grounds. Research revealed that asylum seekers experienced a number of human rights violations while detained.<sup>1</sup> In July, the government announced an independent review into the practice of detaining asylum seekers in criminal detention facilities solely on immigration grounds.

### DETAINEES' RIGHTS

Prisoners at a high security facility at Waikeria Prison held a protest which ended in January. The detention conditions in this prison had caused concern for many years.

In May, the Chief Ombudsman announced an investigation into the Department of Corrections' response to repeated calls for reform to improve conditions for detainees. In June, the Office of the Ombudsman published inspection reports of Christchurch Men's Prison and Whanganui Prison highlighting the "undignified and barren conditions of prisons".

Reports into Auckland Women's Correctional Facility detailed serious human rights concerns. In February, a District Court Judge found the practice of requiring prisoners to lie down on the floor in order to receive meals was "excessive, degrading and fundamentally inhumane". The judge also found the use of pepper spray against a woman alone in her cell, unarmed and faced by six officers in full body armour, to be excessive use of force. Following this case, the Minister of Corrections issued an official public apology in March and ordered a programme of work, largely focused on women's prisons.

In October, a report by the Office of the Inspectorate into women in prisons stated, among other concerns, that "generally, women's prisons are not therapeutic environments conducive to rehabilitation and reintegration".

### CHILDREN'S RIGHTS

In April, the Waitangi Tribunal reported on the significant disparity between the number of Māori and non-Māori children being taken into state care, and that these disparities were a direct consequences of Crown intrusion. The Tribunal recommended that "the Crown steps back from further intrusion into what was reserved to Māori under Te Tiriti [o Waitangi] / the Treaty [of Waitangi], and allow Māori to reclaim their space".

In June, the Office of the Children's Commissioner released reports raising serious concerns about the safety and well-being of children in the Epunu childcare and protection residence.

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1. [Aotearoa New Zealand: Please Take Me to a Safe Place: The Imprisonment of Asylum Seekers in Aotearoa New Zealand \(Index: ASA 32/4113/2021\)](#), 18 May

# NICARAGUA

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## Republic of Nicaragua

Head of state and government: **Daniel Ortega Saavedra**

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**Nicaragua's human rights crisis persisted. Journalists, human rights defenders and health workers continued to face a hostile environment. Political activists, human rights defenders and journalists were frequently arbitrarily detained. Violence against Indigenous peoples persisted. The government failed to provide accurate information about the Covid-19 pandemic.**

## BACKGROUND

President Ortega's fourth consecutive term of office was announced following elections in November that were widely condemned by the international community due to the severe restrictions on civil and political rights. In November, Nicaragua denounced the OAS Charter.

## FREEDOM OF EXPRESSION

In May, authorities began a legal investigation into the Violeta Barrios de Chamorro Foundation, one of the main organizations working on press freedom, for money laundering-related charges. In June, the director of the Foundation, a presidential hopeful, was arrested; she remained in detention at the end of 2021.

The headquarters of the online magazine *Confidencial* and the television programme *Esta Semana* were raided in May and the director was forced back into exile. In June, two journalists, Miguel Mora and Miguel Mendoza, were arrested; they remained held at the end of the year.

As of August, the Public Prosecutor's Office had summoned for questioning more than 25 media workers who had collaborated with the Violeta Barrios de Chamorro Foundation. Several journalists reported being threatened during interviews with criminal charges, including under the Special Law on Cybercrime.

The newspaper *La Prensa* was raided and its property seized in August. The general manager was detained on money laundering-related charges. The NGO Reporters Without Borders called for his immediate release, however, he remained in jail at the end of the year.

During the year, the hostile environment and the continuous attacks by authorities also led a number of journalists to flee the country.

## HUMAN RIGHTS DEFENDERS

Human rights defenders and NGOs continued to face an extremely hostile environment.

During the year, the legal registration of at least 45 NGOs was rescinded. NGOs whose registration had been cancelled since 2018 by the National Assembly were not reinstated and their confiscated assets were not returned.

Human rights defenders were criminalized and arbitrarily detained; some remained held at the end of the year. Women human rights defenders reported suffering police harassment, criminalization, smear campaigns and threats.

At least two human rights defenders were charged under the Special Law on Cybercrimes and others were reportedly subjected to harassment, surveillance and threats.

## ARBITRARY DETENTION

Arbitrary detentions remained part of the state strategy of repression. By December, local organizations reported that 160 people detained solely for exercising their rights since the 2018 protests started remained in prison. Precarious detention conditions, ill-treatment and incommunicado detention were reported by detainees' relatives who were unable to see them regularly. Women's rights organizations reported that some of the women detained during the year were arrested with violence sometimes in front of their children, and remained detained in very precarious conditions. Some relatives of detainees reported harassment, including



barriers to travelling abroad and criminal prosecution.

The Inter-American Court of Human Rights granted provisional measures in favour of a number of detainees and ordered their release. However, authorities failed to comply with the Court's rulings.

Authorities arbitrarily detained, forcibly disappeared and prosecuted political opponents and presidential hopefuls.<sup>1</sup> Days before and during the elections, the Inter-American Commission on Human Rights (IACHR) received information on increased police harassment, threats and arbitrary detentions against opposition leaders, human rights activists, members of civil society organizations and journalists.<sup>2</sup>

## ENFORCED DISAPPEARANCES

Between the end of May and November, authorities detained at least 39 people they considered government opponents, including seven presidential hopefuls. Some were victims of enforced disappearance – their fate or whereabouts were unknown for weeks or months.<sup>3</sup>

## INDIGENOUS PEOPLES' RIGHTS

Local NGOs and communities reported the presence of and attacks by non-Indigenous settlers on their lands. Some of the attacks resulted in the deaths of Indigenous people.

During August, an attack by non-Indigenous settlers against a community in the Mayangna Sauni As territory resulted in the deaths of at least nine Indigenous people.

In September, the IACHR detailed a number of reports of Indigenous communities on the northern Caribbean coast being the victims of kidnappings, killings, sexual assaults, threats and arson attacks on their homes.

In October, the UN Committee on Economic, Social and Cultural Rights expressed concern regarding allegations that authorities had promoted the creation of parallel governments to supplant the chosen representatives of Indigenous peoples.

## RIGHT TO HEALTH

In February, the OHCHR expressed concern about the lack of disaggregated data regarding Covid-19 infection among Indigenous peoples and Afro-descendant communities and of information on specific measures to protect them.

In August, the Pan American Health Organization reported that it could not assess the state of the pandemic in Nicaragua because of the lack of official information.

Ignoring international guidelines from the WHO, Nicaragua did not prioritize health workers at the start of its Covid-19 vaccination programme. Some media reports stated that government supporters were prioritized for vaccination, regardless of their risk profile for Covid-19.<sup>4</sup>

Harassment and threats against health workers who criticized government policies or informed the public about the pandemic continued. In July, the Vice-president publicly called them “fake doctors” and some were forced to flee the country for their own safety.

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1. “Nicaragua: Strategy of repression in the run-up to elections continues relentlessly”, 6 July
  2. “Nicaragua: Announcement of Ortega’s re-election augurs a terrible new cycle for human rights”, 8 November
  3. Nicaragua: Where Are They?: Enforced Disappearance as a Strategy of Repression (Index: AMR 43/4631/2021), 25 August
  4. “Prison, economic ruin, repression and exile: the price Nicaragua’s health workers pay for doing their jobs”, 14 September

## NIGER

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### Republic of Niger

Head of state: **Mohamed Bazoum (replaced Mahamadou Issoufou in April)**

Head of government: **Ouhoumoudou Mahamadou (replaced Brigi Rafini in April)**

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**Armed groups continued to commit human rights abuses, including war crimes. The Islamic State in the Greater Sahara launched several attacks against civilians in Tillabéri region, while humanitarian access to communities was restricted by administrative measures. The lack of**

**security further affected women's and children's rights, the right to education and the right to health, while the rights of refugees and migrants continued to be violated. Internet shutdowns and other violations of freedom of expression were documented.**

## **BACKGROUND**

The election of President Mohamed Bazoum in February was followed over several days by widespread protests, at times violent.

Self-defence groups emerged in northern Tillabéri and eastern Tahoua (Tillia commune) in response to killings by the Islamic State in the Greater Sahara (ISGS).

The humanitarian situation remained critical, due to continued situations of armed conflict mainly in the Lake Chad and the Tillabéri regions. By December, UNHCR, the refugee agency, had established that 264,257 people were internally displaced due to the violence, along with 249,816 refugees from neighbouring countries.

## **ABUSES BY ARMED GROUPS**

The conflict in the west of Niger escalated, with a surge of attacks by the ISGS and other armed groups against civilians mainly in the Tillabéri region. The attacks targeting civilians or carried out indiscriminately constitute war crimes.<sup>1</sup>

On 2 January, the ISGS attacked the villages of Tchoma Bangou and Zaroum Darey (Tillabéri region), killing at least 103 civilians. ISGS launched another attack on 15 March against traders between Banibangou and Sinégodrar (Tillabéri region), resulting in 58 deaths. This was followed on 21 March by attacks against villagers and Malian refugees in the Tillia commune (Tahoua region), in which 137 people were killed, according to the government. Among these victims, 29 were children, including three girls.

ISGS officially claimed these attacks in May, justifying them by the emergence of pro-government militias in these communes. According to the Armed Conflict Location and Event Data Project, ISGS was responsible for 66% of all deaths from organized violence in

Niger, and 79% of attacks targeting civilians during the first half of the year.

In August, unidentified gunmen attacked the village Darey Dey (Tillabéri region), killing 37 people, including 14 children.

Armed groups also destroyed state infrastructure and burned granaries.

## **CHILDREN'S RIGHTS**

Children's rights were seriously affected in Niger due to lack of security, among other factors. By September, at least 60 children had been killed during attacks on villages by ISGS and other armed groups. The Group for the Support of Islam and Muslims (GSIM) recruited children in several communities in Torodi department (Tillabéri region).

In May, an attack by a faction of the ISGS in Tillia (Tahoua region) led to mass displacement and the kidnapping of four boys.

## **RIGHT TO EDUCATION**

Armed groups including Boko Haram, the ISGS and the GSIM continued to prohibit "Western" education and to commit war crimes by attacking schools, denying children the right to education. By May, around 700 teachers were no longer at their posts in Tillabéri region, and by June, 377 schools had closed nationwide. At least 31,728 pupils, including 15,518 girls, were not attending school, according to UNICEF and government sources.

According to UNICEF, as of June over 50% of children aged seven to 16 were not enrolled in school in Niger.

## **WOMEN'S AND GIRLS' RIGHTS**

The rights of women and girls continued to be routinely violated, particularly in the context of the armed conflict. The influence of customary law meant that child marriage continued to remain prevalent.

In April, members of the Chadian contingent of the G5 Sahel threatened several women and girls and raped three of them, including an 11-year-old girl in Tera (Tillabéri region). The soldiers were repatriated and an

investigation was announced by the G5 Sahel.

GSIM and ISGS continued to restrict the freedom of movement of women and girls in the departments bordering Mali and Burkina Faso, and pressured women and girls in these communities to marry.

## **EXCESSIVE USE OF FORCE**

In November, a French military convoy was stopped in Tera by protesters challenging French military presence in the Sahel. At least three protesters were killed and more than 12 injured when shots were fired to disperse the crowd. An investigation was announced by the Nigerien authorities following the incident.

## **IMPUNITY**

The judicial authorities failed to investigate and prosecute the enforced disappearances and extrajudicial executions by the military of 72 civilians in Ayorou department (Tillabéri region) in March/April 2020. This was despite an investigation by the National Human Rights Commission which concluded that the military was responsible for these crimes.

## **DENIAL OF HUMANITARIAN ACCESS**

Authorities imposed military escort on humanitarian convoys, especially in departments bordering Mali and Burkina Faso. Convoys were sometimes turned back by the authorities citing security reasons.

In May, a new decree was promulgated giving increased powers to regional authorities in determining the conditions for humanitarian access and aid delivery in departments where armed groups operated and contributed to improvements in the delivery of aid.

In May, the UN Office for the Coordination of Humanitarian Affairs said that 500,000 people in Tillabéri region needed humanitarian assistance.

## **REFUGEES' AND INTERNALLY DISPLACED PEOPLE'S RIGHTS**

The rights of refugees and internally displaced people were violated by parties to

the conflict. In March, the ISGS attacked settlements inhabited by Malian refugees in Intikane (Tahoua region), killing dozens of people.

After around 10,000 people were displaced from the Anzourou department in Tillabéri city due to attacks and threats by the ISGS, they were blackmailed by the authorities into returning to their settlements in May. According to humanitarian sources, the authorities threatened them with the denial of humanitarian aid if they stayed away.

## **RIGHT TO HEALTH**

The conflict significantly undermined people's access to healthcare in Tillabéri region. Armed groups looted health facilities and the authorities restricted movement by civilians, impeding their access to aid. Immunization rates plummeted and diseases such as measles were on the rise, according to humanitarian sources.

As of December, a total of 971,636 vaccine doses against Covid-19 had been administered and 464,000 people had received two doses (1.9% of the population).

## **FREEDOM OF EXPRESSION AND OF PEACEFUL ASSEMBLY**

In reaction to post-electoral protests by the opposition in Niamey, the authorities imposed an internet shutdown for several weeks in February/March.

The authorities continued to judicially harass journalists reporting on public affairs. Moussa Aksar, an investigative journalist and editor of *L'Évènement* newspaper, was convicted of defamation in May after a series of articles from September 2020 that covered the misappropriation of public funds from the Ministry of Defence between 2017 and 2019. He was fined 200,000 XOF (US\$362) and ordered to pay 1 million XOF (US\$1,810).

The authorities continued to target journalist Samira Sabou after she reposted a March report by the Global Initiative Against Transnational Organized Crime, which alleged that a drug seizure made by the authorities in Niger, had been returned to members of a narcotics cartel a few weeks later. She was

prosecuted in September for “defamation” and “diffusing information to disturb public order” under the 2019 Cybercrime law.

In December, five members of the civil society organization Tournons La Page-Niger (TLP-Niger) were arrested for illegal gathering after the group organized a taxi caravan to raise awareness about the human rights situation in Niger. All five were provisionally released two days later.

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1. Niger: “I have nothing left except myself”: The worsening impact on children of conflict in the Tillabéri region of Niger (Index: AFR 43/4627/2021), 13 September

## NIGERIA

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### Federal Republic of Nigeria

Head of state and government: **Muhammadu Buhari**

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**Armed groups and the security forces continued to commit crimes under international law and serious human rights violations in north-eastern Nigeria. Armed groups abducted and killed hundreds of civilians. Government forces also carried out indiscriminate attacks against civilians during counter-insurgency efforts. Throughout the year, the Borno state governor carried out forced resettlements of internally displaced people (IDPs) and closures of IDP camps. More than 3,494 people died in inter-communal violence and bandit attacks, and more than 5,290 people were abducted for ransom by bandits and other gunmen. The rights to freedom of expression and peaceful assembly and association were routinely violated. Journalists and activists were arrested or questioned for exercising their right to freedom of expression. Law enforcement agents used excessive force to disperse protests, sometimes leading to deaths. Hundreds of people who demonstrated against the security forces in 2020 remained in detention. The right to health was undermined by the authorities and health workers resorted to strike action.**

**The authorities forcibly evicted thousands of people from their homes.**

### BACKGROUND

The armed groups Boko Haram and the Islamic State of West Africa Province (ISWAP) ambushed, injured and killed many members of Nigeria’s security forces. At least 31 soldiers were killed by ISWAP on 26 April in Mainok, Borno state.

Inter-communal violence, mostly between herders and farming communities, as well as attacks by bandits escalated, resulting in more than 3,494 deaths and thousands of displacements. Over 5,290 people, including foreign nationals working on quarry sites, were abducted for ransom by bandits and other gunmen. More than 93 people were killed on 12 June by gunmen who attacked Kadawa village, Zurmi Local Government Area (LGA), Zamfara state.

Educational institutions were also targeted by gunmen, forcing school closures in the north. At least 855 students were abducted for ransom in seven states in 10 separate attacks. Most of the students were freed after ransoms were paid; however, some were killed by their abductors and others died in crossfire during attacks.

Throughout the year, some nationwide Covid-19 restrictions remained in place.

### VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW

#### ABUSES BY ARMED GROUPS

Armed groups, including Boko Haram and ISWAP, continued to commit war crimes and crimes against humanity in North East Nigeria, killing and abducting civilians, looting property, and committing rape and other sexual violence against women and girls. They carried out at least 30 attacks, causing more than 123 civilian deaths.

On 3 January, at least 50 people including an aid worker were abducted while travelling along the Maiduguri-Damaturu way. On 23 February, at least 16 people were killed and 47 injured when Boko Haram fired rocket-propelled grenades on parts of Maiduguri, Borno state.

Boko Haram targeted recently resettled families, killing at least eight returnees and injuring 14 on 30 August in Ajiri, Mafa LGA, Borno state.

Aid workers and humanitarian facilities were targeted by armed groups during attacks. On 3 March at least seven aid workers were abducted and their offices burnt by ISWAP in Dikwa LGA, Borno state. Those abducted were released on 14 June, alongside other civilians.

On 11 April the UN suspended its aid operations in Damasak, Borno state, because of attacks on aid workers and humanitarian facilities. About 65,000 people, including internally displaced people and locals, fled Damasak following the renewed attacks by ISWAP in April.

### **SECURITY FORCES**

The Nigerian security forces intensified counter-insurgency operations in North East Nigeria. Gross human rights violations and crimes under international law – including extrajudicial executions, enforced disappearances, arbitrary arrests and incommunicado detentions – were recorded during the security forces' response to threats by Boko Haram and ISWAP.

On 15 September, nine people were killed and several injured during a military air strike in Buwari village, Yunusari LGA, Yobe state. The military said it had hit the village accidentally.

On 14 July, 1,009 Boko Haram suspects who had been detained incommunicado were cleared and released to the Borno state government pending resettlement.

Following the death of Boko Haram leader Abubakar Shekau on 19 May, thousands of Boko Haram members, including teenagers, voluntarily surrendered to security forces alongside their families. On 28 July, one of the remaining Chibok schoolgirls, abducted in 2014, returned to the custody of the Nigerian military with her children and husband. Another abducted Chibok schoolgirl returned on 14 August with her two children.

## **FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY**

On 4 June, the authorities suspended Twitter after the site deleted a controversial tweet from President Buhari for violating its community rules. President Buhari had threatened to deal with troublemakers in Nigeria using “the language they understand,” referencing the 1967-1970 civil war in which millions of Nigerians were killed. Twitter and other social media platforms were then ordered to register in Nigeria and comply with local regulations before they are licensed to operate.

At least eight people were killed on 28 September during a crackdown by security forces on members of the Islamic Movement of Nigeria who were embarking on the Arba'een, an annual symbolic religious trek, in the capital, Abuja.

In September, the Ebonyi state government signed the state Cybercrime Prohibition bill into law. In October, Godfrey Chikwere, a journalist, was arrested by the police for social media posts that allegedly violated the state's Cybercrime Prohibition Law.

### **ACTIVISTS AND PROTESTERS**

On 12 June, police fired tear gas and shot live bullets into the air to disperse protesters in Lagos and Abuja.

On 4 July, activists Larry Emmanuel, Anene Victor Udoka, Samuel Gabriel, Henry Nwodo and Ben Mannaseh were arbitrarily arrested and detained for 30 days by Nigeria's secret police, the Department of State Services (DSS). They had been beaten by private security officers at a church in Abuja for wearing t-shirts with the slogan #BuhariMustGo, and were subsequently handed over to the DSS.

Prisoners of conscience Agba Jalingo, Omoyele Sowore and Olawale Bakare continued to face trumped-up charges and prolonged trials for organizing peaceful protests to demand good governance in Nigeria.

Mubarak Bala, president of the Humanist Association of Nigeria, remained in detention following his arrest by Kano state Police Command officers in 2020 on allegations that

he had insulted the Prophet Muhammad on Facebook. Yahaya Sharif-Aminu, a musician, remained in detention following a death sentence for blasphemy handed down in 2020 by the Upper Shari'a Court in Kano.

### **JOURNALISTS**

On 7 July, Nigeria's media regulatory agency the National Broadcasting Commission asked broadcast stations in Nigeria not to report the details of attacks by bandits and insurgents in the country. On 12 July, media organizations in Nigeria staged a campaign tagged "Information Blackout" to protest against the proposed National Press Council bill and the application of some parts of the existing National Broadcasting Commission (Media) Act. The two pieces of legislation, which were under consideration by the National Assembly, threatened to tighten regulation and undermine access to information.

On 28 August the DSS summoned television hosts Chamberlain Usor and Kayode Okikiolu for questioning in relation to comments made by Samuel Ortom, governor of Benue state, during a live interview on Channels Television. The authorities alleged that the governor's comments were "inciting, divisive and unfair".

### **ARBITRARY ARRESTS AND DETENTIONS**

At least 300 protesters remained in detention a year after the #EndSARS protest against the Nigerian security forces. Kemisola Ogunniyi, an 18-year-old woman who gave birth during her eight-month detention, was granted bail on 25 June.

Three Israeli film makers, Rudy Rochman, Noam Leibman and David Benaym, were arrested and detained by the DSS for 20 days without trial in inhumane conditions after they were accused of having links with the banned group Indigenous People of Biafra (IPOB).

Despite a court order granting her bail, Gloria Okolie remained in detention following her arrest by the police on 17 June on suspicion of being the friend of a wanted man. Her lawyers and family alleged that she was ill-treated in detention.

### **TORTURE AND OTHER ILL-TREATMENT**

Torture and other ill-treatment remained pervasive within the criminal justice system. The police, military and DSS continued to subject detainees to torture, as well as other cruel, inhuman or degrading treatment.

Kubiat Akpan was tortured to death within hours of his arrest by police on 29 August in Uyo, Akwa Ibom state.

### **ENFORCED DISAPPEARANCES**

In the course of the year, Amnesty International received credible reports that security agencies, including officials from the police and DSS, carried out arbitrary detentions and kept detainees incommunicado. At least 200 people – including former militants from the Niger Delta region, members of IPOB, #EndSARS protesters and security suspects – were believed to have been subjected to unresolved enforced disappearance during the year.

### **EXCESSIVE AND UNNECESSARY USE OF FORCE**

Security agencies used excessive force to disperse peaceful protests and assemblies. On 20 September, Davou Bulus Bashi was shot dead by security officials while peacefully protesting with other students of Plateau state Polytechnic, Barkin Ladi LGA, against the postponement of their exams.

On 13 February, police arrested around 20 protesters at Lekki Toll Gate in Lagos after activists staged a protest against the reopening of the toll gate following the killing of protesters at the venue in October 2020.

### **EXTRAJUDICIAL EXECUTIONS**

Nigerian security forces killed at least 115 people and committed numerous other human rights violations and crimes under international law in response to increasing violence and killings of their officers in south-eastern Nigeria. Their repressive campaign also included mass arrests, excessive and unlawful force, and subjecting detainees to torture and other ill-treatment.

In May, DSS operatives stormed the house of Sunday Ighoho, a Yoruba activist, killing two of his supporters and arresting 13 others.

## **FORCED EVICTIONS**

Forced evictions continued unabated despite the Covid-19 pandemic. On 10 and 13 July, more than 400 homes in Iddo Sarki community, Abuja, were demolished by staff of the Federal Capital Development Authority and personnel from the police, army, Security and Civil Defence Corps and other security agents. Residents were tear-gassed by security agents. University of Abuja students who were renting apartments in the community returned from lessons to find their accommodation and belongings in ruins. The homes were demolished without genuine consultation with affected communities, adequate written notice, or provision of alternative accommodation.

On 11 and 12 August, hundreds of houses in Mpape community, Abuja, were demolished by staff of the Federal Capital Territory Ministerial Committee on City Sanitation, personnel from the police, army, Nigeria Security and Civil Defence Corps and other security agents, without following human rights and procedural safeguards for evictions. The demolitions not only violated people's right to adequate housing but also negatively impacted their livelihoods. Threats of further forced evictions by the authorities remained in communities across the country.

## **WORKERS' RIGHTS**

### **HEALTH WORKERS**

Resident doctors in government-owned hospitals went on strike over their welfare, unfair remuneration, poor working conditions, inadequate health infrastructure and equipment, and unpaid salaries, among other concerns.

On 24 June, doctors in government-owned hospitals in Ondo state embarked on a three-month industrial action. On 2 August, resident doctors embarked on a nationwide industrial action which was suspended on 4 October.

## **CHILDREN'S RIGHTS**

Access to education was limited for tens of thousands of children due to the authorities' ongoing failure to protect schools from attacks by insurgents and other armed groups. Further mass abductions of schoolchildren resulted in hundreds of children killed, raped, forced into "marriages" or forced to join Boko Haram. Children were abducted from Kagara, Jangebe, Afaka, Kasarami, Tegina and other communities across northern Nigeria, resulting in hundreds of schools being closed, with serious consequences for young people in a region already facing extreme insecurity.

## **VIOLENCE AGAINST WOMEN AND GIRLS**

In August, a Federal High Court in Abuja delivered judgment in favour of women who were subjected to sexual and gender-based violence by agents of the Federal Capital Territory Administration in the so-called "Abuja raids". Damages were awarded to the survivors. The court also issued an injunction restraining law enforcement agencies from further acts of violence against women.

In September, state governor Ahmad Fintiri signed the Violence Against Persons Prohibition Bill into law in Adamawa state. In December, Imo and Cross River state governors signed into law their states' Violence Against Persons Prohibition Bills.

The Akwa Ibom state House of Assembly passed a bill to provide free medical care for survivors of sexual abuse.

Lagos state governor Babajide Sanwo-Olu upgraded the Lagos state Domestic and Sexual Violence Response Team (DSVRT) into an agency. The DSVRT is charged with combating sexual and domestic violence in Lagos state.

## **LGBTI PEOPLE'S RIGHTS**

The Taraba state House of Assembly passed the Violence and Discrimination Against Persons Prohibition Bill (2021) into law. It included a provision for life imprisonment for transgender people.

## INTERNALLY DISPLACED PEOPLE'S RIGHTS

In October, the governor of Borno state announced a plan to close all IDP camps by 31 December. During the year, some IDP camps in Maiduguri were forcefully closed and internally displaced people were resettled in areas that continued to suffer attacks from Boko Haram.

## DEATH PENALTY

Courts continued to issue death sentences; no executions were carried out. In February the Jigawa state governor signed into law a bill allowing death sentences to be handed down for rape cases. The newly passed Taraba state law on Violence and Discrimination Against Persons included a provision imposing the death penalty for the rape of a child.

In July, the minister of the interior called on state governors to sign the death warrants of the 3,008 prisoners awaiting execution, as part of measures to reduce prison populations nationwide.

# NORTH KOREA

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**Democratic People's Republic of Korea**

Head of state: **Kim Jong-un**

Head of government: **Kim Tok-hun**

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**Freedom of movement, both internationally and domestically, was almost completely curtailed by the government's response to the Covid-19 pandemic. Widespread shortages of medicine and food negatively affected the right to health. Other fundamental rights, including freedom of expression, remained severely limited. The government increased its participation in international forums by sending representatives to global events, particularly those concerning economic, social and cultural rights.**

## BACKGROUND

North Korea remained effectively cut off from the rest of the world after ever more

draconian restrictions were imposed, ostensibly to prevent the spread of Covid-19. The country did not participate in the Olympic Games in Japan due to the pandemic.

Despite ongoing strict economic sanctions and UN prohibitions, North Korea continued to test missiles, firing a long-range cruise missile in September and submarine-launched ballistic missiles in October. Relations with South Korea remained tense.

Serious flooding in South Hamgyong province in August and unusually high temperatures in July compounded an already precarious food security situation. Malnutrition remained a concern.

## FREEDOM OF MOVEMENT

North Korea remained effectively sealed off from the outside world throughout 2021, the second consecutive year in which the government closed borders to prevent the spread of Covid-19. The train service between North Korea and China was suspended both for passengers and freight.

Security on North Korea's long land border with China remained tight. An order allowing security forces to "unconditionally" shoot anyone attempting to cross the border without authorization remained in effect.

By the end of the year, at least 63 North Koreans (23 women, 40 men) had defected to South Korea, the lowest number since 2003 when official records were first made public.

Domestic travel became increasingly difficult due to Covid-19; in addition to pre-existing restrictions, special permits were required for travelling between provinces.

## RIGHT TO HEALTH

Regular statistics provided by the government to the WHO indicated that there were no Covid-19 infections and no deaths during the year. However, this was contradicted by unofficial sources who reported high numbers of infections and deaths, and cremations taking place before the cause of death could be determined. The true situation remained unclear.



The COVAX initiative made repeated offers to provide vaccine assistance. An initial offer in March of 2 million doses was turned down, apparently for fear of possible side effects. The North Korean leadership also suggested that other countries had a greater need. In November, a further offer of more than 4 million doses was made. According to the WHO, as of November North Korea was one of only two countries globally with no vaccination programme in operation.

Restrictions imposed by the government to curb the spread of Covid-19 led to families being quarantined at home for several weeks with no support from the authorities to ensure adequate food supply.<sup>1</sup>

Medicines became more scarce than usual due to border closures and sanctions. The WHO and UNICEF were permitted to ship some medicines into North Korea.

The national healthcare system remained fragile and unable to meet people's medical needs.<sup>2</sup> Despite government warnings of punishment, there were reports of people using illicit drugs such as methamphetamine and opium to deal with chronic pain.<sup>3</sup>

## **RIGHTS TO FOOD, WATER AND SANITATION**

Food insecurity remained a serious problem, exacerbated by closed borders and extreme weather events.<sup>4</sup> In June, leader Kim Jong-un acknowledged difficulties meeting grain production targets.

After border closures and the cutting of all train links with China, food imports reportedly disappeared, both through government-controlled trading and the unofficial "grey" market. Prices for staples such as rice, corn and oil tripled in some areas.

According to UNICEF's 2021 child nutrition report, almost one in five North Korean children suffered from moderate to severe growth stunting. While this was an improvement on previous years, concerns remained that food insecurity would reverse this trend.

## **REPRESSION OF DISSENT**

Freedom of expression, including open criticism of the authorities or leadership, was non-existent.<sup>5</sup> In October, the UN Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea reported on a "widespread awareness that anyone believed to be a political threat to the current political system and the leadership... continues to be sent to *Kwanliso* [political prison camps]."

Severe punishments, including years of "reform through labour", were imposed on those who broke the Reactionary Thought and Culture Denunciation Law, issued in December 2020. The law criminalized those who "encountered illegal foreign culture", including South Korean dramas, films and songs. Unconfirmed reports indicated that several people were executed after viewing and distributing films and other culture from abroad, and that death sentences continued to be imposed and executions carried out widely.

Mobile phone subscribers increased to 6 million (out of a population of about 25 million). Surveillance also increased, particularly in border areas, to identify those accessing international mobile phone services including China's communication networks to make international calls, including to South Korea. Internet access remained restricted to a very small ruling elite.

## **ARBITRARY ARRESTS AND DETENTIONS**

Despite several reports that human rights violations had partially reduced in some detention facilities, treatment of detainees still appeared to be harsh.<sup>6</sup>

Beatings and other torture or ill-treatment during investigations continued to be reported in detention facilities under the Ministry of State Security. Conditions in detention facilities under the Ministry of Social Security remained poor, with reports of forced labour, inadequate food and medical care, and verbal abuse.

## KWANLISO

Four *Kwanliso* were known to remain in operation although their existence was denied by the authorities. Up to 120,000 detainees were believed to be held and subjected to forced labour, torture and other ill-treatment.

## ECONOMIC, SOCIAL AND CULTURAL RIGHTS

### WORKERS' RIGHTS

Wages in state-run factories remained very low. Some workers in state-run factories and other enterprises, where the pay is significantly lower than the cost of living, resorted to bribing officials in an effort to exchange their designated working hours for better paid work elsewhere, including in the grey economy.<sup>7</sup>

### RIGHT TO FREE CHOICE OF EMPLOYMENT

The “Songbun” system of “ascribed status” remained in place, dictating educational, political and professional mobility for all North Koreans. Children of farmers were often obliged to take over their parents’ jobs. Some parents reportedly resorted to bribery or powerful contacts to give their children the opportunity to change careers.

### CHILD/FORCED LABOUR

State media claimed that orphans “volunteered” en masse to take jobs in unpopular and dangerous manual labour professions, including mining.

### INTERNATIONAL ENGAGEMENT

North Korea participated in several international forums related to economic, social and cultural rights. In July, it participated in the UN High-level Political Forum and presented a Voluntary National Review for the first time, effectively agreeing to implement the Sustainable Development Goals. In November, North Korea participated in the COP26 UN Climate Change Conference.

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1. “Isolation and human rights violations in North Korea’s response to infectious diseases”, (Korean only), 31 May
  2. “Recent health care in North Korea”, (Korean only), 30 September

3. “Drugs have become a part of everyday life in North Korea” (Korean only), 31 October
4. “North Korea’s food shortage and the right to food”, (Korean only), 30 July
5. “Silent society – Suppressed freedom of political expression in North Korea”, (Korean only), 31 December
6. “Blind spots for human rights, detention facilities in North Korea”, (Korean only), 30 June
7. “Poor labour rights in North Korea”, (Korean only), 10 February

## NORTH MACEDONIA

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### Republic of North Macedonia

Head of state: **Stevo Pendarovski**

Head of government: **Dimitar Kovačevski (designate)**  
**(replaced Zoran Zaev in December)**

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**Former government officials were brought to account. Conditions for detainees and prisoners failed to meet international standards. Hate speech was directed at ethnic minorities and LGBTI people, as well as women and girls, who were not protected from gender-based violence. Discrimination persisted against Roma and Albanians.**

### BACKGROUND

The country’s efforts towards EU membership were blocked by Bulgaria, in a dispute over language, culture and Macedonia’s failure to recognize Bulgarian ethnicity. This – along with the failure to implement domestic reforms and poor local election results – contributed to Zoran Zaev’s resignation in December.

### ACCOUNTABILITY

Investigations continued into alleged serious crimes, including human rights violations, by former government ministers and officials.

Sašo Mijalkov, former head of the secret police, and 10 former police officers and employees were convicted in February for offences arising from widespread unlawful wire-tapping revealed in 2015.

In June, the former parliamentary speaker and two ministers were convicted for their role in organizing the April 2017 storming of parliament, when 100 people, including members of parliament, were injured.

## **TORTURE AND OTHER ILL-TREATMENT**

In February, the European Court of Human Rights (ECtHR) struck out two complaints of suspicious prison deaths in 2017, after the government agreed a €12,000 settlement with the parents of a Roma man and with the sister of another. In both cases, ill-treatment was suspected.

In May the European Committee for the Prevention of Torture, following their 2020 visit, highlighted the chronic ill-treatment of suspects by police officers and other violations of detainees' rights. They also criticized the authorities' persistent failure to address systemic failings in prisons, including ill-treatment and inhumane and degrading conditions.

## **FREEDOM OF EXPRESSION**

In December journalists and media workers urged the government to adopt measures announced in July increasing penalties for the increasing number of attacks on journalists and reducing fines for defamation.

## **FREEDOM OF ASSEMBLY**

During a protest calling for accountability for the deaths of 14 people in a fire in a Covid-19 unit in Tetovo hospital on 8 September, five ethnic Albanians were detained for public order offences, two of them for "participation in a mob". After 38 days' detention they were sentenced to one year's probation.

## **VIOLENCE AGAINST WOMEN AND GIRLS**

The Law on Prevention and Protection from Violence against Women and Domestic Violence was adopted in January.

Misogynistic hate speech increased. Police failed to investigate complaints by women and girls whose images were, without their consent, among 7,000 shared by men on the social media platform Telegram. Proceedings for child pornography opened against two men in July. In April NGOs recommended a support package for women following domestic violence, and called for femicide to be a specific criminal offence.

## **REFUGEES' AND MIGRANTS' RIGHTS**

Almost 19,000 refugees and migrants transited through the country. Between January and September 388 people, including children, were arbitrarily detained in immigration detention centres as witnesses in 24 proceedings brought against smugglers. Between January and March alone, an estimated 4,000 refugees and migrants were pushed back into Greece, often after registration, many reporting abuse and ill-treatment. One asylum seeker was granted subsidiary protection.

From September, 407 Afghan citizens evacuated from Kabul arrived in North Macedonia prior to resettlement in the USA or Canada. They were granted a three-month visa and accommodated in hotels. By December, 76 Afghans had been resettled to Greece, France and Ireland.

## **DISCRIMINATION**

In June, the Helsinki Committee reported a 49% increase in both incidents and prosecutions for ethnically motivated hate speech. The Commission for Prevention and Protection from Discrimination was not fully functional.

### **ROMA**

In April a gynaecologist was appointed to the clinic in Šuto Orizari, a Roma suburb in the capital, Skopje, following a complaint by 58 Roma women (assisted by the European Roma Rights Centre) who had been denied access to reproductive healthcare for over a year.

In June the Skopje Basic Court ruled that the Ministry of Health had discriminated against Roma drug users who were minors, mandating a specialized health unit to provide them with appropriate treatment and rehabilitation.

In June, the ECtHR found the authorities had failed to investigate a racially motivated assault by several police on a Roma man during a raid in Topana, Skopje, in 2013, requiring Macedonia to provide €3,000 compensation.

## LGBTI PEOPLE'S RIGHTS

Proposed amendments to the Civil Status Registration Act enabled transgender people to register their chosen gender. The Helsinki Committee reported a 31% increase in homophobic hate speech prior to the Skopje Pride in June.

# NORWAY

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Kingdom of Norway

Head of state: **Harald V**

Head of government: **Jonas Gahr Støre (replaced Erna Solberg in October)**

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**The annual resettlement quota for refugees was continued but the government made clear that it could use its legal scope to refer asylum seekers back to other “safe countries”. Parliament adopted a new law obliging larger companies to ensure respect for human rights and decent working conditions throughout their operations and supply chains. Plans were announced to redefine rape as sexual intercourse without consent.**

## REFUGEES' AND MIGRANTS' RIGHTS

In July, the government announced that it would stop all deportations to Afghanistan.

The new government, elected in September, continued the annual resettlement quota commitment to accept 3,000 refugees. Separately, however, it announced that it would consider the possibility of using the “room for manoeuvre” in current legislation to “refer” asylum seekers back to so-called “safe countries” outside Europe if they had come to Norway via those countries. This meant that it could deprive asylum seekers of their right to apply for and receive asylum in Norway – something that would represent a serious setback in national refugee practice.

## CORPORATE ACCOUNTABILITY

In June, the parliament adopted a corporate due diligence law based on the UN's Guiding Principles on Business and Human Rights and the Organisation for Economic

Cooperation and Development (OECD) Guidelines for Multinational Enterprises. The legislation required larger enterprises (a total of around 9,000 companies) to carry out due diligence with respect to human rights and decent working conditions in relation to their own operations, their supply chain and all business relationships within the value chain. It obliged companies to disclose key findings – as well as preventive measures taken to avoid adverse impacts – on an annual basis and to respond to specific enquiries within a three-week time limit.

## VIOLENCE AGAINST WOMEN AND GIRLS

In October, the new government announced its intention to amend the Penal Code and to define sexual intercourse without consent as rape, in line with the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), which it ratified in 2017.

# OMAN

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Sultanate of Oman

Head of state and government: **Haitham bin Tariq**

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**The government continued to detain and prosecute critics, activists and peaceful demonstrators. Migrant workers remained insufficiently protected against exploitation. Women continued to face discrimination in law and practice. The death penalty remained in force.**

## BACKGROUND

Authorities pursued their Omanization policy to replace foreign workers with nationals. In May, the sultan announced directives to create up to 32,000 jobs in the public sector following protests over unemployment.

In June, Oman, which had the slowest Covid-19 vaccination roll-out in the Gulf, accelerated its immunization drive. The Ministry of Health announced that persons with disabilities could receive the vaccine at home.

The government extended an amnesty scheme allowing free exit to migrant workers with illegal status until the end of August, without which they could face criminal and financial liabilities.

## **FREEDOM OF EXPRESSION**

Freedom of expression remained severely curtailed. In February, the Internal Security Service arrested four environmental activists – Ahmed Issa Qatan, Salem Ali al-Maashani, Amer Bait Saeed and Salem Tabuk – for commenting on Twitter against a governmental decision banning camel grazing in the plain of Dhofar governorate, in prelude to construction of housing complexes. The Court of First Instance in Salalah city sentenced Salem al-Maashani to a suspended one-month prison term and a fine, Ahmed Qatan to a suspended six-month prison term and a fine, and Salem Tabuk to two months in prison and a fine, for “publishing information that harms public order”. Amer Saeed was acquitted.

In March, Oman blocked the social network app Clubhouse citing “lack of proper licence”. The app had gained traction during lockdown and become popular among activists.

In July, security forces arrested online activist Gaith al-Shebli, who initiated online discussions on Twitter on atheism, religion and freedom of speech. At least two others, a man and a woman, were arrested for engaging with him on Twitter and then released after signing pledges to stop such activity. In August, authorities detained Khamis al-Hatali for posting a video online criticizing the sultan and calling him an “oppressor”.

In December, the Ministry of Information shut down the radio programme *All Questions* following an interview with a member of the Shura Council (Consultative Assembly) who criticized the performance of the head of the council.

## **FREEDOM OF ASSEMBLY**

Authorities responded to protests against unemployment and deteriorating economic

conditions in May and June with arrests and use of force. In May, protests took place in several cities, including Sohar and Salalah. Videos posted online showed a heavy presence of security and military forces firing tear gas at protesters and arresting scores. Many were released the same day but others remained in custody for several days, including activist Ibrahim al-Baluchi. They were released after being made to sign pledges not to participate in future demonstrations.

In August, authorities arrested Talal al-Salmani after he submitted a request to organize a demonstration calling for the shutdown of liquor stores and posting online a related video. In October, a court of first instance sentenced him to a suspended six-month prison term and he was released.

## **WOMEN'S RIGHTS**

Women continued to be denied full rights in law and in practice. Under the UPR process in January, Oman rejected recommendations to withdraw its remaining reservations to CEDAW, including those granting women equal rights with men in matters relating to the nationality of children, marriage, divorce and other family matters. It also rejected the recommendations to criminalize marital rape.

Furthermore, in the World Bank's Women, Business and the Law index for 2021, which ranks women's economic opportunities, Oman ranked lower than the regional average, scoring 35.5 out of 100. It noted that women in Oman were especially disadvantaged in terms of mobility, parenthood and marriage.

## **MIGRANTS' RIGHTS**

Migrant workers continued to face abuse and exploitation due to insufficient protection, including poor living conditions, forced labour and human trafficking. Domestic workers, mostly women, faced long working days, home confinement and unpaid wages.

During the UPR process, Oman rejected recommendations to ratify the International Convention on the Protection of the Rights of

All Migrant Workers and Members of Their Families.

In June, the government extended its Covid-19 vaccination campaign to migrant workers; before this they had to pay for vaccines.

## DEATH PENALTY

Courts continued to hand down the death penalty. No executions were reported.

# PAKISTAN

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Islamic Republic of Pakistan

Head of state: Arif Alvi

Head of government: Imran Khan

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**While some legislative progress was made, freedom of expression and dissent continued to be restricted through new laws and harsher punishments. Police used excessive force against protesters.**

**Accountability for enforced disappearances remained elusive, despite the government taking some steps to criminalize the practice. A series of highly publicized cases highlighted the ongoing problem of violence against women. Thousands of people were made homeless following forced evictions.**

## BACKGROUND

The Senate unanimously passed the Prevention of Torture and Custodial Death Bill, an overdue but encouraging step for the campaign to criminalize torture. The Supreme Court banned the death penalty for prisoners with mental health disabilities.

There remained a strong emphasis on tackling climate change, with Pakistan hosting the 2021 virtual World Environment Day. Prime Minister Khan continued to prioritize climate change mitigation both domestically and in foreign policy, and the development of a National Adaptation Plan was announced. Other existing adaptation and mitigation measures continued, including a mass tree planting drive, protection of wetlands, expanding mangrove forest cover, an electric vehicle policy and a

“green Eurobond” to finance dam construction. However, the country’s most climate-vulnerable populations did not seem to benefit from these measures, and assistance to cope with extreme weather remained elusive. Pakistan fulfilled its commitment to submit its updated and enhanced National Determined Contributions ahead of the 26th Conference of the Parties (COP26), stating the intention to cut Pakistan’s carbon emissions by 50% by 2030. While a welcome development, no civil society groups were consulted in the decision-making process.

The unfolding crisis in neighbouring Afghanistan brought new security implications for Pakistan, with the rise of Taliban-affiliated armed groups in Pakistan. Pakistan closed its borders to Afghans travelling without documents following an influx of refugees.

## FREEDOM OF EXPRESSION

Restrictions on the right to freedom of expression intensified, with journalists and human rights defenders coming under increased scrutiny.

Retired Professor Muhammad Ismail was detained in February, following the cancellation of his bail. He was targeted by the authorities in connection with his daughter’s human rights advocacy. Despite his ill health, hearings to grant him bail were repeatedly delayed until he was released in April.

Journalist Absar Alam was shot and injured outside his home in April. Although the government was quick to denounce the attack, the investigation remained ongoing at the end of the year.

In May, three men, at least one of whom was armed, broke into the home of journalist Asad Toor and physically attacked him. Days after the attack, he was summoned for questioning by the Federal Investigation Agency for “defaming” Pakistan. Journalist Hamid Mir was taken off the air by his broadcaster – allegedly because of pressure from the state – after he called for accountability for Asad Toor’s attack. The

Minister of Information, Fawad Chaudhry, tweeted that the government had nothing to do with the decision.

In September, the Pakistan Media Development Authority Ordinance was proposed, which effectively enabled press censorship by bringing all media under one regulator, granting the government unchecked powers to punish journalists through steep fines, special “media tribunals” and appointing government officials to key positions. Petitions were filed in the Islamabad High Court against the draconian Removal and Blocking of Unlawful Online Content (Procedure, Oversight and Safeguards) Rules – legislation which would censor online content. Consultations with civil society did not lead to meaningful changes and the rules were enacted. Social media app TikTok was blocked by the Pakistan Telecommunication Authority three times during the year after the High Courts of Peshawar and Sindh imposed bans for “vulgarity”.

## **FREEDOM OF RELIGION AND BELIEF**

Blasphemy cases continued to be registered against the beleaguered Ahmadi Muslim community in Pakistan, putting them at risk of danger or even the death penalty. At least 10 places of worship for Ahmadi Muslims were desecrated – often by the police or with their acquiescence. In January, the Pakistan Telecommunications Authority banned access to the US-based website trueislam.com, which documents the activities of the Ahmadi community in the USA – part of a broader pattern of discrimination and state overreach, which has included issuing notices to Google and Wikipedia to remove “sacrilegious content”. There were sporadic reports of Ahmadi graves being desecrated. In June, a group of men prevented the burial of an Ahmadi woman in a local graveyard in the city of Sheikhpura.

In May, a crowd of people violently attacked a police station in the capital, Islamabad, in an attempt to lynch a man accused of blasphemy, who was already in police

custody. An eight-year-old Hindu boy was charged with blasphemy in August for urinating in a Madrassah library, where religious texts were stored. Following the charge, locals attacked and destroyed a Hindu temple in the same area. The child was detained for a week before charges against him were dropped. Authorities restored the temple within a week. A video of a man bullying a boy from the Hindu community went viral in July, which led to a swift intervention from President Alvi, leading to the arrest of the suspected perpetrator.

After several delays, the Lahore High Court acquitted Christian couple Shagufta Kausar and Shafqat Emmanuel in June. The couple had been on death row for seven years on false blasphemy charges. Their acquittal followed nationwide protests held by religious political group Tehreek-e-Labaik Pakistan (TLP); a continuation of demonstrations that began in November 2020. Authorities arrested the TLP leader, Saad Rizvi, and the ensuing violence resulted in the deaths of four police officers and hundreds injured, and led to the group being banned. On 18 April, the TLP took six police officers hostage in Lahore to pressure the government into releasing Saad Rizvi.

There were continued reports of forced conversions to Islam of young Hindu and Christian girls. The Ministry of Human Rights drafted an Anti-Forced Conversion Bill, but this was rejected by a parliamentary body in October.

## **FREEDOM OF ASSEMBLY**

Protests were violently dispersed. In January, students protesting in-person exams during the Covid-19 pandemic were met with excessive force and five of the leaders were held incommunicado for five days. In March, Aurat March, the country’s largest women’s movement, faced hostility and threats from various actors, including private citizens, journalists, political parties and an armed group, who opposed Aurat March’s work defending women’s rights. Following the movement’s fourth annual International Women’s Day march, videos of the event

were doctored by non-state actors to levy blasphemy allegations against the organizers and participants. This resulted in threatening letters being sent to Aurat March from armed groups. In August, Aurat March's chapter in the city of Faisalabad was barred by the authorities from holding a protest calling for justice for the murder of Noor Mukkadam (see below), citing Covid-19 restrictions.

## **EXCESSIVE USE OF FORCE**

Law enforcement agencies cracked down on demonstrations by the Pashtun Tahaffuz Movement, which campaigns against the racial profiling, discrimination and extrajudicial executions of Pashtuns. In April, scores of protesters were injured and at least one killed in the town of Janikhel.

In August, police used excessive force against health workers and students protesting a new qualification exam in Lahore. At least 20 of the participants were injured. During the protests, an unidentified spray was deployed by the police, which acted as a skin irritant and caused respiratory and vision difficulties.

## **SEXUAL AND GENDER-BASED VIOLENCE**

A series of cases of sexual and gender-based violence were reported, underscoring the lack of protection for women and igniting renewed calls for redress, accountability and reform. In June, months after the assault took place, a video surfaced of business owner Usman Mirza harassing a woman and her partner, threatening her with gang rape if she did not have intercourse in front of him. He was arrested and charged, along with his six accomplices.

In July, Quratul Ain was murdered by her husband in front of her four children in the city of Hyderabad. A week later, Zahir Jaffer was arrested for the murder of Noor Mukkadam, whom he had held hostage at his home for more than 36 hours. Forensic investigations found that he had tortured, raped and shot Noor Mukkadam before beheading her. Countrywide protests called for accountability, which remained elusive

particularly for wealthy perpetrators and those with political connections.

The lack of accountability was exemplified by the shortening of the prison sentence for Shah Hussain from five years to three years and six months. He had been imprisoned for stabbing Khadija Siddiqui in the neck 23 times in 2016 after she rejected his advances.

In February, a transgender woman, Paras, began receiving threatening messages from a man she had rejected, and later from his friends as videos of her began to be shared widely. The man forced her to record a video of herself asking for his forgiveness at his feet. The Human Rights Commission of Pakistan drew attention to her case, prompting the accused to be arrested for criminal intimidation. He was released on bail; no trial had been scheduled by the end of the year.

In April, parliament passed the Domestic Violence (Prevention and Protection) Bill 2021. However, in July, an adviser to the Prime Minister, Babar Awan, asked for the bill to be reviewed by the Council of Islamic Ideology – an advisory body – to allay the concerns of conservative parties about the law being misaligned with Pakistan's "social values". The government denied any official request had been made, and any feedback provided by the Council was not made public. The draft legislation was referred back to parliament, after the review of the Senate Standing Committee on Human Rights, where it remained pending.

## **ENFORCED DISAPPEARANCES**

Thirteen families seeking information on their loved ones' whereabouts were met by the Minister of Human Rights in April, followed by a meeting with Prime Minister Khan, who publicly assured them that information would be provided. In July, the Prime Minister also met with Amina Masood Janjua, a long-time campaigner against enforced disappearances. Days later, two formerly disappeared men were freed, including Hasan Qambrani whose release came one



year after his abduction by intelligence agencies.

In June, a bill proposing amendments to the Pakistan Criminal Penal Code to criminalize enforced disappearances was presented before parliament by the Ministry of Human Rights. It was sent to the Standing Committee on Interior in the National Assembly, which sent problematic feedback distinguishing between a “legal” and “unlawful” disappearance. The most recent amendment bill did not meet the minimum requirements of international law. Civil society groups reported that they had not been consulted on the proposed bill. Just weeks after the bill was presented, political activist Seengar Noonari was abducted by law enforcement agencies for protesting against alleged illegal land grabs. He was released without charge and returned to his family after a five-week disappearance.

Younis Anwar, general secretary of the Gwadar Fisherfolk Alliance, was abducted allegedly by security agencies in August, days before protests were held in Islamabad by families of victims of enforced disappearance.

In December, there were unconfirmed reports of Idris Khattak being declared guilty of espionage after a secret trial by a military court. He had been abducted by state authorities in November 2019 and remained imprisoned in Adiala Jail, Rawalpindi. His family had no information about the status of his case or sentencing.

Also in December, Prime Minister Khan met with the family of missing journalist Mudassar Naru after a vigorous online campaign, and ordered a “complete report” of his whereabouts.

## **FORCED EVICTIONS**

Thousands were left homeless in the city of Karachi after houses in the Gujjar Nala neighbourhood were razed by the Karachi Metropolitan Corporation. The state offered no resettlement plan nor compensation, and media reports estimated that the forced evictions put 21,000 children out of school. The Supreme Court rejected a petition from

activists calling on it to stop the demolitions. There were also reports of some anti-demolition organizers being abducted or arrested.

## **WORKERS' RIGHTS**

The Senate Standing Committee on Human Rights unanimously approved the Islamabad Capital Territory Domestic Workers Bill 2021, which ensures protection and welfare, including set working hours, entitlement to leave and a minimum wage for domestic staff. The sector was previously almost entirely unregulated, leaving domestic workers with little to no protection against abuse.

## **RIGHT TO HEALTH**

Covid-19 remained a serious concern in Pakistan's overcrowded prisons. The provincial government of Sindh released 64 prisoners as a preventative measure, but appeared to be the only province to do so. Prison authorities in Punjab and Khyber Pakhtunkhwa stopped reporting infection numbers in prisons.

Pakistan's Covid-19 vaccine uptake was bolstered by penalties for the unvaccinated in August, including blocked cell phone service, and barred access to most public spaces and public transport. Access to vaccines was subject to vaccine availability which, owing to donations from China and the COVAX initiative, remained steady. Vaccines were reportedly administered to prisoners as a priority group.

## **REFUGEES' AND MIGRANTS' RIGHTS**

After the fall of the Afghan capital, Kabul, in August, thousands of Afghan people fled to Pakistan to escape the newly-installed Taliban regime. More than 2,400 people were illegally deported back to Afghanistan, according to media reports, although the authorities did grant some visas to legally exit the country. Authorities cited a lack of additional capacity in existing refugee camps, and Pakistan's national security adviser stated at a press conference that “Pakistan is in no condition to accept any more refugees”.

# PALESTINE (STATE OF)

## State of Palestine

Head of state: **Mahmoud Abbas**

Head of government: **Mohammed Shtayyeh**

**Palestinian authorities in the West Bank and the Hamas de facto administration in the Gaza Strip repressed dissent, resorting to arbitrary detention, torture and other ill-treatment, and use of excessive force against protesters. In Gaza, civilians were tried before military courts. Palestinian armed groups fired indiscriminate rockets into Israel. Vaccine distribution in the West Bank favoured high-ranking officials over health workers. Women enjoyed fewer rights than men in relation to divorce, custody of children and inheritance, and violence against women increased.**

## BACKGROUND

Armed conflict between Israel and Palestinian armed groups in Gaza erupted from 10 to 21 May, the fifth conflict in 15 years.

Palestinian governing factions remained split territorially – Fatah in charge in the West Bank and Hamas in the Gaza Strip. Palestinians in both territories remained under Israeli military occupation and discriminatory rule that constituted apartheid.

On 15 January, President Abbas announced a 2021 schedule for parliamentary elections, presidential elections and elections to the Palestinian National Council, but on 30 April cancelled them all. The last elections were held in 2006. Budget allocations to political parties, governmental departments, security personnel and tenders for natural resource management were corrupt, according to Aman, a Palestinian think tank advocating for transparent governance.

On 10 March, Yahya Sinwar, a former commander of a Palestinian armed group, was re-elected head of Hamas in Gaza. On 1 August, Ismail Haniyeh was re-elected leader

of Hamas's political bureau. Independent monitors did not observe the internal Hamas elections.

In June, the West Bank-based Palestinian authorities replaced elected municipal councils with caretaker committees supervised by the Ministry of Local Government.

Israel's blockade on Gaza since 2007 forbade the import of materials it deemed a security threat, including spare mechanical parts and chemicals, some of which were brought in through irregular and unsafe tunnels under the Gaza-Egypt perimeter. Tunnels were also used to bypass taxes collected by Hamas on consumables from Egypt. On 18 April, the Egyptian army said it had destroyed five tunnels.

On 30 August and 28 December, President Abbas met the Israeli defense minister as part of confidence-building measures.

In October, Fatah and Hamas representatives participated in talks in Egypt to form a unity government.

## FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

On 24 June, political critic Nizar Banat died in the custody of Palestinian Preventive Security forces after they arrested and tortured him in Hebron, southern West Bank.<sup>1</sup> This triggered demonstrations for freedom of expression in other Palestinian towns,<sup>2</sup> which the authorities met with excessive and unnecessary force. Demonstrators and bystanders were arrested and allegedly tortured. According to Addameer, a Palestinian prisoner support organization, Palestinian security forces took at least 15 protesters, journalists and human rights defenders to a detention facility in Jericho city in the West Bank known as “the slaughterhouse” in late June and early July, in the context of the protests. An Addameer lawyer said they were accused of “inciting sectarian and racial strife”.

During demonstrations on 26 and 27 June in Ramallah city in central West Bank, security forces in civilian clothes attacked

women protesters, broke equipment and confiscated phones of eight journalists.

On 21 and 22 September, police entered Azhar university campus in Gaza City and beat 15 students at an induction event, according to the Independent Commission for Human Rights (ICHR), the Palestinian national human rights institution. The ICHR recorded 129 complaints of arbitrary detention in the West Bank and 80 in Gaza, many related to freedom of expression and association.

## **HUMAN RIGHTS DEFENDERS**

A presidential decree on 2 March required NGOs to submit their annual plan to the government for approval.

Around 12 people were arrested ahead of a planned peaceful protest on 5 July. Among them was Ubai Aboudi, who worked for Bisan, a Palestinian NGO working for economic and social rights. He was charged with “participating in an illegal gathering”. On 30 November, the Magistrates Court in Ramallah acquitted him and seven other activists of all charges for lack of evidence.

On 4 July, Mohannad Karajah, director of Lawyers for Justice, a Palestinian human rights group, was arrested while working. The Prosecutor-General questioned him on 10 November on charges of “slandering the Palestinian Authority”, “participating in an illegal gathering” and “inciting sectarian strife”. Mohannad Karajah said that he was told that the General Intelligence Service’s complaint against him and Lawyers for Justice related to their media campaign against the illegal detention of political activists.

## **TORTURE AND OTHER ILL-TREATMENT**

Widespread use of torture by Palestinian authorities continued. The ICHR received 104 complaints of torture and other ill-treatment against authorities in the West Bank and 104 against authorities in Gaza. On 6 September, prosecutors completed an investigation into the torture and death in custody of Nizar Banat. An autopsy found fractures, bruises and abrasions all over his

body. Fourteen low-rank officers of Preventive Security forces in Hebron were put on trial in September.

On 22 May, Tarek Khudairi, a political critic, was arrested at an event in Ramallah. He told Amnesty International that he was slapped on the face, shoved against a wall during interrogation, kept in stress positions and denied medical care for two days.

## **RIGHT TO A FAIR TRIAL**

Presidential decrees on 11 January appointing members of the Transitional High Judicial Council, which replaced the High Judicial Council and dissolved the High Court in 2019, further undermined the independence of the judiciary.

On 21 October, the Hamas-run Authority for Military Justice in Gaza announced the sentencing of 13 men convicted of drug trafficking. The defendants, all civilians, were tried in military courts without access to legal advice, and some said they were tortured to extract “confessions”, according to the Palestinian Centre for Human Rights. One defendant was sentenced to death, 10 were sentenced to between 10 and 18 years of hard labour, and two were acquitted.

## **ABUSES BY ARMED GROUPS**

Between 10 and 21 May, Palestinian armed groups in the Gaza Strip fired thousands of rockets towards Israel, most of which were intercepted by Israel’s “Iron Dome” technology. The firing of indiscriminate rockets is a war crime. Thirteen people in Israel died as a result of rocket attacks, including Khalil Awad and his 16-year-old daughter Nadine on 12 May when a rocket hit their home’s yard in Dahmash near Lod town in central Israel. The rockets also caused at least 20 deaths and 80 injuries in the Gaza Strip, according to Al Mezan, a Palestinian human rights organization. Bara al-Gharabli, aged six, and Mustafa Mohammad Al-Aabed, aged 14, were killed on 10 May in Jabalya city in northern Gaza Strip, according to Defense for Children International-Palestine.

The UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) discovered a tunnel apparently used by Palestinian armed groups under its Zaitoun schools in Gaza City, which was hit by Israeli missiles on 13 and 15 May.

## **RIGHT TO TRUTH, JUSTICE AND REPARATION**

On 3 March, ICC prosecutor Fatou Bensouda initiated an investigation into the situation in Palestine. On 27 May, the UN Human Rights Council established an international commission of inquiry led by Navi Pillay to investigate violations in the Occupied Palestinian Territories (OPT), and in Israel. The Palestinian leadership welcomed the establishment of the commission. Both investigations aimed to cover alleged violations and crimes by the Palestinian authorities and armed groups, as well as those by Israeli authorities (see Israel and the OPT entry).

## **ENFORCED DISAPPEARANCES**

The fate of six men subjected to enforced disappearance by the Palestinian authorities in the West Bank in 2002 remained unknown, and the authorities took no steps to investigate.

Two Israeli citizens with mental health conditions, Avera Mengistu and Hisham Al-Sayed, remained missing since they entered the Gaza Strip in 2014 and 2015 respectively. Hamas used their detention in negotiations for the release of Palestinians held by Israel. Hamas provided no information on the men's health or on their ability to communicate with their families in Israel.

## **RIGHT TO HEALTH**

The health ministry in the West Bank confirmed on 2 March that it had distributed about 1,200 Covid-19 vaccines to high-ranking officials rather than to health workers.

On 14 October, a West Bank-based governmental audit found that welfare payments for people affected by Covid-19

were not distributed fairly and transparently, and that only 5,533 out of 40,000 eligible hardship cases in the Gaza Strip had received payments.

## **WOMEN'S AND GIRLS' RIGHTS**

Women continued to have fewer rights than men in relation to divorce, custody of children and inheritance. Relatives attacked women who refused to give up their inheritance or sued for other rights relating to personal status, with inadequate protection from the authorities.

Violence against women increased in the context of Covid-19 measures and the worsening economic crisis. According to the Women's Centre for Legal Aid and Counselling, 28 women and girls were killed by domestic violence. On 16 June, a woman was killed by a male relative striking her head following a dispute over inheritance in Gaza.

On 8 September, representatives of government, civil society and UN agencies pledged increased support for countering gender-based violence. After women's shelters were closed during Covid-19 lockdowns, Palestinian hospitals opened safe rooms for women.

## **DEATH PENALTY**

The Hamas de facto administration passed death sentences in Gaza. No executions were carried out.

## **FAILURE TO TACKLE CLIMATE CRISIS**

While olive and grape harvests suffered for consecutive years due to climate change, the Palestinian authorities did not implement proposals for low-resource climate adaptation farming solutions.

## **ENVIRONMENTAL DEGRADATION**

In the Palestinian-controlled areas of the West Bank, a third of solid waste went to informal landfills that lacked environmental protections, and only 1% of solid waste was recycled.

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1. "Palestine: Investigation into death in custody of Palestinian activist must be transparent, effective", 24 June
  2. "Palestinian security forces escalate brutal campaign of repression", 7 July

# PAPUA NEW GUINEA

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## Independent State of Papua New Guinea

Head of state: **Elizabeth II, represented by Robert Dadae**

Head of government: **James Marape**

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**Lack of capacity in the healthcare system and insufficient information about vaccination programmes limited people's access to adequate healthcare. Gender-based violence remained pervasive, including in the context of a growing number of violent attacks against women following accusations of sorcery. Development and environmental destruction negatively impacted the lives and livelihoods of Indigenous peoples. Continued intercommunal violence killed dozens of people. Incidents of arbitrary arrests and police brutality occurred.**

## BACKGROUND

The government and Bougainville leaders reached an agreement on the timetable to finalize the terms of secession of Bougainville from Papua New Guinea following the 2019 independence referendum. Under the agreement, Bougainville will assume independent sovereign powers by 2027.

## RIGHT TO HEALTH

In October, following a renewed surge in Covid-19 infections, hospitals in at least three provinces reported shortages of medical supplies and healthcare workers.

Less than 3% of the population were fully vaccinated against Covid-19 by the end of the year. Authorities failed to effectively combat widespread vaccine hesitancy, or to provide accurate and timely information

about the virus and the vaccine programme through languages and formats that were accessible to all segments of the population.

Healthcare workers were attacked by members of the public and also remained at high risk of contracting Covid-19. In October in the city of Lae, health workers who were administering Covid-19 and polio vaccines had rocks thrown at them.<sup>1</sup>

## GENDER-BASED VIOLENCE

The police failed to adequately protect women from violence in the home and in the community. Violent attacks against women accused of sorcery were reported throughout the year. In one case in March, a woman and her 19-year-old daughter were physically assaulted and thrown off a bridge by community members in Goroka after being accused of sorcery following the death of the woman's husband from Covid-19. Local human rights organizations reported that sorcery-related violence and domestic violence increased in the context of the pandemic.

A Special Parliamentary Committee on Gender-based Violence established in 2020 commenced hearings in May, with further hearings postponed until 2022.

In June, male students at the University of Papua New Guinea disrupted a protest by female students and staff against allegations of widespread sexual harassment at the university. Journalists covering the event were also attacked, but no serious injuries were reported.

## INDIGENOUS PEOPLES' RIGHTS

In January, Indigenous people in New Ireland province staged a sit-in protest after the government failed to pay agreed compensation for the development of Kavieng Airport on their lands.

In July, the Indigenous people known as "shark callers", also from New Ireland province, held a cultural festival to protest against the impacts of deep-sea mining for minerals and metals on their livelihoods and culture. The government declined to join the increasing number of states, NGOs and civil

society groups calling for a ban on deep-sea mining.

## RIGHT TO LIFE

Intercommunal violence continued with 38 people killed in two separate incidents in Hela and Eastern Highlands provinces in February and April respectively. The lack of an effective and adequately resourced police service contributed to challenges in addressing such violence and other law and order concerns in remote areas.

## DEATH PENALTY

On 31 July, the Supreme Court revoked orders issued by the National Court in 2017 that had temporarily stayed executions, pending the establishment of clemency procedures under the Constitution.

## ARBITRARY ARRESTS AND DETENTIONS

In April, a lawyer, Laken Lepatu Agilio, was assaulted and arrested by police after filing a corruption complaint against the governor of Enga province. The corruption allegations related to a compensation scheme by the Canadian-owned Porgera gold mine, for human rights violations including forced evictions, rape and other sexual violence by police and private security personnel at the mine. A police officer was subsequently disciplined for the lawyer's arbitrary arrest.

## REFUGEES' AND MIGRANTS' RIGHTS

The Papua New Guinea and Australian governments ended the offshore processing agreement between the two countries in October. However, it was unclear what protections or resettlement options would be available to the 88 refugees and 36 asylum seekers remaining in Papua New Guinea at year end.

# PARAGUAY

Republic of Paraguay

Head of state and government: **Mario Abdo Benítez**

**Police responded with unnecessary and excessive use of force to protests over the government's management of the Covid-19 pandemic and alleged corruption. Several protesters were arrested and faced criminal charges. The health system collapsed as the pandemic intensified. There was no significant progress regarding several cases of human rights violations in previous years, including cases of torture and violations of LGBTI and Indigenous rights. There were high numbers of cases of sexual abuse of children and adolescents and violence against women. The country was shaken by forced evictions, especially of rural and Indigenous communities.**

## BACKGROUND

The UPR of Paraguay's human rights record resulted in more than 200 recommendations of which seven were rejected and two were partially accepted. The Inter-American Court of Human Rights found Paraguay responsible for violating judicial independence and legal protections in the case of two former Supreme Court justices dismissed in 2003 and the UN Human Rights Committee found Paraguay responsible for violating the rights of an Indigenous community.

## FREEDOM OF ASSEMBLY

In March, thousands of people throughout the country took to the streets to protest against alleged corruption in the pandemic response as well as the collapse of the health system. There were multiple complaints of excessive use of force by police. Vivian Genes and other student protesters were arrested, charged and accused of involvement in a fire at the premises of the ruling party, the National Republican Association.

The authorities announced that they would acquiesce to the facts presented before the Inter-American Court of Human Rights

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1. [Papua New Guinea: Health in Crisis, Amnesty International Submission for the Universal Periodic Review, 39th Session, UPR Working Group \(ASA: 34/4020/2021\), 23 April](#)

regarding the killing of the journalist Santiago Leguizamón in 1991, acknowledging their responsibility. Deliberations regarding reparations continued.

## **RIGHT TO HEALTH**

The health system collapsed as the Covid-19 pandemic intensified and thousands of people were unable to access intensive care units or receive adequate healthcare.

Implementation of the Covid-19 vaccination plan was initially intermittent and slow. There were allegations of corruption and strong criticism of mismanagement regarding the purchase of vaccines. As the vaccination roll-out progressed, the number of deaths and infections decreased.

Covid-19 claimed the lives of over 14,367 people in 2021, more than six times as many as in 2020. The pandemic further exposed historic underfunding of the health system and the resulting inadequate access to public healthcare, particularly for those with limited resources.

## **TORTURE AND OTHER ILL-TREATMENT**

No progress was made in investigations into the alleged torture of 35 people at a naval base in the city of Ciudad del Este in 2020. By the end of the year, more than 18 months after the incident, no one had been charged in the case.

## **ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

By the end of the year, Paraguay had not ratified the Optional Protocol to the ICESCR or the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (the Escazú Agreement).

The number of forced evictions increased, several of them affecting Indigenous communities. Many evicted groups had no guarantees of effective judicial remedies and the evictions were carried out without granting them any resettlement alternatives, among other irregularities.

## **INDIGENOUS PEOPLES' RIGHTS**

The state failed to return the ancestral lands to the Tekoha Sauce community of the Avá Guaraní people. They had been evicted on two occasions in previous years, one of them to allow the construction of a hydroelectric power plant in Itaipú.<sup>1</sup>

In October, the UN Human Rights Committee issued a resolution holding Paraguay responsible for violating the human rights of the Campo Agua'e Indigenous community through contamination by toxic agrochemicals on their lands.

## **LGBTI PEOPLE'S RIGHTS**

No progress was reported in the criminal cases concerning attacks on LGBTI people during a Pride march in 2019 in the city of Hernandarias. The Hernandarias municipality had banned the march in part as "contrary to public morals". A lawsuit against the municipality's decision filed by Amnesty International in October 2019 also remained stalled.

## **HUMAN RIGHTS DEFENDERS**

Despite a commitment made during a previous UPR review, the authorities did not identify a mechanism for the protection of human rights defenders and did not disseminate the Declaration on Human Rights Defenders.

## **CHILDREN'S RIGHTS**

The authorities did not implement sufficient and effective measures to prevent, identify and address cases of sexual exploitation and abuse of children and adolescents.

The Ministry for Childhood registered 3,850 cases of mistreatment and sexual abuse of children between January and October. Of these, 1,345 related to sexual abuse and exploitation. The Public Prosecutor's Office received 2,284 complaints of child sexual abuse in the first 10 months of the year.

The authorities did not guarantee the sexual and reproductive rights of girls. By September the Ministry of Public Health and Social Welfare had registered 357 births to girls aged between 10 and 14.<sup>2</sup> However, in

December, a technical working group was set up to address the problem and a single comprehensive care route was finally approved.

The authorities failed to shed light on the circumstances surrounding the deaths of two 11-year-old Argentine girls during an operation by the Joint Task Force in the department of Concepción in September 2020. There were also no answers regarding the flawed investigation by the Public Prosecutor's Office and the authorities failed to establish a special commission to investigate the incident or to seek the assistance of the Inter-American Commission on Human Rights, as requested by civil society organizations.

## WOMEN'S RIGHTS

In November, a sentencing court found a priest responsible for the sexual harassment charges brought by Alexa Torres, and he faced a suspended sentence of one year imprisonment.

A bill declaring femicides a national emergency was passed in the context of an increasing number of killings of women.

Congress also discussed another bill which would define cases as family violence even where the perpetrator and victim are not cohabiting. The Supreme Court of Justice approved the protocol for dealing with cases of domestic violence against women and the Ministry of Public Health and Social Welfare issued a manual on support services for victims of domestic violence.

The Public Defender's Office reported in mid-November that a record 2,312 women had been assisted in the first six months of the year within the framework of Law 5777. The National Police and Ministry of Women SOS helpline registered 4,469 cases of domestic violence in the same period.

A bill to prevent, punish and eradicate gender-based political violence against women was before Congress at the end of the year.

1. *Paraguay: Indigenous Community at Risk of Eviction* (Index: AMR 45/0614/2019), 2 July.
2. *Paraguay: They Are Girls, Not Mothers: Steps to Ending Sexual Violence against Children and Adolescents and Forcing Girls into Motherhood in Paraguay* (Index: AMR 45/5031/2021), 1 December

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# PERU

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## Republic of Peru

Head of state and government: **José Pedro Castillo Terrones (replaced Francisco Rafael Sagasti Hochhausler in July)**

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**Peru recorded the highest number of Covid-19 deaths per million people. Concerns remained about impunity for excessive use of force by law enforcement officials. Formal criminal charges were brought in cases of forced sterilization and proceedings in other cases of systematic sexual violence resumed. The authorities had yet to adequately address the health crisis experienced by Indigenous peoples due to environmental contamination by toxic substances. Cases of gender-based violence increased, as did the number of missing women.**

## BACKGROUND

During the first half of the year, presidential and congressional elections were held. The campaign was marked by discrimination and racism towards voters from rural and Indigenous peoples' communities.

## EXCESSIVE USE OF FORCE

Investigations by the Attorney General's Office into the deaths of Inti Sotelo and Bryan Pintado, two young men killed by police during a protest in November 2020, made slow progress. Although the government granted the families economic, health and educational assistance, their right to truth and justice had not been fulfilled by the end of the year.

The 2020 Police Protection Law, which includes a presumption in favour of the police about the reasonableness of the use of



lethal force, contrary to international human rights law, remained in force.

## **HUMAN RIGHTS DEFENDERS**

Although the Ministry of Justice approved an Intersectoral Mechanism for the Protection of Human Rights Defenders in April, three defenders were killed during the year.

According to the NGO Global Witness, Peru was the third most lethal country in South America for human rights defenders.

Congress had yet to ratify the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement) by the end of the year.

## **RIGHT TO HEALTH**

According to official figures, since the beginning of the pandemic, 2,301,177 people had been infected with Covid-19 and almost 202,741 deaths had been recorded, making Peru the country with the highest number of deaths per million people. Lack of oxygen and insufficient hospital capacity meant that care could not keep up with demand. Despite initial scandals over corruption and the failure by government officials to respect prioritization in the vaccination programme, the process continued with clear prioritization criteria and in accordance with international standards. By the end of the year more than 80% of the target population (those over 12 years of age) has been vaccinated.

## **INDIGENOUS PEOPLES' RIGHTS**

In July, the Cusco Regional Health Authority shared its Action Plan with Amnesty International and environmental health specialist Fernando Serrano of Saint Louis University.<sup>1</sup> The plan had been ordered by a December 2020 court ruling to address the health crisis caused by toxic substances among Indigenous communities in the mining area of Espinar. By the end of 2021, the plan, which is not based on specific analysis of the risks to human health and the environment related to exposure to toxic

metals in Espinar, had yet to be adequately consulted with the communities.<sup>2</sup>

Thanks to the efforts of the National Platform of Persons Affected by Toxic Metals, a special multisectoral plan to ensure medical care for those affected was approved at the end of the year.

## **WOMEN'S RIGHTS**

Despite the approval of the Gender Parity Law for Political Participation in 2020, the composition of the new government's cabinet was 87% male, compared to 58% under the previous government.

The pandemic exacerbated economic inequality by increasing the burden of unpaid care work shouldered by women. According to the National Statistics Institute, economic recovery favoured men more than women; paid employment increased by 15% for men, while for women it increased by only 8%.

## **VIOLENCE AGAINST WOMEN AND GIRLS**

According to the Ministry of the Interior's Missing Persons Register, 12,984 women were reported missing in 2021, compared to 11,828 in 2020. Women represented 64% of the total number of missing persons, but this was not recognized by the government as a form of gender-based violence.

According to the Ombudsperson's Office, in 2021 146 women were victims of femicide, compared to 136 in 2020.

## **SEXUAL AND REPRODUCTIVE RIGHTS**

Victims of forced sterilizations more than 25 years earlier were still seeking truth, justice and reparation. In March, the Public Prosecutor's Office finally brought charges against former president Alberto Fujimori and several health ministers under his administration as the "indirect perpetrators". In December, the judiciary ordered a judicial investigation against them. However, the executive had yet to grant reparations to the victims, despite the fact that the official registry of victims of forced sterilizations contained more than 7,000 registered cases.

During the pandemic, the number of births to girls under 10 years of age was

nearly three times higher than in 2019 (rising from nine to 24), and there were 1,149 births to girls under of 14, according to the Ministry of Health. According to the United Nations Population Fund, four girls under 15 years of age gave birth every day in Peru during the year.

## LGBTI PEOPLE'S RIGHTS

Draft bills were submitted by a group of members of congress on legal recognition of gender identity for transgender people and marriage equality for same-sex couples. However, these bills had not been approved by the end of the year.

## REFUGEES' AND MIGRANTS' RIGHTS

Peru hosted more than half a million asylum seekers and more than 1.2 million Venezuelan nationals in 2021, 43% of whom were in an irregular situation, preventing them from accessing rights such as healthcare.

The processing of asylum applications was suspended in February 2020 due to Covid-19 restrictions; the suspension remained in place until the end of 2021.

In January, the Peruvian government militarized its borders to restrict the arrival of asylum seekers and migrants. This led to several incidents of intimidation by the Peruvian military, such as shooting into the air to disperse groups of Venezuelans at the border.

Two regularization processes for migrants and asylum seekers were opened, but were marked by bureaucratic hurdles, prohibitive costs, or arbitrarily not allowing regularization of certain groups, such as children and adolescents in family groups. In December, the regularization process was started for more than 3,000 children and adolescents.

## RIGHT TO TRUTH, JUSTICE AND REPARATION

According to the Ombudsperson's Office, only 20% of the bodies of more than 21,000 people on the National Register of Forced Disappearances related to the internal armed conflict (1980-2000) had been recovered.

On 27 September, the trial resumed of members of the Peruvian military accused of systematically raping scores of women in Manta (Huancavelica province) more than 35 years earlier, raising hopes that victims of human rights violations might finally obtain truth, justice and reparation.

1. *Peru: Authorities Must Redesign and Consult on Action Plan to Address Health Crisis Caused by Toxic Substances in Espinar* (Index: AMR 46/4767/2021), 23 September
2. *Failed State of Health: Health Emergency in Indigenous Peoples of Espinar, Peru* (Index: AMR 46/3829/2021), 18 May

# PHILIPPINES

## Republic of the Philippines

Head of state and government: **Rodrigo Roa Duterte**

**Lack of accountability continued to facilitate unlawful killings and other human rights violations under the government's "war on drugs" campaign. The International Criminal Court (ICC) announced an investigation into crimes against humanity. Human rights defenders, political activists and politicians were subjected to unlawful killings, arbitrary arrest and detention, and harassment. Indigenous peoples were the target of attacks by the authorities and unknown assailants. Inadequate access to healthcare worsened as Covid-19 infection rates rose. Maria Ressa, journalist and critic of the "war on drugs", won a Nobel Peace Prize but continued to face decades in jail for pending cases brought against her including by the government.**

## BACKGROUND

Restrictions remained in place in response to the Covid-19 pandemic that disproportionately affected people living in poverty. Preparations began for the May 2022 presidential elections.

## EXTRAJUDICIAL EXECUTIONS AND IMPUNITY

Extrajudicial executions and other human rights violations continued under the

government's ongoing "war on drugs". President Duterte continued to incite violence against people suspected of using or selling drugs. In his State of the Nation Address in July, he also called on Congress to legislate for free legal assistance for members of the security forces accused of unlawful killings.<sup>1</sup>

In October, the Department of Justice released partial information from its review of just 52 of the thousands of cases involving killings by police during anti-drug operations. Although the review was woefully inadequate and failed to meet international standards, its limited findings contradicted police claims that lethal force had been justified, and confirmed violations documented by local and international human rights groups.<sup>2</sup>

In September, the ICC's pre-trial chamber authorized an investigation into crimes, including the crime against humanity of murder committed in the context of the "war on drugs", throughout the country between 2016 and 2019, and killings in the Davao area between 2011 and 2016.<sup>3</sup> The government said it would not cooperate with the investigation. In November, the ICC announced that it had temporarily suspended the investigation, following a request by the Philippine government.

UN experts and human rights groups repeated calls for the UN Human Rights Council (UNHRC) to set up an international investigation into killings and other human rights violations, amid concerns that the joint UN capacity-building and technical assistance programme established under a 2020 UNHRC resolution was failing to advance justice and protect human rights.

## REPRESSION OF DISSENT

The linking of organizations and individuals to communist groups by the authorities, known as "red-tagging", led to killings and harassment of human rights defenders, political activists and others. On 7 March, security forces killed nine people and arrested six others in simultaneous raids against "red-tagged" groups in Southern Tagalog. Environmental activists and urban poor community leaders were among those

arrested and killed. Allegations by the security forces that firearms and explosives were seized during the raids, and that those killed were resisting arrest, were denied by the groups involved.<sup>4</sup> In a speech given two days before the raids, President Duterte said that he had ordered the police and military to "kill" communist rebels. In December, the Department of Justice recommended the filing of murder charges against 17 law enforcement officials for the death of labour leader Emmanuel Asuncion during the raids.

Opposition to the Anti-Terrorism Act (ATA), which granted the government broad powers to detain perceived enemies of the state, continued. In December, the Supreme Court, acting on petitions challenging the constitutionality of the ATA struck down two portions of the law, including parts of Section 4 that vaguely and broadly defined acts of terror, which the Court found to be "overbroad and violative of the freedom of expression". However, the law remained flawed and open to abuse.<sup>5</sup> In July, a court in Olongapo city in Central Luzon dismissed charges against two members of the Indigenous Aeta community as a case of mistaken identities. The case was believed to be the first brought under the ATA since it was introduced in July 2020.

Prisoner of conscience Senator Leila de Lima, one of the first opposition politicians targeted by the Duterte administration, spent her fifth year in detention. In February, a court dismissed one of three politically-motivated charges against her – that of conspiracy to commit illegal drug trading.

## INDIGENOUS PEOPLES' RIGHTS

Attacks persisted against Indigenous peoples and Indigenous peoples' rights activists. In January, the Cordillera police chief issued an order to "shoot-to-kill" Windel Bolinget, a prominent Indigenous peoples' rights advocate, if he resisted a warrant for his arrest. A politically motivated murder charge against Windel Bolinget was dismissed in July.<sup>6</sup>

On 28 February, unknown assailants shot dead Julie Catamin, the chief of Roosevelt

village in Tapaz municipality, Capiz province. She had been a witness in a case relating to a police raid in December 2020 in which community leaders from the Tumandok Indigenous people were arrested and others killed. On 3 March, masked assailants stabbed and seriously injured Angelo Karlo Guillen, the lawyer for the Tumandok community leaders, in Iloilo City.

In February, security forces raided a school in Cebu City in which students from Indigenous communities displaced by armed conflict were living. Seven people, including students, teachers and a community elder, were arrested without warrants and charged with kidnapping and human trafficking. They were detained for three months before the charges were dismissed.

## **ARBITRARY DETENTION AND UNFAIR TRIALS**

In March, the House of Representatives passed a bill amending the Dangerous Drugs Act of 2002. The bill contained provisions that could encourage arbitrary arrests and would violate the right to fair trial, including the presumption of innocence of people accused of using or selling drugs.<sup>7</sup> The bill remained before the Senate at year end.

## **RIGHT TO HEALTH**

In April, a sharp increase in Covid-19 cases and deaths was recorded, leading to accusations of government mishandling of the pandemic.<sup>8</sup> The already inadequate healthcare system lacked sufficient hospital beds and health workers to treat Covid-19 patients. The government began a Covid-19 vaccination programme in March, but there were concerns about slow implementation, uneven geographical distribution and discriminatory access to vaccines.

In August, a report by the independent statutory body, the Commission on Audit, revealed deficiencies in the Department of Health's handling of funds allocated to the Covid-19 response, including irregularities in the transfer of funds between government departments. The findings prompted a Senate Committee investigation, which

recommended that perjury charges be filed against senior executives of a company that had been awarded PPE procurement contracts, Pharmally Pharmaceutical Corporation, and several former government aides.

## **FREEDOM OF EXPRESSION AND ASSOCIATION**

In October, journalist Maria Ressa was awarded the Nobel Peace Prize, jointly with Russian journalist Dmitry Muratov, in recognition of her fight for press freedom in the Philippines. In June and August, two charges of cyber libel against her were dismissed, but she continued to face other charges for which she could face up to 60 years in prison if found guilty.<sup>9</sup>

In April, authorities "red-tagged" individuals and groups involved in running "community pantries" that provided food to those in need because of unemployment during the pandemic.

## **WORKERS' RIGHTS**

In August, a report documented abuses of workers' rights in the nickel mining sector on Dinagat Island, including employment without contracts, delayed payment of wages and non-payment of compulsory benefits.<sup>10</sup>

## **DEATH PENALTY**

On 2 March, the House of Representatives passed House Bill 7814 to amend the Comprehensive Dangerous Drugs Act of 2002, which would reintroduce the death penalty for drugs-related offences. The bill remained pending before the Senate at year's end. Several other bills to reintroduce the death penalty also remained pending before the House of Representatives and the Senate.

## **LGBTI PEOPLE'S RIGHTS**

On 18 September, eight LGBTI individuals were injured when an improvised explosive device went off during a volleyball tournament in Maguindanao province. The Bangsamoro parliament condemned the

incident as a hate crime and called on the authorities to investigate.

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1. "Philippines: Widespread killings, rampant impunity show real state of nation", 26 July
  2. Philippines: Government Review a Woefully Insufficient Response to Victims Of "War on Drugs" (Index: ASA 35/4911/2021), 22 October
  3. "Philippines: ICC launches probe in deadly "war on drugs", seeks to end impunity", 16 September
  4. "Philippines: Brutal government crackdown against activists must end now", 8 March
  5. "Philippines: Anti-Terror Act remains dangerous and fundamentally flawed", 9 December
  6. Philippines: End Attacks Against Indigenous Peoples (Index: ASA 35/3677/2021), 11 February
  7. Philippines: Amendments to Dangerous Drugs Act an alarming kneejerk reaction to PNP-PDEA shootout", 3 March
  8. "Philippines: Country faces health and human rights crisis one year into the Covid-19 pandemic", 26 April
  9. "Philippines: Maria Ressa and Dmitry Muratov's Nobel Peace Prize win is a victory for press freedom Globally", 8 October
  10. Philippines: Undermining Workers' Rights: Labour Rights Abuses in Nickel Supply Chains (Index: ASA 35/4389/2021), 26 August

## POLAND

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### Republic of Poland

Head of state: **Andrzej Duda**

Head of government: **Mateusz Morawiecki**

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**The authorities continued to erode the independence of the judiciary and the European Court of Human Rights (ECtHR) ruled that two of Poland's high judicial bodies did not meet fair trial standards. There was a further rollback of sexual and reproductive rights. Criminal charges used to curtail freedom of expression were dropped, or the activists acquitted. Several regional councils withdrew anti-LGBTI declarations but violations of LGBTI rights continued. Border guards pushed asylum seekers back to Belarus. Poland did not implement the ECtHR ruling regarding Abu Zubaydah, who remained held in the US detention facility in Guantánamo Bay, Cuba.**

## RIGHT TO A FAIR TRIAL

The government continued to target judges and prosecutors who raised concerns over the lack of independence of the judiciary. In January, the National Prosecutor transferred seven prosecutors to new posts within 48 hours and hundreds of kilometres away from their place of residence. Six of the prosecutors were members of an association defending the rule of law. NGOs criticized the transfers as punitive.

International concern over the erosion of judicial independence continued.<sup>1</sup> In March, the European Commission (EC) referred Poland to the EU Court of Justice over its 2020 law on the judiciary, which prevents courts in the country from submitting requests to the Court of Justice for preliminary rulings in relation to disciplinary proceedings against judges. In July, the Court of Justice ruled that the Disciplinary Chamber of Poland's Supreme Court lacked the independence and impartiality required by EU law.

In response, Poland's Constitutional Tribunal held that such rulings were not compatible with the Constitution and asserted the primacy of Polish law over EU law. In November, the Constitutional Tribunal declared Article 6 (the right to a fair trial) of the European Convention on Human Rights incompatible with the Constitution. In December, the EC launched another infringement procedure against Poland over the rulings of the Constitutional Tribunal.

The ECtHR also ruled that Poland's Constitutional Tribunal and the Supreme Court's Disciplinary Chamber failed to meet fair trial requirements. In May, in *Xero Flor v Poland*, the ECtHR held that the actions of the legislature and the executive amounted to unlawful external influence in the election of three judges of the Constitutional Tribunal in 2015. In July, in *Reczkowicz v Poland*, the ECtHR held that the Disciplinary Chamber was not an independent tribunal as irregularities in the appointment of its judges severely compromised its legitimacy.

In April, the ECtHR formally requested a response from Poland about alleged

violations in the case of Judge Paweł Juszczyński, who had been suspended by the Disciplinary Chamber in 2020 after he questioned the independence of the National Council of the Judiciary.

Judge Igor Tuleya, an outspoken critic of government interference with judicial independence, continued to face criminal proceedings after the Disciplinary Chamber removed his immunity in 2020.<sup>2</sup>

## **WOMEN'S RIGHTS**

In October, the Group of Experts (GREVIO) monitoring implementation of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) urged Poland to fully incorporate the notion of freely given consent, as required by the Istanbul Convention, and to ensure appropriate sanctions for all non-consensual sexual acts. GREVIO also criticized Poland for the lack of action on domestic violence.

## **SEXUAL AND REPRODUCTIVE RIGHTS**

There was a further rollback on sexual and reproductive rights.<sup>3</sup> In January, the Constitutional Tribunal published a ruling that the law permitting abortions in cases of severe fetal impairments was unconstitutional. Hospitals in Poland stopped providing abortion services in cases of such impairments to avoid medical staff facing criminal liability. In July, the ECtHR formally requested a response from Poland in the cases of 12 individuals who claimed that the country's abortion legislation violated their right to a private and family life and the prohibition of torture and other ill-treatment.

## **FREEDOM OF ASSEMBLY**

The publication of the Constitutional Court ruling banning abortions in cases of severe fetal impairments triggered protests in January and February. During demonstrations held on 27 January in Warsaw, the police arrested 20 protesters and filed 250 cases alleging administrative offences. The police took the arrested

protesters to stations outside Warsaw, which hindered their access to lawyers.

## **FREEDOM OF EXPRESSION**

In March, the District Court in Płock acquitted three activists who faced charges of "offending religious beliefs" for possessing and distributing posters and stickers depicting the Virgin Mary with an LGBTI rainbow halo. An appeal by the prosecutor was pending at the end of the year.

In June, the police closed the investigation into a charge of "theft and burglary" allegedly committed by two activists involved in a 2020 poster campaign accusing the government of manipulating Covid-19 statistics.

In November, a district court in Warsaw convicted journalist Ewa Siedlecka of criminal defamation for articles she wrote in 2019. She had exposed a hate campaign linked to the then deputy justice minister, which targeted judges opposing "reforms" which undermined judicial independence.

## **LGBTI PEOPLE'S RIGHTS**

In response to continuing violations of LGBTI people's rights, the European Commission launched infringement procedures. In September it requested that five regional councils withdraw anti-LGBTI declarations adopted in 2019, making it a condition of receipt of EU funding. In response, also in September, four regional councils withdrew such resolutions.

## **REFUGEES' AND MIGRANTS' RIGHTS**

Border guard officials admitted pushing back asylum seekers to Belarus. Between 18 and 19 August a group of 32 asylum seekers from Afghanistan, who had entered from Belarus, was pushed back to the Belarussian side of the border. All 32 tried to seek international protection in Poland but Polish border guards would not allow them to access Polish territory. Despite two orders by the ECtHR, Poland failed to provide the group with food, water, shelter, medical assistance and access to lawyers.<sup>4</sup>

In October, parliament adopted amendments to the Law on Foreigners and

the Law on Granting Protection to Foreigners under which those who cross the border “irregularly” must leave the territory of Poland and are banned from re-entry. The law thus makes it generally impossible for people who enter “irregularly” to seek asylum in Poland.

On 2 September, the President declared a state of emergency on the border with Belarus, which prohibited access to the border area by journalists, media workers and NGOs, and barred lawyers from accessing asylum seekers.<sup>5</sup> On 1 December, an amendment to the law on border protection banned entry into the border area without time limits.

## TORTURE AND OTHER ILL-TREATMENT

In April, Abu Zubaydah, a Palestinian national detained in Guantánamo Bay, submitted a petition to the UN Working Group on Arbitrary Detention calling for his release. Abu Zubaydah had been held in a secret detention site in Poland between 2002 and 2003, and Poland again failed to implement fully the ECtHR ruling and carry out an effective investigation of the case.

## RIGHT TO PRIVACY

In December Ewa Wrzosek, a Warsaw district prosecutor and member of Lex Super Omnia, an association defending the rule of law, was notified by Apple that her phone had been targeted by Pegasus spyware from surveillance company NSO Group.

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1. *Poland: Briefing on the Rule of Law and Independence of the Judiciary in Poland in 2020-2021* (Index: EUR 37/4304/2021), 17 June
  2. *Poland: Third-party Intervention to the European Court of Human Rights in the Case of Igor Tuleya* (Index: EUR 37/3548/2021), 20 January
  3. *Poland: Roll Back of Reproductive Rights is Dark Day for Polish Women*, 27 January
  4. *Poland: Digital Investigation Proves Poland Violated Refugees' Rights*, 30 September
  5. *Poland: State of Emergency Risks Worsening Already Dire Situation for 32 Asylum Seekers at Border*, 2 September

# PORTUGAL

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## Portuguese Republic

Head of state: **Marcelo Rebelo de Sousa**

Head of government: **António Costa**

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**A decade-old procedure that infringed the rights of protesters in Lisbon was exposed. Migrant agricultural workers continued to live in overcrowded and substandard conditions, leaving them vulnerable to Covid-19. Racism within the police remained a concern. High levels of violence against women persisted.**

## FREEDOM OF EXPRESSION AND ASSEMBLY

In June, it emerged that since 2011 Lisbon's municipal authorities had been passing personal information to foreign embassy officials about protesters who demonstrated in front of their embassies. The authorities agreed to conduct risk assessments to ensure the rights to privacy and peaceful assembly.

## REFUGEES' AND MIGRANTS' RIGHTS

The government took measures to facilitate access to Covid-19 vaccination for people with irregular immigration status.

In May, a Covid-19 outbreak among 13,000 migrant agricultural workers in Odemira exposed their poor living conditions in substandard, overcrowded houses or container dwellings. The workers, mostly from south and south-east Asia, were temporarily rehoused to prevent further infections.

Following the Taliban seizure of power in Afghanistan, Portugal resettled 764 Afghan nationals seeking safety.

In May, three officials of the Foreigners and Borders Service (SEF) were sentenced to between seven and nine years' imprisonment for the assault, aggravated by unintentionally causing his death, of a Ukrainian national who had died in SEF custody in March 2020. In December, on appeal, the sentence was increased to nine years' imprisonment for all.

## DISCRIMINATION

In March, the Council of Europe (COE) Commissioner for Human Rights expressed concern about racism in the police. She recommended recruitment procedures promoting access for people from minority groups and the establishment of a fully independent police complaints mechanism. She also noted the rise of racially motivated hate crimes and hate speech, especially targeting Roma and people of African descent.

In March, the Ministry of Home Affairs introduced a Plan for the Prevention of Manifestations of Discrimination in the Security Forces.

## VIOLENCE AGAINST WOMEN AND GIRLS

In March, the COE Commissioner for Human Rights expressed concern at the persistence of high levels of violence against women. She called for domestic violence to be more effectively prosecuted and punished and for further amendments to the definition of rape in the Criminal Code so that it is entirely based on the absence of free consent of the victim.

In August, a new law entered into force to strengthen protection for children who witness or are exposed to domestic violence.

## RIGHT TO HOUSING

In March, the European Commission Against Racism and Intolerance (ECRI) welcomed the adoption, in 2019, of the Basic Housing Law, in which the right to adequate housing was recognized and safeguards against evictions were strengthened. However, ECRI noted that it had not received sufficient information to assess the implementation or impact of the law on people at risk of forced eviction.

## DETAINEES' RIGHTS

Substandard conditions persisted in several prisons, aggravated by the pandemic. In May, the Ombudsperson criticized a plan for the social reintegration of inmates released during the pandemic to avoid overcrowding because it failed to prevent homelessness for

those with no family or other support network.

# PUERTO RICO

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## Commonwealth of Puerto Rico

Head of state: **Joseph Biden (replaced Donald Trump in January)**

Head of government: **Pedro Rafael Pierluisi**

**Urrutia (replaced Wanda Vázquez Garced in January)**

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**The government declared a state of emergency on domestic violence. The authorities repressed the right to protest of environmental defenders. Child poverty increased. The legislature presented bills that, if passed, would result in violations of the rights of LGBTI people.**

## CHILDREN'S RIGHTS

The Administration for the Comprehensive Care and Development of Childhood in Puerto Rico released a report in March noting that child poverty had increased by 62.7% during the previous two years, largely due to the 2017 hurricane season and the Covid-19 pandemic. In the first nine months of 2021, the government received 10,390 complaints of child abuse, an increase of 3,167 cases in comparison to the same period the previous year. By November child abuse referrals had risen to 12,109.

## RIGHT TO HOUSING

In August, a study by Ayuda Legal Puerto Rico reported that, almost four years after the devastation of hurricanes Irma and María, housing had yet to be repaired and people were still living in homes with temporary tarpaulin roofs (blue tarps). According to a separate report on the Action Plan for Mitigation Funds, between 15,000 and 18,000 properties still had blue tarp roofing. According to official data, 1,640 houses had been repaired or reconstructed.

According to data from the Court Administration Office, by August there had been 676 eviction cases on the archipelago



without any suitable alternative accommodation offered.

## **VIOLENCE AGAINST WOMEN AND GIRLS**

In January, the Governor declared a state of emergency on gender-based violence and ordered measures to prevent and eradicate it. By May, 511 cases of domestic violence had been filed, a sharp increase compared to the same period in 2020. In September, the Governor signed Law 40, which recognizes and establishes criteria for classifying certain homicides as femicides and trans femicides. During the year, there were 53 gender-based killings of women, a decrease of seven cases compared to 2020, according to Gender Equality Observatory, a civil society organization.

## **SEXUAL AND REPRODUCTIVE RIGHTS**

None of the seven bills discussed that could limit the right to abortion had been approved by the end of the year. Authorities approved an educational curriculum that introduces the concept of a gender perspective; it was due to be taught in schools beginning in 2022. There were protests against the curriculum's implementation.

## **FAILURE TO TACKLE CLIMATE CRISIS**

The government invested resources in creating the Committee of Experts and Advisers on Climate Change to help define public policy on climate change. The Department of Natural Resources issued several construction permits, allegedly by means of procedural irregularities, that threaten marine and coastal systems as well as putting lives at risk due to rising sea levels and risks of hurricanes. The legislature considered pushing forward a law that could eventually limit excessive construction in Puerto Rican coastal areas.

## **EXCESSIVE USE OF FORCE**

The Office of the Federal Police Monitor published a report in March which concluded that various police units had not complied with the requirements of the Police Reform of

2013 in relation to use of force and internal procedures.

In June, a report by the NGO Kilómetro 0 stated that at least 23 people had died as a result of police violence in the previous two years.

## **FREEDOM OF ASSEMBLY**

In September, the American Civil Liberties Union denounced civil rights violations against environmental defenders. The police department sought to repress protests, including by deploying the security forces and arbitrarily detaining environmental defenders.

## **LGBTI PEOPLE'S RIGHTS**

In June, the Federal Bureau of Investigation arrested three men linked to the death of Alexa, a transgender woman killed in 2020. In July, human rights defenders denounced targeted operations by municipal police against establishments frequented by LGBTI people. In August, the federal government ordered the protection of students with transgender and other sexual identities in schools. The legislature presented several bills that threatened the dignity and rights of LGBTI people by prohibiting hormonal treatments and banning trans athletes in female sports; none had been approved by the end of the year. A bill seeking to prohibit conversion therapies was defeated in the Senate. At the end of the year, a bill was before the Senate to create a Bill of Rights for LGBTI people.

# **QATAR**

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### **State of Qatar**

Head of state: **Tamim bin Hamad bin Khalifa Al Thani**

Head of government: **Khalid bin Khalifa bin Abdulaziz Al Thani**

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**Despite government reforms, migrant workers continued to face labour abuses and struggled to change jobs freely. Curtailment of freedom of expression increased in the run-up to FIFA World Cup**

## **2022. Women and LGBTI people continued to face discrimination in law and practice.**

### **BACKGROUND**

The Gulf diplomatic crisis that started in 2017, pitting Saudi Arabia, the United Arab Emirates, Bahrain and Egypt against Qatar, ended in January.

In July, the emir ratified a law paving the way for the first legislative elections of the Shura Council (Consultative Assembly) to elect 30 of its 45 members. However, the law excluded Qataris whose grandfathers were not born in Qatar from voting or standing for election on the basis of the discriminatory nationality law. The election was held on 2 October. No women were elected.

In October, the emir reshuffled the cabinet and demerged some ministries.

Covid-19 vaccines were made available to all citizens and residents aged 12 and above without discrimination, including foreign residents. By October, 77% of the population had been fully vaccinated.

### **MIGRANT WORKERS' RIGHTS**

Despite its stated commitment, the government failed to implement and enforce reforms, enabling abusive practices to resurface and reviving the worst elements of kafala (the sponsorship-based employment system).

Migrant workers continued to face sometimes insurmountable bureaucratic barriers and requirements when seeking to change jobs without the permission of their employers, even though permission was no longer a legal requirement. In December, the government reported that 242,870 migrant workers had been able to change jobs following the reforms in September 2020; however, it did not report how many workers managed to do so without securing the permission of their employer – information that is key to measuring progress.

The situation remained even more difficult for live-in women domestic workers on account of their isolation in their employer's house, which is also their workplace.

The system continued to yield powers to employers who oversee the entry and residence of migrant workers in Qatar, enabling abusive employers to cancel residency permits or file cases accusing their employee of absconding, jeopardizing migrant workers' legal presence in the country.

In May, the Ministry of Labour launched a digital platform intended to enable workers to submit complaints.

Despite the introduction of a new minimum wage, as well as measures to monitor payment of wages, migrant workers continued to fall victim to wage theft by their employers without effective recourse to justice. Indeed, access to justice for migrant workers remained largely slow and, when it did occur, did not often lead to an effective remedy. The support fund set up to help workers recoup their money if they win their cases before the Committees for the Settlement of Labour Disputes worked on an ad hoc basis and it remained unclear to workers if and when they could collect their unpaid wages from the fund.<sup>1</sup>

In April, workers from a company supplying security guards went on strike to protest against their employer's failure to honour the new minimum wage. State-aligned media reported that the government had investigated and found the company's pay did meet the legal requirement. The authorities continued to fail to investigate properly the deaths of migrant workers, thousands of whom have died suddenly and unexpectedly in Qatar in the past decade despite passing mandatory medical tests before travelling to the country. This failure, which precluded any assessment of whether the deaths were work-related, meant Qatar failed to protect a core element of the right to life. It also denied the workers' bereaved families the opportunity to receive compensation from the employer or authorities.<sup>2</sup>

### **TRADE UNION RIGHTS**

Migrant workers continued to be barred from forming or joining trade unions. Instead, authorities introduced joint committees, an

initiative led by employers to allow workers' representation. The initiative fell far short of the fundamental right of workers to form and join trade unions.

## **FREEDOM OF EXPRESSION AND ASSEMBLY**

Authorities continued to curtail freedom of expression using abusive laws to stifle critical voices.

On 4 May, authorities forcibly disappeared Malcolm Bidali, a Kenyan security guard, blogger and migrant workers' rights activist. They held him in solitary confinement for a month and denied him access to legal counsel. On 14 July, the Supreme Judiciary Council fined him under the controversial cybercrime law for publishing "false news with the intent of endangering the public system of the state". The criminal order was passed without Malcolm Bidali being formally charged, brought before a court or informed of the criminal charges he faced. He left Qatar on 16 August after paying the heavy fine.<sup>3</sup>

In early August, members of tribes, mainly the al-Murra tribe, protested against their exclusion from the Shura Council elections. On 8 August, the Interior Ministry stated that seven men had been arrested and referred to the public prosecution, accused of "using social media to spread false news and stir up racial and tribal strife". Some were released but others remained in detention without access to their lawyers.

In November, two Norwegian journalists investigating the situation of migrant workers were detained for trespassing and filming on private property, accusations the journalists refuted. They were questioned about their reporting and had all their equipment confiscated. They were released 36 hours later without facing any legal charges.

Earlier in their trip, the two journalists had been due to interview Abdullah Ibhais, the former communications director for Qatar's 2022 World Cup organizers, but he was arrested on 15 November hours before the planned interview. His arbitrary detention

came while he was appealing a five-year prison sentence handed down after an unfair trial based on a "confession" that was extracted under duress, and which he made without a lawyer present.<sup>4</sup> On 15 December, a court rejected his appeal and sentenced him to three years in prison.

## **WOMEN'S RIGHTS**

Women continued to face discrimination in law and practice. Under the guardianship system, women remained tied to their male guardian, usually their father, brother, grandfather or uncle, or for married women, to their husband. Women continued to need their guardian's permission for key life decisions to marry, study abroad on government scholarships, work in many government jobs, travel abroad until certain ages, and receive some forms of reproductive healthcare.

Family laws continued to discriminate against women by making it difficult for them to divorce. Divorced women remained unable to act as their children's guardian.

In March, the government disputed the findings of a Human Rights Watch report on discrimination against women in Qatar, and pledged to investigate and prosecute anyone who had breached the law. By the end of the year, no such investigations had taken place.

Noof al-Maadeed, a 23-year-old Qatari woman who sought asylum in the UK citing family abuse, decided to return to Qatar after seeking reassurances from the authorities. She started documenting her journey on social media but was last heard from on 13 October after she reported threats from her family to the police. Despite reassurances from the authorities that she was safe, her whereabouts remained unknown, raising fears about her safety.

## **LGBTI PEOPLE'S RIGHTS**

"Sodomy" or same-sex sexual conduct between men remained an offence under the Penal Code, punishable by up to seven years' imprisonment. Article 296 states that "leading, instigating or seducing a male in any way to commit sodomy or dissipation"

and “inducing or seducing a male or a female in any way to commit illegal or immoral actions” is a crime.

In February, Mashrou' Leila, a Lebanese rock band whose lead singer is openly gay, cancelled its planned appearance at Northwestern University's Doha campus for “safety concerns” after an anti-gay online backlash.

## DEATH PENALTY

In February, the emir halted the execution of a Tunisian man convicted of murder. No execution was reported.

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1. *Reality Check 2021: A Year to the 2022 World Cup, the State of Migrant Workers' Rights in Qatar* (Index: MDE 22/A966/2021), 16 November
  2. *“In the Prime of Their Lives”: Qatar's Failure to Investigate, Remedy and Prevent Migrant Workers' Deaths* (Index: MDE 22/4614/2021), 26 August
  3. *Joint Statement: Kenyan Labour Rights Activist Leaves Qatar After Paying Hefty Fine for Publishing “False News”* (Index: MDE 22/4626/2021), 19 August
  4. “Qatar: Ensure fair trial for Abdullah Ibhais”, 19 November

# ROMANIA

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## Republic of Romania

Head of state: **Klaus Iohannis**

Head of government: **Nicolae Ciucă (replaced Florin Cîțu in November)**

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**A statute of limitations on torture, among other crimes, was removed. NGOs raised concerns around the exercise of the rights to freedom of association, peaceful assembly and expression. Healthcare workers demanded increased protection against Covid-19. The media exposed violent pushbacks of refugees and migrants at borders. Roma and LGBTI people continued to face systemic discrimination. An investigation into the unlawful CIA rendition and torture of Abd al-Rahim Al-Nashiri was closed.**

## BACKGROUND

In May, the European Court of Justice (CJEU) ruled that Romania must abide by pre-EU

accession pledges to tackle corruption and meet EU benchmarks to ensure a fair legal system, including safeguards against political interference. In June, the European Commission (EC) reported a positive trend in relation to judicial reforms and the fight against corruption.

## FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

In June, dozens of civil society organizations wrote to the Minister of Justice expressing their wish to be fully involved in a government review of the regulatory framework for associations and foundations. They called for simplified procedures to be balanced with adequate safeguards against discretionary decisions that could threaten NGOs.

In August, Bucharest Pride's organizers were fined after more than the permitted 500 people joined the march. The NGO Accept contested the fine arguing that Covid-19 restrictions on attendance were disproportionate. In July, NGOs had raised concerns that pandemic-related restrictions on protests were not similarly applied to sport, cultural, religious or family events.

Reporters investigating alleged irregularities and corruption in the use of public funds were questioned by the Directorate for Investigating Organized Crime and Terrorism in May, after a mayor lodged a criminal complaint accusing them of organizing a criminal group and blackmail – both crimes punishable by up to five years in prison. NGOs warned that a dangerous precedent had been set, which could undermine the right to freedom of expression. Prosecutors closed the complaint against the reporters in June.

A draft law on the protection of whistle-blowers in the public interest – excluding whistle-blowers in private sector – remained pending in Parliament. The Ministry of Justice was criticized for overlooking several amendments proposed by NGOs, including on legal aid provision and the ability of whistle-blowers to report directly to the press.

## RIGHT TO HEALTH

The Covid-19 pandemic put immense pressure on an already underfunded and overstretched health system. In March 2021, healthcare workers held demonstrations calling for an increased health budget, better protection from Covid-19, increased wages and lower retirement ages.

By end of the year, 40% of the population had been fully vaccinated and vaccine uptake had plateaued. Romania registered the highest rate of mortality due to Covid-19 in the region and one of the highest in the world.

## REFUGEES' AND MIGRANTS' RIGHTS

In October, an investigation by Lighthouse Reports exposed how authorities in Romania – as well as in other EU countries – had violently rounded up migrants and asylum seekers and summarily returned them to countries outside the EU.

## DISCRIMINATION

### ROMA RIGHTS

In January, a new law criminalizing hate crimes against Roma came into force. Roma continued to experience harassment, in both online and public spheres, and to face discrimination, including segregation, in education, housing and employment.

### LGBTI PEOPLE'S RIGHTS

LGBTI people continued to face systemic discrimination. In January, the European Court of Human Rights (ECtHR) ruled that Romania violated the rights of two transgender people by refusing to recognize their identities, on the basis that they had not undergone gender reassignment surgery. It considered that the legal framework was not clear and consistent in this area.

In June, the ECtHR ruled that authorities had failed in their duty to protect individuals from far-right militants who stormed an LGBTI film screening in October 2013 shouting threats and homophobic abuse.

In July, NGOs raised concerns that politicians intended to propose anti-LGBTI legislation. Same-sex marriage and partnership remained unrecognized. In

September, the European Parliament asked the EC to address Romania's failure to comply with a 2018 CJEU decision on the need to harmonize national legislation to guarantee freedom of movement and residence for same-sex couples.

## TORTURE AND OTHER ILL-TREATMENT

In March, authorities closed an investigation into Abd al-Rahim al-Nashiri's unlawful rendition, secret detention and torture at a CIA black site in Romania. In 2018, the ECtHR had found that Romania hosted the secret facility and was complicit in Abd al-Rahim al-Nashiri's torture and enforced disappearance. Authorities continued in their refusal to acknowledge complicity or recognize the ECtHR judgment. Abd al-Rahim Al-Nashiri remained detained in Guantánamo Bay without trial and at risk of facing the death penalty.

# RUSSIA

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### Russian Federation

Head of state: **Vladimir Putin**

Head of government: **Mikhail Mishustin**

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**The Covid-19 pandemic continued to exacerbate the dire state of healthcare services. The rights to freedom of expression, association and peaceful assembly were routinely violated. Public assemblies organized by the political opposition were almost completely prohibited. Legislation on “foreign agents” and “undesirable organizations”, together with prosecutions on trumped-up charges and other forms of pressure, were widely used to suppress dissent. Threats and attacks against journalists, human rights defenders and other activists were perpetrated with impunity. Persecution of Jehovah's Witnesses intensified. Torture and other ill-treatment in places of detention remained endemic and prosecutions of perpetrators rare. Enforced disappearances were reported in Chechnya. The authorities failed to address domestic violence. LGBTI**

**people continued to face discrimination. Arbitrary deportations of refugees and asylum seekers persisted.**

## **BACKGROUND**

The parliamentary election in September was accompanied by unprecedented pressure on independent opposition candidates, including through barring them from running on spurious grounds. A record number of violations were reported by independent election monitors over three days of voting.

Corruption remained pervasive.

Low Covid-19 vaccine uptake and a rapid growth in the infection rate led all regional governments to introduce mandatory vaccination for certain groups of workers. The government repeatedly announced fully paid “non-working days” to halt the pandemic’s spread, forcing businesses to pick up the cost with limited government support.

Unprecedented wildfires raged in Siberia and the Far East following record-breaking heat and drought. Toxic smoke spread widely, further reducing the already poor air quality in large cities.

Russia continued to occupy Crimea and other territories.

## **RIGHT TO HEALTH**

Soaring Covid-19 infection and death rates exacerbated problems in healthcare, already dismal in some places. Worn-out infrastructure, negligent use of equipment and underfinancing, for example, were cited among the reasons for a cut in oxygen supply in a North Ossetian hospital in August, resulting in the deaths of at least nine patients on life support. Despite a shortage of healthcare workers reported across the country, the government adopted further cuts to the health budget. The large number of hospitalized Covid-19 patients led to delays in planned medical care.

The vaccination of homeless people and undocumented migrants against Covid-19 was complicated by a requirement for identification documents and medical insurance, often unavailable to such groups. Documented migrant workers also

encountered difficulties, with many having to pay for their vaccination.

## **FREEDOM OF ASSEMBLY**

Public assemblies organized by the opposition were mostly prohibited, including under the pretext of public health restrictions, unlike pro-government mass events.

Individuals staging single-person pickets were routinely arrested and prosecuted, in violation of an unduly restrictive law.<sup>1</sup>

Rallies in support of opposition leader Aleksei Navalny resulted in unprecedented numbers of mass arbitrary arrests<sup>2</sup> and administrative and criminal prosecutions on spurious charges.<sup>3</sup> In Moscow, facial recognition technologies were reportedly used to identify and reprimand peaceful protesters.

Police enjoyed impunity for the unlawful use of force, including with stun guns, against peaceful protesters.<sup>4</sup>

Around 10 criminal cases for “repeated violation of public assembly regulations” were opened. In October, environmental activist Vyacheslav Egorov was sentenced to 15 months’ imprisonment for organizing a peaceful protest.

## **FREEDOM OF ASSOCIATION**

Civil society organizations suffered further reprisals and restrictions due to newly amended legislation on “foreign agents” and “undesirable organizations”, which widened their scope (for instance, outlawing cooperation with “undesirable organizations” abroad) and increased respective administrative and criminal sanctions.

In July, the Council of Europe’s Venice Commission sharply criticized the new amendments to the “foreign agents” legislation noting that “they constitute serious violations of basic human rights”. It urged Russia to “abandon” this special regime or alternatively revise “the entire body of the legislation”. The government ignored these recommendations.

A further eight NGOs were added to the list of “foreign agents”, including the independent health workers’ union, Doctors’

Alliance, and 18 more listed as “undesirable”, including the International Partnership for Human Rights and European Network of Election Monitors. Authorities continued penalizing those on the list of “foreign agents” with heavy fines.

In July, the human rights group Team 29 announced its closure after its website was blocked for alleged publication of materials by a Czech NGO newly designated as “undesirable”. The group deleted all its online publications and web archive to prevent prosecutions.

In August, the election watchdog Golos became the first entity to be designated as an unregistered “public association – ‘foreign agent’” under the amended legislation, followed by five more groups. In December, the country’s oldest and most influential human rights groups, International Memorial and Human Rights Centre Memorial, were ordered to close down, on grounds of their alleged violations of the “foreign agents” legislation. The organizations appealed against the ruling.

Persecution of the NGO Open Russia as “undesirable” continued, including after its disbanding in May to protect its activists. In February, Anastasia Shevchenko received a four-year suspended sentence, reduced to three on appeal in August.<sup>5</sup> In May, its former executive director Andrey Pivovarov was arrested after boarding an international flight, for cooperation with an “undesirable organization” due to his Facebook posts. His trial started in November.

## FREEDOM OF EXPRESSION

Authorities used laws on “foreign agents” and “undesirable organizations” to curb the right to freedom of expression and silence independent media, journalists and activists. Fines were introduced for non-inclusion of the mandatory headline-style “foreign agents” disclaimer in relevant publications.

Fourteen media outlets and 70 people were designated “foreign agents”, while the investigative Project Media was outlawed as “undesirable”. In June, its founder, Roman Badanin, later designated as “foreign agent”,

and two other journalists faced searches under a libel case.

Journalist Elena Milashina received thinly veiled death threats after her newly published investigation into extrajudicial executions and torture by the Chechen police. The threats were not effectively investigated.

In August, a BBC Moscow correspondent was barred from Russia indefinitely as “a threat to national security”.

In April, four journalists from the student magazine *DOXA* were placed under travel restrictions as criminal suspects, and accused of “involving minors in dangerous activities” in relation to a video that called on students to brave threats of expulsion for participation in peaceful protests. Their trial started in December.

Dissenting musicians faced cancelled concerts. In October, poet and journalist Tatyana Voltskaya’s concert was cancelled because of her newly imposed “foreign agent” status.

Arbitrary and extrajudicial blocking of websites continued, while the scope of respective related legislation was widened. In July, over 40 websites associated with Aleksei Navalny’s anti-corruption and political activities were blocked under the pretext that they were used “for prohibited extremist activities”.

In September, the Moscow Arbitration Court ordered Google and Yandex to delete “Smart Voting” from their search engine results. Google and Facebook were repeatedly fined for not removing “prohibited content”. Journalist Igor Khoroshilov was sentenced twice to 10 days’ administrative detention for “propaganda of extremist insignia” after mentioning “Smart Voting” on Facebook.

In September, the Federal Security Service published an extensive list of unclassified topics, ranging from crimes in the army to delayed space programmes, the monitoring of which would render an individual a “foreign agent”. A veteran human rights NGO, the Soldiers’ Mothers of St Petersburg, declared in response that it would end its work on human rights violations in the army.

In October, Dmitry Muratov, editor of the independent newspaper *Novaya Gazeta*, was awarded the Nobel Peace Prize in recognition of his contribution to freedom of expression in an increasingly repressive media climate.

## HUMAN RIGHTS DEFENDERS

Reprisals against human rights defenders were widespread and egregious.

In April, Ivan Pavlov, a human rights lawyer and founder of Team 29, was arbitrarily charged with “divulging the results of a preliminary investigation”. He left Russia in September and was subsequently placed on a “wanted” list. He was also at risk of being stripped of his lawyer’s licence. In November, Ivan Pavlov and four of his colleagues were designated “foreign agents”.

The trial of feminist and LGBTI activist Yulia Tsvetkova, who was accused of “disseminating pornography” for sharing online her body-positive drawings of female bodies, started in Komsomolsk-on-Amur in April and was ongoing at the end of the year.

Prominent human rights defender Ernest Mezak faced trumped-up charges of contempt of court in June for his critical remarks on social media on the role of judges in the prosecution of peaceful protesters.<sup>6</sup>

In October, Galina Arapova, lawyer and director of the Mass Media Defence Centre (placed on the “foreign agents” register in 2015), was designated as an “individual – ‘foreign agent’”.

## IMPUNITY

Impunity for crimes committed against human rights defenders and journalists persisted. Numerous crimes, past and ongoing, remained unsolved with investigations unopened or manifestly stalled.

In August, the European Court of Human Rights (ECtHR) held that the Russian authorities had failed to properly investigate the abduction and murder of Natalia Estemirova in 2009, but did not find them directly responsible for the murder.

In October, the 15-year statute of limitation in the murder of prominent investigative journalist Anna Politkovskaya expired. The

masterminds behind her killing had not been identified.

## REPRESSION OF DISSENT

Reprisals against opposition activists and dissenters intensified as the authorities and the ruling United Russia party were confronted by increasingly critical public opinion in the run-up to parliamentary elections.

In February, prominent opposition activist Aleksei Navalny was sentenced in a politically motivated trial to 32 months’ imprisonment for violating the terms of his probation in relation to an unfounded prosecution in 2014. The same month, the ECtHR ordered his immediate release as interim measures related to his physical safety, but Russia refused to comply. Aleksei Navalny complained of inhuman and degrading treatment, including denial of essential healthcare. In June, his movement’s regional offices and two NGOs associated with him were declared “extremist” and banned by a court. In September, Russia ignored a call by the Council of Europe to release him and overturn his convictions. Instead, in October, the authorities announced five new criminal cases against him and his associates.

Other associates and supporters of Aleksei Navalny faced persecution across Russia, including unfounded criminal and administrative proceedings. In April, Andrey Borovikov, in Arkhangelsk, was sentenced to over two years’ imprisonment for “disseminating pornography” in relation to a videoclip by the German band Rammstein that he had shared on social media in 2014 and long since deleted. In July, Violetta Grudina, in Murmansk, was confined to a hospital for 19 days on a false Covid-19 related pretext. This also prevented her from running as an independent candidate in the local election. Ufa activist Lilia Chanysheva faced 10 years’ imprisonment on “extremism” charges for her role as a regional coordinator in Aleksei Navalny’s organization.

Other dissenting voices were also repressed. In May, Nikolay Platoshkin, leader of the For



New Socialism movement, was given a five-year suspended sentence and an extortionate fine for purported “calls to mass disturbances” and dissemination of “knowingly false information”. He had criticized the authorities, including their response to Covid-19, and planned peaceful protests.

Mikhail Iosilevich, an activist from Nizhnii Novgorod, was falsely accused of cooperation with an “undesirable organization” and threatening a witness, and spent over six months in pretrial detention. He was released in August under restrictions pending trial. His trial started in December.

Siberian shaman Aleksandr Gabyshev, who had vowed in 2019 to “purge” President Putin from the Kremlin, was violently arrested by some 50 police officers at his home in Yakutsk. In July, a court confined him indefinitely to a psychiatric hospital for compulsory treatment. In October, he was moved to a specialized psychiatric institution in Novosibirsk, thousands of kilometres from his home.

## **TORTURE AND OTHER ILL-TREATMENT**

Torture and other ill-treatment in custody remained endemic and prosecutions of perpetrators rare.

Those arrested during pro-Navalny rallies complained of inhuman and degrading conditions in detention, including severe overcrowding at the Sakharovo detention facility for migrants, outside Moscow, and elsewhere.

Although several criminal investigations were initiated into multiple allegations of torture, including rape, of prisoners in Irkutsk region in 2020, they were stalled with victims and witnesses complaining of threats and intimidation.

In February, brothers Salekh Magamadov and Ismail Isaev were abducted by police in Nizhnii Novgorod and taken to Chechnya where they were remanded on false charges of aiding an armed group. They complained of torture and other ill-treatment, but the Chechen authorities refused to open a criminal investigation.

In October, Maksim Ivankin, sentenced to 13 years’ imprisonment for alleged participation in a fictitious “terrorist” organization named Network, told his lawyers that he had “confessed” to a double murder under torture while being transferred to a penitentiary in another region.

Smuggled graphic videos of inmates’ torture, including rape, in Saratov prison hospital and other penal institutions were made public in October by activists from the Gulagu.net group. In response to widespread media coverage and a public outcry, the authorities initiated criminal investigations and sacked some prison officials. Threats against the whistle-blower who procured the footage, Sergei Savelyev, forced him to leave Russia.

## **ENFORCED DISAPPEARANCES**

There were new reports of enforced disappearances, particularly from Chechnya. The fate and whereabouts of Salman Tepsurkayev, moderator of Telegram channel 1ADAT, remained unknown. A critic of the authorities, he was seen being tortured in a video that was anonymously published after his disappearance in 2020. In October, the ECtHR found Russia responsible for his arbitrary, unacknowledged detention and torture, and for the failure to effectively investigate his torture.

## **FREEDOM OF RELIGION AND BELIEF**

Persecution of Jehovah’s Witnesses intensified after the organization’s arbitrary designation as “extremist” in 2017, with intrusive home searches and criminal cases initiated across the country and in occupied Crimea. At least 105 people were convicted, with those imprisoned sentenced to increasingly long terms.

In October, a court in Astrakhan sentenced Olga Ivanova to three-and-a-half-years’ imprisonment, and Rustam Diarov, Sergei Klikunov and Evgenii Ivanov to eight years’ imprisonment, the longest sentences issued to Jehovah’s Witnesses yet.

## VIOLENCE AGAINST WOMEN AND GIRLS

In August, a study by the Women's NGOs' Consortium found that 66% of women murdered from 2011 to 2019 had been victims of domestic violence. Significant efforts to address the issue were absent, with the draft law on domestic violence, stalled from previous years, still failing to make the parliamentary agenda. The situation of survivors continued to be exacerbated by pandemic-related restrictive measures.

In September, the ECtHR ruled in *Volodina v Russia No. 2* that the authorities had failed to protect the applicant from cyberviolence, and to effectively investigate and bring the perpetrator to justice. The Court concluded that the ensuing impunity "was enough to shed doubt on the ability of the State machinery to produce a sufficiently deterrent effect to protect women from cyberviolence".

## LGBTI PEOPLE'S RIGHTS

Discrimination against LGBTI people remained widespread, spearheaded by the homophobic "gay propaganda" legislation.

## REFUGEES' AND MIGRANTS' RIGHTS

Refugees and asylum seekers continued to face refoulement.

In September, Valentina Chupik, a refugee from Uzbekistan and a human rights defender working on migrants' rights, was detained in Sheremetyevo airport transit zone on returning to Russia, stripped of her refugee status, banned from entering the country for 30 years and faced a forcible return to Uzbekistan. Only following a widespread outcry, was she allowed to leave for Armenia in October.

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1. *Russia: No Place for Protest* (Index: EUR 46/4328/2021), 12 August
  2. "Russia: Human rights crisis deepens as Navalny supporters arrested en masse" 22 April
  3. "Russia: Detention of Navalny associate on 'extremism' charges a forewarning of mass reprisals", 11 November
  4. *Russian Federation: Assaulted Peaceful Protester Denied Justice: Margarita Yudina* (Index: EUR 46/3695/2021), 12 February
  5. "Russia: Prisoner of conscience Anastasia Shevchenko convicted, given suspended prison sentence" 18 February

6. "Russian Federation: Prosecution of human rights defender must stop" 14 July (EUR 46/4469/2021)

# RWANDA

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## Republic of Rwanda

Head of state: **Paul Kagame**

Head of government: **Edouard Ngirente**

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**The authorities took measures to respond to the Covid-19 pandemic and to promote the right to health. Ten girls and women were pardoned for abortion-related offences. Violations of the rights to a fair trial, freedom of expression and privacy continued, alongside enforced disappearances, allegations of torture and excessive use of force. People suspected of genocide were prosecuted and convicted.**

## BACKGROUND

The Ministry of National Unity and Civic Engagement was created in July, replacing the Genocide Survivors Support and Assistance Fund, the National Commission for the Fight against the Genocide, the National Unity and Reconciliation Commission and the National Itorero Commission.

Also in July, armed forces were deployed to Mozambique to fight an armed group known locally as "Al-Shabaab". With Mozambican forces, they regained several key towns in the north-eastern Cabo Delgado province.

## RIGHT TO HEALTH

The government continued to impose restrictions to reduce the spread of Covid-19, including a nationwide curfew, mass testing, and localized lockdowns in January, February and July in Kigali and other districts. Rwanda was one of only 15 African countries to meet the global goal of 10% vaccination by the end of September. By December, 40% of the country's population was fully vaccinated.

## SEXUAL AND REPRODUCTIVE RIGHTS

In July, President Kagame pardoned 10 girls and women serving prison sentences for

abortion-related offences. Abortion remained illegal in most circumstances, although the 2018 Penal Code introduced exceptions in cases of rape, incest or forced marriage.

## **RIGHT TO A FAIR TRIAL**

Paul Rusesabagina was convicted of terrorism offences in September, following a trial and pretrial period marred by serious fair trial violations. Alongside 20 co-accused, he was tried in relation to attacks by the National Liberation Forces, a group he had previously pledged support for. After his unlawful transfer from Dubai to Kigali on 28 August 2020, he disappeared for four days, during which time, according to his lawyers, he was tortured. He was then held in incommunicado detention for three days. The lawyer appointed by his family was denied access to him for his first six weeks of detention, during which time he was represented by two pro bono lawyers. The prison authorities inspected and confiscated privileged and confidential documents brought to him by his lawyers. This practice continued despite a court ruling that documents related to the case should not be confiscated (although other documents unrelated to the case could first be inventoried by the prison authorities). This ruling was the only action taken by the court to attempt to remedy the fair trial violations. From 12 March onwards, Paul Rusesabagina did not attend hearings because he believed his fair trial rights would not be respected.<sup>1</sup>

## **FREEDOM OF EXPRESSION**

Several bloggers and commentators active on YouTube were arrested and prosecuted. Yvonne Idamange was arrested in February after posting a video in which she claimed that the president was dead and called on people to march to his office. She also criticized lockdown measures and policies around genocide commemoration. She was convicted in September and sentenced to 15 years in prison, on charges including “inciting public disorder”, “disposing of or degrading evidence or information relating to genocide” and “publication of rumours”.

After being repeatedly summoned by the Rwanda Investigation Bureau, academic Aimable Karasira was arrested in May and charged with denying and justifying the genocide, instigating division and fraud. A genocide survivor, he had posted videos in which he said that Rwandan Patriotic Front soldiers had killed members of his family in 1994.

In October six people, including journalist Theoneste Nsengimana and members of the opposition political party DALFA-Umurinzi (Development and Liberty for All), were arrested, accused of “spreading rumours to cause unrest among the population”. Two days earlier, Theoneste Nsengimana had posted a video of a woman calling on people to celebrate “Ingabire Day” (named for DALFA-Umurinzi leader Victoire Ingabire) to honour jailed, abducted and killed opposition figures.

## **RIGHT TO PRIVACY**

In July, the Pegasus Project revealed that the phone of Paul Rusesabagina’s daughter, Carine Kanimba, was infected with the NSO Group’s Pegasus spyware. Rwanda is believed to be an NSO Group client. More than 3,500 phone numbers, including those of activists, journalists, political opponents, foreign politicians and diplomats of interest to Rwanda, had been selected as potential targets for the spyware.<sup>2</sup>

## **RIGHT TO TRUTH, JUSTICE AND REPARATION**

In March, a French commission, established to review state archives concerning France’s role and engagement in Rwanda between 1990 and 1994, published its final report. The Duclert Commission found that, although not an accomplice to the genocide, France bore responsibility for its blindness to the preparation for a genocide and its slowness to break with the regime responsible for it. President Macron acknowledged France’s responsibility and sought forgiveness from the Rwandan people. In April the Muse Report, commissioned by the Government of Rwanda, went further, stating that France

bore “significant responsibility for having enabled a foreseeable genocide”.

In March, the Prosecutor of the International Residual Mechanism for Criminal Tribunals filed a second amended indictment against Félicien Kabuga, acknowledged as a chief financier of the 1994 genocide. He was charged with genocide, incitement and conspiracy to commit genocide, and three counts of crimes against humanity: persecution on political grounds, extermination and murder.

In July, the High Court Special Chamber for International and Transnational Crimes convicted Jean-Claude Iyambereye of genocide and sentenced him to 25 years in prison. He was accused of being a leader of the Interahamwe militia in Kicukiro during the genocide.

Genocide suspect Beatrice Munyenyezi was extradited from the USA to Rwanda in April to stand trial. The same month, Marcel Hitayezu, a Rwandan priest living in France was arrested on genocide charges. Another genocide suspect Venant Rutunga was extradited from the Netherlands in July. In September, two investigating judges in Paris ordered that Philippe Hategekimana be tried in France for genocide and crimes against humanity among other crimes. In October, genocide convict Oswald Rurangwa was deported from the USA to Rwanda.

Théoneste Bagosora, a former army colonel, died in September in Mali where he was serving a 35-year sentence for his role in masterminding the genocide.

## ENFORCED DISAPPEARANCES

Rwanda backtracked on its previous commitments and rejected recommendations received during the Universal Periodic Review (UPR) process to ratify the Convention against Enforced Disappearance. During two previous UPR reviews, it first supported and then provisionally supported recommendations to ratify the Convention.<sup>3</sup>

Suspected enforced disappearances were reported and disappearances from previous years remained unresolved. In May, Rwandan asylum seeker and former radio

director Cassien Ntamuhanga was arrested by Mozambican police; they have since denied any knowledge of his detention. Unconfirmed reports say he was handed over to the Rwandan embassy in June. He had been convicted alongside Kizito Mihigo (see below, Right to life) in Rwanda and escaped from prison in 2017.

## RIGHT TO LIFE

No independent investigation was carried out into the death in custody of popular musician Kizito Mihigo in 2020 despite renewed calls by civil society.<sup>4</sup>

In September popular rapper Joshua Tusyishime, also known as Jay Polly, died in custody. He was arrested in April for hosting a party at his home in violation of Covid-19 regulations.

Although in 2020 the president and minister of justice had publicly condemned the use by individual police officers of excessive force, and committed to holding perpetrators accountable, reports of police using excessive and at times lethal force, including in implementing Covid-19 restrictions, continued.

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1. *Rwanda: Ensure Remedy after Fair Trial Violations in Paul Rusesabagina Case* (Index: AFR 47/4753/2021), 20 September
  2. “Pegasus Project: Rwandan authorities chose thousands of activists, journalists and politicians to target with NSO spyware”, 19 July
  3. *Rwanda: Consideration of UPR Reports* (Index: AFR 47/4370/2021), 9 July
  4. *Rwanda: Call for Independent Investigation into Rwandan Singer Kizito Mihigo's Death* (Index: AFR 47/3799/2021), 8 March

## SAUDI ARABIA

### Kingdom of Saudi Arabia

Head of state and government: **Salman bin Abdulaziz Al Saud**

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**The crackdown continued on the rights to freedom of expression, association and assembly. The Specialized Criminal Court handed down heavy prison terms to individuals for their human rights work and expression of dissenting views. Among**

**those arbitrarily detained, prosecuted or sentenced were human rights defenders, government critics and other political activists. Women human rights defenders were subjected to judicially imposed travel bans following conditional release from prison. Courts resorted extensively to the death penalty and people were executed for a wide range of crimes. Migrant workers continued to be vulnerable to abuse and exploitation under the country's sponsorship system, and tens of thousands were arbitrarily detained and subsequently deported. Prison authorities violated the right to health of human rights defenders and others imprisoned after grossly unfair trials.**

## **BACKGROUND**

In January, the foreign minister announced an end to the rift that had pitted Saudi Arabia, Bahrain and other states against Qatar since 2017, and that Saudi Arabia would restore diplomatic ties with Qatar.

In July, the European Parliament strongly condemned the ongoing use of the death penalty in cases of child offenders and called for the immediate and unconditional release of human rights defenders. On 27 September, Saudi Arabia and the EU had their first human rights dialogue, which was held in Brussels, Belgium. The EU expressed its concerns about freedom of expression in Saudi Arabia and raised several cases of individual Saudi human rights defenders.

The Saudi Arabia-led coalition in the long-running armed conflict in Yemen continued to be implicated in war crimes and other serious violations of international law (see Yemen entry).

## **FREEDOM OF EXPRESSION AND ASSOCIATION**

Following a brief lull in prosecutions of human rights defenders and dissidents during the G20 summit chaired by Saudi Arabia in November 2020, the authorities resumed punitive trials, particularly before the Specialized Criminal Court (SCC), of anyone who expressed views critical of the

government or opinions contrary to those of the government about socio-economic or political developments in the country. The SCC sentenced people to heavy prison terms for their human rights work and expression of dissenting views, including on Twitter. It also imposed restrictive conditions on individuals released after serving their sentences, including travel bans and ordering the closure of their social media accounts.

In March, the SCC increased by a total of three years the 14-year prison sentence that Mohammad al-Otaibi, a founding member of the Union for Human Rights, an independent human rights organization, was already serving. His sentence was based solely on his human rights work, including forming a human rights organization.

In April, the SCC sentenced Abdulrahman al-Sadhan, who works at the Saudi Arabian Red Crescent Society in the capital Riyadh, to 20 years in prison and a subsequent travel ban of equal duration. The evidence presented against him consisted of satirical and critical tweets about the government's economic policies and form of governance, for which he was charged with, among other things, "preparing, storing and sending what would prejudice public order and religious values" and "offending state institutions and officials and spreading false rumours about them".

## **HUMAN RIGHTS DEFENDERS**

Human rights defenders continued to be detained arbitrarily, sentenced after grossly unfair trials or silenced following conditional release.

In February, prominent women human rights defender Loujain al-Hathloul was conditionally released after serving her prison term.<sup>1</sup> In June, women human rights defenders Nassima al-Sada and Samar Badawi were also conditionally released. The conditions imposed included judicially imposed bans on travel, public speaking, resumption of human rights work and use of social media, which violate their rights to freedom of expression, association and

peaceful assembly in the country and freedom of movement outside the country.

Between January and July, the SCC unjustly sentenced five human rights defenders to prison terms ranging from six to 20 years. Some of them had recently finished serving lengthy prison terms from previous cases on similar charges related to their peaceful exercise of human rights.<sup>2</sup> For example, in April, the SCC sentenced Mohammad al-Rabiah, a human rights defender, writer and outspoken advocate for women's rights, to six years in prison to be followed by a six-year travel ban when he had already served almost three years in prison after his May 2018 arrest as part of the crackdown on women human rights defenders.

## DEATH PENALTY

In January, the authorities announced major reforms in relation to the death penalty, including a moratorium on executions for drug-related crimes, but took no formal steps to amend the Saudi Drugs and Narcotics Control Law or clarify how the moratorium will take effect .

In February, in a positive development in the cases of Ali al-Nimr, Abdullah al-Zaher and Dawood al-Marhoun, three young men arrested as children, the SCC commuted their death sentences and re-sentenced them to 10-year prison terms inclusive of time served.<sup>3</sup> The re-sentencing followed an order by the public prosecutor in August 2020 to review the death sentences of the three men. Ali al-Nimr and Abdullah al-Zaher were released in October and November, respectively, after finishing 10-year prison terms.

The judiciary resumed handing down discretionary (*ta'zir*) death sentences against individuals convicted of crimes not punishable by death under sharia (Islamic law). On 15 June, the authorities executed Mustafa al-Darwish, a young Saudi Arabian man from the Shi'a minority who was convicted of charges related to his alleged participation in violent anti-government protests.<sup>4</sup>

## MIGRANTS' RIGHTS

The Ministry of Labour introduced limited reforms to its sponsorship (*kafala*) system in March, easing restrictions on some migrant workers in relation to transferring jobs without the permission of their employers under certain conditions. The conditions include non-payment of salary for three consecutive months; expiry of the employee's work permit; and when an employer fails to attend two litigation hearings if a labour dispute has arisen. The reforms also include allowing migrant workers to request an exit permit without the permission of their employer, but did not abolish the exit permit. Under these conditions, migrant workers continued to be tied to their employers, who retained considerable control over their rights and freedom of movement. Domestic migrant workers continued to be excluded from protections under the country's labour law.

Throughout the year, the authorities continued their crackdown on migrants accused of violating residential, border security and labour regulations and laws through mass arbitrary arrests. The Ministry of Interior announced that in November and December alone, at least 117,000 men and women were arrested for violating these regulations, and over 2,400 individuals – most of them Ethiopian and Yemeni migrants – were arrested for crossing the border into Saudi Arabia without valid visas. Some 73,000 men and women were subsequently deported to their home country.

In April, Amnesty International documented the detention of at least 41 Sri Lankan women, all migrant domestic workers, for up to 18 months at the Exit 18 Deportation Detention Centre in Riyadh, awaiting repatriation. Many of the women had been detained due to their migration status under the *kafala* system. Reasons included expiry of their work permit, their employer's failure or refusal to obtain an exit permit, and their attempted escape from an abusive employer to travel back to their countries without an exit permit. Following international and national attention, all the women were repatriated by May.<sup>5</sup>

In July, a state-aligned media outlet announced that Qiwa, a platform run by the Ministry of Human Resources, had set a maximum quota for the hiring of Indian, Bangladeshi, Yemeni and Ethiopian nationals. While this decision stated that it only applied to newly hired workers, or workers who had shifted their permits to new entities, Reuters and Human Rights Watch reported that the Saudi authorities had effectively terminated contracts or stopped renewing the contracts of tens of Yemenis already employed in institutions in the country.

## **WOMEN'S AND GIRLS' RIGHTS**

On 8 February, Crown Prince Mohammad bin Salman announced on Saudi Arabia's official press agency major legislative developments, including a new personal status law. The authorities made no further announcements regarding this legislative reform and it remained unclear when the new law would come into effect. Women continued to face serious discrimination in marriage, divorce, inheritance and child custody.

In May, a state-aligned media outlet reported that the Shura Council renewed discussions to amend the nationality law to give permanent residency, without any fee or lengthy procedures, to the children of Saudi Arabian women married to foreign nationals.

## **RIGHT TO HEALTH**

As of September, according to the Ministry of Health, at least 42 million doses of Covid-19 vaccines had been administered. According to Reuters, this represented about 61% of the country's population, assuming each person had received two doses.

A state-aligned media outlet reported that as of April, about 68% of detainees in state security prisons had been vaccinated against Covid-19, and that work to vaccinate the remaining prisoners who had consented was ongoing. In cases where prisoners tested positive for Covid-19, prison authorities isolated them in individual cells. However, prisoners were also denied contact with their families for the duration of their isolation. In

one case, Mohammad al-Qahtani, a human rights defender and founding member of the now disbanded Saudi Civil and Political Rights Association (ACPRA), was detained incommunicado and was not allowed to speak to his family for 14 days after he tested positive for Covid-19 in April.<sup>6</sup>

Individuals in urgent need of medical care continued to be imprisoned without adequate medical attention or treatment.

Mohammad al-Khudari, an 83-year-old Palestinian man and retired surgeon, politician and writer, whose health was deteriorating in prison, was deprived of adequate medical treatment for multiple health issues, including cancer, incontinence, herniated discs, bone fragility and general frailty. The SCC sentenced him on 8 August to 15 years in prison (with half of the term suspended because of his age) after a mass trial that included his son. The sentence was reduced following an appeal session on 28 December to six years in prison (with a three-year suspension). The trial was marred by serious due process violations.<sup>7</sup>

Religious cleric Salman Alodah remained in solitary confinement since his arrest in September 2017. According to his son, his health had deteriorated in detention, leading him to lose part of his vision and hearing. Charged with offences punishable by death, Salman Alodah had faced over 10 trial sessions since his trial began in August 2018, including three sessions in 2021 alone, all of which were postponed for months with no clear reason given, exacting a huge mental and emotional toll on him and his loved ones.

## **DEATH IN CUSTODY**

In October, cleric Musa al-Qarni was attacked and killed in detention by another inmate in his cell in Dhahban prison near Jeddah. According to sources, his face, skull and ribs were smashed and fractured, and he suffered bleeding in the brain. The authorities failed to carry out an investigation into his death.<sup>8</sup>

## RIGHT TO PRIVACY

In July, the Pegasus Project investigation revealed the leak of 50,000 phone numbers of potential surveillance targets of NSO Group's Pegasus spyware, including those of Saudi journalists, human rights defenders and relatives of dissidents. Amnesty International's forensic evidence confirmed that family members of Saudi journalist Jamal Khashoggi were targeted with Pegasus software before and after his murder in Turkey on 2 October 2018 by Saudi operatives, despite repeated denials by NSO Group. Pegasus spyware was installed on the phone of Jamal Khashoggi's fiancée Hatice Cengiz four days after his murder. His wife, Hanan Elatr, was repeatedly targeted with the spyware between September 2017 and April 2018, and his son Abdullah was also selected for potential targeting.<sup>9</sup>

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1. "Saudi Arabia: Release of women's rights defender Loujain al-Hathloul long overdue", 10 February
  2. *Saudi Arabia's Post-G20 Crackdown on Expression: Resumption of Crackdown on Free Speech, Human Rights Activism and Use of the Death Penalty* (Index: MDE 23/4532/2021), 3 August
  3. "Saudi Arabia: Withdrawal of death sentences for three Shi'a activists arrested as teenagers a welcome move", 8 February
  4. *Saudi Arabia: Further Information: Young Saudi Executed After Grossly Unfair Trial: Mustafa al-Darwish* (Index: MDE 23/4453/2021), 14 July
  5. "Saudi Arabia: Dozens of Sri Lankan women wrongfully detained for months due to abusive kafala system", 15 April
  6. "Saudi Arabia: Fears for health of imprisoned human rights defender held incommunicado", 16 April
  7. *Saudi Arabia: 83-Year-Old Detainee Needs Urgent Medical Care: Dr. Mohammed al-Khudari, Dr. Hani al-Khudari* (Index: MDE 23/4758/2021), 22 September
  8. *Saudi Arabia: Impunity for Cleric Death in Custody Illustrates Disregard for Prisoner Rights* (Index: MDE 23/5105/2021), 15 December
  9. "Massive data leak reveals Israeli NSO Group's spyware used to target activists, journalists, and political leaders globally", 18 July

## SENEGAL

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### Republic of Senegal

Head of state and government: **Macky Sall**

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**The authorities arbitrarily detained opposition and civil society figures, disrupted the internet, and shut down TV stations. Security forces fired at protesters. The right to health was undermined in the context of the Covid-19 pandemic. Forced evictions continued.**

## ARBITRARY DETENTION

In January, Boubacar Seye, president of the NGO Horizons Sans Frontières, was arbitrarily detained on his arrival at Dakar airport. He was charged with "disseminating fake news"; this was because of an October 2020 interview, in which he denounced the lack of transparency in the government's use of funds provided by the EU for programmes on youth employment and fighting irregular migration to Europe. He was provisionally released after 20 days.

In February, the government arbitrarily arrested several opposition and civil society figures who had been critical of the government's role in a criminal affair linked to a rape accusation involving the opposition leader Ousmane Sonko, president of the Pastef party (full name: Pastef-Les Patriotes). Among people arrested were members of the Pastef party, including Birame Souleye Diop and Abbas Fall, accused of "criminal conspiracy and complicity in the dissemination of content contrary to good morals, threat of assault and violence". Seventeen female Pastef militants, including their leader Maimouna Dieye, were also arrested and detained in Rebeuss prison despite not being accused or charged with any criminal offence. The activist Guy-Marius Sagna was also arrested and accused of "criminal conspiracy", "participating in an insurrection" and "threatening to disturb public order" after he accused the police of torture and other ill-treatment of supporters of the Pastef party arrested in February. They were all freed in April. Ousmane Sonko was also arbitrarily detained in March accused of disturbing public order, while, accompanied by his militants, he was on his way to court, responding to a summons for the rape allegations. He was freed six days later.



## **EXCESSIVE USE OF FORCE**

Fourteen people, including three children, were killed in March when security forces used live ammunition to disperse nationwide protests – some of which had turned violent – in Dakar, Bignona, Kaolack and Diaobé, following the arrest and detention of Ousmane Sonko. At least 400 people were injured.

During the protests in Dakar, armed people were seen operating in support of the police and attacking protesters in several neighbourhoods. The Senegalese government described these individuals as police officers wearing civilian clothes.

The independent commission announced by the authorities in April to investigate the violent incidents during the protests had not been put in place. The president announced in December that a judicial investigation had been opened.

## **FREEDOM OF EXPRESSION AND ASSEMBLY**

In March, the national broadcasting regularity authority suspended Walf TV and Sen TV for 72 hours because of their live broadcasts of the protests, which it described as “incitement to violence” and “irresponsible coverage”. Protesters also vandalized property belonging to the Groupe Futurs Media press holding and the newspaper *Le Soleil* for their perceived association with the government.

In the same month, the authorities disrupted access to the internet and social media ahead of a planned protest in Dakar.

In June, the National Assembly amended the terrorism-related chapters of the Criminal Code and the Code of Criminal Procedure, in a move that seriously restricted the rights to freedom of expression and peaceful assembly. Terrorism, which has an overly broad definition, encompassed acts linked to disturbing public order, criminal association, infractions linked to new technologies of information and communication, and “incitement to terrorist acts”. Protests that turn violent could fall under this definition

and lead to criminal charges against the organizers.

## **RIGHT TO HEALTH**

Beginning in March, Senegal rolled out its Covid-19 vaccination campaign, with the support of COVAX. A shortage of vaccines in July coincided with a new wave of Covid-19, and a 44% increase in cases.

As of December, 1.9 million Covid-19 vaccinations had been administered, with 593,000 individuals fully vaccinated, representing 5.6% of the population.

## **DETAINEES’ RIGHTS**

The health of detainees was seriously put at risk by prison overcrowding. The system implemented by the prison authorities to monitor Covid-19 cases led to overcrowding in the CapManuel prison in Dakar, with detainees unable to even lie down. This prison was indeed chosen by the authorities to receive all new detainees, as a triage and quarantine facility, before they were eventually dispatched to other detention facilities.

## **FORCED EVICTIONS**

Rural communities continued to challenge their forced evictions, which were carried out to make room for business interests. In Dougar (a city to the east of Dakar), 21 people were arrested in May during protests against the allocation of 72 hectares of land to a private company. According to the communities affected, the XOF100 million (US\$178,000) compensation offered, based on a 1973 compensation scale, did not reflect the current cost of living.

## **WORKERS’ RIGHTS**

In August, the authorities warned private employers against suspending and firing workers who were not vaccinated against Covid-19, calling such measures discriminatory.

## **LGBTI PEOPLE’S RIGHTS**

There were several public physical attacks against LGBTI people in Dakar and

Ziguinchor during the year, many of them videoed by the attackers. In May, several conservative groups organized a large protest in Dakar, calling for the criminalization of homosexuality in Senegal's Criminal Code.

## CHILDREN'S RIGHTS

Senegal failed in its obligation to protect children from ill-treatment. Hundreds of thousands of Quranic students continued to be forced to beg for their sustenance, despite the existence of a 2005 law against forced begging and child trafficking, and a 2018 bill to modernize Quranic teaching.

# SERBIA

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## Republic of Serbia

Head of state: **Aleksandar Vučić**

Head of government: **Ana Brnabić**

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**There was negligible progress in bringing to justice those suspected of criminal responsibility for past crimes under international law. Police enjoyed impunity for ill-treatment. Media workers and NGOs were attacked by the government and pro-government media. Discrimination against women, Roma and other ethnic minorities, LGBTI people and the socially vulnerable was widespread.**

## BACKGROUND

The Serbian Progressive Party (SNS) strengthened its power in parliament, with no effective opposition to curtail its dominance. The EU-US sponsored dialogue on Serbia's normalization of relations with Kosovo stalled after resuming in June. Tensions rose in September when Kosovo enforced their prohibition on Serbian number plates.

## RIGHT TO TRUTH, JUSTICE AND REPARATION

The European Commission in October contrasted Serbia's weak record in addressing impunity against the support and privileges the state afforded to convicted war criminals. Prosecutions at Belgrade High

Court, mostly based on indictments transferred from the Bosnia and Herzegovina (BiH) state prosecutor, held Bosnian Serb defendants accountable for war crimes, including torture, murder, rape and sexual exploitation. Proceedings related to Srebrenica and Štrpci were delayed for over a year.

In January, the Court of Appeal acquitted two defendants accused of the inhumane treatment, torture and murder of 69 civilians, and the wounding of 12 in Lovas, Croatia, and reduced the sentences of six others to below the legal minimum.

In September, the same court upheld judgments awarding compensation to the families of 193 prisoners of war and civilians murdered by the Yugoslav Army at Ovčara, Croatia, in 1991. However, compensation fell below levels awarded at the European Court of Human Rights.

In August, following retrial, the International Residual Mechanism for Criminal Tribunals sentenced former state security officials Jovica Stanišić and Franko Simatović to 12 years' imprisonment for aiding and abetting murder as a war crime; and for murder, deportation, forcible transfer and persecution as crimes against humanity in BiH in April 1992.

## ENFORCED DISAPPEARANCES

In April, the Croatian president cautioned that Serbia needed to clarify the fate of missing Croats before joining the EU. Only seven bodies of persons missing from Kosovo were returned, and neither party opened their military archives, as requested by families of the missing in 2020.

## TORTURE AND OTHER ILL-TREATMENT

In July, the Belgrade Centre for Human Rights reported no progress in criminal complaints by 40 people injured by police during demonstrations in July 2020, due to the police's failure to identify the officers responsible.

In December the UN Committee against Torture urged the authorities to implement legal safeguards protecting detainees' rights

and to end impunity for torture and ill-treatment by ensuring all complaints were independently investigated.

## **FREEDOM OF ASSEMBLY**

A draft internal affairs law was withdrawn in September following concerns about its potential impact on the rights to protest and privacy. In October, the requirement for advance notification for holding assemblies was increased to 20 days under a new environmental law regulating noise levels. In November police used excessive force against environmental protesters.

## **FREEDOM OF EXPRESSION**

NGOs and independent media were vilified by politicians and media close to the government. In March, Aleksandar Martinović, SNS parliamentary leader, accused the CRTA – an NGO monitoring the parliament – of involvement in an earlier coup and attempted murder of President Vučić. In August, when the government intensified its campaign against NGOs and independent media, over 70 organizations called on the Ministry of Human Rights for protection. In October-November NGO Women in Black's offices were twice spray-painted with misogynist and nationalist graffiti.

## **JOURNALISTS AND MEDIA WORKERS**

In March, five media organizations left the Working Group for the Security and Protection of Journalists following government-orchestrated campaigns against independent media, including accusations that the Crime and Corruption Reporting Network (KRIK) was complicit with organized crime. Four former state security officials were convicted in December for their part in the murder of journalist Slavko Čuruvija in 1999.

## **VIOLENCE AGAINST WOMEN AND GIRLS**

Thirty women were killed, 20 through family or partner violence; five deaths were still to be investigated. NGOs expressed concern that the new Law on Gender Equality delayed

funding for support services for victims of violence until 2024.

Several allegations of sexual abuse or harassment were made by girls and women against men in senior political, educational or professional positions. While some criminal investigations were opened, there were no convictions.

## **REFUGEES' AND MIGRANTS' RIGHTS**

Over 39,675 migrants and refugees (predominantly from Afghanistan and Syria) entered Serbia, of whom 2,306 expressed their intention to seek asylum. Some 158 applied, yet out of 65 substantive decisions by the end of November only six people received refugee status and six subsidiary protection, including two relatively high-profile figures.

Investigative journalists alleged that state officials were complicit in smuggling migrants.

In January, the Constitutional Court concluded that in 2017 police had inhumanely treated 17 Afghan nationals, who had already registered their intention to seek asylum when police pushed them back into Bulgaria.

In mid-December UNHCR, the UN refugee agency, reported 210 pushbacks into North Macedonia from Serbia, (probably an underestimate) and 27,892 collective expulsions from EU countries (Hungary, Croatia and Romania) and BiH into Serbia.

## **RIGHT TO HOUSING**

Following a complaint by the A11 Initiative, an NGO, and six Romani people forcibly evicted in 2019 from an informal settlement in Vinca, Belgrade, the European Bank for Reconstruction and Development agreed to facilitate negotiations with the city authorities to ensure their rights, including to affordable alternative housing.

In March, a homeless couple successfully appealed against a fine imposed for breaking the Covid-19 curfew. During the pandemic, shelters were closed and some homeless people were sentenced to 50 days' imprisonment.

## RIGHT TO HEALTH

In October, cases of Covid-19 rose dramatically; human rights organizations continued to urge the government to act to protect the right to physical and mental health. In many cases unvaccinated employees were forced to work indoors without face-coverings.

Environmental activists highlighted the detrimental health impacts of coal-fired power plants and a copper mine run by a Chinese company, and the development of a lithium mine by Rio Tinto.

## LGBTI PEOPLE'S RIGHTS

The draft law on same-sex partnership, opposed by the president, was not adopted. The draft allowed the registration of same-sex partnerships and afforded a range of rights but prohibited others, including the right to adoption. The September Pride called for its introduction, action against hate crimes and hate speech, and progress in gender recognition. In October, the Commissioner for the Protection of Equality called on local authorities to implement gender recognition regulations.

## IRRESPONSIBLE ARMS TRANSFERS

In August, armed groups operating in the Sahel were observed with Serbian small arms and light weapons, highlighting the high risk of diversion of Serbia's ongoing arms' transfers to Burkina Faso.<sup>1</sup>

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1. "Sahel: Amnesty identifies Serbian weapons in stockpiles of brutal armed groups", 24 August

# SIERRA LEONE

## Republic of Sierra Leone

Head of state and government: **Julius Maada Bio**

**The president signed the Abolition of the Death Penalty Bill into law. The police used excessive force against protesters and other people. The government failed to protect the rights of LGBTI people. Sexual and gender-based violence remained prevalent.**

**Sierra Leonians denounced poor sanitation in hospitals, and maternal and infant mortality rates were high.**

## BACKGROUND

In January, 246 prisoners, including political opponent Alfred Paolo Conteh, were released following a presidential pardon. Restrictive measures used to control the Covid-19 pandemic intensified. Sierra Leone accepted 216 of 274 recommendations made under the UN Universal Periodic Review (UPR) process.

## DEATH PENALTY

On 23 July, parliament voted unanimously to abolish the death penalty for all crimes and passed the Abolition of the Death Penalty Bill, which was signed by the president on 8 October.

## EXCESSIVE USE OF FORCE

On 12 April, students at the Institute of Public Administration and Management participated in a protest against the institution's release of an incomplete graduate list which omitted hundreds of would-be graduates. The police violently dispersed protesters, beating and stripping a woman of her shirt.

Three days later, a police officer shot dead a young man in Hastings over a private land dispute. Following an internal investigation, five officers were dismissed and the officer who fired the gun was arrested and charged with murder.

Recommendations to strengthen the Independent Police Complaints Board went before the ministry of internal affairs as the basis for a proposed Act of Parliament to regulate police violence.

## FREEDOM OF EXPRESSION

During the UPR process, the government accepted a recommendation to enact a law to protect human rights defenders. By the end of the year, the legislative process to do so had not yet started.

## LGBTI PEOPLE'S RIGHTS

Consensual sexual relations between men remained a criminal offence under the Offences Against the Person Act and carried a maximum penalty of life imprisonment. LGBTI people continued to face discrimination and stigma and the government rejected all recommendations made during the UPR process to protect their rights and dignity.

## WOMEN'S AND GIRLS' RIGHTS

Early and forced marriage and female genital mutilation (FGM) were still prevalent. According to a Save the Children report published in March, Sierra Leone had the 18th highest child marriage rate in the world. The report also stated that girls often join secret societies upon puberty, such as the "Bondo Society", where FGM is part of the initiation process.

The Rainbo Initiative, a national organization fighting sexual violence, recorded 1,691 cases of sexual and gender-based violence, mostly against women, of which 1,522 were sexual assault cases and 169 were physical assaults, in the cities of Freetown, Bo, Makeni, Kenema and the district of Kono between January and June. In July, the minister of gender and children's affairs reaffirmed the government's commitment to end such violence by 2030.

In October, the government introduced the Gender Empowerment Bill in parliament which aimed to increase women's access to finance and to reserve 30% of parliamentary seats and cabinet positions for women.

## RIGHT TO HEALTH

Maternal and infant mortality rates remained high. Sierra Leonians used social media to denounce the lack of sanitation in two of the main public hospitals in Freetown, Connaught Hospital (the main referral hospital) and the Princess Christian Maternity Hospital (PCMH). On 13 April, junior doctors announced a strike, demanding, among other things, a clean working environment at the Connaught Hospital and a running water supply for PCMH.

With a limited number of oxygen plants in the country, hospitals struggled to respond to the third Covid-19 wave. By the end of September, more than 396,505 adults had received their first Covid-19 vaccine and more than 89,902 had received a second dose.

Mental health services failed to meet the needs of those suffering trauma from the recent conflict, and of Ebola survivors who lived with the after-effects of the virus. A lack of government spending, insufficient donor support and a shortage of skilled mental health professionals, among other factors, prevented them from receiving adequate care. There were only two practising psychiatrists and a visiting psychiatrist to serve the entire population.<sup>1</sup>

## ENVIRONMENTAL DEGRADATION

In July, a report by the special select committee tasked by parliament to investigate alleged contamination of the Taia/Jong River disclosed that water pollution had been caused by extensive mining activities along the Pampana River and its tributary streams in Tonkolili District, and Hugy River in Valunia Chiefdom, Bo District, which finally emptied into the Taia/Jong River. The report further revealed that the mining activities had an adverse impact on farming, fishing and drinking water supplies. Seventeen deaths were caused by waterborne diseases. The committee recommended that all artisanal and illegal mining activities in the region be put on hold.

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1. *Sierra Leone: "They Are Forgetting About Us": The Long-Term Mental Health Impact of War and Ebola in Sierra Leone* (AFR 51/4095/2021), 25 May

# SINGAPORE

## Republic of Singapore

Head of state: **Halimah Yacob**

Head of government: **Lee Hsien Loong**

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**Defamation suits and repressive laws were used against human rights defenders and government critics resulting in steep fines**

**and prison sentences. A new law further limited rights to freedom of expression, peaceful assembly and association.**

## **FREEDOM OF EXPRESSION**

Political leaders continued to use defamation suits to silence critics. In February, blogger and activist Leong Sze Han was ordered to pay SGD133,000 (US\$99,000) in damages after being sued by the Prime Minister. Leong Sze Han had shared a news article on social media linking Lee Hsien Loong to a corruption scandal. In September, Terry Xu and Rubaashini Shunmuganathan from the independent news site, The Online Citizen, were also found guilty of defamation against the Prime Minister and ordered to pay SGD210,000 (US\$156,138). Later that month, The Online Citizen was forced to close its website and social media accounts after the government accused it of failing to declare its funding sources. In November, Terry Xu and Daniel de Costa were found guilty of defamation against cabinet members and were awaiting sentencing at year's end. In October, parliament passed the Foreign Interference (Countermeasures) Act (FICA) giving the government sweeping new powers, including to remove or block access to online content if "foreign interference" is suspected. The law also introduced harsh penalties for media outlets and others considered as "foreign agents".<sup>1</sup>

## **FREEDOM OF ASSEMBLY**

In February, human rights defender Jolovan Wham was convicted of breaching the Public Order Act and the Vandalism Act for peaceful protests in 2017 against violations of human rights. He served 22 days in prison.<sup>2</sup> In August, Jolovan Wham appeared in court again on charges related to an incident in 2018 when he took a photo of himself holding a poster outside a court where Terry Xu and Daniel de Costa were on trial.

## **MIGRANTS' RIGHTS**

A woman was sentenced to 30 years' imprisonment in June for starving, torturing and killing her domestic worker in 2016.

Covid-19 restrictions continued to confine low-income migrant workers to cramped dormitories and workplaces. In November, the UN CERD Committee reviewed the government's report and recommended stronger protections for migrant workers, including female domestic workers.

## **LGBTI PEOPLE'S RIGHTS**

In January, a transgender student alleged that the Ministry of Education prevented her from receiving prescribed hormone replacement therapy. Three students, who were arrested in January for protesting against discrimination against LGBTI+ people in schools, were released on bail. In November, they and three others were issued with police warnings for staging a protest without a permit.<sup>3</sup>

## **DEATH PENALTY**

There was international outcry against the planned execution in November of Malaysian national Nagaenthran Dharmalingam who was sentenced to the mandatory death penalty for drug trafficking. He was assessed to have intellectual disabilities. His appeal was still pending at year's end.<sup>4</sup>

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1. "Singapore: Foreign interference law is a tool for crushing dissent", 5 October
  2. "Singapore: Quash conviction and sentence of human rights defender Jolovan Wham", 15 February
  3. *Singapore: Cease Investigation of Peaceful Activists and Respect Transgender Rights* (ASA 36/3643/2021), 8 February
  4. "Singapore: Halt 'despicable' and unlawful execution of Malaysian national", 4 November

# **SLOVAKIA**

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## **Slovak Republic**

Head of state: **Zuzana Čaputová**

Head of government: **Eduard Heger**

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**The authorities continued to impose mandatory quarantines on Roma settlements in response to Covid-19. There were ongoing concerns over an investigation into excessive use of force against Roma**

**people. Parliamentarians attempted to adopt amendments that would restrict access to abortion. Slovakia had not yet ratified the Istanbul Convention.**

## **BACKGROUND**

In April, the Constitutional Court decided to carry out an inquiry into the lawfulness of the restrictions of the right to liberty during the Covid-19 pandemic.

## **DISCRIMINATION**

The authorities subjected Roma to widespread discrimination.

### **RIGHT TO HEALTH**

The authorities continued to impose quarantines on Roma settlements, raising concerns over proportionality and lack of adequate socio-economic support. Regional health authorities in several parts of Slovakia introduced mandatory quarantines in dozens of Roma settlements after some of the residents tested positive. The quarantines were enforced by the police. On 23 February, the Government Plenipotentiary for Roma Communities raised concerns over the widespread practice of mandatory quarantines. The authorities failed to carry out an adequate assessment whether these were proportionate or necessary. In December, the Constitutional Court declared the law providing for mandatory quarantines unconstitutional, due to the lack of limits to restrictions on human rights.

Throughout the year, there were concerns over unequal access of Roma to Covid-19 vaccines, resulting in low vaccination rates in Roma settlements. By the end of August, only 7% of residents of Roma settlements had been vaccinated against Covid-19, compared to 43% of general population. Before April, when an amendment to the law entered into force, foreigners and people with arrears on health insurance had not been eligible for Covid-19 vaccines. This disproportionately affected people from disadvantaged socio-economic backgrounds, including Roma.

## **EXCESSIVE AND UNNECESSARY USE OF FORCE**

In April, the European Court of Human Rights ruled in *M.B. and Others v. Slovakia* that Slovakia had failed to investigate allegations that police officers ill-treated six Roma boys in a police car after arresting them in 2009 in the city of Košice.

In May and June, the District Court in Košice terminated the criminal proceedings against five out of six Roma who had lodged complaints about ill-treatment during a police operation in Moldava nad Bodvou in 2013. The police claimed that the men had falsely accused them of wrongdoing. In December, the District Court also terminated the proceedings also against the sixth complainant. In June, the government apologized for the human rights violations during the police action but provided no justice or reparations to the Roma victims.

### **RIGHT TO EDUCATION**

In April, the NGO eduRoma published a report estimating that as many as 70% of Roma children in Slovakia did not participate in remote online learning during the first wave of the Covid-19 pandemic in 2020. A lack of internet access was one of the key factors that hindered home schooling.

Slovakia continued to face infringement proceedings initiated by the European Commission for systematically discriminating against and segregating Roma children in education, breaching the EU's equality legislation.

### **FORCED STERILIZATIONS**

In June, Roma women who had been victims of unlawful sterilizations met parliamentarians to urge the state to ensure justice and remedy for the harm they had suffered. The Public Defender of Human Rights and the Centre for Civil and Human Rights NGO reiterated the call for adequate compensation. In November, the government officially apologized for the unlawful sterilization of thousands of Roma women. However, it had yet to put in place an effective compensation mechanism.

## GENDER-BASED VIOLENCE

Ten years after signing the Council of Europe's Istanbul Convention on Violence Against Women, Slovakia had still not ratified it. Drawing on the data of helplines for victims of domestic violence, a report by the Institute for Labour and Family Research highlighted an increase in cases during the Covid-19 pandemic. In 2020, there was a 49% increase in calls to helplines in comparison with 2019.

In April, the prime minister allocated €3 million to centres for victims of domestic violence to increase the financing of shelters.

## SEXUAL AND REPRODUCTIVE RIGHTS

In June and November, parliamentarians unsuccessfully attempted to adopt amendments that would restrict access to abortion. The proposals, which were rejected by parliament, aimed to restrict access to legal abortion.

## REFUGEES' AND MIGRANTS' RIGHTS

In August, Slovakia announced that it would only accept 10 Afghan evacuees. The party leaders of the government coalition stated that the country would not be open to accept a "larger number" of refugees.

# SLOVENIA

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### Republic of Slovenia

Head of state: **Borut Pahor**

Head of government: **Janez Janša**

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**Asylum seekers were denied access to asylum and forcibly returned to Croatia. The definition of rape in the Criminal Code was brought into line with international standards. Media freedom deteriorated. Freedom of peaceful assembly was further restricted.**

## REFUGEES' AND MIGRANTS' RIGHTS

Slovenia continued to deny access to asylum to potential asylum seekers irregularly entering the country. The vast majority of people apprehended on Slovenian territory

were summarily returned to neighbouring Croatia, based on a bilateral readmission agreement, enabling informal returns which circumvent the usual asylum procedures. The Ombudsman's Office criticized the practice, saying that it deprived people of legal remedies to address potential human rights violations.

In April, the Supreme Court upheld the earlier Administrative Court ruling that the authorities violated the right of a Cameroonian national to seek asylum when he was deported without formal procedure to Croatia and then on to Bosnia and Herzegovina. Courts in Italy and Austria also found that Slovenia's practice of expelling asylum seekers based on bilateral agreements was in breach of international law and subjected the victims to so-called chain pushbacks, which resulted in people being further expelled to Croatia and Bosnia and Herzegovina. In December, two people trying to cross to Slovenia drowned in the Dragonja river, including a ten-year-old Kurdish girl from Turkey.

Changes to the Law on Foreigners and the Law on International Protection were adopted in March, further restricting asylum seekers', refugees' and migrants' access to protection and rights, and allowing the possibility of complete border closure in case of a "complex migration crisis". NGOs argued that the amendments violated Slovenian and EU law and put people at risk of torture.

## VIOLENCE AGAINST WOMEN AND GIRLS

In June, the Slovenian Parliament adopted amendments to the Criminal Code that recognized that sex without consent is rape, bringing the legislation in line with international law and standards.<sup>1</sup> Under the new law, coercion, or the use or threat of force, will no longer be required as conditions for the crime to be considered rape.

## RIGHT TO HEALTH

In December, the parliament adopted the law on long-term care for older people to address insufficient care services for the growing elderly population.



In June, the Constitutional Court declared as unconstitutional the parts of the Communicable Diseases Act that the government had used as a basis for imposing restrictive measures during the Covid-19 pandemic, and gave parliament two months to amend the act. The proposed amendments failed to gain the necessary majority in parliament in July, leaving the unconstitutional legal provision in force for the time being.

## **FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY**

The prolonged blanket ban on public assemblies, originally introduced in October 2020 as part of the Covid-19 mitigation measures, remained, except for a 12-day hiatus, in place until 19 April. The authorities imposed heavy fines on protesters who defied the ban. In June, the Constitutional Court ruled that the government's decisions to prohibit public gatherings and limit the number of protesters were unconstitutional and represented a disproportionate infringement of human rights.

Media freedom continued to deteriorate, with journalists – particularly, female journalists – being the target of frequent online harassment and threats, including by the prime minister Janez Janša and other senior politicians. Government officials took measures to weaken public media services by labeling them as “anti-government” or, in case of the Slovenian Press Agency, by withholding their funding until November. Slovenia's ranking in the World Press Freedom Index dropped from 32nd in 2020 to 36th place.

Government officials also frequently engaged in smear campaigns against NGOs and other critical voices. The Council of Europe's Human Rights Commissioner warned that the toxic and hostile environment for media and civil society organizations had a chilling effect on freedom of expression and human rights work.

1. Slovenia: Recognition that sex without consent is rape is a “historic victory for women”, 4 June

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# **SOMALIA**

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## **Federal Republic of Somalia**

Head of state: **Mohamed Abdullahi Mohamed (Farmaajo)**

Head of government: **Mohamed Hussein Roble**

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**All parties to the armed conflict carried out indiscriminate attacks killing hundreds of civilians. The right to freedom of expression was suppressed; two journalists were killed and others were beaten, threatened, harassed and intimidated, and subjected to arbitrary arrest. The government's response to the Covid-19 pandemic remained inadequate and only 5.1% of the population had been vaccinated by December; health workers were particularly exposed to infection risks and suffered poor and unsafe working conditions. Hundreds of thousands of people were displaced. In Somaliland, the authorities continued to censor critics and journalists and carried out large scale forced evictions and transfer of people in Las Anod town.**

## **BACKGROUND**

Heightened political tensions between federal authorities, regional authorities and opposition leaders rose to new levels, leading to the postponement of presidential and parliamentary elections. Political infighting between Somalia's president and his prime minister prevented the implementation of necessary judicial, constitutional and human rights reforms. Their public disagreement about the apparent enforced disappearance of a woman officer in the National Intelligence and Security Agency (NISA) threatened to create political divisions including within the security forces.

In May, Somaliland held long-delayed parliamentary and local council elections for 82 members of the House of Representatives and Councillors in 21 districts. On 5 June, the opposition won 52 of the 82

parliamentary seats, none of which were held by women, a fact which further undermined women's voices at the legislative level.

## **INDISCRIMINATE ATTACKS**

All parties to the armed conflict continued to commit crimes under international law with impunity. According to the UN there were 536 civilian casualties (241 deaths and 295 injuries) between February and July, 68% of which were the result of indiscriminate attacks by the armed group Al-Shabaab, while the rest were attributed to state security forces, clan militias, and international and regional forces including the African Union Mission in Somalia (AMISOM).

Al-Shabaab launched repeated attacks against civilians and civilian infrastructure, including restaurants and hotels. The group also carried out targeted killings of people with perceived links to the government, and journalists, among others. On 2 March, Al-Shabaab members killed at least 20 people and injured 30 others in the popular Luul Yemeni restaurant in the capital, Mogadishu, in a suicide car bombing. On 25 September, at least eight people were killed in another such attack in Mogadishu. Among the dead was Hibaq Abukar, an adviser on women and human rights affairs in the prime minister's office.

On 10 August, allegations emerged that AMISOM soldiers had targeted and killed seven civilians in a retaliation attack against Al-Shabaab in Golweyn town, in the Lower Shabelle region. On 21 August, AMISOM said it constituted a Board of Inquiry to investigate the incident. On 21 October, the Board made public its findings, admitting that "the seven people killed were civilians and the conduct of the personnel involved was in breach of the AMISOM Rules of Engagement." On 13 November, AMISOM announced that a Ugandan court martial in Mogadishu had found five Ugandan soldiers guilty of the killings, two of whom were sentenced to death and three to 39 years in prison, and that they would serve their sentences in Uganda.

## **ENFORCED DISAPPEARANCES**

On 12 July, a woman announced in the media that her 25-year-old daughter, Ikran Tahlil Farah, an officer with the NISA, had been missing since 26 June when she was abducted by unidentified people in a car outside her residence in Mogadishu. The family alleged repeatedly that NISA officers were behind the abduction and disappearance because she was taken from a secure location near the heavily guarded NISA headquarters, accessible only to screened visitors and NISA personnel. On 2 September, an announcement was made in state media saying that Ikran Tahlil Farah had been kidnapped and killed by Al-Shabaab, a claim immediately denied by the group.

A public outcry prompted the prime minister to replace the NISA director, following which the president appointed the former NISA director as his National Security Advisor. The prime minister referred the disappearance to the Military Court Prosecutor for investigation. On 21 November, the Chief Prosecutor announced that preliminary investigations found no evidence that NISA was involved in Ikran Tahlil Farah's alleged disappearance.

## **FREEDOM OF EXPRESSION**

Two journalists were killed and others faced beatings, threats, harassment and intimidation, arbitrary arrests and prosecution as a means to silence them.

On 22 February, Puntland police arrested freelance journalist Ahmed Botan Arab in Bosaso town after he posted interviews on Facebook showing Bosaso residents commenting on the Puntland president's speech about regional political developments and a stalemate on the implementation of an electoral agreement between regional and federal leaders. He was detained at Bosaso police station and released two days later without charge after clan elders intervened.

On 1 March, independent journalist Jamal Farah Adan was shot dead by unidentified armed men at a shop in Galkayo town, Mudug region. Al-Shabaab claimed responsibility for the killing. Before his death,

Jamal Farah Adnan said he had received anonymous threats and that an attempt had been made on his life by an Al-Shabaab member. On 6 March, the President of Puntland said that the authorities had arrested suspects in Galkayo and investigations into the circumstances of the killing were underway. The outcome of the investigations was not made public by the end of the year.

On 20 November, radio journalist Abdiaziz Mohamud Guled, also known as Abdiaziz Africa, was killed in a suicide bomb attack, and two of his colleagues were injured. Al-Shabaab claimed responsibility for his killing.

On 3 March, Kilwe Adan Farah, a freelance journalist, was sentenced to three months in jail by a military court in Puntland. He had been arrested and detained in December 2020 by the Puntland Intelligence Agency, a day after he covered protests in Garowe town against the government's perceived mismanagement of local currency. He was charged with five offences, including "publication of false news and bringing the nation or the state into contempt". He was released from Garowe Central Prison on 22 March following a presidential pardon.

On 3 July, NISA officers in Balad Hawo town, Gedo region, arrested Mohamud Mohamed Sheikh also known as Lafagari, a journalist for the Star Media Network. The next day, he was transferred to a detention facility in Dollow town where he was detained for three days and released without charge and without being provided with any explanation for his arrest and detention.

On 5 September, a group of journalists covering a protest in Mogadishu were beaten and their equipment confiscated by Somali Police Force officers. Following the incident, a video circulated on social media showed police beating and dragging Bashir Mohamud, a Goobjoog Media producer, along the ground.

## **RIGHT TO HEALTH**

The Covid-19 pandemic highlighted a range of pre-existing weaknesses in Somalia's public healthcare system. By August,

according to government records, 15,294 people had contracted the virus and 798 people had died since the beginning of the pandemic. However, given the limited testing capacity, and under-reporting and registration of deaths, the real figure was expected to be much higher. Over the last four years, the budget allocated to health was on average 2% as compared to the 31% devoted to the security sector.

The government's response to the pandemic was wholly inadequate. There was almost no capacity to test, treat and manage Covid-19 cases and patients' access to health facilities remained severely limited. For much of the year, only one hospital in Mogadishu handled all Covid-19-related cases across south-central regions, which lacked essential medicines and basic equipment like ventilators and oxygen. From August, two more hospitals, also in Mogadishu, were able to manage Covid-19 patients. Access to emergency transportation and ambulance services in Mogadishu and the regional states was almost non-existent and the city had only two ambulances which operated free of charge for Covid-19 patients and served nearly 3 million people.<sup>1</sup>

Access to vaccines was severely limited. Only 5.1% of the population was fully vaccinated by December at which point almost all the vaccines donated through COVAX and by China had been used. Limited public awareness compounded by a lack of public information about the virus contributed to people's hesitancy to get vaccinated, even among health workers.

### **HEALTH WORKERS**

Many health workers contracted Covid-19. They faced multiple challenges during the pandemic and put their own health and lives at risk. Some of them said they had not been given enough appropriate training on handling Covid-19 patients and the impact on their own health; they worked prolonged hours. In many cases, the payment of their salaries was delayed.

## INTERNALLY DISPLACED PEOPLE'S RIGHTS

The impact of drought and floods driven by climate change, conflict and the loss of livelihoods exacerbated the protracted humanitarian crisis. In addition to more than 2.6 million people who were already internally displaced in previous years, 573,000 people fled their homes between January and August, according to the UN. Of those, over 70% were fleeing conflict, including around 207,000 who were temporarily displaced in Mogadishu due to election-related violence in April. Around 50% of all those displaced in 2021 were women and girls who faced an increased risk of sexual violence and harassment. Humanitarian access to most of those affected was restricted because of insecurity, severely limiting their access to food, water, sanitation, housing and healthcare.

## SOMALILAND

### FREEDOM OF EXPRESSION

Authorities in Somaliland severely restricted freedom of expression, particularly targeting individuals perceived to be promoting unity with Somalia. The Human Rights Centre, a local human rights organization, reported that 42 individuals were arrested in Borama town, and 15 in Las Anod town, on 26 June and 16 July, respectively, for wearing outfits made from the Somali flag. They were released without charge.

On 19 August, the authorities in Burao town arbitrarily arrested independent journalist Abdimalik Muse Oldon for the second time in two years. He was held in connection with an altercation over social media with the president when he alleged that the management of Barwaaqo University was spreading Christianity. On 12 October, he was charged with offences including “spreading false information and anti-national propaganda”, and “criminal defamation”. His trial was ongoing at the end of the year and he remained in detention. In 2020, he had been released from prison following a presidential pardon having served one year of a three-and-a-half-year sentence on charges

related to his criticizing the president on Facebook.

### FORCED EVICTIONS AND TRANSFER OF POPULATION

On 2 and 3 October, Somaliland authorities forcibly evicted, rounded up and transferred over 7,000 men, women and children from Las Anod town and its surrounding areas in the Sool region to locations in Puntland. The Somaliland government said those targeted for this exercise were “non-locals” from southern Somalia who posed a security threat to Somaliland. Some of the families had lived in Las Anod for 20 years and have since lost their property, business assets and livelihoods. According to the UN, the majority of those displaced initially arrived in Galkayo, Puntland, most of whom proceeded to Hirshabelle and Banadir in the South West State, and were in need of urgent protection and humanitarian assistance. Somaliland authorities neither gave notice to the families nor allowed them to take their belongings with them.

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1. *Somalia: “We Just Watched Covid-19 Patients Die”: Covid-19 Exposed Somalia’s Weak Healthcare System but Debt Relief Can Transform It* (Index: AFR 52/4602/2021), 18 August

## SOUTH AFRICA

### Republic of South Africa

Head of state and government: **Matamela Cyril Ramaphosa**

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**Incidents of gender-based violence increased dramatically and women’s access to sexual and reproductive healthcare was restricted. Children faced significant inequalities in the public education system, exacerbated by Covid-19: up to 500,000 children dropped out of school during the pandemic. There were numerous cases of alleged corruption in provincial health departments. Millions of people did not have access to adequate sanitation and water. Foreign-owned businesses were targeted in xenophobic attacks, and undocumented migrants were excluded from the vaccine roll-out. Security forces**

**continued to use excessive force against peaceful protesters and hundreds of people died as a result of police action. Violent unrest across two provinces, which was triggered by former president Jacob Zuma's arrest, resulted in at least 360 deaths as well as job losses, further entrenching inequalities. The authorities failed to ensure that the mining industry complied with standards to prevent human rights violations against communities. Evidence emerged of South Africa's complicity in war crimes committed in Yemen. Environmentalists feared that a proposed oil exploration project would threaten marine wildlife.**

## **BACKGROUND**

In July President Ramaphosa authorized the deployment of 1,495 troops to Mozambique, to deal with insecurity in Cabo Delgado in the north-east (see Mozambique entry).

The Commission of Enquiry into State Capture continued to hear testimonies in relation to allegations of corruption and other abuses known as “state capture” under the presidency of Jacob Zuma who was imprisoned for contempt of court for refusing to appear before the commission. He was released on medical parole after serving two months of his 15-month prison sentence. The first part of the commission's report was to be released in January 2022 and to focus on corruption in key state-owned entities, including South African Airways. Parts two and three were expected to be released in February 2022.

## **GENDER-BASED VIOLENCE**

Official crime statistics published in August showed an increase in some forms of gender-based violence. Despite the adoption by the government of the National Strategic Plan on Gender-Based Violence and Femicide in 2019 to strengthen its response to the high incidence of gender-based violence, the statistics revealed a 72.4% increase in rape cases, a 77.6% increase in other forms of sexual assault, and a 74.1% increase in all sexual offences. While the dramatic rise in

cases was attributed to low reporting during the Covid-19 lockdown period, the numbers during 2021 were still higher than those recorded in the pre-pandemic era. Parliament adopted three new bills in September to strengthen protection against gender-based violence.

There were at least 117 cases of femicide in the first half of the year. In August, the killing of Nosicelo Mtebeni by her boyfriend led to a public outcry. Nosicelo Mtebeni was a 23-year-old law student in her final year at Fort Hare University in the Eastern Cape province when she was murdered. Her body was dismembered and placed in a suitcase and in plastic bags. Her boyfriend was sentenced to 25 years in prison for her murder.

## **SEXUAL AND REPRODUCTIVE RIGHTS**

Many women and girls were unable to access sexual and reproductive health services during Covid-19 lockdown restrictions. In the Gauteng province, 23,226 teenage pregnancies were recorded between April 2020 and March 2021. Of this number, 934 concerned girls between the ages of 10 and 14. The high rate of teenage pregnancy was partly attributed to difficulties with accessing contraceptives. A survey of young women aged between 15 and 24, conducted by the South African Medical Research Council, revealed that 21% of the respondents reported challenges in getting condoms because of Covid-19 measures.

## **RIGHT TO EDUCATION**

The education system was ridden with systematic failures during the Covid-19 pandemic.<sup>1</sup> The National Income Dynamics Coronavirus Rapid Mobile Survey, a collaboration of over 30 South African researchers from several universities and research organizations, found that up to 500,000 additional children dropped out of school during the pandemic. The drop-out rate reached approximately 750,000 by May, over three times the pre-pandemic number of 230,000. According to the Department of Basic Education, one in three pregnant girls

aged between 10 and 19 did not return to school.

Many schools were underfunded and sanitation conditions were poor. As of 12 April, 5,167 schools still used pit latrines, which contravened health and safety legislation.

## **RIGHT TO HEALTH**

South Africa remained the country worst affected by Covid-19 in Africa, in terms of both reported cases and deaths. In July, healthcare facilities were struggling to cope with the third wave. In the Gauteng province alone, about 91% of private and public hospital beds were occupied. There were about 8.4 million fully vaccinated people by September in a population of almost 60 million. Undocumented migrants were excluded from the vaccine roll-out.

The Health Sector Anti-Corruption Forum and the Special Investigating Unit took on numerous cases of alleged corruption in provincial health departments. Former health minister Zweli Mkhize resigned in August after being implicated in the irregular procurement of a Covid-19 related communication services tender which resulted in the alleged misappropriation of ZAR150 million (over US\$10 million).

## **RIGHTS TO WATER AND SANITATION**

Communities still struggled with access to water and sanitation. According to the Department of Water and Sanitation, an estimated 5.3 million households did not have access to safe and reliable drinking water and 14.1 million people did not have access to safe sanitation. In some municipalities only 50% of residents enjoyed adequate sanitation facilities. Protests over access to water and sanitation continued throughout the year, disrupting voter registration for the 2021 local government elections. In September, residents of Khayelitsha in Cape Town, the legislative capital, protested over blocked drains and sewage running down their streets and into their homes, compromising their health.

## **REFUGEES' AND MIGRANTS' RIGHTS**

There were over 153,000 outstanding asylum applications. The government and UNHCR, the UN refugee agency, signed a US\$9.6 million agreement in March to clear the backlog and revamp the asylum management system by 2024. In May, the Western Cape High Court ruled that the Cape Town Refugee Reception Office (RRO), which had been closed in 2012, be reopened. This followed the Department of Home Affairs' failure to comply with a 2017 court order issued by the Supreme Court of Appeals to reopen the RRO by March 2018. Since its closure, asylum seekers living in Cape Town had to travel to Durban, Musina or Pretoria every few months (1,455km, 1,633km and 1,923km, respectively) to renew their permits.

There were sporadic xenophobic attacks throughout the year, with businesses owned by migrants targeted in Durban.

## **EXCESSIVE USE OF FORCE**

South African police continued to use excessive force against peaceful protestors resulting in deaths and injuries. The Independent Police Investigative Directorate (IPID), an official oversight body of the police, received 6,122 new complaints by the end of the 2021 financial year on 28 February. Of these, 4,228 were assault cases, 353 were cases of death as a result of police action, 256 were cases of torture, and 80 were rapes by a police officer.

IPID received 74 complaints during the July unrest in parts of the Gauteng and KZN provinces (see below, Right to life and security of the person). Of these, the majority – 26 – were cases of deaths resulting from police action, while there were 25 complaints of assault, and four deaths in police custody. Two cases involving torture were filed.

### **UNLAWFUL KILLINGS**

In March, Mthokozisi Ntumba was shot and killed by members of the South African Police Service while passing a student-led protest in Braamfontein in Johannesburg. The University of Witwatersrand students were protesting the university's exclusion of

learners with outstanding fees. The trial of four police officers in connection with Mthokozisi Ntumba's killing was postponed until 2022.

## RIGHT TO LIFE AND SECURITY OF THE PERSON

In July, violent looting and destruction of property erupted in parts of Gauteng and KZN provinces following the imprisonment of Jacob Zuma. The unrest spread to residential areas and in the absence of a clear police presence many communities turned to vigilantism. The South African National Defence Force was deployed to support police on the ground.<sup>2</sup> At least 360 people died during the week of unrest. Some died in stampedes and others from live ammunition or rubber bullets shot at close range.

## CORPORATE ACCOUNTABILITY

The Department of Mineral Resources and Energy continued to fail to meet its annual target of inspecting mines to ensure they complied with its Social and Labour Plans (SLPs). Strict adherence to SLPs would go some way to ensuring that the negative socio-economic ramifications of mining are remedied, and human rights violations prevented.

## IRRESPONSIBLE ARMS TRANSFERS

In March, a research report by Open Secrets, an organization which exposes private sector economic crimes, revealed South Africa's links to alleged war crimes committed in Yemen. Rheinmetall Denel Munitions, one of the state-owned enterprises, and other South African companies had regularly supplied the Saudi Arabia and UAE-led coalition in the armed conflict in Yemen with weapons such as bombs and shells, before and since the conflict started (see Yemen entry). In June, the Pretoria High Court ordered South African arms companies that supplied weapons found to have been used against civilians in the Yemen conflict to be made public.

## ENVIRONMENTAL DEGRADATION

In July, the National Disaster Management Centre, an official body, declared a drought disaster in the Eastern Cape, Northern Cape and Western Cape provinces. The country's first comprehensive legal framework for climate change was tabled in parliament in November. Also in November, the government joined France, Germany, the UK, USA and EU to support a just transition to a low carbon economy. In December, the energy minister supported Shell's plans to conduct seismic oil exploration on the Wild Coast which environmentalists said would threaten marine wildlife. The high court in Makhanda in the Eastern Cape issued an interdict on 28 December to temporarily halt the exploration until the second part of the interdict proceedings.

1. *South Africa: Failing To Learn the Lessons: The Impact of Covid-19 on a Broken and Unequal Education System* (AFR 53/3344/2021), 15 February
2. "South Africa: Investigate loss of life during unrest and looting spree and ensure accountability", 22 July

# SOUTH KOREA

Republic of Korea

Head of state and government: **Moon Jae-in**

**Abortion was decriminalized. Gender-based violence continued. Transgender people suffered hatred and discrimination. The National Human Rights Commission found that mandatory Covid-19 testing for foreign workers was discriminatory. Government measures aimed at tackling the climate emergency were criticized as being too unambitious.**

## DISCRIMINATION

### MIGRANT WORKERS' RIGHTS

In March, the National Human Rights Commission of Korea (NHRCK) found as discriminatory the administrative orders by some local governments, including Seoul and Gyeonggi province, which made Covid-19 tests mandatory for foreign workers already in

the country. The central government subsequently ordered the Seoul city government to amend its order on the grounds that it was discriminatory to foreign nationals.

In September, migrant workers on temporary visas in the lowest income bracket were once again excluded from Covid-linked exceptional financial support from the government. Almost 2 million migrant workers may have been affected, many of whom remained jobless due to Covid-19 restrictions.

### **GENDER AND SEXUAL ORIENTATION**

Further parliamentary bills were submitted with the aim of passing a comprehensive anti-discrimination act. The proposed law would include crucial protection against discrimination for reasons of sexual orientation and gender identity. Existing legislation did not protect all groups.<sup>1</sup>

### **WOMEN'S AND GIRLS' RIGHTS**

Abortion was decriminalized in January following an earlier Constitutional Court decision which declared the previous abortion ban unconstitutional. Parliament did not take action to revise the abortion law as ordered by the Constitutional Court in 2020. Several bills remained pending in the National Assembly, including those prescribing specific time limits for abortion access as well as some calling for full decriminalization. This prolonged legislative vacuum caused confusion among medical providers.

In a landmark ruling on 8 January, the Central District Court in the capital, Seoul, ordered the Japanese government to compensate 12 women who had been forced into the Japanese military sexual slavery system before and during World War II. In a separate ruling in April, the district court ruling dismissed similar claims brought against Japan by another group of survivors.<sup>2</sup>

Gender-based violence continued, as evidenced by several cases of alleged abuse of authority and sexual harassment and violence in the military. In May, a female master sergeant in the Air Force took her own

life after suffering sexual harassment. In the same month, it was confirmed that a female non-commissioned officer attempted suicide; she had been stalked and molested by a superior in the army. In August, a female Navy chief petty officer, who had complained of abuse by a senior colleague, was also found dead at her base in a suspected suicide. It was alleged that her superiors failed to take adequate steps to protect her from further abuse by the same perpetrator.

### **LGBTI PEOPLE'S RIGHTS**

In February, the results of a survey commissioned by the NHRCK into the situation faced by transgender people were published. They revealed that transgender people are "exposed to hatred and discrimination in all places". The report criticized the lack of laws, institutions and policies guaranteeing the rights of transgender individuals and called on the government to establish a comprehensive law banning discrimination.

At least three transgender people died in circumstances suggesting suicide. Lee Eun-yong, a playwright, was found dead in their home on 8 February. The body of Kim Ki-hong, a former candidate for the Green Party and one of two transgender candidates to run for office in 2020, was found on 24 February at their home on Jeju island. Former staff sergeant Byun Hui-su died in March in Cheongju, North Chungcheong province. Her death was treated as suicide. Byun Hui-su's gender reassignment surgery was classified by the military as a "disability", and she was discharged from the military after requesting a transfer to the female corps. After her death, a district court ruled in October that there were "no mental or physical disability grounds for dismissal" and ordered her discharge to be posthumously cancelled.

In a significant decision for transgender rights, a transgender man who had not undergone sterilization was granted gender recognition by an appellate court in October. The current Supreme Court guidelines on gender reassignment include the requirement of sterilization.



Authorities continued to prevent transgender individuals from serving in the military.

### **CRIMINALIZATION**

A case challenging the constitutionality of Article 92-6 of the Military Criminal Act, which criminalizes same-sex sexual activity in the military, remained pending at the Constitutional Court.

### **FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY**

The authorities continued to defend the Anti-Leaflet Law, which came into effect in March to reduce tensions with North Korea. The law bans the delivery of printed materials and other goods across the border from South Korea. Civil society groups claimed that the law threatened freedom of expression and provided disproportionate penalties, such as a prison sentence of up to three years or a fine of up to 30 million won (US\$27,000) for groups in South Korea sending leaflets and USB drives to North Korea.<sup>3</sup>

An amendment bill on the Press Arbitration Law was widely criticized both within and outside the country due to the vague wording that would impose punitive damage on journalists and media organizations for alleged “fake news”. The bill remained pending in the National Assembly at the end of the year.

The government ratified three core ILO Conventions in February: No. 29 (Forced Labor), No. 87 (Freedom of Association and Protection of the Right to Organise) and No. 98 (Right to Organise and Collective Bargaining). The conventions were due to enter into force in South Korea in April 2022.

### **WORKERS’ RIGHTS**

A committee formed to prevent the deaths of delivery workers from exhaustion and overwork expressed concerns about working conditions in e-commerce companies, highlighting high demand and competition between companies and the absence of protections. One company, Coupang, was criticized for numerous instances of abuse.

In October, a large-scale strike was organized in Seoul by the Korean Confederation of Trade Unions to protest against poor labour conditions and inequality. A police complaint was filed against the organizers and participants for violating the ban on assemblies to prevent the spread of Covid-19; 34 people were investigated.

### **FAILURE TO TACKLE CLIMATE EMERGENCY**

At COP26 in November, South Korea’s Carbon Neutrality Committee announced a new nationally determined contribution (NDC) target to cut emissions by 40% from 2018 levels by the year 2030. This falls short of the figure needed to keep the rise of global temperatures below 1.5°C.

In August, the National Assembly passed a Framework Act on Carbon Neutral Green Growth, enshrining in law carbon neutrality by 2050. The new Act was criticized by environmental and other civil society groups for goals considered too unambitious. In October, an appeal was filed with the Constitutional Court by civil society groups and several political parties, which claimed that the new Act failed to protect people’s fundamental rights.

Supplemental briefs by youth activists were added during the year to a further case before the Constitutional Court on climate litigation, which remained pending. The original briefs argued in part that under the Constitution the state is obliged to protect the health, life and environmental rights of the people and that these rights were infringed by 2019 amendments to the climate change law which failed to set effective emission reduction targets.

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1. “South Korea: Lawmakers Must Seize Chance to Pass Landmark Anti-discrimination Act”, 9 August
  2. “South Korea: Disappointing Japan Ruling Fails to Deliver Justice to ‘Comfort Women’”, 21 April
  3. “Controversy over Anti-Leaflet Law – Amnesty International’s approach” (Korean only), 17 May

# SOUTH SUDAN

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## Republic of South Sudan

Head of state and government: **Salva Kiir Mayardit**

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**Hundreds of thousands of people fled their homes because of conflict. Humanitarian assistance was impeded or blocked. All parties to the conflict perpetrated serious violations of international human rights and humanitarian law, including the indiscriminate and targeted killing of civilians, the recruitment and use of children, acts of sexual violence and destruction of property. At least 52 people, including children, were extrajudicially executed. Impunity for human rights violations remained the norm and the government failed to establish the Hybrid Court for South Sudan (HCSS). The security forces continued to use unlawful surveillance to target government critics, in some cases arbitrarily arresting and detaining them. They responded to calls for peaceful protests with a wave of repression. Death sentences were imposed and executions carried out. The government continued to fail in its obligation to respect and protect the rights to health and education.**

## BACKGROUND

In July, South Sudan celebrated 10 years of independence.

Extreme flooding continued and, according to the UN, affected eight out of 10 states, creating and exacerbating a humanitarian crisis.

Violence persisted in various pockets across the country, setting parties to the conflict, as well as local groups aligned with them, against each other. Months of tension culminated in fighting in June in Tambura county in Western Equatoria State between competing local groups aligned with forces affiliated to the government's South Sudan People's Defence Forces (SSPDF) on the one hand, and the Sudan People's Liberation Army-In Opposition (SPLA-IO) on the other.

The SPLA-IO split in August led to inter-group fighting in the north. Fighting continued between government forces and the National Salvation Front (NAS), a non-state armed group, in Central and Western Equatoria State.

In May, the UN Security Council renewed the arms embargo and set five benchmarks against which the embargo will be reviewed in 2022.<sup>1</sup>

In July, the People's Coalition for Civil Action (PCCA) was formed. It called for mass peaceful protests demanding that the country's leadership step down.

## VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW

From June to October local groups, affiliated to the SSPDF on the one hand, and the SPLA-IO on the other, waged a campaign of terror on the civilian population of the Balanda and Azande communities in Tambura county. According to local government figures, around 300 people were killed. Fighters from both sides summarily killed civilians by shooting them or cutting their throats; they abducted civilians; mutilated bodies; set fire to neighbourhoods; and looted and destroyed civilian property, schools and health facilities. The fighting displaced more than 80,000 people according to UN-verified government figures. Families were separated as they fled, and some were unable to reunite, even months later. Displaced people in camps and host communities lacked food, medicine and adequate shelter.<sup>2</sup>

Fighting between government and opposition forces and the NAS persisted for the fourth year. According to the UN, NAS members attacked a hospital and subjected at least three people to sexual violence in addition to other human rights violations.

In other areas, fighting between ethnic groups, clans and sub-clans continued, resulting in at least 441 incidents involving human rights violations, including arbitrary killings, injuries, abductions, conflict-related sexual violence, arbitrary arrests and detention, torture and other ill-treatment, and

the looting and destruction of civilian property, according to the UN.

Attacks by armed youths on clearly marked humanitarian vehicles persisted. The UN reported that at least five humanitarian workers were killed and two were arbitrarily detained.

## **DENIAL OF HUMANITARIAN ACCESS**

According to the UN, an estimated 8.3 million people needed humanitarian assistance. Despite the dire need for such assistance, the denial of, and restrictions to, humanitarian access continued. According to UN OCHA, humanitarian actors reported 542 impediments to access and government authorities continued to impose bureaucratic obstacles.

## **EXTRAJUDICIAL EXECUTIONS**

The UN Mission in South Sudan (UNMISS) reported that between March and November at least 52 people, including children, were extrajudicially executed in the Warrap and Lakes states. According to the UN Commission on Human Rights in South Sudan, state security forces either carried out or were “present within the vicinity of the executions” in almost all cases. Individuals, including children, were lined up and publicly executed by firing squad in a marketplace. According to UNMISS, some individuals were tied to trees before being executed; and government officials defended the executions as a necessary deterrence mechanism in the absence of rule of law institutions.

## **CHILDREN'S RIGHTS**

According to the UN, the SPLA-IO, armed groups and government security forces committed grave violations and abuses against 124 children – 28 girls and 96 boys. These included killing, maiming, abduction, sexual violence, forced recruitment and use of children in combat and supportive roles like porters, cooks and spies. The actual numbers are likely to be higher.

## **RIGHT TO EDUCATION**

The right to education for children remained severely restricted. According to UNICEF, more than 2 million children, most of them girls, were out of school due to Covid-19 and other challenges which hindered their access to education, including financial barriers and flooding.

In November, only eight of 53 schools in Tambura county were open, severely restricting the right to education for months. SSPDF-affiliated fighters used a primary school in Tambura town as their barracks for several weeks during the fighting until late October when government officials finally coaxed them into leaving. Such use of schools by armed actors runs contrary to the global Safe Schools Declaration, which the government endorsed in 2015, and undermines international human rights and humanitarian law.

## **GENDER-BASED VIOLENCE**

High levels of conflict-related sexual violence and gender-based violence remained a concern. According to the UN, state security forces and non-state armed actors committed at least 63 incidents of sexual violence in conflict, affecting 89 women, girls and men, aged between two and 50, including rape, gang rape and forced nudity.

## **IMPUNITY**

Impunity for crimes under international law and other gross human rights violations and abuses persisted. In January, the Council of Ministers approved a Ministry of Justice plan to establish the HCSS, the Commission for Truth, Reconciliation and Healing (CTRH), the Compensation and Reparation Authority and other justice-related provisions in the peace agreement. At the end of the year, however, the government had only reconstituted the technical committee for the establishment of the CTRH, and a UN agency had begun training committee members. The government seemingly prioritized truth over trials, continuing to delay and block the establishment of the HCSS which, if operational, would be

mandated to investigate and prosecute crimes under international law.<sup>3</sup>

The 2008 Penal Code had still not been amended to include crimes under international law. While the Gender Based Violence and Juvenile Court remained operational, no conflict-related sexual violence cases were brought to trial.

## **ARBITRARY ARRESTS AND DETENTIONS**

Throughout the year, the National Security Service (NSS) continued to arbitrarily arrest and detain real or perceived government opponents and critics for prolonged periods, including journalists and civil society members. Between 2 and 30 August, government actors arbitrarily arrested at least 14 people nationwide in relation to calls for peaceful protests. In Yei, two civil society members, as well as a bishop and a student, were detained in a military intelligence detention facility with limited or no access to their lawyers for almost two months. Kuel Aguer Kuel, one of the PCCA founders, was arrested by NSS officers on 2 August and remained in Juba Central Prison<sup>4</sup> at the end of the year (see below, Freedom of expression, association and assembly).

The 2014 NSS Act remained in force, despite clear obligations under the 2018 Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan to amend it by February 2020. It continued to grant NSS officers police-like powers of arrest and detention, in violation of the service's constitutional mandate to gather intelligence, and in contravention of international human rights standards.

## **FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY**

The rights to freedom of expression, association and assembly remained restricted and media continued to be censored.

In August and September, calls for peaceful protests by the PCCA were met with a wave of repression. The authorities deployed high numbers of security forces to the streets in major towns and arrested civil society activists and a politician, among others; they

also closed a radio station and an academic think-tank, both of which resumed operations in September and November, respectively.

On 29 August, the eve of the planned protests, internet disruptions were reported which lasted until late afternoon on 30 August. There were indications that the shutdown may have been a deliberate attempt by the authorities to derail the protests.<sup>5</sup>

After the failed protests, security forces continued to harass civil society members in the capital, Juba, Yei, Bor and Wau. Some of them suspected that the security forces had put them under surveillance. Several human rights activists were forced into exile.

On 6 October, the Bank of South Sudan directed all commercial banks to freeze the accounts of three civil society organizations, a think-tank, four activists and a politician, who were either members, or suspected of being members, of the PCCA.<sup>6</sup> At the end of the year, all but the think-tank's accounts remained frozen.

## **RIGHT TO PRIVACY**

The government conducted communications surveillance, with the likely support of telecommunication companies. The NSS also conducted physical surveillance using a widespread cross-border network of informants and agents, penetrating all levels of society and daily life; they monitored media and social media, and required event organizers to seek permission before holding any form of public gathering. The NSS used these forms of surveillance, in breach of rights to privacy, to arbitrarily arrest and detain individuals outside the law, infringing on rights to freedom of expression and assembly. In one case, on 17 July, they broke up a civil society workshop on the constitution-making process on grounds that the organizers had not sought permission from the NSS to proceed. The cumulative effect of these measures created a pervasive climate of fear and led to self-censorship.<sup>7</sup>

## DEATH PENALTY

Death sentences continued to be handed down and executions were carried out. On 12 February, the Supreme Court upheld the Court of Appeal's 2020 decision to quash the death sentence against Magai Matiop Ngong, and also ordered an age assessment and retrial. Magai Matiop Ngong was 15 at the time of the incident and conviction.

## RIGHT TO HEALTH

The right to health remained under serious threat and public health facilities were under-resourced. South Sudanese continued to die in high numbers of preventable diseases, and other conditions, due to inadequate health services, and attacks on healthcare facilities. In Tambura county, armed men ransacked and looted health facilities, depriving civilians of crucial care and violating international law. In November, 13 out of 20 medical facilities across the county were rendered unusable after being vandalized, and those that remained were barely functional.

At the end of the year, only 1.52% of the population was fully vaccinated due to factors including the unequal distribution of vaccines globally; insufficient supplies and unpredictable arrival times; short shelf life of vaccines; and obstacles to reaching some areas due to flooding and conflict.<sup>8</sup>

### MENTAL HEALTH

Access to mental health services was severely limited and healthcare providers were unable to meet the widespread and significant needs. There were just three psychiatrists serving the entire country, who were also responsible for providing training and supervision to health staff. Juba Teaching Hospital was the only public medical facility providing in-patient psychiatric care, and demands exceeded beds available for psychiatric patients. The availability of psychotropic drugs was both sporadic and limited.

2. "South Sudan: Survivors describe killings, mass displacement and terror amid fighting in Western Equatoria", 9 December
3. *Letter of Appeal for Truth and Trials in South Sudan* (Index: AFR 65/4305/2021), 7 June
4. *South Sudan Must Respect the Right to Freedom of Peaceful Assembly* (Index: AFR 65/4760/2021), 23 September
5. "South Sudan: End new wave of repression against peaceful protests", 3 September
6. *South Sudan: Unfreeze Civil Society and Political Activist's Bank Accounts* (Index: AFR 65/5017/2021), 19 November
7. *South Sudan: "These Walls Have Ears": The Chilling Effect of Surveillance in South Sudan* (Index: AFR 65/3577/2021), 2 February
8. "Address the Access Issue and the Pandemic Will Be Managed Tomorrow": *Global Vaccine Inequity's Impact in East Africa* (Index: AFR 04/5084/2021), 14 December

# SPAIN

## Kingdom of Spain

Head of state: **Felipe VI**

Head of government: **Pedro Sánchez**

**The authorities failed to ensure adequate access to health during the pandemic. Violence against women persisted, although steps were taken to strengthen legal safeguards. Women continued to face challenges in accessing abortion. The right to housing was not sufficiently protected. Undue restrictions on the rights to freedom of expression and peaceful assembly continued unamended in law. Excessive use of force by law enforcement officials persisted. The authorities failed to ensure adequate reception conditions and a fair and effective asylum procedure for people arriving irregularly in the Canary Islands. The government approved a bill on rights for victims of the Civil War and Francoism, while the courts continued to deny them access to justice.**

## BACKGROUND

The final state of emergency to contain the spread of Covid-19 ended in May. In July, following a complaint filed by VOX, a far-right political party, the Constitutional Court issued a controversial ruling regarding the first such state of emergency. It found that the government should have used a different

1. *South Sudan: UN Security Council's Extension of Arms Embargo on South Sudan a Welcome Step but Weak Benchmarks a Let-Down* (Index: AFR 65/4291/2021), 24 June

form of state of emergency, known as a “state of exception”, which would have required a vote in parliament. In October, the Constitutional Court found the second state of emergency had also breached constitutional rules.

In September, Carles Puigdemont, the former President of the Catalan government, was arrested in Italy on a warrant issued by the Spanish Supreme Court for his involvement in the 2017 referendum in Catalonia and subsequent declaration of independence. The Italian authorities released him the following day and suspended the extradition proceedings, pending decisions on his parliamentary immunity by EU courts.

## **RIGHT TO HEALTH**

The Covid-19 pandemic continued to place the national healthcare system under unprecedented pressure. However, the authorities failed to put in place adequate measures to guarantee everyone’s right to health.<sup>1</sup> Older people, people with chronic illnesses and those with mental health conditions faced the greatest difficulties in accessing care and treatment. Migrant women were particularly affected by a weakened primary care service as they shouldered the greater burden of caring for the sick with a less accessible healthcare system.<sup>2</sup>

During the Covid-19 vaccination campaign, non-nationals, in particular people with an irregular migration status, encountered greater barriers to accessing the health service and vaccines due to a lack of clear protocols regarding identification and access to information for these groups.

There was an increase in mental health needs during the pandemic, which exposed the lack of adequately resourced mental health services. Healthcare workers were particularly impacted by increases in stress-related illnesses, due to working conditions and care overload. In October, the government announced the adoption of a Mental Health National Strategy after seven years without one.

## **OLDER PEOPLE**

Thanks to the vaccination campaign, death rates in care homes and as percentage of the total Covid-19 deaths decreased dramatically.

Throughout the year, relatives of people who had died of Covid-19 in care homes demonstrated against insufficient investigations to hold the authorities accountable for decisions which may have contributed to their deaths.

## **SEXUAL AND GENDER-BASED VIOLENCE**

Violence against women persisted. Forty-three women were killed by their partners or ex-partners. Seven children were killed by their fathers to punish their mothers.

In May, parliament passed the Law for comprehensive protection against violence for children and adolescents. This extends the time for initiating investigations in cases of serious sexual offences against children and provides for the statute of limitation to start only once the victims reach the age of 35.

In July, parliament began discussing a bill to strengthen protection for victims of sexual violence. The bill includes a proposal to redefine rape as based solely on lack of consent. The bill was pending at the end of the year. Sex-worker-led and other organizations were concerned that proposed reforms in the same bill to address exploitation in the sex industry risked undermining sex workers’ rights and had been approved by the government without meaningful consultation and their participation.

## **SEXUAL AND REPRODUCTIVE RIGHTS**

Abortion for girls between 16 and 18 years of age still required parental permission. The persistently high number of “conscience-based refusals” from healthcare providers continued to limit women’s access to abortion in the national health system.

## **RIGHT TO HOUSING**

Despite the pandemic, between January and June, there were 22,536 evictions. Nearly 5,400 concerned people who were unable to

pay their mortgages and nearly 16,000 people who could no longer afford their rents. The government did, however, extend the suspension of evictions for economically vulnerable people until 28 February 2022.

In March, the UN Committee on Economic, Social and Cultural Rights upheld a complaint that Spain had violated the right to housing of a family evicted without the provision of alternative, adequate accommodation. Over 100 other complaints concerning the right to adequate housing against Spain remained pending before this Committee.

## **EXCESSIVE USE OF FORCE**

Instances of unnecessary and excessive use of force by the security forces continued. In February, a law enforcement official used a firearm against protesters during demonstrations in Linares (Andalucía) after a man and his daughter were assaulted by two off-duty police officers. An internal investigation concluded that no individual agent could be identified as the shooter. In June, the Ministry of the Interior rejected an Ombudsman's recommendation to adopt mechanisms to prevent misallocation of ammunition and to ensure that agents can be identified.

Also in February, a woman lost her eye, allegedly because of the impact from a foam bullet fired by the Catalan police during protests following the detention of the rapper Pablo Hasél. A judicial investigation was initiated.

In April, law enforcement officials fired rubber balls at migrants to quell a protest in a reception centre in the Canary Islands. Eight migrants were detained, and at least 10 required medical assistance.

Investigations into allegations of unlawful use of force by law enforcement officials during the October 2017 protests in Catalonia remained open at the end of the year.

## **TORTURE AND OTHER ILL-TREATMENT**

In November, the European Committee for the Prevention of Torture noted numerous credible reports of ill-treatment by prison and

police officers. It also noted that the practice of mechanical fixation of people to a bed persisted, including for juvenile detainees, and recommended its abolition.

## **FREEDOM OF EXPRESSION AND ASSEMBLY**

The 2015 Law on Public Security and provisions of the Criminal Code which unduly restrict the rights to freedom of expression and peaceful assembly were not amended and continued to be enforced.

In February, the rapper Pablo Hasél began serving a nine-month prison sentence for the criminal offences of "glorification of terrorism" and "insulting the crown and state institutions", following a conviction in 2018 for the content of some tweets.

In June, Jordi Cuixart and Jordi Sànchez, civil society leaders of the movement for Catalonia's independence, were released from prison following a government pardon. They had spent almost four years in detention, following an unjust conviction on sedition charges in connection with peaceful protests and the 2017 referendum on Catalan independence.

## **REFUGEES' AND MIGRANTS' RIGHTS**

The government evacuated 2,026 Afghan nationals following the Taliban seizure of power in Afghanistan. For the first time, the government allowed Afghan nationals to apply for asylum in the Spanish embassy in Pakistan. Some 48 people were subsequently transferred to Spain in October.

A total of 22,200 asylum seekers and migrants arrived by sea in the Canary Islands. At least 955, including at least 80 children, died at sea while attempting the journey from west African coasts. Poor management and lack of reception capacity on the islands resulted in unnecessary suffering for the refugees and migrants, including many unaccompanied children, due to avoidable overcrowding and sub-standard conditions in reception facilities. The authorities also failed to ensure access to a fair and efficient asylum procedure. Asylum seekers could not access adequate information about their

rights and the authorities did not ensure the timely registration and processing of asylum claims. By September, around 1,000 unaccompanied children were awaiting assessment of their cases and documentation.

In May 8,000 people, including 2,000 unaccompanied children, entered the Spanish enclave of Ceuta from Morocco irregularly, while Moroccan guards waved them in past their checkpoints. Shortly afterwards, the Spanish authorities illegally and collectively returned 2,700 people to Morocco. There were reports of excessive use of force.

In August, the authorities illegally returned 55 unaccompanied children to Morocco. Spanish courts deemed the returns unlawful and suspended them. Soon afterwards, however, the Prime Minister reiterated the government's intention to continue expelling unaccompanied children to Morocco.

In October, the government reduced the time needed for unaccompanied children to obtain a residence permit and relaxed the requirements for renewing work and residence permits after the age of 18 to prevent them losing their regularized status.

## IMPUNITY

In September, the government presented in parliament a bill to ensure the rights to truth, justice and reparations of the victims of the Civil War and Francoism. The UN Special Rapporteur on the Promotion of the Right to Truth, Justice and Reparation and the UN Committee on Enforced Disappearances called on parliament to strengthen some areas before its adoption.

In February, the Supreme Court delivered its second judgment on the crimes of the Civil War and Francoism, following its 2012 landmark ruling. It reiterated that the Spanish judiciary could not investigate these past human rights violations, due to the expiry of the deadline within which the investigations should have been initiated and because they would breach the principle of legality and the 1977 Law on Amnesty.

In September, the Constitutional Court rejected an appeal by a victim of torture during the late Franco period, stating that Spain had no obligation under international law to investigate and prosecute the case because the prohibition of crimes against humanity could not be applied retroactively.

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1. "Spain: The other pandemic. Between abandonment and dismantling: right to health and primary care in Spain", 26 February (Spanish only)
  2. "Spain: NGOs demand that vulnerable populations have guaranteed access to Covid-19 vaccines in Spain", 29 April (Spanish only)

## SRI LANKA

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### Democratic Socialist Republic of Sri Lanka

Head of state and government: Gotabaya Rajapaksa

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**The government continued its crackdown on dissent, targeting multiple groups. Impunity continued in a number of emblematic cases. Excessive use of force and brutality by law enforcement officers were widely reported, and there were deaths in custody. The UN Human Rights Council set up a mechanism to consolidate evidence of serious human rights violations for future prosecutions after the Sri Lankan government withdrew its support for transitional justice. Existing transitional justice mechanisms did not progress. The Prevention of Terrorism Act continued to be used to target critics from minority communities through arbitrary arrests and prolonged detention without judicial oversight. New regulations issued under the Act would effectively deny suspects a judicial hearing and force them to attend mandatory "rehabilitation". Discrimination and marginalization of the Muslim community increased because of government policies specifically targeting them. The government failed to prioritize health workers, older populations, people with comorbidities or marginalized groups during its Covid-19 response.**



## **FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY**

The crackdown on dissent continued. The government targeted human rights defenders, journalists, lawyers, members of the opposition and criminal investigators and expanded its scope to include university students, academics, trade unionists and social media commentators. In May, the Secretary to the Ministry of Health issued an order threatening disciplinary action against health sector employees who spoke to the media about difficulties in tackling the Covid-19 pandemic.

There were protests over long-standing salary issues for teachers and principals. Demonstrators also called for the withdrawal of a controversial education bill; some activists were arrested, in some cases spending more than 75 days in detention.

In an online meeting organized by the Sri Lanka Judges Institute in August, judicial officers were given instructions by non-judicial officers on controlling public gatherings during the Covid-19 pandemic. The instructions followed widespread protests by trade unions, and the judicial officers reportedly felt pressured to deliver court orders preventing such protests.

The government announced law reform initiatives to regulate the work of NGOs, potentially hindering the right to freedom of association.

## **RIGHT TO TRUTH, JUSTICE AND REPARATION**

In emblematic cases which implicated members of the military or government supporters, either the suspects were acquitted or the cases were withdrawn by the Attorney General. Other cases failed to progress. The trial relating to the enforced disappearance in 2010 of journalist Prageeth Eknaligoda was postponed multiple times, owing in part to Covid-19 restrictions. Suspects in the 2005 assassination of Tamil MP Joseph Pararajasingham, including those from a government-aligned political party, were acquitted and the Attorney General's Office did not indicate any interest in re-

opening the investigation. Without publicly providing reasons for its decision, the Attorney General's Office decided not to proceed with charges against Wasantha Karannagoda, a former Navy commander, over his alleged role in the enforced disappearance of 11 Tamils in 2008 and 2009. The Sri Lankan Navy is alleged to have been responsible for the forcible disappearance of the so-called "Navy 11".

The UN Human Rights Council passed resolution 46/1 with a view to advancing accountability in Sri Lanka. The resolution established an international mechanism for OHCHR to collect, consolidate, analyse and preserve information and evidence and to develop strategies for future accountability processes for gross violations of human rights or serious violations of international humanitarian law.

Under the leadership of the controversial former Supreme Court judge Upali Abeyratne, the Office on Missing Persons (OMP) opened a new office in the North and announced plans to "verify" the 21,374 cases collated by its former members. By the end of the year, the OMP's official caseload stood at 14,988, with no clear explanation for having dropped more than 6,000 missing persons cases. New members were appointed; there was lack of clarity over whether the leadership changed.

The cabinet of ministers approved policies and guidelines produced by the Office for Reparations, which related to reparations for victims of the armed conflict and civil or political unrest. The document was not made public by the end of the year. Law enforcement officers brought court orders against war-related memorialization initiatives under the guise of Covid-19 restrictions, and arrested those taking part.

## **ARBITRARY ARRESTS AND DETENTIONS**

The authorities continued to detain hundreds of Muslims arrested in connection with bombings in April 2019, under the Prevention of Terrorism Act (PTA).

Activist and lawyer Hejaaz Hizbullah, who was also arbitrarily arrested under the PTA in

April 2020, remained in detention without access to bail. He was indicted in March and his trial was scheduled for 2022. Poet Ahnaf Jazeem, who had remained in prolonged detention following his arrest in May 2020 in connection with his writings, was released on bail in December. He was indicted under the PTA in November. The PTA was also used to target, arrest and arbitrarily detain numerous journalists, particularly from the North. Both Ahnaf Jazeem and Hejaaz Hizbullah were repeatedly denied due process safeguards. They were not informed of the reason for their arrest, and they were both held in prolonged administrative detention without judicial oversight to monitor their wellbeing, or access to legal counsel or family. In March, President Rajapaksa issued new regulations under the PTA which would allow for the referral of people suspected of an offence under the PTA or Emergency Regulations to a “rehabilitation” programme. The new regulations raised many human rights concerns, including the use of overly broad, subjective language to describe offences, and the concern that rehabilitation and detention under the regulations deprived suspects of due process, access to family and the ability to challenge their detention in court. Such violations would also place those arrested at risk of torture and other ill-treatment.

## **EXCESSIVE USE OF FORCE AND EXTRAJUDICIAL EXECUTIONS**

Incidents of deaths in police custody and police brutality were widely reported in the media. There was no apparent criminal liability or accountability for law enforcement or government officers in such cases. Civil society recorded numerous alleged incidents during the year, including three shootings by the police, 40 incidents of police violence, 10 deaths in police custody (some attributed to suicide), at least 30 prison deaths (in some cases attributed to suicide or Covid-19), at least 16 incidents of violence by security forces, 24 incidents of violence by government officials including sexual

harassment, and at least three cases of torture in prison.

The Minister for Public Security announced his intention to introduce legislation to dismiss human rights cases against police officers if they are not heard “in a timely manner”.

The Minister for Prison Management and Prisoner Rehabilitation, Lohan Ratwatte, forcibly entered a state prison in the city of Anuradhapura in September. The Minister held at gunpoint and threatened to kill Tamil prison inmates, who were incarcerated under the PTA. The incident highlighted impunity for criminal behaviour at the highest levels of government. Lohan Ratwatte had not been held to account for his actions and remained a government minister at the end of the year.

## **DISCRIMINATION**

Sri Lanka’s minority Muslim community faced increased marginalization and discrimination as the government targeted Muslims with new policies and laws.

In March, Public Security Minister Sarath Weerasekera stated that the government was planning to ban more than 1,000 madrasas (Islamic education institutions) which were operating outside the national education policy. If authorized, the move would likely amount to discrimination on religious grounds, and may also violate the freedom to manifest one’s religion or belief through worship. In April, the cabinet approved a proposal by the same minister to ban the wearing of face veils.

In March, the Ministry of Defence stated that Islamic books brought into Sri Lanka would only be released following analysis and review by the Ministry, as an alleged “counter-terrorism measure”. The government directive discriminates solely on the grounds of religion and violates the rights to religion and belief and to seek, receive and impart information and ideas.

Ahead of sessions of the UN Human Rights Council, Sri Lankan authorities finally moved to change the policy of forced cremations of Muslim victims of Covid-19, which began in March 2020. The policy had remained in

place despite WHO guidance that allowed for burial or cremation. The guidelines affected the final burial rites of the Muslim community, violating the right to freedom of religion and belief. Although the forced cremation policy was reversed, the government continued to insist on Muslim victims of Covid-19 being buried in remote areas, limiting access by family members and discriminating solely on the grounds of religious belief.

## **GENDER-BASED DISCRIMINATION AND VIOLENCE**

Despite pledges made to amend the Muslim Marriage and Divorce Act of 1951, which allowed girls to be married from 12 years of age, the Act remained unchanged.

Women's rights groups sought, among other reforms, for women to be eligible to be appointed as *Quazis* (judges in the *Quazi* court, an unofficial religious mediation body); for polygamy to be abolished; and for consent to be obtained from both parties when registering a marriage, to prevent forced marriages.

LGBTIQ people and women from ethnic minorities and Indigenous communities faced increased abuse and domestic violence while forced to remain at home during Covid-19 lockdowns.

Same-sex sexual relations continued to be criminalized in Sri Lanka. In a video shared on social media, a counsellor at a police training programme was seen making malicious and discriminatory remarks about the LGBTIQ community. An NGO pressured the Court of Appeal to serve notice preventing the police from conducting trainings that marginalize and violate the rights of LGBTIQ people.

## **RIGHT TO HEALTH**

Sri Lanka struggled to effectively respond to the surge in Covid-19 cases without a communicated national vaccination plan, and amid difficulties in procuring vaccines from manufacturers owing to vaccine hoarding by rich and powerful states. The government failed to prioritize health workers, older

populations, people with comorbidities, and marginalized and minority groups.

# **SUDAN**

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## **Republic of Sudan**

Head of state: **Abdel Fattah al-Burhan**

Head of government: **Abdalla Hamdok**

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**The transitional government's modest progress towards improving the human rights situation suffered a major setback after the October military coup. Security forces used excessive and even lethal force, and other repressive measures, including reported cases of gender-based violence, to counter protests and opposition to the takeover. At least 53 people were killed and hundreds injured in demonstrations following the coup. Military authorities used prolonged arbitrary detention, arresting dozens of civilian political leaders and activists, holding them in incommunicado detention. Internet and telecommunication services were regularly disrupted and journalists were attacked. Previous promises to investigate and prosecute crimes committed by security forces remained unfulfilled. Civilians in the western region of Darfur continued to be inadequately protected by security authorities from unlawful attacks by militias in which hundreds of civilians died. While the government increased health expenditure, hospitals lacked essential resources. Women protested against the rise in gender-based violence and discriminatory laws. A fresh wave of refugees fleeing conflict in Ethiopia's Tigray region arrived in Sudan.**

## **BACKGROUND**

Following former president Omar al-Bashir's deposition in 2019, a power-sharing compromise between military and civilian leaders led to the formation of a transitional government. The government made some advances in terms of long overdue reforms, including by criminalizing female genital

mutilation and reforming laws on corporal punishment.

However, ongoing power struggles between the military and civilian wings of government, including over economic and security sector reforms, erupted and on 25 October 2021 the army seized power, dissolving the civilian government and imposing a nationwide state of emergency.

On 21 November, the army signed an agreement that reinstated the ousted prime minister but the deal failed to defuse the crisis. Despite UN-mediated efforts to end the crisis, public resentment against the military's actions grew.

Key economic reforms resulted in Sudan securing US\$20.5 billion in debt relief from international financial institutions. Many international organizations suspended economic assistance programmes following the coup, putting recent developments at risk.

## **EXCESSIVE USE OF FORCE**

Security forces continued to use excessive, and sometimes lethal, force against protesters. On 11 May, they shot dead at least two protesters and injured dozens at a demonstration in the capital, Khartoum. The demonstration was held to demand justice in connection with an attack by security forces on peaceful demonstrators in June 2019 when over 100 people were killed and hundreds injured<sup>1</sup> (see below, Right to truth, justice and reparation).

Violence by security forces spiked after the military takeover in October and hundreds of thousands of people took to the streets in frequent protests. All branches of the security establishment, including the army, police and the Rapid Support Forces (RSF), participated in the violent repression and dispersal of the protests.<sup>2</sup> At least 53 people were killed and hundreds injured in demonstrations. Security forces reportedly subjected women to gender-based violence to counter their growing participation in protests, including two reported rapes in December.

## **RIGHT TO TRUTH, JUSTICE AND REPARATION**

The government took some positive steps towards enabling justice and accountability for human rights violations, by ratifying the UN Convention against Torture and the International Convention against Enforced Disappearance on 10 August.

However, perpetrators of human rights violations continued to enjoy impunity. Over one decade since the ICC issued arrest warrants against Omar al-Bashir, Ahmad Harun and Abdel Raheem Muhammad Hussein, the transitional government continued to fail in its obligation to transfer the suspects to the Hague court to answer charges of crimes against humanity, genocide and war crimes in Darfur.

The National Investigation Committee, appointed in October 2019 to investigate a brutal attack in which the RSF, the National Intelligence and Security Service and the police killed over 100 protesters and subjected others to sexual violence and other torture and ill-treatment in Khartoum in June 2019, was yet to release its findings. No one was held accountable by the end of the year.

The modest progress made to improve human rights protection during a period of almost three years since Omar al-Bashir's deposal suffered a major setback after the October military coup. Despite the prime minister's pledge in November that the killings of those protesting the takeover would be investigated, there was no evidence of any progress in the matter.

## **ARBITRARY DETENTION**

On 10 July, Muammar Musa Mohammed Elgarari and Mikhail Boutros Ismail Kody (opposition activists and members of the Future Movement Group) were released on bail after being held in prolonged arbitrary detention without charge since June 2020. They were held at a police station in Khartoum North, for harassing members of the Committee for Removal of Empowerment which was established to dissolve the former ruling National Congress Party and to confiscate its property.

After the October army takeover, security authorities arbitrarily arrested and detained dozens of civilian political leaders, including cabinet members, and Prime Minister Hamdok who was held for two days before being put under house arrest for almost a month. Other political prisoners, who were held for nearly one month in incommunicado detention without access to their families or legal counsel, were released after the 21 November accord. However, security forces continued to arrest and charge protesters.

## **FREEDOM OF EXPRESSION**

The right to freedom of expression was severely restricted. Internet and telecommunications were repeatedly disrupted from 25 October, limiting people's ability to access timely and accurate information, infringing on their ability to express political views and restricting reporting on human rights violations.

Military authorities also targeted press who covered anti-army protests. On 30 December security forces attacked the offices of two TV stations in Khartoum, assaulting journalists and firing tear gas into their offices after they broadcast footage of security force violations against protesters.

## **UNLAWFUL ATTACKS AND KILLINGS**

The premature withdrawal of the United Nations-African Union Hybrid Operation in Darfur in December 2020, and the Sudanese security forces' repeated failure to protect civilians, resulted in continued indiscriminate violence against civilians, particularly in the West Darfur region. RSF members participated in some militia attacks against civilians.

In January 2021, at least 163 people, including three women and 12 children, were killed and 217 injured during a revenge attack by militias on the Krinding camp in El Geneina, West Darfur State's capital, and home to thousands of internally displaced Massalit people.<sup>3</sup>

On 3 April, armed men, said to be Arabs, triggered four days of deadly violence when they shot three Massalit men, killing 28-year-

old Saber Ishaq and 47-year-old Arbab Khamis. A third man, Abdulhafiz Yahia Ismaeil, aged 53, was seriously injured. According to the West Darfur State Doctors' Committee, at least 144 people were killed and 232 injured during the clashes.

Also in West Darfur, 200 people died as a result of intercommunal fighting between October and November, according to the Darfur Bar Association.

## **RIGHT TO HEALTH**

Government expenditure on health was significantly greater than in previous years. The Ministry of Finance allocated SDG99 billion (about US\$242 million) – 9% of the budget – to the healthcare system for life-saving medicines; Covid-19 treatment; the rehabilitation and construction of rural hospitals, reproductive and other health centres; and nutrition and health programmes.

However, in the midst of the third Covid-19 wave in the first half of the year, hospitals faced multiple challenges, including a lack of medicine and oxygen, and a shortage of doctors and other medical personnel due to low salaries and poor working conditions. Between March 2020 and May 2021, 89 Sudanese doctors, including 11 women, died after contracting Covid-19.

The country continued to face a shortage of Covid-19 vaccines. On 3 March, it received over 800,000 doses of the AstraZeneca vaccine from the COVAX initiative and began its vaccination programme on 9 March through the government's National Deployment and Vaccination Plan for Covid-19 Vaccines. The plan first prioritized frontline healthcare workers across Sudan and older people with comorbidities. By the end of the year, Sudan had received 5.25 million Covid-19 vaccine doses and 1.23 million people had been fully vaccinated, representing 2.8% of a population of around 43.85 million people, according to government figures. In 2021, there were 47,443 confirmed Covid-19 cases and 3,340 related deaths, according to the Ministry of Health.

## WOMEN'S AND GIRLS' RIGHTS

On 8 April, hundreds of women joined a demonstration in Khartoum to protest against the increased domestic and other gender-based violence in the context of Covid-19 restrictions, as well as to denounce discriminatory laws and patriarchal restrictions on women's rights. Some of the restrictions highlighted included laws forbidding women from working outside the home without the permission of their husband or father as well as inequality in the home and workplace. The protesters launched the "Feminist Manifesto", produced in April after two years of consultations with various grassroots women's organizations and gender rights advocates. It urged the authorities to lift numerous legal obstacles to equality and to challenge existing social norms that result in women's and girls' oppression.

Later that month, the Council of Ministers ratified CEDAW (with reservations entered to articles 2, 16 and 29/1), and the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol).

## REFUGEES' AND MIGRANTS' RIGHTS

According to UNHCR, the UN refugee agency, Sudan continued to host one of the largest refugee populations in Africa, with South Sudanese making up the majority of the over 1.1 million refugees and asylum seekers. It also hosted at least 55,000 refugees who fled the conflict in Ethiopia's Tigray region in 2021.

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1. "Sudan: Speed up investigations into 2019 Khartoum massacre", 3 June
  2. "Sudan: Investigate the killings of people after military crackdown against protesters", 24 November
  3. "Sudan: Horrific attacks on displacement camps show UN peacekeepers still needed in Darfur", 1 March

# SWEDEN

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## Kingdom of Sweden

Head of state: **Carl XVI Gustaf**

Head of government: **Magdalena Andersson**

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**Immigrant communities continued to be among the hardest hit by Covid-19. Development projects in the north proceeded without the consent of affected Sami Indigenous communities. The government promised new legislation on legal gender recognition based on self-identification. There were concerns about proposals to increase police surveillance powers and expand the mandate of private security firms to use force. Refugees and migrants applying for family reunification faced new restrictions. Charges were brought against representatives of the oil company Lundin Energy in relation to war crimes in South Sudan.**

## BACKGROUND

Gun violence, particularly involving young men, escalated in areas with high rates of crime and social exclusion. In September, women from affected communities organized a protest calling for more efforts to address social inequality and poverty.

## RIGHT TO HEALTH

Public health studies showed that immigrants continued to suffer disproportionately high levels of critical illness and death as a result of Covid-19; the studies noted socioeconomic factors including crowded housing as well as lower vaccination rates.

## RIGHT TO EDUCATION

In November, the government-appointed Corona Commission found that the education system had become less equitable during the pandemic as distance learning approaches were less effective for students in a vulnerable situation.

## INDIGENOUS PEOPLE'S RIGHTS

Projects to extract minerals, increase logging and develop wind power proceeded in the north despite, in many cases, having failed to obtain consent from the Sami Indigenous people of affected regions. Several projects risked devastating effects on reindeer-herding Sami communities.

In September, the government presented a legal proposal on the right to consultation for the Sami people on matters potentially affecting them. The proposal did not incorporate the principle of free, prior and informed consent and included exceptions to the obligation to consult.

## LGBTI PEOPLE'S RIGHTS

In November, the government presented a draft bill on legal recognition of gender identity based on self-identification. The bill, which separated the process of changing one's legal gender from the medical procedure, had been revised following criticism from the Council on Legislation in 2018.

## MASS SURVEILLANCE

In November, the government announced proposals giving police powers to use camera surveillance, interception and house searches without suspicion of crime. Another proposal included provisions expanding the mandate of private security guards to use force in upholding law and order. There were concerns that this proposal lacked procedural safeguards for individuals and increased the risk of racial profiling.

## REFUGEES' AND MIGRANTS' RIGHTS

In July, changes to the Aliens Act entered into force, imposing new requirements that greatly restricted the ability of refugees and migrants to exercise family reunification rights – one of the few safe and legal pathways to protection in Sweden.

Also in July, authorities halted forcible returns to Afghanistan. In August, the government temporarily changed the rules to enable people in Afghanistan to be part of the

resettlement quota; 1,311 Afghans came to Sweden as quota refugees in 2021.

## CORPORATE ACCOUNTABILITY

In November, the Swedish Prosecutor brought formal charges against two representatives of the oil company Lundin Energy (formerly Lundin Oil AB) for complicity in war crimes in South Sudan. The trial had not started by the end of the year.

# SWITZERLAND

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### Swiss Confederation

Head of state and government: **Guy Parmelin**

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**A government-commissioned investigation into the ill-treatment of asylum seekers by private security staff in federal asylum centres found some cases of excessive use of force, and made recommendations for reform. Parliament tightened control of arms exports to countries in conflict. Activists protesting with tactics involving civil disobedience faced prison sentences. Following a popular vote, same-sex couples were granted the right to equal marriage. Another two referendums, however, confirmed draconian anti-terrorism laws and a ban on full-face veils in public.**

## BACKGROUND

In September, following a 20-year campaign by civil society, parliament accepted a government proposal to create a national human rights institution (NHRI). Details of the institution's statute and financing were still to be drafted, and the NHRI is expected to take up its work in 2023.

## REFUGEES' AND MIGRANTS' RIGHTS

Amnesty International research exposed abuses by private security staff against people housed in federal asylum centres, and identified systemic failures in the running of the centres.<sup>1</sup> Fourteen asylum seekers interviewed, including two children, described abuses including beatings and

denial of medical treatment. The government commissioned internal and external investigations, which found disproportionate use of force in at least three out of seven cases investigated. The external investigation recommended reviewing the privatization of security services, but failed to clearly recommend protection for whistleblowers and the creation of an independent complaints mechanism.<sup>2</sup>

### **CHILDREN'S RIGHTS**

The UN Committee on the Rights of the Child found that Switzerland violated 10 different articles of the Convention on the Rights of the Child when it deported a mother and her son to Bulgaria.<sup>3</sup>

### **IRRESPONSIBLE ARMS TRANSFERS**

In September, parliament passed a law regulating the export of arms. It prohibits transfers to States involved in internal armed conflict and to those that seriously and systematically violated human rights.

### **FREEDOM OF ASSEMBLY**

On 1 April, police cleared a protest camp near Eclépens. Of 150 environmental activists temporarily arrested, 43 were charged. The imposition of prison sentences on some protesters following acts of civil disobedience unduly restricted their rights to freedom of expression, conscience and peaceful assembly.<sup>4</sup>

### **DISCRIMINATION**

#### **WOMEN'S RIGHTS**

Parliament continued revising the criminal code provisions on rape. The public consultation process showed an unprecedented mobilization for a new rape law based on consent.

In March, a referendum seeking to ban full-face veils was accepted by a narrow margin, despite concerns that the ban discriminated against a single religious community and violated women's rights, freedom of expression and religion.

#### **LGBTI PEOPLE'S RIGHTS**

In a September referendum, a large majority of the population agreed to grant same-sex

couples the right to equal marriage, including access to sperm donation for lesbian couples.<sup>5</sup>

### **CORPORATE ACCOUNTABILITY**

After the rejection of the Responsible Business Initiative by a majority of cantons in 2020, the parliament adopted a much weaker counter-proposal focusing mainly on non-financial reporting. The legislation, due to enter into force in January 2022, was criticized by civil society and looked unlikely to fully guarantee respect for human rights by Swiss companies.<sup>6</sup>

### **RIGHT TO A FAIR TRIAL**

In June, the country voted in favour of a new counter-terrorism law providing Federal Police with far-reaching powers, mostly without prior judicial control and due process guarantees. The measures – including use of foot shackles, no-contact orders, zone bans and preventive house arrest – risked violating the right to liberty and security of the person, the right to a fair trial and the rights of children. Many of the measures could be applied to children from 12 years of age.<sup>7</sup>

### **RIGHT TO PRIVACY**

In a welcome development for the protection of the right to privacy, in November, motions were introduced in the local parliaments of Zurich and Lausanne calling for a ban on the use of facial recognition technologies.<sup>8</sup>

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1. *Switzerland: "I ask that they treat asylum seekers like human beings" – Human rights violations in Swiss federal asylum centres* (EUR 43/4226/2021) 19 May
  2. "Switzerland: Moving Forward to Fight Violence in Federal Asylum Centres", 18 October (French and German only)
  3. "Children's Rights: Switzerland criticized by UN Committee", 21 December (French and German only)
  4. "Switzerland: Prison sentences against environmental HRDs: disproportionate and not confirming with human rights law", 8 September (French and German only)
  5. "Switzerland: A milestone for equality", 26 September (French and German only)
  6. "Switzerland: Instructions for looking the other way", 1 July (French and German only)



7. "Switzerland: Dangerous "Yes" vote gives police sweeping powers to target people including children without charge or trial", 13 June
8. "Switzerland: No to facial recognition", 18 November (French and German only)

# SYRIA

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## Syrian Arab Republic

Head of state: **Bashar al-Assad**

Head of government: **Hussein Arnous**

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Parties to the conflict continued to commit with impunity serious violations of international humanitarian law, including war crimes, crimes against humanity and other gross human rights abuses. Government forces carried out direct attacks on civilians and civilian infrastructure, including hospitals and gas facilities, and indiscriminate attacks through aerial bombing and artillery shelling in Idlib governorate and western Aleppo countryside. They also besieged civilians in southern Syria and restricted and denied civilian access to humanitarian aid across the country. Security forces arbitrarily subjected refugees returning to their homes to unlawful detention, torture and other ill-treatment, and enforced disappearance. Government authorities continued to arbitrarily detain tens of thousands of people, including peaceful activists, humanitarian workers, lawyers and journalists, subjecting many to enforced disappearance. The Syrian National Army (SNA), supported by Turkey, continued to subject civilians in the northern cities of Afrin and Ras al-Ayn to arbitrary detention, torture and other ill-treatment, and abduction. In the north-east, the Autonomous Administration led by the Democratic Union Party (PYD) arbitrarily detained children in al-Hol camp and transferred them to prisons where they were detained with adults. In the north-west, the opposition armed group Hay'at Tahrir al-Sham arbitrarily detained and harassed activists and journalists. The government failed to provide a robust response to curb

the spread of Covid-19 and blocked access to medical care for thousands in south and north-east Syria. Tens of thousands of internally displaced people were at risk of contracting Covid-19 due to dire living conditions. Some European countries investigated and prosecuted individuals suspected of committing crimes under international law in Syria through their national courts under the principle of "universal jurisdiction". The death penalty remained in force and executions were reported.

## BACKGROUND

On 12 April, the Organisation for the Prohibition of Chemical Weapons (OPCW) reported that there "were reasonable grounds" to believe that the Syrian government had conducted a chlorine attack on Saraqib city in Idlib governorate in 2018. As a result, the OPCW suspended "certain rights and privileges" of Syria's membership.

On 26 May, Bashar al-Assad was elected president for a fourth term. Only people living in government-controlled areas and the Syrian diaspora in some countries were allowed to vote.

In June, hostilities between the government, supported by Russia, and Hay'at Tahrir al-Sham escalated in Idlib governorate and Aleppo countryside as government forces tried to regain full control of the M4 and M5 highways. In July, the government launched a military offensive against armed opposition groups in Daraa al-Balad city, which ended with a ceasefire agreement around mid-September.

Between July and August, unidentified armed groups detonated improvised explosive devices in Afrin and Ras al-Ayn, two cities under the control of pro-Turkey armed groups, killing and injuring many civilians and damaging civilian infrastructure. In August, unknown groups shelled al-Bab, a city in northern Aleppo countryside controlled by pro-Turkey armed groups, causing civilian casualties and destroying homes.

Israel continued air attacks targeting Syrian government, Iranian and Hizbullah forces in Syria.

Factors including corruption, currency depreciation and Covid-19 measures increased food insecurity and poverty.

## **UNLAWFUL ATTACKS**

In early 2021, the government, supported by Russian government forces, intensified aerial and ground attacks on north-west Syria under the control of Hay'at Tahrir al-Sham, including Idlib governorate and Aleppo countryside, according to the UN. The attacks targeted civilians and civilian infrastructure including hospitals on the UN deconfliction list, residential buildings and markets, killing and injuring several civilians.

According to the Independent International Commission of Inquiry on the Syrian Arab Republic (UN Commission of Inquiry), the government launched guided missiles and artillery towards a hospital in Atareb in western Aleppo countryside early on 21 March, killing at least eight civilian patients and injuring 13 others, including five medical workers. The report added that later that day, the government launched air strikes at a gas facility, destroying 18 trailers parked near Bab al-Hawa crossing point. As a result, humanitarian organizations operating at the border area had to temporarily suspend their operations.

## **DENIAL OF HUMANITARIAN ACCESS**

Government forces besieged civilians and blocked their access to food, water and essential services and continued to impede access to UN humanitarian agencies in the south and north.

Between 24 June and mid-September, the government besieged thousands of civilians in Daraa al-Balad to pressure armed opposition forces to surrender and evacuate. Throughout the siege, government forces prevented humanitarian organizations from delivering food, medical supplies and other life-saving aid.<sup>1</sup> A resident said that the only bakery in the neighbourhood had stopped working after the flour ran out and there was

no access to food, electricity and enough water for more than 60 days.

The government continued to block UN aid to Rukban camp in the isolated area between the Syrian and Jordanian borders known as "the berm", where tens of thousands of people still lived in harsh conditions without access to healthcare, sanitation or clean water. The government denied UN agencies access to Menbij and Kobani, towns in north-east Syria, forcing residents to rely mainly on support from international humanitarian organizations and the Autonomous Administration, which were unable to meet their needs.

On 9 July, the UN Security Council conditionally renewed for six months the authorization of Bab al-Hawa crossing point for the delivery of UN humanitarian aid from Turkey to north-west Syria.<sup>2</sup>

The closure of al-Yarubiyah border crossing in 2020, which ended UN delivery of aid from Iraq, exacerbated the humanitarian crisis in north-east Syria. Due to the government's bureaucratic impediments and restrictions on access, UN agencies and their implementing partners could not deliver enough aid, especially medical aid.

## **ARBITRARY DETENTION AND ENFORCED DISAPPEARANCES**

### **SYRIAN GOVERNMENT**

The government continued to subject tens of thousands of people, including journalists, human rights defenders, lawyers and political activists, to enforced disappearance, many for up to 10 years.

Between January and April, the government arbitrarily arrested 400 individuals, including judges, lawyers, journalists and public sector employees, for their online criticism of the government's handling of the economic crisis. In a rare move, on 11 May, two weeks ahead of the presidential election, the government released them.

Government forces subjected refugees, including children, who returned to Syria between mid-2017 and April 2021, to arbitrary detention; torture and other ill-treatment, including rape and other sexual

violence; and enforced disappearance – and interrogated them in connection with their perceived opposition to the government.<sup>3</sup> Five refugees subjected to enforced disappearance died in detention.

#### **SNA**

The SNA, a pro-Turkey coalition of armed groups, continued to commit a range of abuses against civilians, predominately Syrian Kurds, in Afrin and Ras al-Ayn. The abuses included arbitrary detention, abduction, and torture and other ill-treatment.

According to the UN Commission of Inquiry, the SNA tortured detainees during interrogation to extract “confessions”. Detainees were also denied legal representation and access to their families while held in informal detention centres.

#### **PYD-LED AUTONOMOUS ADMINISTRATION**

The Autonomous Administration continued to hold tens of thousands of people suspected of affiliation to the Islamic State armed group, including children, in al-Hol camp in squalid conditions and without access to due process. Women and children in the annex of al-Hol camp, where third-country nationals were held, were denied freedom of movement. This impacted their access to healthcare in the camp due to multiple checkpoints and security checks by the Asayish, the Autonomous Administration’s police force.

The Asayish arbitrarily detained boys as young as 12 in the annex, separating them from their mothers and caregivers, solely on suspicion of the boys’ potential future “radicalization” and without any evidence of wrongdoing. The Asayish transferred the boys to detention centres described as “rehabilitation centres” outside al-Hol camp, which lacked adequate access to food, water and healthcare and where diseases such as tuberculosis and scabies were rampant.

## **FREEDOM OF EXPRESSION AND ASSEMBLY**

#### **HAY’AT TAHRIR AL-SHAM**

Hay’at Tahrir al-Sham, which controlled parts of north-west Syria, continued to repress

freedom of expression and assembly by arbitrarily detaining and harassing media activists and journalists for criticizing the armed group’s rule and ideology. For example, in September, it banned Orient News Channel from broadcasting.

#### **PYD-LED AUTONOMOUS ADMINISTRATION**

On 18 May, Syrian Democratic Forces (SDF), the Autonomous Administration’s military force, killed at least seven people while dispersing a protest in al-Hasakeh governorate against increased fuel prices. On 31 May, the SDF fired at a protest in Menbij to disperse protesters calling on the Autonomous Administration to end the forced military conscription of men aged between 18 and 21. One protester was killed.

## **RIGHT TO HEALTH**

As in 2020, the government failed to provide a robust response to the spread of Covid-19, including by failing to provide transparent and consistent information about the outbreak in areas under its control. Public hospitals lacked sufficient beds, oxygen tanks, ventilators and PPE, putting hundreds of patients and health workers at risk.

As of November, only 4.2% of Syria’s population had received at least one dose of the Covid-19 vaccine through COVAX and bilateral donations across Syria, according to the WHO.

Due to the government’s restrictions on humanitarian aid delivery and lack of support to the health sector, people living in north-east Syria suffered the impact of severe shortages of testing products, oxygen tanks and ventilators as well as insufficient funding to humanitarian organizations supporting facilities treating Covid-19 cases. Aid workers said NGOs had been unable to ensure a continuous supply of critical medication to treat diabetes, cardiovascular disease and bacterial infections, as well as post-rape treatment and reproductive health kits – supplies had previously been provided cross-border by the WHO and the UN Population Fund.

One health worker in Menbij, where the Syrian government blocked UN access, said

they were unable to provide treatment for all those suffering from cancer, thalassemia and diabetes, and were forced to choose which patients to treat due to short supplies.

During the siege of Daraa al-Balad, government forces blocked medical evacuations of patients with chronic health conditions to hospitals in government-controlled areas. They also blocked the entry of medical aid and medication. According to health workers, these actions caused the death of injured and sick people.

## **REFUGEES' AND INTERNALLY DISPLACED PEOPLE'S RIGHTS**

By the end of the year, the number of people internally displaced in Syria since 2011 had reached 6.7 million, while 5.6 million people had sought refuge outside the country.

Worsening humanitarian conditions in neighbouring countries, leading to administrative and financial obstacles to obtaining or renewing residency permits, continued to drive refugees back to Syria where some of them faced detention, torture and other ill-treatment, and enforced disappearance.

In July, the military offensive on Daraa al-Balad displaced at least 36,000 civilians. Most of them were hosted by friends and relatives but some lived in collective shelters such as mosques and schools with insufficient access to food and medical aid. Between June and August, the escalation in hostilities in north-west Syria led nearly 100,000 people to flee their homes, the largest displacement since a ceasefire was agreed in March 2020. Most displaced people lived in overcrowded, makeshift camps and collective shelters with inadequate access to aid, essential services, clean water, hygiene, food, healthcare, education and livelihood opportunities.

Al-Hol and al-Roj camps in al-Hasake governorate continued to host more than 60,000 people, including refugees and internally displaced people from Syria and Iraq, the majority of them women and children. The camps were overcrowded and did not provide an adequate standard of

living. The camps' populations had limited access to humanitarian aid, especially food and water, and health services. Children continued to face inadequate access to education and healthcare.

All displaced people in camps across Syria were at increased risk of contracting and being severely affected by Covid-19 due to the lack of precautionary measures such as social distancing, sufficient water and sanitation facilities, and access to healthcare, as well as underfunded humanitarian organizations.

## **RIGHT TO TRUTH, JUSTICE AND REPARATION**

While the failure of the UN Security Council to refer the situation in Syria to the ICC continued, at least four European states investigated and prosecuted individuals suspected of committing war crimes or other crimes under international law in Syria through their national courts.

On 24 February, the Higher Regional Court in Koblenz, Germany, sentenced a former Syrian security officer to four-and-a-half years in prison for crimes against humanity for his role in aiding and abetting the torture of detained protesters in Damascus.

On 15 July, the German federal prosecutor's office charged a Syrian doctor, who fled Syria to Germany in 2015, with crimes against humanity, for torturing people in military hospitals in Homs and Damascus.

On 16 July, a court in the Netherlands sentenced a former commander of an armed opposition group, who sought asylum in 2014, to 20 years in prison for committing war crimes in Syria.

On 26 August, the Higher Regional Court of Düsseldorf, Germany, sentenced two Syrian nationals. One, a media activist, was sentenced to nine years in prison for filming the execution of a Syrian government soldier by al-Nusra Front, an armed opposition group. The other was sentenced to life imprisonment for "shielding the execution" and membership of a "foreign terrorist organization".

## DEATH PENALTY

The death penalty remained in force for many offences. The authorities disclosed little information about death sentences passed and rarely provided information on executions. However, on 21 October, the Ministry of Justice announced the execution of people accused of involvement in igniting the wildfires that ravaged Syria in 2020.

1. "Syria: Government must lift deadly siege of Daraa al-Balad and allow humanitarian aid to flow", 27 August
2. "Syria: Russian threat to veto renewal of last aid corridor leaves millions at risk of humanitarian catastrophe", 25 June
3. Syria: "You're Going to Your Death": Violations Against Syrian Refugees Returning to Syria (Index: MDE 24/4583/2021), 7 September

## TAIWAN

### Taiwan

Head of state: **Tsai Ing-wen**

Head of government: **Su Tseng-chang**

**Certain restrictions on Indigenous peoples' hunting rights were found to be unconstitutional. Legal protection for Indigenous peoples remained inadequate, including against mining and other commercial operations. Despite a court ruling permitting the marriage of a Taiwan-Macau same-sex couple, limitations on same-sex marriage remained in place. Covid-19 orders discriminated against migrant workers.**

### INDIGENOUS PEOPLES' RIGHTS

In May, the Constitutional Court ruled that the Controlling Guns, Ammunition and Knives Act and the Wildlife Conservation Act were partly unconstitutional as they disproportionately restricted the cultural and hunting rights of Indigenous peoples. However, the court found that other restrictions on hunting were constitutional, such as the requirement that Indigenous people obtain approval from the authorities days before any hunting activities.

In September, the Supreme Administrative Court revoked the extension of the Asia Cement Corporation's mining permit in Taroko people's traditional territory. After litigation lasting four years, the court found that the Taroko people living near to the mining site had not been adequately consulted on the project. However, concerns remained that existing legislation provided inadequate protection for Indigenous peoples against mining and other commercial activities. Among the problems was Article 13 of the Mining Act, under which existing mining permits remained valid and mining could continue while mining companies applied for permit extensions.<sup>1</sup>

### LGBTI PEOPLE'S RIGHTS

The Taipei High Administrative Court issued a judgment in May on transnational same-sex marriage that allowed a Taiwan-Macau same-sex couple to marry in Taiwan. However, the judgment only applied to same-sex couples where the Macau citizen is a long-term resident of Taiwan. In the meantime, the Ministry of Interior's interpretation of the relevant article in the Act Governing the Choice of Law in Civil Matters Involving Foreign Elements remained valid. Under this interpretation, transnational same-sex marriage between Taiwanese citizens and foreigners was only permitted where the spouse was from a country where same-sex unions had been legalized.<sup>2</sup>

### MIGRANTS' RIGHTS

In June, following an outbreak of Covid-19 cases among migrant workers, the Miaoli County government issued an order confining all migrant workers in the county to their dormitory buildings except during working hours. The order, which affected more than 22,000 people, discriminated against migrant workers by severely limiting their freedom of movement. It was lifted after three weeks.<sup>3</sup>

### DEATH PENALTY

In September, the Prosecutor-General made an extraordinary appeal against a court decision not to sentence convicted arsonist

Tang Jing-Hua to death. The appeal argued that the court's reference to Taiwan's obligations under the ICCPR as a reason not to impose the death penalty in this case was a misinterpretation of that document. There was no progress towards abolition of the death penalty during the year and courts continued to impose death sentences.

1. Taiwan: A victory! The Government of Taiwan should fulfil the consent rights of Indigenous people, 17 September (Chinese only)
2. Taiwan: The Taipei High Administrative Court pronounces a ground breaking judgment on transnational same-sex marriage, 6 May (Chinese only)
3. Taiwan: The Covid-19 preventive measures should avoid discrimination on the specific ethnic groups, 10 June (Chinese only)

## TAJIKISTAN

### Republic of Tajikistan

Head of state: **Emomali Rahmon**

Head of government: **Kokhir Rasulzoda**

**The government's premature claims that Covid-19 transmission had ended, and tight control over information released, undermined measures to protect public health during the pandemic. Survivors of domestic violence continued to face challenges in accessing justice. Torture and other ill-treatment remained widespread but under-reported. The government unduly restricted freedom of expression, sentencing opposition activists and government critics to lengthy prison terms on politically motivated charges.**

### BACKGROUND

On 28 April, fighting broke out on a disputed section of the border between Tajikistan and Kyrgyzstan, triggered by a dispute between local inhabitants on both sides over access to water. The Tajikistani authorities claimed that by the time the violence ceased on 1 May, 19 people had been killed and 87 injured on the Tajikistani side. In July the government announced its readiness to accept 100,000 refugees from Afghanistan. In August, media reported that 2,000 refugees from

Afghanistan had passed through Tajikistan and all were resettled in third countries. In September the Minister of the Interior stated that Tajikistan did not have the infrastructure to host many refugees. A further 200 Afghan nationals tried to enter Tajikistan in September but only 100 women and children were admitted.

### RIGHT TO HEALTH

The authorities tightly controlled the narrative around the Covid-19 pandemic, underplaying its real impact, which resulted in late and less effective measures to limit its spread and protect public health. On 26 January, the President told parliament that there were no more Covid-19 cases in Tajikistan. Media reports alleged pressure on medical workers not to diagnose the virus, and at least one doctor was reportedly fired after returning a positive test. On 21 June, the Prime Minister's office announced that some cases had been detected and blamed the public's failure to comply with protection measures.

Compulsory vaccination of all adults was introduced, but no information was given as to how it would be enforced. Over 4 million vaccine doses had been administered by the end of the year. In September, the government announced that there had been 17,000 cases of Covid-19 and 124 deaths since the start of the pandemic, but independent media claimed that the rates were much higher based on their own reporting.

### VIOLENCE AGAINST WOMEN AND GIRLS

Survivors of domestic violence continued to face many challenges in accessing support, protection and justice. The 2013 law on domestic violence provides for survivors to report abuse to law enforcement officers but does not compel the relevant agencies to take appropriate steps to investigate complaints, issue protection orders and open a criminal case. A new draft of the Criminal Code, containing an article specifically criminalizing domestic violence, was discussed in parliament. It fails, however, to cover all types of violence notably

psychological violence, marital rape and sexual assault.

## **TORTURE AND OTHER ILL-TREATMENT**

In February, an Action Plan introduced as part of a new strategy to reform the criminal justice system came into force. It provides for independent monitoring of detention facilities, as well as improved complaint mechanisms for people in penitentiary institutions and the development of independent investigation mechanisms for deaths in custody.

Only a small number of torture and other ill-treatment cases continued to be reported to the authorities. In March the legal assistance group of the NGO Coalition against Torture reported that it had documented at least 38 cases of torture and other ill-treatment in the course of 2020, noting that this represented a fraction of the actual number of cases.

In June, three police officers were sentenced to between 10 and 13 years' imprisonment for the torture of Hasan Yodgorov in 2017. He "confessed" to a murder after being tortured with beatings and electric shocks for several days by police in Tursunzoda, western Tajikistan. He spent six months in pre-trial detention before the charges were dropped and he was released in May 2018, when another suspect was arrested. Hasan Yodgorov reported the torture the day after his release. Two of the police officers fell under amnesties and their sentences were shortened as a result.

## **FREEDOM OF EXPRESSION**

The authorities continued to suppress opposition activists and government critics by sentencing them to lengthy prison terms on politically motivated charges, often requesting their extradition from countries of exile and harassing their relatives in Tajikistan and abroad.

On 13 January, Sadi Rakhmatov, the brother-in-law of Sharofiddin Gadoev, the deputy leader of the arbitrarily banned opposition movement Group 24, was released from prison in Greece after spending two months in detention because

the Tajikistani authorities had placed him on an Interpol wanted list. Sadi Rakhmatov had been charged in Tajikistan with "facilitating mercenaries", a crime which carries a 15-year sentence.

On 25 March, independent lawyer and Chairman of the Tajik Centre in Moscow, Izzat Amon (also known as Izatullo Kholov), went missing. Two days later the Tajikistani Interior Ministry announced that he was in detention in the capital, Dushanbe, having been extradited from Russia. Izzat Amon had repeatedly criticized the Tajikistani government for failing to protect the rights of Tajikistani migrants in Russia. In October the Dushanbe City Court sentenced him to prison for nine years for fraud.

On 1 June, Mirzo Hojimuhammad, a former member of the arbitrarily banned Islamic Renaissance Party of Tajikistan (IRPT), was sentenced to five years in prison for "membership of a banned extremist organization". He had been working as a doctor in Russia for the past two years and returned to Tajikistan in February for a visit. He was first placed under travel restrictions and then arrested in May. His conviction was reportedly based on unspecified posts on social media. In 2020 he had delivered a media interview criticizing the authorities' late recognition of the Covid-19 pandemic.

In January, independent journalist Daler Sharipov was released on the expiry of his sentence. In April 2020, he had been found guilty of "inciting religious discord" and sentenced to one year's imprisonment for unofficially publishing and disseminating his dissertation on Islam.

In October, Buzurgmekhr Yorov's sentence was reduced by four years under an amnesty declared to celebrate the 30<sup>th</sup> anniversary of the country's independence. Buzurgmekhr Yorov, a lawyer, was sentenced to 28 years' imprisonment for having represented several members of the banned IRPT.

# TANZANIA

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## United Republic of Tanzania

Head of state and government: **Samia Suluhu Hassan**  
(replaced **John Pombe Magufuli** in March)

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**Following the sudden death of President Magufuli, the incoming president established a task force to improve the authorities' response to the pandemic, marking a shift in her predecessor's policy of Covid-19 denial. The government continued to limit the rights to freedom of expression, association and peaceful assembly by implementing draconian measures targeting political dissidents and opposition, human rights defenders, journalists and media outlets. The authorities continued to pressure Burundian refugees into returning to Burundi. The government lifted a ban on pregnant girls attending regular schools.**

## BACKGROUND

Samia Suluhu Hassan was sworn in as Tanzania's first female president on 19 March. She pledged to improve human rights, but many of the commitments were yet to be acted upon at the end of the year.

## RIGHT TO HEALTH

Public health prevention measures were largely absent in the earlier part of the year. President Magufuli, who died in March, had downplayed the scale of the pandemic, including by publicly dismissing the use of face masks, social distancing and vaccines. Until May, the government withheld information relating to Covid-19, disregarding WHO guidelines on how to respond to the pandemic.<sup>1</sup> In February and March, religious leaders reported a surge in the number of Covid-19-related deaths, including of nurses, priests and nuns. The new president's administration reversed her predecessor's approach, strengthening measures to control the virus. On 28 July, the government rolled out its Covid-19 vaccination programme, which prioritized health workers, following a

recommendation from a national task force set up in May by the incoming president to inform state response to the pandemic. The taskforce recommended that the authorities implement preventive measures to tackle the spread of the virus. In August, the government started providing electronic post-vaccination certificates as proof of vaccination, fulfilling international requirements. According to the WHO, Tanzania had administered over 2,431,769 Covid-19 vaccine doses by the end of the year, representing 4% of the population.

## REFUGEES' AND MIGRANTS' RIGHTS

Burundian refugees in Tanzania continued to live in fear. UN human rights experts said that in 2021 the police and intelligence services, in cooperation with the Burundian intelligence services, continued to use violence, arbitrary arrests, strict encampment policies and threats of deportation to pressure the refugees to leave the country. The government also continued to implement refugee returns facilitated by UNHCR, the UN refugee agency. Government and UNHCR sources estimated that, at the end of December, there were 162,711 Burundian refugees in Tanzania, representing about 65% of the country's refugee population; and UNHCR and other partners in Tanzania had supported more than 20,000 Burundian refugees to return to their country, many of whom left Tanzania because of pressure from the Tanzanian government.

## WOMEN'S AND GIRLS' RIGHTS

On 24 November, the government announced it had lifted a 2017 ban on pregnant girls, and girls with children, from attending regular schools. Since 2017, the authorities had implemented the ban under the Education Regulations Act 2002 which states that students can be expelled if they are married or commit a criminal offence.

In August, the president made sexist and other offensive comments about women footballers, describing some of them as "flat-chested" and suggesting that their physical appearance would prevent them from



marrying. The comments were made while she addressed guests at a function to celebrate the victory of a men's football team in a regional competition.

## **ARBITRARY ARRESTS AND DETENTIONS**

In the early hours of 21 July, police officers raided a hotel in Mwanza town, arresting Freeman Mbowe, leader of the main opposition Party of Democracy and Progress, commonly known as Chadema, and 11 party officials. He was about to convene a meeting calling for constitutional reform.<sup>2</sup> Later that day, three other men associated with Chadema were arrested in Mwanza. Freeman Mbowe was taken to the Oysterbay police station in Dar es Salaam, presented at court more than five days later and charged with offences relating to economic crimes and financing terrorist activities, based on allegations dating back to the period between May and August 2020. The move appeared to be a tactic to silence him. He was then transferred to Ukonga prison where he remained at the end of the year. The 14 others were accused of gathering illegally and contravening Covid-19 prevention measures, although such restrictions had not been made public. Eleven of them were released on police bail on 24 July and the remaining three on 25 July.

On 3 August, police arrested 22 women from BAWACHA (the women's wing of Chadema), ahead of planned protests against Freeman Mbowe's detention. The arrests took place in multiple regions, including the capital, Dar es Salaam, Mara and Mwanza. They were held in police detention for between four and 15 days before being released on bail.

## **RIGHT TO A FAIR TRIAL**

On 17 August, a court dropped criminal charges against Idris Sultan, a Tanzanian actor, comedian and radio host, who was arrested in May 2020 for alleged "cyber-bullying" after he distributed a video on social media in which he mocked the late president. The charges against him – "failure to register a SIM card previously owned by

another person" and "failure to report change of ownership of a SIM card" – were dropped after the Director of Public Prosecution (DPP) failed to prosecute the case.

On 22 September, a court dismissed a sedition case against the Chadema deputy party leader, Tundu Lissu, and four *Mawio* newspaper employees, after the DPP withdrew the charges. Since 2016, the five had been in court repeatedly, following the state's claim that they published seditious content in the *Mawio* newspaper.

## **FREEDOM OF EXPRESSION**

The Information Services Department, an official body in the Ministry of Information, Culture, Arts and Sports which has the authority to license newspapers, continued to use repressive media laws to target and suppress independent reporting and restrict the media. The authorities imposed Section 59(2) of the Information Services Act 2016, which gives the minister of information powers to ban any newspaper and to censor media outlets.

On 6 April, the president instructed authorities to allow media outlets banned under her predecessor's administration to resume operations. The director of the Information Services Department (also the department's Chief Government Spokesperson), backtracked on the order, announcing on Twitter that the president had "directed the ban to be lifted for online television only" and therefore newspapers remained subject to the ban "according to the laws".

On 11 August, the authorities suspended for 14 days *Uhuru*, a newspaper owned by Uhuru Publications Limited and established by Chama Cha Mapinduzi (CCM), the ruling party. The authorities claimed that it had published a false report carrying the headline: "I have no intention of running for the presidency in 2025 – Samia". The CCM Secretary General responded by saying that the newspaper's board had suspended three senior managers, including the CEO, over the story and that they were conducting

investigations as to why it was published.

*Uhuru* resumed publication on 27 August.

On 5 September, the Information Services Department suspended *Raia Mwema* newspaper for 30 days, on allegations it repeatedly violated professional journalistic standards and broke the law by publishing reports that were misleading and amounted to incitement to violence.

On 23 September, the police arrested cartoonist Optatus Fwema at his home in the Bunju area of Dar es Salaam after he posted a caricature of the president on social media. He was detained at Oysterbay police station where he was denied access to a lawyer, including during interrogation. Optatus Fwema was released on bail on 8 October after he was arraigned in a Dar es Salaam court and charged with publishing false information online. He was facing trial at the end of the year.

On 2 October, Harold Shemsanga, a journalist for Mgawe TV, and six women members of Chadema were arrested while out jogging. They were charged with illegal assembly and held at Mbweni police station in Dar es Salaam before being released on 4 October without being brought before a court.

## HUMAN RIGHTS DEFENDERS

The authorities subjected human rights defenders to arbitrary arrest and detention, prosecution, intimidation, harassment and threats. On 5 January, a court in Dar es Salaam released human rights lawyer Tito Magoti, and his co-accused Theodory Giyani. They had been arrested in December 2019 in connection with social media activities and charged under the Economic and Organized Crimes Control Act 1984 for offences that do not allow for bail, and other charges under the Cybercrimes Act 2015 and the Anti-Money Laundering Act 2007. Their court case was adjourned more than 10 times before they were finally released after entering a plea-bargain agreement with the DPP under which they were ordered to pay a joint fine of TZS17.3 million (about US\$7,400).<sup>3</sup>

On 20 April, the Tanzania Human Rights Defenders Coalition (THRDC), made up of more than 160 members, including human rights defenders and NGOs, announced that its bank accounts had been unfrozen. The police had ordered a commercial bank in Tanzania to freeze the accounts in August 2020, claiming it had failed to submit to the Office of the Treasury Registrar its contractual agreements with donors, leading the THRDC to suspend operations during that period.

1. [“Tanzania: President’s new Covid-19 taskforce a positive move but the work starts now”, 26 April](#)
2. [“Tanzania: Release opposition leader and party members”, 21 July](#)
3. [Tanzania: A chance to Prioritize Human Rights: Amnesty International Submission for the UN Universal Periodic Review, 39th Session of the UPR Working Group, November 2021 \(Index: AFR 56/3885/2021\), 25 March](#)

## THAILAND

### Kingdom of Thailand

Head of state: **Maha Vajiralongkorn**

Head of government: **Prayut Chan-O-Cha**

**The government redoubled its efforts to restrict the rights to freedom of expression and peaceful assembly. Police used excessive force against protesters. Authorities judicially harassed and arbitrarily detained pro-democracy activists and human rights defenders. Proposed legislation on torture and enforced disappearance did not comply with Thailand’s international human rights obligations. Authorities increased the use of lèse-majesté laws and criminally accused at least 100 people, including children, of defaming the monarchy.**

### BACKGROUND

Student-led protests gathered in strength and number over the course of the year.

Authorities imposed lockdown measures in parts of the country in response to surges in Covid-19 infections. The government was criticized for its slow vaccine roll-out, and the

economy continued to suffer under Covid-19-related restrictions.

## **FREEDOM OF ASSEMBLY**

Despite severe restrictions imposed by authorities on public gatherings, ostensibly to curb the spread of Covid-19, 1,545 protests took place over the course of the year in different parts of the country. Calls by protesters included amendments to the Constitution, dissolution of parliament, reform of the monarchy and the release of arbitrarily detained protest leaders. They also demanded improvements in the government's handling of the pandemic.

Authorities filed multiple charges against protest leaders and participants for violating restrictions on gatherings.

Riot police used excessive force during the protests, indiscriminately firing rubber bullets and tear gas canisters at short range towards protesters, bystanders and journalists. Many described being kicked, hit with batons and restrained for hours in tight plastic wrist cuffs, both on arrest and while in detention. Authorities often did not disclose where individuals were detained and delayed their access to lawyers.<sup>1</sup>

Live ammunition was used against protesters outside a police station in the capital, Bangkok, in August. Although police denied using live rounds, a 15-year-old boy was shot in the neck and left paralyzed for three months before he died. Two other boys, aged 14 and 16, also suffered gunshot injuries.<sup>2</sup>

From August to September, at least 270 children, including a 12-year-old boy, were charged as a result of their participation in protests. Some of them were prosecuted under *lèse-majesté* or other provisions of the Criminal Code, and others under the Emergency Decree on Public Administration in Emergency Situations related to the Covid-19 response.

## **FREEDOM OF ASSOCIATION**

In December, the government approved a draft Act on the Operations of Not-for-Profit Organizations. Civil society groups criticized

the draft as containing prohibitions on operations of NGOs that are too broad and include most of their legitimate and protected activities. If the draft is passed, NGOs would also be subjected to overly broad reporting and disclosure requirements and authorities would be able to exert undue control over funds received by groups from foreign entities. Other provisions of concern included disproportionate fines and penalties for non-profit-organizations that would have a chilling effect on individuals wishing to organize their own groups.

## **FREEDOM OF EXPRESSION**

Authorities continued to use legislation including the Emergency Decree, sedition and defamation laws, the Computer Crimes Act and laws relating to contempt of court and insulting the court to unduly restrict the right to freedom of expression. During the year, criminal and civil proceedings were initiated against at least 1,460 individuals, including children and student activists, for expressing views perceived to be critical of government actions. Protest leaders Parit Chiwarak, Anon Nampa, Panusaya Sitijirawattanakul and Panupong Chadnok, along with many others, faced sentences up to life imprisonment if convicted. The authorities repeatedly arbitrarily detained and denied bail to other government critics.

In July, Prime Minister Chan-O-Cha issued a regulation that provided for up to two years' imprisonment for dissemination of "fake news" that "could spread fear and unrest, and harm national security". However, in August, the Civil Court suspended a regulation allowing internet censorship and suspension of media organizations, finding that it excessively restricted rights.

Authorities threatened Facebook and other platforms with legal action to force them to restrict content perceived to be insulting the monarchy. Authorities also blocked access to the website Change.org after it hosted a petition signed by more than 130,000 people calling for King Maha Vajiralongkorn to be declared *persona non grata* in Germany.

After a two-year pause, authorities resumed using lèse-majesté laws. At least 116 people, including at least three children, were charged with lèse-majesté between January and November. Among them was “Anchan”, a former civil servant, who was sentenced to 87 years’ imprisonment for sharing audio files on social media. The sentence was halved after she pleaded guilty. In March, police arrested and charged two girls, aged 14 and 15, for burning pictures of the King.

In July, five people, including an Amnesty International staff member, were fined after they took part in a panel discussion on the fate of Thai activists abducted in neighbouring countries since 2016. The panellists raised concerns about the lack of investigation into the enforced disappearance of pro-democracy activist Wanchalearn Satsaksit in Cambodia in June 2020, as well as the failure of the Thai authorities to establish the fate or whereabouts of eight other exiled activists who remained missing.

## **TORTURE AND OTHER ILL-TREATMENT**

In August, Jiraphong Thanapat died after being tortured at Muang Nakhon Sawan police station. Video evidence showed police officers suffocating him by placing a plastic bag over his head until he collapsed.

## **ENFORCED DISAPPEARANCES**

In September, parliament agreed an initial draft of a law that would criminalize both torture and enforced disappearances for the first time. However, the draft failed to include important elements, in line with international standards, such as: the inclusion of “persons or groups of persons acting with the authorization, support or acquiescence of the State” among perpetrators of an enforced disappearance; the inclusion of cruel, inhuman or degrading treatment by law enforcement personnel as punishable offences; and provisions on the continuous nature of the crime.

## **REFUGEES’ AND MIGRANTS’ RIGHTS**

After the February military coup in Myanmar, three journalists who fled to Thailand were

arrested by authorities for entering the country illegally. Border officials pushed back into Myanmar approximately 2,000 Karen villagers who fled to Thailand to escape military air strikes. In November, authorities forcibly returned refugees to Cambodia.

## **RIGHT TO HEALTH**

Thailand was hit by a third wave of Covid-19 infections in April, with the government’s slow vaccine roll-out cited as a significant contributory factor to this and other surges in infections during the year. Government records showed more than 20,000 people died from the virus. Approximately 87,000 cases were reported in prisons, exacerbated by poor hygiene and overcrowded conditions. At least 185 prisoners died as a result.

## **INDIGENOUS PEOPLES’ RIGHTS**

In February, ethnic Karen people protested in front of the Government House in Bangkok demanding to be allowed to return to their ancestral lands in Jai Pan Din village in Kaeng Krachan National Park, where they had lived for decades prior to being forcibly evicted in 2011. In March, 22 Karen villagers were arrested and detained in Kaeng Krachan National Park for trespassing. Lawyers were not allowed to be present during their interrogations.

## **SEXUAL AND REPRODUCTIVE RIGHTS**

In February, parliament amended the Criminal Code, making abortion legal up to the first 12 weeks of pregnancy. The term of imprisonment for women convicted of terminating their pregnancy after the first trimester was also reduced from three years to six months, but abortion after 12 weeks remained a criminal offence.

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1. *Thailand: “My Face Burned as if on Fire”: Unlawful Use of Force by Police During Public Assemblies (ASA 39/4356/2021)*, 2 July
  2. *“Thailand: Urgent investigation needed after live rounds fired at child protesters”*, 18 August

# TOGO

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## Togolese Republic

Head of state: **Faure Gnassingbé**

Head of government: **Victoire Tomegah Dogbè**

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**The right to freedom of expression was violated; sanctions were imposed on media outlets. A draft freedom of association bill threatened to violate human rights. Detainees suffered overcrowding. Health workers denounced violations of the right to health. Discrimination including violence against women continued.**

## FREEDOM OF EXPRESSION

Several cases of judicial harassment against journalists, media outlets and activists were reported.

On 3 February, three journalists were arrested for interviewing a local authority chief perceived to be critical of the government. They were released the same day.

On 9 March, *L'Alternative* newspaper was suspended for four months, after the Supreme Court's administrative chamber upheld the suspension imposed in February by the High Authority of Audiovisual Communication (HAAC). The sanction followed a complaint by a minister regarding an article which alleged that he falsified documents.

The administrative chamber also upheld a January HAAC decision to order *L'Indépendant Express* newspaper to cease all activities after it reported on an alleged theft by two ministers. The HAAC decision said the article "seriously violated rules of professional conduct and ethics".

On 27 August, Paul Missiagbeto, special adviser to government opponent and former presidential contender Agbéyom Messan Kodjo, was sentenced to 48 months in prison, 24 of which were suspended, by the Court of First Instance of Lomé, for "death threats, insults against representatives of public authority, and dissemination of false news". He had sent WhatsApp messages

saying, among other things, "Faure Gnassingbé will have a tragic end if he does not act quickly to hand over power to the real winner", and claiming that Agbéyom Messan Kodjo was the real winner of the 2020 presidential election.

On 9 December the Supreme Court overturned an HAAC decision to suspend *La Symphonie* newspaper for two months, after it criticized an HAAC sanction against The Guardian newspaper.

Ferdinand Ayité, editor of *L'Alternative*, and Joël Egah, editor of *Fraternité* were detained on 10 December for contempt of public officials, and "dissemination of false news", according to their lawyer, after journalists criticized two ministers during broadcasting. They were provisionally released on 31 December and the presenter, Isidore Kouwonou, was placed under judicial supervision.

On 11 December activist Fovi Katakou, a known government critic, was arrested and charged with "incitement to revolt against the authority of the state", among other things. He was provisionally released on 20 December and placed under judicial supervision.

## MASS SURVEILLANCE

A major investigation into the leak of 50,000 phone numbers of potential surveillance targets of Pegasus spyware, revealed more than 300 Togolese phone numbers on the list. Numbers included those belonging to activists, political opponents and journalists – including Ferdinand Ayité – who were potential targets for surveillance by the authorities.

## FREEDOM OF ASSOCIATION

On 26 July, the authorities announced the suspension until further notice of the granting and renewal of NGO licences in order to "update the regulatory framework" and "strengthen the results of NGO interventions by aligning them with government priorities". For the first time since 2012, the Ministry of Territorial Administration did not renew the

licence of the Association of Victims of Torture in Togo.

In August, four UN Special Rapporteurs wrote to the authorities expressing concern about provisions in a freedom of association bill which violated international human rights standards.

## **TORTURE AND OTHER ILL-TREATMENT**

Yakoubou Abdoul-Moutawakilou, secretary general of the Pan African National Party, Kpalimé section, died on 26 August a month after he was temporarily released from Lomé prison for health reasons. Arrested in January 2020 and detained until July 2021, he was accused of attempting to conspire against state interior security in the “Tiger Revolution” case, in which dozens of people were arrested and accused of destabilizing state institutions in the context of the presidential elections. In 2020, at least four of them died after being transferred from Lomé prison to healthcare facilities. The Committee for the Release of All Political Prisoners denounced the ill-treatment of detainees in this case.

In May, there were 4,906 people held in 14 prisons which had a capacity for 2,886; 2,762 of them were pre-trial detainees.

## **WOMEN'S RIGHTS**

In July, the UN Human Rights Committee adopted its concluding observations on Togo's fifth periodic report, noting that several national laws still contained provisions which discriminated against women; a lack of measures – particularly in terms of protection – to allow rape victims access to justice without fear of discrimination, stigmatization or reprisals; and the continued use of female genital mutilation despite its being criminalized.

## **RIGHT TO HEALTH**

### **WORKERS' RIGHTS**

In September, health unions organized a sit-in in several cities to denounce the dysfunctional health system in the context of the Covid-19 pandemic. They highlighted the lack of medical staff in intensive care units,

insufficient Covid-19 care centres, the shortage of scanners and other medical equipment, as well as health workers' unpaid salaries.

### **RIGHT TO SOCIAL SECURITY**

On 12 October, Parliament adopted a law establishing universal health insurance, with the stated purpose of ensuring access to quality healthcare for everyone.

# **TRINIDAD AND TOBAGO**

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## **Republic of Trinidad and Tobago**

Head of state: **Paula-Mae Weekes**

Head of government: **Keith Christopher Rowley**

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**Authorities continued to restrict access to international protection for asylum seekers.**

**Women asylum seekers remained at heightened risk of gender-based violence.**

**The government failed to abolish the mandatory death penalty or provide protection in law for LGBTI people.**

## **BACKGROUND**

A state of emergency, including restrictions on freedom of movement and a curfew, were put in place during much of the year to curb the spread of Covid-19.

## **REFUGEES' AND MIGRANTS' RIGHTS**

As of August, over 20,800 refugees and asylum seekers had been registered with UNHCR the UN refugee agency; 86% were from Venezuela and 7% from Cuba.

Trinidad and Tobago remained one of the few countries in the Americas to have no national legislation on asylum. In practice, this meant that people who applied for protection or were granted refugee status by UNHCR, which processes asylum claims in the country, continued to have limited access to many of the rights granted under the UN Refugee Convention and its Protocol, to which Trinidad and Tobago is party.

Most Venezuelans continued to arrive irregularly by boat as most legal routes of

entry were closed to them. However, irregular entry continued to be criminalized, leaving many asylum seekers, including children, at risk of detention and/or refoulement, in contradiction to international human rights law and standards.

In a positive development, authorities granted migrants and asylum seekers access to Covid-19 vaccines.

## VIOLENCE AGAINST WOMEN AND GIRLS

Women and girls continued to be at risk of gender-based violence and discrimination.

Venezuelan women seeking international protection reported that they had been frequent targets of harassment and sexual violence during 2020.<sup>1</sup> In August 2021, according to news reports, a Venezuelan woman was kidnapped and threatened with rape.

Venezuelan women remained afraid to report attacks, including because of fear that perpetrators would report them to the police or the immigration authorities and, under the current legal framework, that they could be detained or deported.

Venezuelan women continued to experience a range of crimes associated with trafficking into the sex sector, including deprivation of their liberty by traffickers, rape and other forms of sexual violence, labour exploitation and debt bondage. However, there remained insufficient resources for anti-trafficking programmes, including safe shelter, healthcare and counselling.

Some women seeking asylum sold sex as a way to support their livelihoods but often had to work long hours in exploitative work conditions and had debts to pay off related to their passage to the country.

## DEATH PENALTY

In November, the Attorney General announced national consultations on the mandatory death penalty, which remained in force and was pending a judgment from the Judicial Committee of the Privy Council (JCPC) in the UK, Trinidad and Tobago's highest appellate court.

## LGBTI PEOPLE'S RIGHTS

The Attorney General also announced national consultations on legislation which criminalizes same-sex sexual relationships. A JCPC ruling which could have implications for LGBTI rights, was still pending at the end of the year.

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1. *Trinidad and Tobago: Protect People Fleeing: Amnesty International Submission for the UN Universal Periodic Review, 39th Session of the UPR Working Group, 1-12 November 2021 (Index: AMR 49/455A/2021), 5 August*

## TUNISIA

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### Republic of Tunisia

Head of state: **Kaïs Saïed**

Head of government : **Najla Bouden (replaced Hichem Mechichi in September)**

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**Tunisia's Covid-19 vaccination programme was initially slow and failed to prioritize the most vulnerable, but it improved from July. In July, the President claimed exceptional powers to legislate and govern. Security forces continued to respond to peaceful protests with arbitrary arrests and excessive force with impunity. The military justice system increased prosecutions of civilians, including four people for publicly criticizing the president. The authorities imposed arbitrary travel bans on at least 50 Tunisians and placed at least 11 under arbitrary house arrest. Freedom of expression was curtailed under vague and repressive laws. A refugee was returned to Algeria where he was imprisoned. Domestic violence against women increased. Security forces assaulted and harassed LGBTI activists.**

## BACKGROUND

In March, parliament approved a bill to facilitate the creation of a constitutional court, which the President rejected on the grounds that the constitutionally mandated deadline for creating the court had expired.

Since September 2020, there were at least 718,561 officially recorded Covid-19 cases

and more than 25,000 deaths in a population of about 11.7 million. In mid-July 2021, confirmed daily deaths per million were the second highest in the world.

On 25 July, the President suspended parliament and dismissed Prime Minister Hichem Mechichi, citing emergency powers under Article 80 of the Constitution. In September, he issued Decree-Law 2021-117, which suspended most of the Constitution and granted him total control of most aspects of governance, including the right to legislate through decrees and to regulate the media, civil society and courts. On 11 October, the President announced a new government.

The economic crisis deepened, with the fiscal deficit forecasted to reach 7.6% by the end of the year; unemployment rates had reached 18.4% by the third quarter of 2021. In November, the International Monetary Fund resumed technical discussions with the authorities that had stopped in July about a potential finance programme to overcome the economic crisis.

In September, the nationwide curfew imposed in October 2020 to curb Covid-19 was lifted.

## **RIGHT TO HEALTH**

In March, the government launched its Covid-19 vaccination campaign which proceeded slowly and unevenly due to lack of vaccines and poor management; only 6% of the population had been vaccinated by mid-July. While authorities prioritized older people and frontline health workers in line with WHO recommendations, they failed to prioritize other at-risk groups, notably people with disabilities, those living in extreme poverty, prisoners and people experiencing homelessness.<sup>1</sup>

In July, the president secured significant vaccine donations from abroad and transferred oversight to the military. By the end of the year, at least 46% of the population had been vaccinated. In December, a decree-law mandated vaccine passes for everyone aged 18 and over to enter many public spaces, and for Tunisian citizens aged 18 and over to travel abroad.

The decree-law obliged employers to suspend without pay public sector and salaried private sector workers who lacked a vaccine pass.

## **FREEDOM OF ASSEMBLY**

Despite frequent bans on public gatherings as part of the government's Covid-19 measures, people staged protests throughout the year, often in relation to socio-economic rights. Police arrested more than 1,500 people during the January wave of demonstrations.

That month, one police union responded to peaceful protests by announcing a ban on "all unauthorized protests" in the capital, Tunis, and threatened to file complaints against all demonstrators "who humiliated the police".

After 25 July, security forces responded to demonstrations in different ways. For instance, they used excessive force against a demonstration in Tunis on 1 September calling for the reopening of the investigation into the 2013 political assassinations of two opposition politicians, but did not disperse protests in support of the president in downtown Tunis on 26 September and 10 October.

## **EXCESSIVE AND UNNECESSARY USE OF FORCE**

During protests in January and February, police used excessive force, including beating peaceful protesters and firing tear gas canisters recklessly.<sup>2</sup>

On 18 January in Sbeitla city, police fired tear gas canisters in residential neighbourhoods, with some landing inside homes. Haykal Rachdi and Aymen Mahmoudi were struck on the head by tear gas canisters fired at close range. Haykal Rachdi died from his injuries a week later.<sup>3</sup>

On 8 June, Ahmed Ben Amara died in hospital shortly after his violent arrest by police in the Sidi Hassine neighbourhood of Tunis. His death sparked clashes to which the security forces responded using unlawful force, including beatings. The police attacked 15-year-old Fedi Harraghi, stripping off his



trousers, kicking him repeatedly and beating him with batons. The interior ministry first denied the incident, but subsequently suspended three officers. None of the officers was held to account before a court.<sup>4</sup>

## UNFAIR TRIALS

### MILITARY TRIALS OF CIVILIANS

From July, the military justice system investigated and prosecuted at least ten civilians, including four for criticizing President Saïed, a significant increase from previous years.

A military court investigated six members of parliament (MPs) from the Al Karama party, along with a lawyer from Tunis, over an altercation in March with the police at Tunis international airport.

In July, a military court jailed MP Yassine Ayari for two months for a 2018 conviction under Article 91 of the Military Code of Justice, which criminalizes insulting the army. After 25 July, he faced a new trial before a military court on various charges, including further accusations of insulting the army and offending the president, after he criticized President Saïed for staging what he described as “a military coup”. The court acquitted him on 27 October.<sup>5</sup> Also in October, a military court investigated television presenter Amer Ayad and Al Karama MP Abdellatif Aloui under Penal Code provisions that criminalize offending the president, seeking to change state structure, inciting violence or defaming a public official.

## FREEDOM OF MOVEMENT

From August, airport police arbitrarily barred at least 50 Tunisians from travelling abroad, without providing a court order, time frame or explanation.<sup>6</sup> Under Tunisian law, only judicial authorities may order travel bans. President Saïed said on 16 August that the bans were part of efforts to prevent people suspected of corruption or posing a security threat from fleeing the country. By the end of the year, this practice ceased after the president called on security forces not to impose them without a judicial order.

Authorities placed at least 11 people under house arrest between July and October, in some cases without a clear explanation. All the orders had been lifted by the end of the year.

## FREEDOM OF EXPRESSION

Authorities continued to cite vaguely worded laws criminalizing insult, defamation and incitement to violence to investigate and prosecute people for non-violent speech, including before military courts.

In January, amid protests over poverty and police violence, police in Tunis arrested Ahmed Ghram for Facebook posts critical of police repression and alleged official corruption, accusing him of inciting looting. He was detained for 11 days before a court acquitted him. Police in Tunis also arrested activist Hamza Nasri Jerridi while he was protesting peacefully, accusing him of insulting a police officer. He was detained for three days before a judge ordered his release pending trial.

In April, the health ministry barred all but a selected list of public sector health workers from speaking publicly about the Covid-19 pandemic in Tunisia, threatening them with disciplinary action or criminal prosecution if they did not comply.<sup>7</sup>

On 26 July, police in plain clothes raided Al Jazeera's office in Tunis and confiscated staff phones and office keys.

In October, the media regulator ordered the closure of Zitouna TV, a private television station, three days after police arrested a presenter and an MP for their on-air criticism of President Saïed. The regulator said the station was operating without a licence. The same month, police closed down private stations Nessma TV and Al-Quran radio, saying they were operating without a licence.

## REFUGEES' AND MIGRANTS' RIGHTS

UNHCR, the UN refugee agency, registered 3,920 refugees and asylum seekers during 2021, a 21% increase from 2020. While Tunisia's Constitution guarantees the right to seek political asylum, its law does not provide

a legal and procedural framework for asylum seekers.

On 25 August, unidentified men abducted Algerian Amazigh activist and Christian convert Slimane Bouhafs from his home in Tunis. A refugee registered with UNHCR, he was forcibly returned to Algeria, where he was imprisoned. By the end of the year, Tunisian authorities had not issued formal comment on the matter.<sup>8</sup>

## WOMEN'S RIGHTS

Impunity for violence against women continued. In May, Refka Cherni was fatally shot by her husband two days after filing a complaint against him with police for frequent physical abuse. After she made repeated complaints, police referred the case to a prosecutor but did not arrest or issue a protection order against her husband, a police officer. The prosecutor also failed to order any measures to protect Refka Cherni from potential violence, saying that she had decided to drop the complaint.

In October, trial proceedings began against MP Zouhair Makhlouf for sexual harassment, after his parliamentary immunity was lifted. Protests against his crimes were led by feminist groups in front of the court in Nabeul town. In November, he was sentenced to one year in prison.

## LGBTI PEOPLE'S RIGHTS

LGBTI activists continued to be arrested and prosecuted under laws that criminalize consensual same-sex sexual relations, "indecency" and acts deemed "offensive to public morals". Violent attacks against and harassment of them by the police increased in 2021.

Transgender people faced arrest under vague "public decency" articles of the Penal Code, including Article 226bis.

In February, security forces assaulted, threatened and verbally harassed LGBTI activists during protests and harassed them online, including by posting activists' addresses, phone numbers and sexual orientation on social media.

In March, a Tunis court sentenced women's rights and LGBTI activist Rania Amdouni to six months in prison for "insulting a public official", under Article 125 of the Penal Code, after she went to a police station to report police harassment due to her activism.<sup>9</sup> At the station, eight officers insulted and threatened her because of her gender expression, while refusing to register her complaint. When she protested against her treatment outside the station, officers arrested her.

In October, two police officers in Tunis insulted and violently assaulted LGBTI activist Badr Baabou, who heads the prominent Tunisian LGBTI rights group DAMJ. As he lay on the ground, the officers stole his laptop and mobile phone, and told him the beating was retaliation for filing complaints against police and "defending whores" and gay people, about whom they used homophobic language.

## IMPUNITY

No judgments or verdicts were delivered in 10 trials against members of security forces for excessive use of force and other abuses against civilians during Tunisia's December 2010 to January 2011 revolution. The trials, which opened in 2018, were held before specialized courts and based on referrals by the Truth and Dignity Commission created after the revolution.<sup>10</sup>

## DEATH PENALTY

Death sentences were handed down; there were no executions.

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1. *Tunisia: COVID-19 Vaccination Plan Must Be Fair and Transparent* (Index: MDE 30/4459/2021), 15 July
  2. "Tunisia: Authorities must refrain from using unnecessary and excessive force against protesters", 18 January
  3. "Tunisia: Investigate circumstances of a young man's death following reckless tear gas use by police", 28 January
  4. "Tunisia: Death following violent arrest highlights cycle of police impunity", 18 June
  5. *Tunisia: Parliamentarian Convicted by Military Court: Yassine Ayari* (Index: MDE 30/4718/2021), 14 September
  6. "Tunisia: President must lift arbitrary travel bans", 26 August

7. "Tunisia: Rescind ministerial order censoring health workers over Covid-19", 20 April
8. "Algerian refugee deported from Tunisia now imprisoned in Algeria", 3 September
9. "Tunisia: Release prominent LGBTI rights activist jailed for insulting police", 16 March
10. "Tunisia: Struggle for justice and reparation continues for victims 10 years after the revolution", 14 January

# TURKEY

## Republic of Turkey

Head of state and government: **Recep Tayyip Erdoğan**

**Deep flaws in the judicial system were not addressed. Opposition politicians, journalists, human rights defenders and others faced baseless investigations, prosecutions and convictions. Turkey withdrew from the Istanbul Convention. Government officials targeted LGBTI people with homophobic rhetoric. Freedom of peaceful assembly was severely curtailed. A new law unduly restricted freedom of association for civil society organizations. Serious and credible allegations of torture and other ill-treatment were made. Turkey hosted 5.2 million migrants and refugees, but thousands of asylum seekers were denied entry. Physical attacks against refugees and migrants increased in the context of rising anti-refugee rhetoric.**

## BACKGROUND

The new Human Rights Action Plan and two Judicial Reform Packages prepared by the Ministry of Justice failed to address deep flaws in the judiciary.

In October, parliament extended the mandate for military operations in Syria and Iraq for another two years. A threat by the president to expel 10 Western ambassadors after they called for the immediate release of civil society leader Osman Kavala was withdrawn after several days.

## STATE OVERREACH

### JUDICIARY AND LAWYERS

In January, the Ministry of Justice granted permission to open an investigation against

12 executives of the Ankara Bar Association. They were accused of "insulting a public officer" for criticizing homophobic and discriminatory remarks made by the president of the Directorate for Religious Affairs during a Friday sermon in 2020. In April, the Ankara court accepted the indictment. In July, the same permission was granted for the investigation against members of the Istanbul and Izmir bar associations for "insulting religious values". The investigations and prosecutions were ongoing at the end of the year.

In July, parliament approved an omnibus bill extending emergency powers for another year and allowing the dismissal of public servants, including judges and prosecutors, for having alleged links to "terrorist" organizations without the possibility of judicial review.

## REPRESSION OF DISSENT

In January, the Ankara court accepted a 3,530-page indictment for the prosecution of 108 people, including former and present members of the People's Democratic Party (HDP) and its former co-leader Selahattin Demirtaş. The indictment contained 29 separate charges including "intentional killing" and "disrupting the unity and territorial integrity of the state." They were accused of mobilizing masses to commit violence during protests on 6-8 October 2014 under the instructions of the Kurdistan Workers Party (PKK). Dubbed the "Kobani trial", proceedings were ongoing at the end of the year.

In March, human rights defender and opposition parliamentarian Ömer Faruk Gergerlioğlu was stripped of his immunity and imprisoned after the Court of Cassation upheld his two-and-a-half-year prison sentence for sharing a tweet in 2016. He was released after almost three months in custody following a ruling in July by the Constitutional Court that his rights to liberty and to participate in political life had been violated.

In April, in another case against Selahattin Demirtaş, the Court of Cassation upheld his four years and eight months' prison sentence

for “making propaganda for a terrorist organization”. In September and December, the Council of Europe’s Committee of Ministers monitoring the implementation of the December 2020 *Demirtaş v Turkey* decision by the European Court of Human Rights (ECtHR), reiterated its call for his immediate release.

In September, the Eruh Criminal Court of First Instance sentenced Zana Aksu, a conscientious objector and former director of the Human Rights Association’s (IHD) Siirt branch, to 18 months’ imprisonment and a fine of 10,000 TL (€700) for “desertion”. The case was pending before the Diyarbakir Regional Appeals Court at the end of the year. Zana Aksu had previously been convicted on the same charge in 2018 and acquitted in a separate case in 2020 on the grounds of double jeopardy.

## FREEDOM OF EXPRESSION

In April, the ECtHR ruled that the rights to freedom of expression and to liberty and security of journalist Ahmet Altan had been violated. The following day, the Court of Cassation overturned the verdict but ordered his immediate release based on the excessive length of his imprisonment. The verdict for his co-defendant, Nazlı Ilıcak, was also overturned. Their case was returned to the lower court for retrial. In December, the ECtHR similarly found that Nazlı Ilıcak’s rights to liberty and security and freedom of expression had been violated.

In September, a Diyarbakir court sentenced human rights lawyer Nurcan Kaya to a suspended sentence of one year and three months’ imprisonment for “making propaganda for a terrorist organization” concerning a tweet about the Islamic State siege of Kobani in 2015.

In October, the Malatya court sentenced Kurdish writer and Kurdish Pen member Meral Şimşek to one year and three months’ imprisonment for “making propaganda for a terrorist organization”, relating to her writings, the awards she received and the content of wiretapped conversations. In July, Meral

Şimşek had been tortured and violently pushed back by Greek border forces.

In October, in the landmark decision *Vedat Şorli v Turkey*, the ECtHR found that Article 299 of the Criminal Code, which criminalizes insulting the president, was incompatible with the right to freedom of expression, and urged the government to align the legislation with Article 10 of the European Convention on Human Rights.

## HUMAN RIGHTS DEFENDERS

In January, the Istanbul Regional Appeals Court overturned the February 2020 acquittals of Osman Kavala and eight other civil society figures in the Gezi Park trial. In February, judicial authorities merged Osman Kavala’s prosecution for “attempting to overthrow the constitutional order” and “espionage” with the Gezi Park prosecution for “attempting to overthrow the government”. In August, it was further decided to merge these combined prosecutions with the retrial in the unrelated Çarşı case, in which 35 football supporters were prosecuted for their alleged participation in the 2013 Gezi Park protests. Although all 35 had been acquitted in December 2015, in March the Court of Cassation overturned the acquittals, recommending the merger of the case with the Gezi Park trial. In December, the Council of Europe’s Committee of Ministers formally notified Turkey of its intention to initiate infringement proceedings for its failure to comply with the ECtHR judgment to release Osman Kavala.

In February, human rights lawyer and defender Eren Keskin was sentenced to six years and three months’ imprisonment for “membership of a terrorist organization” in the *Özgür Gündem* newspaper trial, for participating in a solidarity campaign. The case was pending appeal at the end of the year.

The retrial of Şebnem Korur Fincancı and Erol Önderoğlu for their one-day editorial support of *Özgür Gündem* restarted in February after their 2019 acquittals were overturned on appeal.

In March, Öztürk Türkdoğan, co-chair of the IHD, was arrested during a police raid in his home on suspicion of “membership of a terrorist organization”. He was released the same day with judicial control measures.

In March, the prosecutor at the Court of Cassation issued his opinion asking for the conviction of Taner Kılıç, the former Chair of Amnesty International Turkey, to be upheld without justification, while requesting that the convictions of Özlem Dalkıran, Idil Eser and Günal Kurşun be overturned. The case was pending before the Court of Cassation at the end of the year.

In September, Raci Bilici, former chair of the IHD’s Diyarbakır branch, was retried after the Regional Appeals Court overturned his conviction in December 2020. The Diyarbakır court again sentenced Raci Bilici to six years and three months’ imprisonment for membership of a terrorist organization. The case was pending on appeal at the end of the year.

In October, human rights defender Mehmet Selim Ölçer was sentenced to two years and one month’s imprisonment for “supporting a terrorist organization” based on his membership of the Diyarbakır-based Sarmaşık Association, a civil society organization fighting against poverty which was closed down by executive decree in 2016.

The trial of three police officers and an alleged member of the armed PKK accused of killing human rights lawyer Tahir Elçi continued in Diyarbakır. The officers faced charges of gross negligence manslaughter.

## **WOMEN’S AND GIRLS’ RIGHTS**

On 20 March, by presidential decision, Turkey withdrew from the Council of Europe Convention on combating and preventing violence against women and domestic violence (Istanbul Convention), depriving women and girls of a vital instrument of protection from all forms of violence, without discrimination. The announcement coincided with a surge in domestic violence cases during the Covid-19 pandemic, and sparked countrywide protests. The withdrawal entered

into force on 1 July. According to independent women’s rights organizations, 280 women were killed during the year as a result of gender-based violence and 217 women were found suspiciously dead.

## **LGBTI PEOPLE’S RIGHTS**

In a tweet in January, the minister of interior referred to four Boğazici University students as “LGBT perverts”. He was commenting on the students’ arrest in relation to a campus art exhibition depicting a religious site with symbols of the LGBTI community.

In March, the government attempted to justify the withdrawal from the Istanbul Convention by claiming that the Convention was instrumentalized to “normalize homosexuality” and that this was “incompatible with Turkey’s social and family values”.

## **FREEDOM OF ASSEMBLY**

Police used unnecessary and excessive force while detaining hundreds of students during peaceful assemblies protesting at the presidential appointment of Professor Melih Bulu as rector of Boğaziçi University. At least 11 students were remanded in pretrial detention and 31 others put under house arrest, along with hundreds subjected to judicial controls and prosecutions for violating the Law on Meetings and Demonstrations. Seven students faced prosecution on charges of “inciting the public to enmity and hatred”, and prison sentences of up to three years in relation to the Boğazici campus exhibition. By the year’s end, two students had been remanded in pretrial detention for protesting against the new rector who replaced Melih Bulu in August.

In March, the trial began of 46 individuals, including human rights defenders, political activists, journalists, and relatives of victims of enforced disappearances dubbed the “Saturday Mothers/People.” The defendants faced charges under the Law on Meetings and Demonstrations for refusing to disperse during their 700th weekly vigil on 25 August 2018. The case remained pending.

Seventeen women participating in the Night March marking International Women's Day on 8 March were detained and later released under judicial control measures for "insulting the president" and violating the Law on Meetings and Demonstrations. In August, an Istanbul court accepted the indictment requesting that each receive up to eight years' imprisonment.

In April, the gendarmerie responded with tear gas to a protest by villagers in İkizdere, in the province of Rize, against the decision to open a stone mine in the village which they argued would destroy the environment and pollute drinking water. Some villagers were detained and later released. Protests continued despite banning orders by the Rize Governorship.

In June, the annual Istanbul Pride march was banned for the sixth consecutive year. Police used unnecessary and excessive force to disperse protesters and detained at least 47 people, including the journalist Bülent Kılıç. All were released later that day. The first hearing in the prosecution of eight protesters under the Law on Meetings and Demonstrations was held in November.

After two years on trial for taking part in a Pride march on campus, 18 students and one academic at the Middle East Technical University in Ankara were acquitted in October. The prosecutor appealed against the decision. The case was pending appeal at the end of the year.

## **FREEDOM OF ASSOCIATION**

The new Law on the Prevention of the Financing of the Proliferation of Weapons of Mass Destruction negatively affected the work of civil society organizations. In October, the Financial Action Task Force added Turkey to its "grey list" for increased monitoring. It cited Turkey's failure to address serious deficiencies in its efforts to combat money laundering and financing terrorism, including its failure to apply a risk-based approach to supervision of the not-for-profit sector.

In June, the Constitutional Court accepted the indictment by the Chief Prosecutor of the Court of Cassation requesting the closure of

the HDP and a five-year political ban for its 451 executives and members. The HDP was accused of becoming the focus point of actions contrary to the state's integrity, based on criminal prosecutions and convictions against 520 individuals under overly broad anti-terrorism laws.

## **TORTURE AND OTHER ILL-TREATMENT**

In January, a Diyarbakır criminal peace judgeship rejected an appeal by Mehmet Siddık Meşe against the decision not to prosecute allegations that he was severely beaten by guards in Diyarbakır T-type Prison No.3 in December 2020. The Diyarbakır Bar Association received similar torture allegations from inmates of the same prison throughout the year. The European Committee for the Prevention of Torture visited the prison in January; their report had not been published by the end of the year.

In December, a criminal prosecution was initiated against Osman Şiban for "membership of a terrorist organization". He was allegedly tortured by soldiers in Van in 2020. The prosecution of four journalists who covered the torture case continued at the year's end.

In December, Garibe Gezer, held on terrorism-related charges in Kandıra prison, was found dead in an alleged suicide in her cell while in solitary confinement. She had reported being systematically tortured and sexually assaulted by prison guards prior to her death. The prosecutor's office had dismissed an investigation into the allegations.

## **ENFORCED DISAPPEARANCES**

Hüseyin Galip Küçüközyiğit, former legal adviser at the Prime Ministry accused of links with the Fethullah Gülen movement, reappeared in Ankara prison in September, nine months after he was forcibly disappeared. The authorities had denied that he was in official custody. Details of his fate and whereabouts during those months remained unknown at the end of the year.

The fate and whereabouts of Yusuf Bilge Tuñç, missing since August 2019, remained unknown at the end of the year.

## REFUGEES' AND MIGRANTS' RIGHTS

According to Turkish immigration authorities, as of November Turkey hosted around 5.2 million refugees and migrants, including 3.7 million Syrians with temporary protection status.

In July, the authorities announced the extension of the existing wall at the border with Iran. In the same month, the Van Governorship announced that 34,308 people had been prevented from entering the country at that border since January. Reports emerged that Turkey continued to push back to Iran Afghans attempting to enter the country irregularly. In August, following the Taliban takeover of Afghanistan, the Turkish authorities declared they would not allow arrivals of large number of Afghans.

In August, 145 Afghans were rounded up in police raids and transferred to a return centre in the district of Tuzla in Istanbul. In the same period, 30 Afghans were arrested in Ankara and detained by immigration authorities pending deportation.

In September, immigration authorities terminated the registration of Syrians for temporary protection in Ankara and announced the deportation of irregular migrants without protection status or residence permits.

Violent attacks targeting Syrians increased. In August, a large crowd attacked the homes and properties of Syrians in the Altındağ district of Ankara following the fatal stabbing of a young Turkish national during a street fight between Turkish and Syrian youths.

In October and November, immigration authorities arrested and detained, for the purpose of deportation, 45 Syrian refugees for taking part in a social media trend involving sharing videos of themselves eating bananas. The trend, which emerged as a reaction to a viral video in which a Syrian woman was berated by locals claiming they could not afford bananas, was described by the authorities as being wilfully provocative.

Syrian journalist Majed Shamaa was among those targeted for arrest.

# TURKMENISTAN

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## Turkmenistan

Head of state and government: **Gurbanguly Berdymukhamedov**

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**Turkmenistan's human rights record remained abysmal. Critics of the government were subjected to arbitrary detention and conviction under politically motivated criminal charges. Freedom of expression was severely limited as was freedom of religion. Consensual sex between men remained a criminal offence. Forced labour during the cotton harvest continued. The fate and whereabouts of at least 120 prisoners subjected to enforced disappearance remained unknown.**

## BACKGROUND

Turkmenistan remained effectively closed to human rights and other international monitors. The authorities continued to deny the occurrence of any Covid-19 cases, yet in July they introduced a mandatory vaccination programme for all adults. The economic crisis of the previous three years continued, leading to increased food prices and shortages of basic foods. In mitigation, the government distributed subsidized food packages to all households. In September, the frequency of these packages was reduced from three times to once per month, which proved inadequate for those most in need.

## REPRESSION OF DISSENT

The authorities continued to stifle peaceful expression of dissent or criticism.

At the end of June, blogger Murat Dushemov filmed an interview with a doctor in a state clinic, in which he asked about the real situation concerning Covid-19 in the country. On 7 July, he was stopped by police at a checkpoint and asked to show proof of a negative Covid-19 test. When he asked for

the legal grounds for the request, he was held at the checkpoint for four hours then sentenced to 15 days' administrative detention after he blocked the road with his car in protest. Murat Dushemov was further charged with assault for purportedly attacking his cell mates – a charge he denied. On 16 August, he was sentenced to four years' imprisonment for "intentional medium bodily harm" and "intimidation", and for having attempted to bribe a doctor.

The authorities attempted to stop protests abroad by putting pressure on demonstrators. On 1 August, a legal protest outside the Turkmenistani consulate in Istanbul, Turkey, was disrupted when consulate staff called police claiming that the protesters were terrorists. Ten were detained for five days. Farhad Durdiev, a blogger and activist, described how two men offered him a lift to the protest in a car with Turkmenistani licence plates but then threatened him and drove him to the back entrance of the consulate where he was beaten by them and Turkmenistani diplomats. He was released a few hours later when Turkish police intervened.

## **FREEDOM OF EXPRESSION**

On 15 July the case of Khursanai Ismatullaeva – a doctor who had been attempting to gain redress for being unjustly dismissed from her job at a neonatal clinic in the capital, Ashgabat, in 2017 – was raised at an event organized by the EU parliament. She was arrested the following day and subjected to an enforced disappearance for two weeks until it was revealed that she was being held in a pre-trial detention centre. She was charged with fraud in connection with the sale of the apartment of a man she had cared for, and whose family had agreed to pay her US\$600 for looking after him.

Access to the internet remained severely restricted and the authorities blocked numerous sites including Facebook, YouTube, Twitter and those offering virtual private networks (VPNs). Internet users reported in August that they were being

forced to swear on the Qur'an that they would not use VPNs to access the internet.

## **LGBTI PEOPLE'S RIGHTS**

Consensual sexual relations between men remained a criminal offence punishable by up to two years' imprisonment, and at least one case was reported of a man being arrested and charged in August in the city of Turkmenabat.

In Turkmenistan's Third Periodic Report to the UN Human Rights Committee published in 2020, the government had undertaken to consider decriminalizing consensual sexual relations between men, but no progress was made towards this.

## **FREEDOM OF RELIGION AND BELIEF**

Freedom of religion remained severely restricted and conscientious objectors faced criminal prosecution. In January, six Jehovah's Witnesses were convicted and imprisoned. A further conviction in March brought the total number of Jehovah's Witnesses imprisoned for conscientious objection to 16. On 8 May, all 16 – who were serving sentences of between one and four years – were released under an amnesty. There remained no genuine civilian alternative to military service.

The NGO Forum 18 reported that on 21 July, the first day of the Muslim festival of Eid al-Adha, state security officers raided homes in at least four towns in the eastern Lebap Region and confiscated all Muslim religious literature except the Qur'an.

## **FORCED LABOUR**

At an International Labour Conference in May-June, the ILO Committee of Experts expressed "deep concern at the continued practice of forced labour in the cotton sector" and urged the government to eliminate its use. In response, the government denied the use of forced labour.

However, in a report published in March, *turkmen.news* and the NGO Turkmen Initiative for Human Rights documented the use of forced labour, including child labour, during the cotton harvest in 2020. Women



were at particularly high risk as they were more likely to be in poorly paid jobs and unable to participate in the practice of paying for other pickers to take their place. Children aged between 10 and 16 were often hired in place of adults. Furthermore, according to media reports in September, schoolchildren, teachers, public sector workers and others were forcibly sent to pick cotton for the 2021 harvest.

## **ENFORCED DISAPPEARANCES**

The fate and whereabouts of at least 120 prisoners subjected to enforced disappearance remained unknown. Some were imprisoned after an alleged assassination attempt on then President Saparmurat Niyazov in November 2002.

# **UGANDA**

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## **Republic of Uganda**

Head of state and government: **Yoweri Kaguta Museveni**

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**Security forces used intimidatory tactics to suppress political opposition members and supporters in the context of the January elections, including arbitrary arrests, abductions, prolonged incommunicado detention, enforced disappearances and prosecutions. The rights to freedom of expression, peaceful assembly and association were severely restricted; the authorities targeted organizations working on human rights and shut down the internet for five days. The High Court lifted the house arrest of the main opposition leader. The vaccination roll-out was slow. The government ordered agribusiness companies to halt the evictions of thousands of people, and the Constitutional Court found that Indigenous peoples had been illegally evicted from their ancestral land. The president refused to assent to legislation which, if enacted, could provide greater protection for survivors of sexual violence but criminalized consensual same-sex**

**sexual relations. Uganda continued to host the largest refugee population in Africa.**

## **BACKGROUND**

In 2020, dozens of people were killed in the context of electoral campaigning ahead of the January 2021 general election, most of them by police and other security forces. On 16 January, two days after polling day, the Electoral Commission of Uganda declared Yoweri Museveni, who had served as president for 35 years, the presidential winner with 58.6% of the votes. His leading opponent, Robert Kyagulanyi, head of the National Unity Platform (NUP) party, received 34.8% of the votes and disputed the results, filing a legal challenge with the Supreme Court. He withdrew this on 22 February, claiming the judges were biased.

## **ENFORCED DISAPPEARANCES**

On 4 March, the NUP claimed that 458 of its followers had been abducted by security forces in connection with the January elections and that their whereabouts remained unknown. On 14 February, the Ministry of Information and Communications Technology and National Guidance announced that President Museveni had instructed the police and the Uganda Peoples' Defence Forces (UPDF) to provide detailed updates about anyone they had arrested in the run up to, during and after the elections. On 24 February, the then speaker of parliament instructed the Minister of Internal Affairs to present to parliament "a full list of all those in custody, whether under the UPDF or police". On 4 March, the minister presented 177 names of people who were alleged to be missing, 171 of whom he confirmed were detained under charges including participating in riots, possessing military stores, and involvement in meetings to plan post-election violence; the other six had already been released on bond. At the end of the year, the state had not publicly disclosed official data on the numbers of all those still in detention in relation to the elections.

## FREEDOM OF ASSOCIATION

On 20 August, the NGO Bureau, an official body responsible for regulating NGOs, ordered the immediate suspension of 54 organizations, claiming that they had failed to comply with NGO legislation, including by operating under expired permits, or by failing to file accounts or registering with the Bureau. The independent Uganda National NGO Forum said that most of the organizations were not informed of the Bureau's decision or given an opportunity to respond.<sup>1</sup>

Also, on 20 August, the NGO Bureau suspended the activities of the Africa Institute for Energy Governance. Between 6 and 13 October, the police arrested four of its staff in Hoima city and Buliisa town in the west, and in the capital, Kampala. They were all released the same day without charge. On 22 October, on the NGO Bureau's instructions, police in Kampala arrested another six members of staff for operating without a permit. They were released three days later.

## FREEDOM OF EXPRESSION

On 9 January, Facebook shut down dozens of accounts it claimed were linked to the ministry of ICT. The company said the ministry had used "fake and duplicate accounts", to enhance its popularity ahead of the elections. On 12 January, President Museveni accused Facebook and others of interfering with the electoral process; and the executive director of the Uganda Communications Commission ordered telecommunications companies to "immediately suspend any access and use" of social media and online messaging platforms. Service providers such as Airtel and MTN Uganda texted their subscribers announcing the suspension.<sup>2</sup> The same day, the government blocked the internet for five days.

## FREEDOM OF MOVEMENT

On 25 January, the High Court of Uganda lifted the house arrest of Robert Kyagulanyi and his wife, Barbara, after security forces had surrounded their house on 14 January.

The court ruled that if the state had evidence against them, it should charge them in court rather than detain them "unjustifiably". The police spokesman said that Robert Kyagulanyi had been placed under "preventive arrest" because he had "planned to disrupt public order" but did not specify what was being planned.<sup>3</sup>

Prior to the ruling, security personnel blocked access to Robert Kyagulanyi and his family even when they ran out of food. The US embassy in Uganda said that on 18 January, their ambassador was prevented from visiting the family. The same day, security forces raided the NUP party headquarters.

## ARBITRARY DETENTION AND UNFAIR TRIALS

On 14 June, a military court in Kampala released 17 NUP supporters and associates on bail of UGX 20 million (about US\$5,670) after they had spent 166 days in military detention. They were among 126 NUP supporters and staff arrested in December 2020 in Kalangala town, central Uganda. The Chief Magistrate had granted them all bail on 4 January, but 17 of them were re-arrested the same day and held for several days. They were charged with illegal possession of ammunition and remanded at Kitalya prison in Wakiso district.

On 10 September, the Director of Public Prosecutions withdrew trumped-up money-laundering charges against Nicholas Opiyo, executive director of human rights organization Chapter Four Uganda. He had been arrested on 22 December 2020, detained at the police Special Investigations Unit in Kireka, Kampala, and later remanded to Kitalya prison.<sup>4</sup> He was released on bail eight days later.

On 28 December, armed security operatives arrested author Kakwenza Rukirabashaija in Kampala, after he posted online comments about the commander of the UPDF's Land Forces, also the president's son. He remained in incommunicado detention at the end of the year.

## **RIGHT TO HEALTH**

On 5 March, the Ministry of Health received the first batch of AstraZeneca Covid-19 vaccines from COVAX. It aimed to vaccinate 49.6% of the population, about 22 million people, in stages by the end of the year, but only 9,763,030 vaccine doses had been administered by 31 December. In October, the health minister said that limited access to rural areas had hampered progress in the vaccination programme. On 23 December, the government announced it had approved the use of a Covid-19 vaccine booster shot.

## **RIGHT TO EDUCATION**

Intermittent Covid-19 lockdowns led to full or partial school closures. Despite a phased reopening for some grades in February, schools were closed again in June although the government announced plans to reopen them in January 2022. The National Planning Authority predicted that more than 30% of learners would not return to school.<sup>5</sup>

## **FORCED EVICTIONS**

Between 2017 and January 2021, security forces had forcibly evicted more than 35,000 people (over 2,300 families) from their homes in the western Kiryandongo district, to make way for industrial farming projects.<sup>6</sup>

Between 12 February and the end of the year, at least 22 residents were arrested and released on bond or bail in connection with protests against evictions and land disputes. In April, the Minister of Lands, Housing and Urban Development ordered two multinational agribusiness companies to halt any further evictions affecting 10,000 residents from a 5,155-hectare piece of land in Kiryandongo's Ndoi village, pending a decision on whether due process had been followed.

In August, Uganda's constitutional court found that the Uganda Wildlife Authority had illegally evicted the Batwa Indigenous people from their ancestral land in the Mgahinga forest in the south-west. The court ruled that the Batwa people owned the whole or part of the area on which the forest is located "in accordance with their customs and/or

practices" and the fact that they had inhabited the forest for many generations. It directed that the evicted Batwa people should be given appropriate compensation to improve their situation following evictions, saying that the government had not adequately compensated them, and had left them a "landless, destitute... disadvantaged and marginalized people".

## **GENDER-BASED VIOLENCE AND DISCRIMINATION**

In August, President Museveni refused to give his assent to the Sexual Offences Bill 2021 on grounds that it should be reviewed to address redundant provisions already provided for in other legislation. The bill, which was passed by parliament in May, proposed several provisions for the prevention of sexual violence, including greater punishment for sexual offenders, and the protection of survivors during trials concerning sexual offences and other crimes. The proposed law, however, criminalized consensual same-sex sexual relations, sex work and HIV transmission and provided for a sex offenders' register that would include people accused, even retrospectively, of consensual same-sex sexual relations and sex work.

In September, Cleopatra Kambugu announced on social media that she had become the first trans woman to obtain a Ugandan national identification card and passport which recognized her female gender.

## **REFUGEES' AND MIGRANTS' RIGHTS**

According to the Office of the Prime Minister and UNHCR, the UN refugee agency, Uganda was hosting 1,563,604 refugees at the end of the year, the largest refugee population in Africa. These included 953,630 people from South Sudan, about 61% of the country's refugee population; and 452,287, almost 29%, from the Democratic Republic of the Congo; people from other countries, including Burundi, Eritrea, Ethiopia, Rwanda, Somalia and Sudan made up about 10%.

On 17 August, the government announced plans to welcome 2,000 refugees from Afghanistan following the Taliban takeover in August (see Afghanistan entry).

1. *Uganda: End Repression of Civil Society: Joint Statement on Uganda's NGO Bureau Suspension of 54 NGOs in the Country* (Index: AFR 59/4652/2021), 27 August
2. "Uganda: Authorities must lift social media block amid crackdown ahead of election", 13 January
3. "Uganda: End politically motivated detention of Robert Kyagulanyi and his wife", 20 January
4. "Uganda: Museveni's latest government must reverse decline on human rights", 12 May
5. "Address the Access Issue and the Pandemic Will Be Managed Tomorrow": Global Vaccine Inequity's Impact in East Africa (Index: AFR 04/5084/2021), 14 December
6. *Uganda: 13 Years in Limbo: Forced Evictions of the Benet in the Name of Conservation* (Index: AFR 59/4138/2021), 8 November

## UKRAINE

### Ukraine

Head of state: **Volodymyr Zelensky**

Head of government: **Denys Shmyhal**

**Impunity for torture remained endemic. Gender-based violence remained widespread, although a new law removed legal obstacles to prosecuting military personnel and police for domestic violence. Homophobic attacks by groups advocating discrimination and violence continued. The investigation of attacks against journalists and human rights defenders was slow and often ineffective. A draft law on the security services envisaged additional powers of surveillance without legal safeguards. The crackdown on dissent and human rights defenders in occupied Crimea continued. Violations of international humanitarian law by both sides in eastern Ukraine remained uninvestigated.**

### BACKGROUND

The economy made a partial recovery after losses in 2020 caused by the Covid-19 pandemic and the ongoing conflict in the Donbas region. Concerns over corruption persisted: the Pandora Papers, a leaked

cache of data on secretive offshore deals, named the current President as a former beneficiary of offshore companies, along with 37 other Ukrainian politicians. In October, parliament replaced the speaker after he opposed the swift passing of legislation to limit the influence of oligarchs. In December, former President Petro Poroshenko was named as a criminal suspect in a state treason case.

Vaccination against Covid-19 was widely and freely available, but the uptake was low, covering only around a fifth of the adult population in government-controlled territory.

In May, parliament adopted changes to the Criminal and Criminal Procedure Codes to align them with international criminal law, extending the definition of aggression, crimes against humanity and other specific war crimes, lifting their statute of limitation and providing for universal jurisdiction. The President did not sign these changes into law by year's end, however, and the Rome Statute of the International Criminal Court remained unratified.

Government forces and Russia-backed armed groups in Donbas repeatedly traded accusations of ceasefire violations. Russia refused to extend the OSCE Special Monitoring Mission's mandate at two border crossings it controlled, and repeatedly massed its troops near Ukraine's border prompting concerns of Russian invasion. The territory of Crimea remained under Russian occupation.

### TORTURE AND OTHER ILL-TREATMENT

Some progress was reported in prosecutions relating to deaths during the EuroMaydan protests in 2014, including the trial of several *titushki* (agents working for the police) and of a handful of former police officers (some in absentia). However, justice remained elusive for most victims of police abuses during these events.

Impunity for torture and other ill-treatment in general remained endemic. Investigations into more recent allegations remained slow and often ineffective. The Prosecutor General's Office (PGO) reported opening 79

new cases of alleged torture and 1,918 of alleged abuse of authority by law enforcement officers, from January to December, resulting in 51 individuals being charged with relevant crimes.

In January, two young men were assaulted in Zhytomyr Region by a mob who accused them of car theft. A police officer arrived at the scene and joined the assailants, subjecting one of the victims to a mock execution with his pistol. In July, prosecutors submitted to court charges of torture against the police officer and three other persons; another police officer was charged with false testimony.

In March, the PGO reported that the European Court of Human Rights (ECtHR) had to date ruled in the applicants' favour, and against Ukraine, in 115 cases regarding conditions of detention amounting to torture or other ill-treatment, of which 71 under the supervision of the Committee of Ministers of the Council of Europe remained unaddressed; 120 cases were awaiting a decision.

In May, in the case of *Debelyy and Others v. Ukraine*, the ECtHR found that police in Ukraine had subjected the three applicants – Andrey Debelyy, Roman Korolev, and Oleksandr Rafalsky – to inhuman and degrading treatment.

## **GENDER-BASED VIOLENCE**

Gender-based violence and discrimination – particularly against women – and domestic violence remained widespread. Support services for the survivors as well as legislative and policy measures intended to combat domestic violence, although improved in recent years, remained insufficient. No progress was made in ratification of the Council of Europe Convention on combating and preventing violence against women and domestic violence (Istanbul Convention).

From January to December, the authorities opened 2,432 criminal investigations into domestic violence, designated 2,176 individuals criminal suspects and submitted 2,136 cases to court. Administrative proceedings were opened against 54,890

individuals for domestic violence from January to June.

In July, a new law was enacted, which removed the legal obstacles that had effectively exempted military personnel and police officers from administrative and criminal prosecution for domestic violence; it also strengthened the provisions underpinning emergency protection orders. The law extended to six months the statute of limitation for domestic violence as an administrative offence, and introduced new penalties including compulsory labour and detention for up to 10 days.

However, an investigation into allegations by Lieutenant Valeria Sikal – who in 2018 was the first Ukrainian ex-servicewoman to report sexual harassment by a commanding officer in the Armed Forces – was ineffective, and further delayed by its referral to the State Investigation Bureau of Khmelnytsky Region where no further investigative activities took place.

## **LGBTI PEOPLE'S RIGHTS**

A draft bill tabled in parliament in May proposed expanding the definition of hate crimes to cover those motivated by sexual orientation and gender identity. However, homophobic attacks by groups advocating discrimination and violence continued throughout the year with the perpetrators rarely held accountable.

In March, four individuals daubed the community centre of the NGO Sphere with mud; in August, the centre's façade was vandalized with homophobic graffiti.

At least four such attacks took place in May alone. On 27 May, a mob smashed the window of the venue where the KyivPride group had organized a film screening, and threw a flare and a gas canister inside. Police opened a criminal investigation into "hooliganism" but failed to qualify the incident as hate crime.

On 29 May, a mob attacked the community centre of the LGBTI group Insight in the capital, Kyiv. The same day in Odessa, a mob disrupted and ended a feminist lecture by Insight's leader Olena Shevchenko; elsewhere

in the city, seven masked men in black threw stones at the office of the LGBTI association LIGA and damaged one of its CCTV cameras. Police refused to open a criminal investigation into either incident until activists filed a complaint about police inaction.

The six perpetrators of the 2018 attack against human rights defender Vitalina Koval – in which she was doused with red paint causing chemical burns to her eyes – continued to enjoy impunity. In March, a court ruled that the statute of limitation had expired on the charge of “causing minor bodily harm” against two female attackers, and closed the relevant proceedings. A parallel investigation into a hate crime (“violation of citizens’ equality”) was pending but apparently stalled. No charges were ever brought against four male co-attackers.

## **FREEDOM OF EXPRESSION**

The media were generally free and diverse, although a handful of outlets were selectively targeted by the authorities in connection with their perceived pro-Russian editorial policies, and accused by the Security Service of Ukraine (SBU) of waging an “information war” against Ukraine.

The National Security and Defence Council (an advisory state body) introduced so-called “personal sanctions” against parliamentarian Taras Kozak, which targeted his commercial assets including three TV channels that were stripped of broadcasting licences. The decision, approved by the President, drew criticism over its extrajudicial nature and arbitrary focus on media enterprises – as well as its application, against a Ukrainian national and his Ukraine-based businesses, of a law intended for sanctioning foreign commercial entities.

Unfounded criminal proceedings against former prisoner of conscience, journalist Vasil Muravitskyi, were ongoing. The risk of imprisonment and physical harm by groups advocating discrimination and violence forced him to leave Ukraine.

In November, the owner of the independent *Kyiv Post* newspaper suspended its publication with immediate effect. The staff

announced that they had thereby been fired for their independent journalism.

Commentators alleged that pressure on the owner by the Presidential Administration had led to his decision.

The investigation of attacks – including killings – against journalists and human rights defenders was slow and often ineffective. Court hearings continued in the high-profile case against three persons accused of planting a car bomb that killed Belarusian-Russian-Ukrainian journalist Pavlo Sheremet (Pavel Sharamet) in July 2016. Commentators and journalists raised doubts over the credibility of the investigation. The defendants denied the charges, insisting that they were politically motivated. In January, evidence was published suggesting that the killing had been planned by the Belarusian authorities.

Prominent Belarusian exile Vital Shyshou, head of the Belarusian House in Ukraine, was found hanged in a park in Kyiv on the morning of 3 August. He had previously complained to his colleagues of being followed and threatened with reprisals by Belarusian security services.<sup>1</sup> The Ukrainian authorities investigated his death as suspicious, although no outcome was reported by year’s end.

## **FREEDOM OF ASSEMBLY**

While the right to freedom of peaceful assembly was generally enjoyed without constraint, LGBTI activists and others targeted by violent groups had to rely on the authorities’ willingness to protect peaceful demonstrators during and after their rallies.

On 8 March, violent counter-protesters attacked participants of the International Women’s Day march in Kyiv. After the rally, unidentified individuals pushed and verbally insulted women’s rights activists, and tried to snatch away their posters. The activists complained to the police who refused to open proceedings until lawyers stepped in. A formal investigation was still ongoing at year’s end.

Annual rallies in support of LGBTI rights took place from July to September in several

cities, including Kryvyi Rih, Odessa, Kharkiv and Kyiv. They proceeded peacefully under effective protection by the police, despite an ongoing atmosphere of intimidation and homophobic attacks and the risk that individuals leaving the rallies would be assaulted. On 30 July, LGBTI activists held a pride event outside the Presidential Office in Kyiv.

## DISCRIMINATION

In July, the government approved a national strategy to 2030 to address discrimination against the Roma community. However, the ongoing Covid-19 pandemic had a disproportionate effect on this community as many relied on the informal economy for irregular earnings.

Past attacks against Roma were not effectively investigated, including the destruction of a campsite and physical violence against Roma at Lysa Hora park in Kyiv in August 2018. In August, the Prosecutor General's Office informed Amnesty International that it had overruled a decision to halt the investigation, but no further progress was reported.

## RIGHT TO PRIVACY

A draft law on reform of the SBU was approved at its first reading. While addressing some of the long-standing issues of concern – for instance, removing its investigative function by 2025 – the bill confirmed the agency's wide powers of arrest, detention and interrogation of individuals, and the use of lethal force, without introducing new and more effective accountability mechanisms. The bill also gave the SBU additional powers of surveillance, including intercepting and storing public and private communications and information from individuals and organizations, without due legal safeguards to prevent abuse and ensure the right to privacy. It also granted the power to block online resources extrajudicially in some cases.

## CRIMEA REPRESSION OF DISSENT

The de facto authorities continued a crackdown on free expression and all vestiges of dissent. Free media were suppressed, and those working for them faced severe reprisals.

Freelance reporter Vladyslav Yesypenko was arrested on 10 March by the Russian Federal Security Service (FSB), on allegations of spying and carrying ammunition. On 18 March, a Russian state TV channel in Crimea broadcast an "admission" by him that he had shared his media footage with Ukrainian intelligence services. He was denied access to an independent lawyer for 27 days, until a remand court hearing where Vladyslav Yesypenko alleged that a grenade had been planted by his captors in his car and that he had been subjected to torture and other ill-treatment to extract his "confession" on video.

According to human rights monitors, access to at least 27 online media was completely blocked in Crimea, along with access to the websites of organizations arbitrarily banned as "extremist" in Russia. These included the Mejlis (representative assembly) of the Crimean Tatar People and the Jehovah's Witnesses; any association with them was a criminal offence.

In April, a court fined Bekir Mamutov, activist and editor-in-chief of the Crimean Tatar-language newspaper *Qirim*, for "abusing media freedom" under the Russian Code of Administrative Offences. He had published the UN Secretary-General's 2020 report on the situation regarding human rights in Crimea, which mentioned the Mejlis, but failed to insert the mandatory disclaimer under Russian law that the organization was deemed "extremist" in Russia.

Other remaining critical voices in Crimea were also prosecuted and jailed. In September, Nariman Dzhelyal, a Crimean Tatar rights activist and previously the most senior member of the banned Mejlis remaining in Crimea, was arbitrarily detained in connection with purported damage to a gas pipeline.

Crimean Tatar human rights defenders and prisoners of conscience, Emir-Usein Kuku and Server Mustafayev, remained behind bars in Russia, as did dozens of other victims of politically motivated prosecutions by the de facto Crimean authorities – often in inhuman and degrading conditions.

### **ENFORCED DISAPPEARANCES**

Not a single case of enforced disappearance from 2014 – the start of the Russian occupation of the territory – was effectively investigated. The fate and whereabouts of those forcibly disappeared remained unknown.

### **DONBAS**

Repression of dissent and restrictions on civil society persisted in the territories of eastern Ukraine controlled by Russia-backed armed groups. The UN Human Rights Monitoring Mission in Ukraine (UNMMU) reported an absence of the necessary services and support for survivors of domestic violence, and noted the personal risks, including of arrest and prosecution, faced by activists defending the rights of women. The UNMMU also reported arbitrary arrests and prolonged incommunicado detention, and ongoing unlawful imprisonment, of women and men by the de facto authorities. It was denied access to places of detention in non-government controlled territories despite “the widespread and credible allegations of torture and ill-treatment in a number of facilities”. The UNMMU also reported at least nine new cases of arbitrary arrest of civilians by SBU officers.

### **IMPUNITY**

Numerous previously reported violations of international humanitarian law by both sides to the conflict remained uninvestigated.

No progress was made in attaining justice for victims of enforced disappearance, torture and unlawful detention by the SBU in eastern Ukraine from 2014 to 2016, and the practice of using secret prisons continued to be officially denied. An ongoing investigation still failed to identify a single alleged perpetrator.

### **RIGHT TO HEALTH**

The continuing lack of independent information from and access to the territories controlled by armed groups in Donbas hampered attempts to control Covid-19 infections. The Ukrainian government made free vaccination available to visitors from across the conflict line, including through vaccination centres at crossing checkpoints. However, the de facto authorities continued to impose arbitrary restrictions on travel into government-controlled territories. They also recognized and relied exclusively on Russian-supplied vaccines, deliveries of which were reportedly greatly insufficient. A spike in patients requiring intensive care in September reportedly overwhelmed the local medical facilities, which also suffered from a profound shortage of medical personnel and supplies.

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1. [“Ukraine: Authorities must conduct effective investigation into suspicious death of prominent Belarusian exile”, 3 August](#)

## **UNITED ARAB EMIRATES**

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### **United Arab Emirates**

Head of state: **Khalifa bin Zayed Al Nahyan**

Head of government: **Mohammed bin Rashed Al Maktoum**

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**The government continued to commit serious human rights violations, including arbitrary detention, cruel and inhuman treatment of detainees, suppression of freedom of expression, and violation of the right to privacy. The right to health was partially fulfilled. The United Arab Emirates (UAE) continued to deprive stateless individuals of the right to nationality, impacting their access to a range of services. Courts passed death sentences and executions were reported.**

### **BACKGROUND**

In January, the UAE announced it was ending an economic and travel blockade on



Qatar, and restored trade links in subsequent months. The UAE continued to be involved as a party to the conflict in Yemen, which saw a range of egregious violations of international humanitarian and human rights law (see Yemen entry). It also continued its involvement with the conflict in Libya through its support for the Libyan Arab Armed Forces, which committed violations of international humanitarian and human rights law (see Libya entry). Following the previous year's controversial deal, UAE trade with Israel reached over US\$500 million.

## **ARBITRARY DETENTION**

The UAE continued to arbitrarily detain Emirati and foreign nationals. In January, authorities transferred the arbitrarily detained Syrian national AbdelRahman al-Nahhass to al-Wathba prison in Abu Dhabi emirate after holding him incommunicado in pre-trial detention in an unknown location for 13 months. The Office of Public Prosecution and AbdelRahman al-Nahhass's government-assigned lawyer refused to give the charges in writing to his family.

The UAE continued to hold detainees past completion of their prison terms based on court orders under its "counter-extremism counselling" law which cannot be appealed. Four out of 11 such prisoners were released under Ramadan pardons in April: Faisal Ali al-Shehhi (three years, 11 months after the end of sentence), Ahmed al-Molla (three years, 11 months), Saeed Abdullah al-Buraimi (three years, one month) and Mansoor Hassan al-Ahmedi (one year, five months). The other seven remained in prison, despite having completed their sentence.

## **CRUEL, INHUMAN OR DEGRADING TREATMENT**

Cruel, inhuman or degrading treatment continued in prisons. Human rights defender Ahmed Mansoor remained in solitary confinement since 2017 without any bedding other than two thin, dirty blankets and without adequate personal hygiene items. In September, the European Parliament called

on the UAE to end Ahmed Mansoor's cruel and inhuman treatment.

In a rare move, in terms of scale, the authorities arbitrarily detained at least 375 African male and female migrant workers and took them to al-Wathba prison overnight on 24/25 June. They were held incommunicado for up to six weeks in overcrowded cells without enough beds or toilets, and deported without due process or legal representation. Police and guards mistreated at least 18 of these detainees, including with racist insults and forced nudity. Police beat and used tasers against detainees who resisted arrest, and placed leg shackles for a week on women detainees who refused to eat. They were deprived of their property upon deportation, including personal identity documents.

## **FREEDOM OF EXPRESSION**

The government continued to exercise tight control over expression. At least 26 prisoners remained behind bars because of their peaceful political criticism.

The government website on "Enforcement of law to contain the spread of Covid-19" continued to warn that publishing "rumours", "fake news", or "false" or "misleading health-related information" was punishable by law.

In June, the government announced that regulation of the media would be partially transferred from the National Media Council to a new agency, the Media Regulatory Office under the Ministry of Culture and Youth. When NGOs and journalists reported the arbitrary detention of hundreds of African nationals (see above), the Ministry of Interior called on the media "not to circulate or disseminate any information not published by the relevant authorities".

In April, the government sentenced prisoners Maryam al-Balushi and Amina al-Abdouli to three more years in prison for "publishing information that disturbs the public order", after they had released voice recordings of their grievances about prison conditions.

## RIGHT TO PRIVACY

In July, UAE was revealed as one of 11 countries that were clients of NSO Group, a company specializing in cyber surveillance. Amnesty International, as part of the Pegasus Project carried out cutting-edge forensic tests on mobile phones to identify traces of Pegasus spyware.<sup>1</sup> It found that Pegasus had been used to compromise the phone of David Haigh, a UK national in contact with Sheikha Latifa, a daughter of Dubai's ruler, who was captured at sea by Indian and Emirati commandos when she tried to flee the UAE in March 2018.

In May, the UK High Court of Justice's Family Division found that the Emirati prime minister had ordered NSO Group hacking of the devices of his ex-wife and her two lawyers in the UK. In September, the research organization Citizen Lab confirmed that NSO Group's spyware was used against Emirati dissident Alaa al-Siddiq, who died in a car crash in the UK in June.

## RIGHT TO HEALTH

The UAE offered an extensive roll-out of Covid-19 vaccines in 2021, available free of charge to Emiratis and migrants with valid Emirati IDs. However, until June, those with expired identity documents were ineligible, denying migrants with expired visas and stateless people access to vaccines. In June, the government extended eligibility for free vaccination to everyone, including those with expired documents.

## DISCRIMINATION

The estimated 20,000-100,000 stateless people born in the UAE but denied nationality continued to be deprived of equal access to rights covered for Emirati citizens at state expense, such as comprehensive healthcare, housing and higher education, as well as jobs in the public sector. Stateless individuals only became eligible for Covid-19 vaccinations in June – six months after the beginning of the campaign roll-out.

## FAILURE TO TACKLE CLIMATE CRISIS

The UAE lobbied for a rollback of oil production cuts agreed between global oil producers during the pandemic, aiming to recapture market share that it had lost due to reduced petroleum use in 2020. Such expansion of production runs contrary to the conclusion of UN-sponsored research that countries need to steadily cut oil production to meet the goals set by the Paris Agreement on climate change, to which the UAE is a party.

## SEXUAL AND REPRODUCTIVE RIGHTS

2021 was the first year in which Article 356 of the Penal Code did not criminalize consensual sexual acts. However, vague language criminalizing “scandalous act[s] offending modesty” remained under Article 358. Unlike the previous year, there were no documented prosecutions of consensual sexual acts in 2021.

## DEATH PENALTY

Courts continued to issue new death sentences, primarily against foreign nationals for violent crimes. New executions were reported.

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1. *Forensic Methodology Report: How to Catch NSO Group's Pegasus* (Index: DOC 10/4487/2021), 18 July

# UNITED KINGDOM

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United Kingdom of Great Britain and Northern Ireland

Head of state: **Elizabeth II**

Head of government: **Boris Johnson**

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**The government promised an inquiry into its handling of the Covid-19 pandemic and significantly cut a welfare benefit received by 6 million people. The rights of refugees and migrants were routinely violated. A new policing bill seriously endangered the rights to freedom of peaceful assembly and non-discrimination. A bill on judicial review and a review of the Human Rights Act caused concern. Certain areas of Northern Ireland still lacked adequate access to abortion.**

**Accountability for past violations in Northern Ireland and for UK complicity in the US-led secret detention programme remained unrealized. A court decision blocking Julian Assange's extradition to the USA was overturned on appeal. Detention conditions in Scotland fell below necessary standards.**

## **BACKGROUND**

The Covid-19 pandemic escalated in 2021 with steep rises in cases and significant pressure on hospitals. The government imposed a national lockdown on 5 January and parliament renewed Covid-19-related emergency powers twice. Most restrictions imposed in response to the Covid-19 pandemic were lifted in July and August. In late December, daily Covid-19 infections exceeded records and some restrictions were reimposed in Wales, Scotland and Northern Ireland.

## **RIGHT TO HEALTH**

By December, the UK had recorded the second-highest death toll from Covid-19 in Europe. Life expectancy for men fell for the first time since records began due to the pandemic. By the end of the year, 82.4% of the population aged 12 and over had been fully vaccinated against Covid-19. The UK had a large surplus of vaccine doses by the end of the year, which were not sufficiently redistributed to low and lower-middle income countries in need of vaccines.<sup>1</sup>

In May, the Prime Minister announced that an independent public inquiry into the government response to the Covid-19 pandemic would not begin until the second quarter of 2022. Bereaved families, unions, health workers and other groups demanded that the government launch the inquiry immediately.

The widespread use of Do Not Attempt Cardiopulmonary Resuscitation (DNACPR) orders during the pandemic was criticized in a report by an independent regulator in March. Older people and people with disabilities were not sufficiently supported or

given adequate information before DNACPR orders were put in place.

## **RIGHT TO SOCIAL SECURITY**

In October, the government withdrew a £20 per week increase to social security payments received by 6 million low-income or unemployed people; it had been introduced in April 2020 in response to the pandemic. It was estimated that the cut would push 500,000 people into poverty amid increasing energy and food prices.

## **REFUGEES' AND MIGRANTS' RIGHTS**

Amid an increase in people crossing the Channel by boat to seek asylum in the UK, the government introduced changes to the UK's Immigration Rules and proposed new legislation that would make it harder to seek asylum in the UK. The Nationality and Borders Bill includes provisions penalizing asylum seekers based on how they arrive in the UK and when they claim asylum, and amendments further criminalizing people seeking asylum. The bill will correct discrimination that excludes many British people from citizenship rights, but also includes provisions that allow the government to deprive a person of their British citizenship without notice.

The Home Office announced an increase in government-chartered mass deportation flights from July. People on these flights were often deported before accessing adequate legal advice and having their claims fully considered.

The government failed to adequately protect Afghans fleeing the human rights crisis in Afghanistan. In addition to an existing scheme for Afghans employed by the UK government, the government announced the Afghan Citizens' Resettlement Scheme in August, but admitted in late October that the scheme was still not in operation, despite the urgency of the crisis.<sup>2</sup> Official data showed that of 1,055 Afghans whose asylum claims were determined in the year to September, only 484 were granted protection.

People seeking asylum continued to be held in inhumane conditions, including in former

army barracks where outbreaks of Covid-19 occurred.<sup>3</sup>

## **FREEDOM OF ASSEMBLY**

In June, prosecutors decided not to prosecute people who had participated in Black Lives Matter protests in Belfast and Derry-Londonderry in June 2020. The Police Service of Northern Ireland also took steps to refund 72 fines for infringement of Covid-19 restrictions issued to the protesters.

The Police, Crime, Sentencing and Courts Bill (the PCSC Bill) would drastically curtail the right to freedom of peaceful assembly, including by expanding police powers to ban, limit or impose undue restrictions on “noisy” or “disruptive” protests, creating new offences of “locking on” and “being equipped for locking on”, and allowing courts to impose broad restrictions on individual protesters. The bill also includes criminal penalties for people who unwittingly breach police-imposed conditions on protests and increases criminal penalties for organizers who disobey such conditions.<sup>4</sup> More than 350 organizations condemned the proposals and thousands of people joined demonstrations.

In March, police used unnecessary and excessive force to disperse a vigil in the capital, London, predominately attended by women, for Sarah Everard, who was raped and murdered by a police officer. Police claimed that the gathering violated Covid-19-related regulations.

## **DISCRIMINATION**

In February, a coalition of 17 organizations declared a boycott of the government’s review of Prevent, its counter-radicalization strategy, after the appointment of William Shawcross as its chair despite his record of expressing Islamophobic views.<sup>5</sup>

In March, the Commission on Race and Ethnic Disparities, appointed by the government after the 2020 Black Lives Matter protests, published a report rejecting the existence of institutional racism in the UK and arguing that there was a “repeated use and misapplication of the term ‘racism’ to

account for every observed disparity”. The UN Working Group of Experts on People of African Descent said the report “repackaged racist tropes and stereotypes into fact, twisting data and misapplying statistics and studies into conclusory findings”.

The PCSC Bill contained provisions to extend the use of police stop-and-search powers with newly proposed Serious Violence Reduction Orders and to criminalize “residing on land without consent in a vehicle”. A new statutory duty to reduce serious violence would further empower police and ministers to request information about individuals from public bodies, eroding existing safeguards on data sharing. The government conceded that these provisions were likely to impact Black men and Gypsy, Roma and Traveller communities disproportionately.

In June, a police officer was found guilty of the manslaughter of Dalian Atkinson, a Black man, in 2016. The officer had fired a Taser at him for 33 seconds and kicked his head twice. Data released by the Independent Office for Police Conduct in August found that Black people were Tasered with disproportionate frequency and more likely to be Tasered for prolonged periods by police.

## **RIGHT TO TRUTH, JUSTICE AND REPARATION**

In November, the Northern Ireland government agreed to establish an independent public inquiry, along with other measures co-designed with survivors, into “mother and baby homes”, Magdalene Laundries and work houses, which operated between 1922 and 1990. Many women and girls who became pregnant outside marriage were sent to these institutions and suffered arbitrary detention, forced labour, ill-treatment and the forced adoption of their babies.<sup>6</sup>

In July, the government announced a plan to address the legacy of the conflict in Northern Ireland. The plan included a statute of limitations for all conflict-related incidents and an end to all criminal, civil and coronial judicial activity related to the period,

amounting to a de facto amnesty for human rights violations during the conflict.

In July, the government also introduced the Judicial Review and Courts Bill, which contains provisions that would decrease the likelihood of victims obtaining effective remedies for human rights violations through legal challenges and remove proper judicial oversight over certain tribunal decisions particularly impacting asylum seekers and migrants.

A government-commissioned review of the Human Rights Act 1998 ended in October. The government subsequently proposed far-reaching changes to the Act that would significantly erode human rights protection in the UK, including by increasing deviation from European Court of Human Rights judgments and making it harder for people to bring human rights claims.

## **SEXUAL AND REPRODUCTIVE RIGHTS**

The ongoing failure to deliver fully commissioned and funded abortion services in Northern Ireland in line with the new legislative framework left access to healthcare in a fragile state and created a “postcode lottery” for those needing early medical abortion provision. Services were withdrawn in one health trust as a consequence of the lack of commissioning. In July, the Secretary of State for Northern Ireland directed the Northern Ireland health department to make abortion services available by 31 March 2022.

## **IMPUNITY**

In April, the Overseas Operations (Service Personnel and Veterans) Act 2021 introduced restrictions on legal proceedings related to overseas military operations. It imposed time limits for civil claims against the Ministry of Defence and introduced a presumption against prosecution for offences committed over five years ago, other than certain serious crimes.

In February, Guantánamo Bay detainee Mustafa al-Hawsawi filed a complaint before the Investigatory Powers Tribunal regarding UK complicity in his torture and other ill-

treatment at secret CIA detention facilities between 2003 and 2006. In April, another Guantánamo Bay detainee, Abu Zubaydah, filed a petition against the USA, the UK and five other countries before the UN Working Group on Arbitrary Detention.

## **FREEDOM OF EXPRESSION**

The USA government appealed a UK court decision, issued in January, to refuse its request to extradite Julian Assange. The USA successfully widened the scope of its appeal in August. In December, the High Court granted the appeal and ordered Assange’s extradition, accepting diplomatic assurances from the USA that Assange would not be held in solitary confinement. Assange appealed that decision in late December seeking review by the UK Supreme Court.<sup>7</sup> Assange faced prosecution in the USA for the publication of disclosed documents as part of his work with Wikileaks.

In May, the European Court of Human Rights ruled that the UK government’s bulk interception of communications powers did not contain sufficient safeguards against abuse, thus violating the rights to privacy and freedom of expression.<sup>8</sup>

In September, the Investigatory Powers Tribunal ruled in favour of an activist, Kate Wilson, who had been deceived into a long-term sexual relationship with an undercover male police officer spying on her and her associates’ peaceful political activities. Kate Wilson had been subjected to inhuman and degrading treatment, sex discrimination and violations of her rights to private and family life, freedom of expression, peaceful assembly and association. A public inquiry into the infiltration of social justice and environmental groups by undercover police continued to hear evidence in April and May, including from other women deceived into sexual relationships.

## **INHUMANE DETENTION CONDITIONS**

In August, the UK National Preventive Mechanism issued a report regarding persistent issues in places of detention in Scotland, including overcrowding and

detention in police custody for more than 24 hours.

1. "Covid-19: Big Pharma fuelling unprecedented human rights crisis – New report", 21 September
2. "UK: Afghanistan resettlement scheme is 'too little, too late'", 18 August
3. "UK: Napier Barracks Covid outbreak shows Home Office 'just doesn't care' about people seeking asylum", 12 August
4. "UK: MPs should vote down 'dystopian' policing bill", 4 July
5. "UK: NGOs condemn appointment of William Shawcross and announce civil society-led review of Prevent", 16 February
6. "Northern Ireland: Mother and Baby Home public inquiry welcome step towards truth and accountability", 15 November
7. "US/UK: 'Drop the charges, stop the extradition and free Julian Assange,' says Amnesty Head", 25 October
8. "UK: Europe's top court rules UK mass surveillance regime violated human rights", 25 May

## UNITED STATES OF AMERICA

### United States of America

Head of state and government: **Joseph Biden (replaced Donald Trump in January)**

**The Biden administration stated its intention to restore the US human rights record, but the results in policy and practice were mixed. While it re-engaged with UN international human rights institutions and multilateral efforts to combat climate change, the administration failed to adopt human rights-respecting immigration and asylum policies on the USA-Mexico border or realize its human rights-related agenda on the domestic level.**

### BACKGROUND

Domestic politics continued to hinder effective government action to address climate change, discriminatory attacks on voting rights, or unlawful state-level restrictions on rights, including the right to freedom of peaceful assembly and reproductive rights. Some opposition politicians continued to challenge the 2020 election results with unsubstantiated claims

of electoral irregularities, which destabilized the peaceful transfer of power in January through the encouragement of violent political protests aimed at overturning the election results.

### LGBTI PEOPLE'S RIGHTS

The Biden administration took steps to repeal the previous administration's discriminatory policies towards LGBTI people, including overturning a ban on transgender people serving in the military and restoring protections for students against discrimination based on sexual orientation and gender identity. Nonetheless, hundreds of state-level bills were introduced that would curtail the rights of LGBTI people. Multiple states enacted anti-LGBTI rights laws, including a ban on gender-affirming healthcare for transgender minors in Arkansas.

### SEXUAL AND REPRODUCTIVE RIGHTS

The Biden administration repealed the Global Gag Rule, a policy limiting US foreign aid to foreign organizations that provide information, referrals or services for legal abortion.

State governments continued intensified efforts to curtail sexual and reproductive rights by seeking to criminalize abortion and limit access to reproductive health services, enacting more abortion restrictions in 2021 than in any other year.

In Texas, a law was enacted criminalizing abortion as early as six weeks into pregnancy – before most people know they are pregnant – and privatizing enforcement against abortion providers or anyone "suspected" of assisting the person in obtaining an abortion.<sup>1</sup> In September, the US Supreme Court declined to enjoin the Texas law, and allowed it to enter into force. In December, the Court heard oral arguments regarding a Mississippi law which bans most abortions after 15 weeks, directly challenging existing federal protections of abortion rights under *Roe v. Wade*.<sup>2</sup>

## **VIOLENCE AGAINST WOMEN**

Indigenous women continued to experience disproportionately high levels of rape and sexual violence and lacked access to basic post-rape care. Additionally, Indigenous women continued to experience high rates of disappearance and murder. The exact number of Indigenous women victims of violence or who went missing remained unknown as the US government did not collect data or adequately coordinate with Tribal governments.

Rates of intimate partner violence showed no signs of slowing from their increases due to the Covid-19 pandemic and ensuing lockdowns, yet the main legislative mechanism for funding violence response and prevention remained lapsed as Congress again failed to reauthorize the Violence Against Women Act (VAWA).

## **REFUGEES' AND MIGRANTS' RIGHTS**

Authorities continued to drastically limit access to asylum at the USA-Mexico border, resulting in irreparable harm to many thousands of people, including children, who were seeking safety from persecution or other serious human rights violations in their countries of origin.<sup>3</sup>

Border control officials carried out unnecessary and unlawful pushbacks of nearly 1.5 million refugees and migrants at the USA-Mexico border, both at and between official ports of entry, using as a pretext public health provisions under Title 42 of the US Code during the Covid-19 pandemic. Returnees were summarily expelled without access to asylum procedures, legal remedies, or individual risk assessments. Upon his resignation, a senior legal adviser to the US Department of State denounced the mass expulsions of Haitian asylum seekers as constituting unlawful forced returns.

Although the Biden administration exempted unaccompanied migrant children from expulsions under Title 42, US Border Patrol misused an anti-trafficking law to continue to summarily repatriate thousands of unaccompanied Mexican children (over 95% of those apprehended), without

providing them with adequate access to asylum procedures or effective screenings for the harm they could face upon return.<sup>4</sup>

## **ARBITRARY DETENTION**

Thirty-nine Muslim men remained arbitrarily and indefinitely detained by the US military in the detention facility at the US Naval Base in Guantánamo Bay, Cuba, in violation of international law. The authorities made little progress in closing the facility, despite the Biden administration's stated intention to do so.

In October, two detainees held in Guantánamo Bay were approved for transfer by the Periodic Review Board, bringing to 12 the number of detainees who remained at the facility after being cleared for transfer, some for over a decade. Only two detainees had been transferred out of the facility since January 2017, including just one since Joseph Biden took office. None of the remaining detainees had access to adequate medical treatment and those who survived torture and other ill-treatment by US agents were not given adequate rehabilitative services.

Ten of them faced charges in the military commission system, in breach of international law and standards relating to fair trials, and could face the death penalty if convicted. The use of capital punishment in these cases, after proceedings that did not meet international standards, would constitute arbitrary deprivation of life.

The trials of those accused of crimes related to the 11 September 2001 attacks were scheduled to begin on 11 January 2021, but after the suspension of hearings in 2020 and most of 2021, the cases were nowhere near ready for trial, following nine years of pretrial hearings.<sup>5</sup>

## **FREEDOM OF ASSEMBLY**

Authorities failed to adopt and implement significant police oversight and accountability measures promised by the Biden administration in response to nationwide protests against police violence in 2020,

which were marked by widespread excessive use of force by law enforcement agencies.

Instead, lawmakers in at least 36 states and at the federal level introduced more than 80 pieces of draft legislation limiting freedom of assembly, with nine states enacting 10 such bills into law in 2021. At the end of the year, a further 44 such bills were pending in 18 states. Proposed legal restrictions on freedom of assembly included increased penalties for acts of civil disobedience relating to infrastructure projects such as pipelines, obstructing roads and defacing monuments. Other laws sought to prevent reductions to policing budgets by local governments and remove civil liability for car drivers who hit protesters blocking streets, among other things.

By contrast, the California state legislature enacted new laws providing broad protections to journalists reporting on public assemblies, who were often targeted for arrest and violence by law enforcement officials in 2020, and creating statewide standards and regulations for law enforcement's use of kinetic impact projectile weapons and chemical agents during public assemblies.

## **EXCESSIVE USE OF FORCE**

At least 1,055 people were reported killed by police using firearms in 2021, a slight increase from previous years. The limited public data available from 2015 to 2021 suggested that Black people were disproportionately impacted by police use of lethal force. The federal government's programme to track how many such deaths occur annually remained unimplemented.

In April, the Maryland state legislature passed and overrode the governor's veto of a use-of-force statute, leaving just six states without such statutes to regulate police use of force. However, no state laws governing the use of lethal force by police – where such laws exist – complied with international law and standards.

The US Senate failed to introduce the George Floyd Justice in Policing Act, a bill

providing a bipartisan set of proposals to reform certain aspects of policing.

## **HUMAN RIGHTS DEFENDERS**

The annual Country Reports on Human Rights Practices issued by the US State Department were accompanied by public recognition by the Secretary of State of the importance of, and risks faced by, human rights defenders. The Biden administration also re-published its policy on US Support for Human Rights Defenders, which had been sidelined for several years.

In May, news media revealed that US authorities tracked and harassed human rights defenders active in the USA-Mexico border area during 2018 and 2019, including through an illegal US watchlist of activists, detailed in Amnesty International's 2019 report, *'Saving Lives is not a Crime': Politically Motivated Legal Harassment against Migrant Human Rights Defenders by the USA*.

Human rights defenders and journalists continued to report intimidation and harassment by authorities when crossing the border or when conducting their work in Mexico, which impacted both their ability to do their work and their overall well-being. In September, the Office of Inspector General of the Department of Homeland Security issued a report confirming that agency officials unlawfully harassed journalists and border activists without an appropriate legal basis and, in some cases, apparently covered up their violations by destroying evidence of their communications and coordination with Mexican authorities in those abuses.

## **DEATH PENALTY**

In March, Virginia became the 23rd US state to abolish the death penalty.

During the final days of the Trump administration in January, the federal government carried out three executions, continuing the reversal since 2020 of a 17-year moratorium on federal executions. In July 2021, the US Department of Justice placed a moratorium on federal executions amid a review of department policies related to capital punishment. However, the federal



government continued to pursue death sentences in certain cases. State executions resumed in 2021 following a lull in 2020 due to the ongoing Covid-19 pandemic as well as the conclusion of litigation over the execution protocols in certain states.

## **TORTURE AND OTHER ILL-TREATMENT**

A decade after dozens of detainees were held in a CIA-operated secret detention system – authorized from 2001 to 2009 – no one had been brought to justice for the systematic human rights violations committed under that programme, including enforced disappearance, torture and other ill-treatment. The Senate Intelligence Committee's report on CIA torture remained classified, years after the limited investigations conducted into those crimes were closed without charges being brought against anyone.

## **RIGHT TO LIFE AND SECURITY OF THE PERSON**

The US Congress did not pass any regulations on access to firearms in 2021. The government's ongoing failure to protect people from persistent gun violence continued to violate their human rights, including the rights to life, security of the person and freedom from discrimination, among others.

A surge in gun sales during the Covid-19 pandemic, unfettered access to firearms, a lack of comprehensive gun safety laws (including effective regulation of firearm acquisition, possession and use), and a failure to invest in adequate gun violence prevention and intervention programmes, perpetuated this violence.

At least 44,000 people were estimated to have been killed by gun violence in 2020. During the Covid-19 pandemic in 2020 and 2021 some state government authorities exacerbated gun violence by designating gun stores as "essential businesses".

In May, the US Department of Justice proposed a regulation that would update the definitions of "firearm" and related firearm components for the first time since 1968,

noting that 23,000 un-serialized firearms (known as "ghost guns") were reported to have been recovered by law enforcement from potential crime scenes between 2016 and 2020.

In November 2021, the US Supreme Court heard its first case regarding gun rights in over a decade. The eventual decision in this case could determine whether individuals may carry a firearm in public without demonstrating "proper cause" or meeting licensing thresholds.

## **UNLAWFUL KILLINGS OF CIVILIANS**

The US government repeatedly used lethal force in countries around the world, including with armed drones, in violation of its obligations under international human rights law and, where applicable, international humanitarian law. NGOs, UN experts and the news media documented how such strikes inside and outside zones of active armed conflict resulted in injuries or arbitrarily deprived protected individuals, including many civilians, of their right to life, in some cases constituting war crimes.

The US government weakened protections for civilians during lethal operations, which increased the likelihood of unlawful killings; impeded the assessment of the legality of strikes; and prevented accountability and access to justice and effective remedies for victims of unlawful killings and civilian harm.

The government continued to withhold information regarding the legal and policy standards and criteria applied by US forces when using lethal force, despite calls by UN human rights experts to clarify such points. Authorities also failed to provide reparations for civilian killings. The Biden administration commenced a review of lethal force policies, yet failed to provide any information about how or whether those policies would change. Meanwhile, US forces continued to engage in drone strikes, resulting in the unlawful killing and wounding of civilians.

## **RIGHT TO HOUSING**

In March, the Biden administration accepted UPR recommendations by the UN Human

Rights Council to guarantee the right to housing and combat homelessness. However, as federal and state-level moratoriums on evictions during the Covid-19 pandemic began to expire in the second half of 2021, the US Supreme Court struck down efforts by the Biden administration to extend the federal moratorium on public health grounds during the ongoing pandemic. Simultaneously, some state and municipal governments ended temporary special measures to house those experiencing homelessness and some cities resumed or expanded the demolition of homeless encampments.

Members of the US Congress reintroduced the Housing is a Human Right Act to address the root causes of homelessness and transition the growing number of people experiencing homelessness into housing and other shelter.

## FAILURE TO PREVENT CLIMATE CHANGE AND ENVIRONMENTAL DEGRADATION

The Biden administration rejoined the Paris Agreement and sought to reverse hundreds of laws and policies passed during the preceding administration to deregulate the environmental and energy sectors. Those laws included the rolling back of rules on coal ash and coal-fired power plants. However, the administration did not successfully roll back all regressive measures and continued to approve oil drilling projects on federal land.

During 2021, frequent climate change-related natural disasters across the USA resulted in destruction and death, including record-breaking wildfires, hurricanes and flooding in coastal areas.

## INTERNATIONAL HUMAN RIGHTS MECHANISMS AND TREATIES

The Biden administration took a number of positive measures during its first year in office to endorse and support the international human rights framework and oversight mechanisms.

In March, the administration accepted the majority of recommendations by the Human Rights Council following the USA's third UPR,

though noted that it only supported some recommendations in principle that it might not implement, including closing the Guantánamo Bay detention facility.

In April, the government rescinded sanctions against ICC personnel imposed by the previous administration, though it continued to reject ICC jurisdiction over alleged US war crimes in Afghanistan, Iraq or elsewhere.

In October, the USA rejoined the UN Human Rights Council, three years after the preceding administration abandoned its seat on the body, and issued a standing invitation to UN Special Procedures. In November, the UN Special Rapporteur on Minority Issues conducted a country visit to the USA, which was the first such mission by a UN Special Procedure since 2017.

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1. "USA: Texas violently strips away right to abortion", 1 September
  2. "USA: Senate must take action to protect human rights", 1 December
  3. *Americas: Amnesty International Submission to the United Nations (UN) Special Rapporteur on the Human Rights of Migrants* (Index: AMR 01/3658/2021), 8 February
  4. *Pushed into Harm's Way: Forced Returns of Unaccompanied Migrant Children to Danger by the USA and Mexico* (Index: AMR 51/4200/2021), 11 June
  5. "Right the wrong: decision time on Guantánamo", 11 January

## URUGUAY

### Eastern Republic of Uruguay

Head of state and government: **Luis Alberto LacallePou**

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**After initial delays, the Covid-19 vaccination programme made progress. Nevertheless, policies to address the pandemic were not able to reverse pre-existing structural inequalities, which were exacerbated and had a particular impact on the economic, social and cultural rights of the most vulnerable sections of the population. Record rates of imprisonment often resulted in inhumane prison conditions. The year saw the highest number of deaths in prison in recent history. Violence against women continued to escalate, with a rise in the number of**

**reported femicides. Although several military personnel were prosecuted for crimes against humanity committed during the civil-military regime (1973-1985), no substantive progress was made in clarifying the fate of those forcibly disappeared under that regime. There were obstacles to accessing public information, particularly regarding sexual and reproductive health.**

## **BACKGROUND**

The political and social agenda was dominated during the year by social mobilization to collect sufficient signatures to trigger a referendum to derogate 135 articles of the Urgent Consideration Act (LUC), approved in 2020. National and international human rights organizations expressed concern about the impact of the Act's broadly worded provisions, which could negatively impact human rights, in particular public security, the rights of prisoners and freedom of expression.

## **FREEDOM OF EXPRESSION**

Eight journalists faced legal actions for the content of their reports, mostly initiated by members of parliament or the government.

In June, the House of Representatives approved an "emphatic rejection" of a report, published by the German news network Deutsche Welle, that alleged that freedom of the press was under threat in Uruguay and that there were restrictions on the right of access to public information.

## **RIGHT TO INFORMATION**

Several public information requests received no or unsatisfactory responses.

Information about sexual and reproductive rights, previously issued periodically, was not published in 2021.

Authorities refused access to the contracts with the Covid-19 vaccine providers.

A bill to amend Law No.18.381 on access to public information was under consideration by parliament at the end of the year. If approved, the amendments would put additional conditions on requests for, and so restrict access to, information and represent

a backward step in terms of transparency and freedom of information.

Civil society organizations questioned official statistics regarding crime and expressed concern that the reduction in crime rates was the result of public security policies that did not take into account academic evidence showing the impact of the pandemic in lowering crime rates.

## **INHUMANE PRISON CONDITIONS**

Already harsh prison conditions deteriorated during the year. According to official data provided by the Parliamentary Commissioner for the Penitentiary System, the prison population increased steadily, reaching 13,852 inmates in December. According to the World Prison Brief, in 2021, Uruguay had the highest rate of incarceration per capita in South America. In the context of intense overcrowding and insanitary conditions, the number of people who died in prison from natural causes rose by 154% in 2021 compared to the previous year.

## **RIGHT TO TRUTH, JUSTICE AND REPARATION**

Seventeen current or retired members of the military and police were convicted of torture, kidnapping and killing under the civil-military regime in the 1970s and 1980s. No substantive progress was made in the search for victims of enforced disappearances during that time as no new evidence was found at the excavation zones and those suspected of criminal responsibility did not provide any new information.

## **ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

According to the Centre for Economic Research and the UN Economic Commission for Latin America and the Caribbean, the policies adopted by the government were insufficient to redress the impact of the pandemic on poverty, employment and economic activity. In addition, decisions over cuts in public spending, public wages and pensions led to lower real wages, and cuts in public spending had a significant impact on

people's well-being, especially those living in situations of vulnerability.

## RIGHT TO HEALTH

Although the roll-out of the vaccination programme was delayed due to the late purchase of supplies, it managed to reach 78% of the population with at least with one dose and 75% with two doses. This led to a lifting of restrictions and a reduction in the number of patients in intensive care and coupled with the country's robust universal health system, resulted in a positive health situation as regards Covid-19 towards the end of 2021.

Public policy failed to address increasing mental health needs, despite calls for improvements in this area by specialists. According to the Ministry of Health, in 2021 there was a 20% increase in the suicide rate compared to the mean average of the previous five years.

## SEXUAL AND REPRODUCTIVE RIGHTS

Pregnancies in girls under 15 remained a largely unacknowledged problem, despite 60 births and 47 abortions involving girls in that age group in 2020, the latest year for which statistics were available.

Although there was a protocol in place for the care of children under 15 who are pregnant and a notification system for health teams dealing with such cases, public policy in this area remained inadequate. In addition, comprehensive sexuality education was not implemented in a comprehensive and consistent manner.

The abortion law in Uruguay, which was changed in 2012, allows first trimester abortion on request. However, difficulties in accessing abortion persisted in rural areas, where health centres were less accessible, and medical professionals refused to perform abortions on grounds of conscience. In addition, political figures made speeches seeking to discourage abortion among people living in poverty; such discriminatory statements could signal a major setback for sexual and reproductive rights in the country.

## VIOLENCE AGAINST WOMEN AND GIRLS

According to the Observatory on Gender-Based Violence and Access to Justice, the number of femicides increased in 2021; 30 femicides were recorded. Changes by the Ministry of the Interior in the way reports of gender-based violence are registered had a direct impact on statistics, as repeated offences by the same individuals were no longer recorded as separate incidents, but rather as a single complaint.

There were also obstacles to the implementation of the law on gender-based violence (Law No. 19.580) because of the failure to allocate the resources needed to establish multipurpose courts able to deal with all matters related to gender-based violence.

# UZBEKISTAN

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Republic of Uzbekistan

Head of state: **Shavkat Mirziyoyev**

Head of government: **Abdulla Aripov**

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**The rights to freedom of expression, association and peaceful assembly remained tightly restricted. Major progress was reported in the eradication of forced labour in the cotton sector. Some safeguards against torture and other ill-treatment were introduced, although reports of such abuse continued. Over 2,000 people remained imprisoned for their peaceful religious beliefs. Violence against women remained widespread. Consensual sexual relations between men remained a criminal offence.**

## BACKGROUND

Ongoing reforms slowed or were rolled back. Political and civil activists complained of harassment, surveillance and threats ahead of the presidential election, from which independent candidates were effectively barred. A new draft criminal code was published in February but not adopted before the end of the year.

Lack of transparency in the disbursement of the government's US\$1 billion fund designated to address the Covid-19 pandemic, a budget which increased several-fold within months, raised concerns over corruption. Vaccination was made mandatory for several categories of workers, military personnel and government officials, with employees threatened with suspension for refusing.

Other developments also took a further toll on the economy, including a drought.

The Taliban seizure of power in neighbouring Afghanistan reignited concerns about radical Islam.

## **FREEDOM OF EXPRESSION**

Restrictions on the right to freedom of expression continued. The draft criminal code retained defamation and insult as crimes, as well as the broadly defined offences of production or dissemination of "materials containing ideas of religious extremism, separatism and fundamentalism". In March, insulting the president became a crime punishable by five years' imprisonment.

Media outlets exercised self-censorship and faced new legislative restrictions and other constraints, with official pre-approval reportedly expected before publication of sensitive material. Prosecution, fines and imprisonment of critical voices, typically bloggers, served to intimidate others.

In May, anti-corruption blogger Otabek Sattoriy was sentenced to six and a half years' imprisonment on questionable charges of slander and extortion. Following an argument with the judge over media coverage, three journalists and a businesswoman who published a video of the dispute, were themselves convicted in November of libel and insulting and disobeying the authorities. One journalist was sentenced to three years' imprisonment, the others received non-custodial sentences.

Blogger Valijon Kalonov was detained in August and charged with insulting the president, after he called for an election

boycott; he remained in detention pending trial at the end of the year.

## **FORCED LABOUR**

In January, the ILO reported "major progress" in the eradication of abusive practices in the 2020 cotton harvest. With only isolated instances of child labour reported, the number of people "subject to direct or perceived forms of coercion" declined by 33% compared to 2019, to 4% (of a total of 2 million cotton pickers, two-thirds of them women).

## **TORTURE AND OTHER ILL-TREATMENT**

The draft criminal code aligned the definition of torture following UN bodies' recommendations, but left controversial provisions allowing for a statute of limitations, amnesties and victim-perpetrator "reconciliation". Additional safeguards against torture were introduced in June, including creating "public groups" under the Parliamentary Human Rights Ombudsman for independent monitoring of penitentiary and other closed institutions.

However, independent human rights experts remained concerned that institutional problems were unaddressed and torture in custody remained widespread, even if less often publicly reported. Of the reported deaths in custody, allegations of torture in two districts – from Nishan (May) and Takhiatash (July) – were "checked" internally by the Interior Ministry and dismissed as unfounded. A similar report from Denau district (July) resulted in the arrest of two police officers, but they were later cleared of charges. In December, two road traffic police officers from Samarkand region were each sentenced to two years and 10 months' imprisonment, for causing death by negligence and abuse of authority, following the death of a driver in their custody.

A human rights group reported in April that the infamous Jaslyk prison, officially closed in 2019, could still be holding up to 100 prisoners.

In May, the UN Working Group on Arbitrary Detention concluded that imprisoned former

diplomat Kadyr Yusupov had been arbitrarily deprived of his liberty and that his “credible allegations of torture and ill-treatment” had not been duly investigated. However, Uzbekistan ignored its call for his immediate release and compensation. The authorities failed to respond promptly to complaints by Kadyr Yusupov that he had been beaten by other prisoners in September and October.

International NGOs reported that men arrested for alleged consensual same-sex relationships were still being subjected to forced anal examinations.

## **FREEDOM OF RELIGION AND BELIEF**

A new law On Freedom of Conscience and Religious Organizations was enacted in July, without prior public consultation. It made some improvements, such as simplifying registration of religious organizations and removing the administrative penalty for wearing religious clothing in public. The same month, however, five UN Special Rapporteurs expressed concern at the continuing ban on missionary activities and non-state-approved religious education, and effective censorship of religious literature.

The production and distribution of religious materials was not included as a crime in the draft criminal code, but remained an administrative offence.

The US Commission on International Religious Freedom reported in October “that over 2,000 individuals remain[ed] imprisoned by the Uzbekistan government for peacefully practicing their religious beliefs”.

## **FREEDOM OF ASSOCIATION AND ASSEMBLY**

In the draft criminal code, violating the unduly restrictive rules on public assemblies and the “unlawful formation of a public association or religious organization” remained crimes punishable by imprisonment.

In March, two policy documents were approved committing the government to provide administrative and financial support to civil society organizations and to improve the legal framework for their operation.

Obstacles to the registration of organizations remained.

NGOs and political parties in particular continued to face arbitrary denial of registration for minor or questionable technical infringements. In August, the Justice Ministry arbitrarily rejected the registration of Human Rights House, submitted by Agzam Turgunov and his colleagues for the eighth time since 2019. In September, the group appealed the decision in court and resubmitted the application.

## **GENDER-BASED VIOLENCE**

Violence against women, including domestic violence, remained widespread, but no comprehensive statistics were available. In January, the Interior Ministry released information on the use of protective orders in 2020, the year they were first introduced. A total of 14,774 women had received such orders, 73% of which had been granted on account of physical and other domestic violence. However, in June the Ministry rejected a request by the NGO NeMolchi for information on prosecutions for violence against women, claiming it was “to no purpose”.

## **LGBTI PEOPLE’S RIGHTS**

“Sodomy” remained a crime, including in the draft criminal code. In response to a media query from Qalampir.uz, in April the Interior Ministry reported that 49 individuals were serving prison terms for this “crime” and receiving regular “psychological services” to prevent them committing this “offence” again. Forty-four individuals were convicted of “sodomy” between 2016 and 2020.

# **VENEZUELA**

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**Bolivarian Republic of Venezuela**

Head of state and government: **Nicolás Maduro Moros**

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**The ongoing human rights crisis was compounded by the effects of the Covid-19 pandemic. The policy of repression implemented by the government of Nicolás**

**Maduro continued, including further reports of extrajudicial executions, excessive use of force, arbitrary detentions and torture and other ill-treatment against those perceived as critical of the government. Human rights defenders, journalists and activists were subjected to intimidation, harassment, attacks and detention. The humanitarian emergency worsened and violations of economic, social, cultural and environmental rights persisted, with an increasingly weakened healthcare system and shortages of water, fuel, food and electricity. Impunity for human rights violations remained the norm. The UN Fact-Finding Mission (FFM) on Venezuela documented and condemned systemic impunity, and the ICC Office of the Prosecutor found there were grounds to believe that crimes against humanity had been committed in Venezuela and announced the opening of a formal investigation.**

## **EXTRAJUDICIAL EXECUTIONS**

The security forces, including the Special Action Forces of the Bolivarian National Police (FAES), continued to carry out extrajudicial executions. In January, 14 people were killed during a security operation in the La Vega neighbourhood of Caracas, the capital, in circumstances suggesting that they had been extrajudicially executed.<sup>1</sup>

According to the UN Fact-Finding Mission (FFM), by March, more than 200 people had been killed by police forces. The FFM stated it would investigate the circumstances of the killings and FAES involvement.

## **ARBITRARY DETENTION**

Politically motivated arbitrary detentions continued as part of a government policy of repression. According to the human rights organization Foro Penal (Penal Forum), a further 44 people were detained, bringing the total number of people held in politically motivated arbitrary detention at the end of the year to 244. Among them were political activists, students, military personnel, human

rights defenders and others perceived as opponents of the Maduro government.

Roland Carreño, a journalist and member of the Popular Will party arbitrarily detained in October 2020, remained held charged with “terrorism” and other offences under the Organic Law on Organized Crime and Financing of Terrorism.

At least two people who had been arbitrarily detained – Salvador Franco, a member of the Pemón Indigenous people, and Gabriel Medina, who had had health problems for over a month – died in detention without adequate medical attention, according to Foro Penal.

The family and lawyer of Raúl Isaías Baduel, who died in October, allegedly due to Covid-19 complications, in the custody of the Bolivarian National Intelligence Service (SEBIN), called for a full investigation into the circumstances surrounding his death.

## **ENFORCED DISAPPEARANCES, TORTURE AND OTHER ILL-TREATMENT**

A new criminal investigation into the enforced disappearance, arbitrary detention, torture and death of Rafael Acosta Arevalo in 2019 failed to include any chain-of-command responsibility.

In September, the FFM reported that the authorities routinely failed to investigate allegations of torture. In 67 of the 183 cases it documented, prisoners were brought to court with visible signs of ill-treatment. In some cases, torture allegations did not appear in the court records, while in others the Public Prosecutor’s Office was ordered to initiate a formal investigation. However, families and defence lawyers told the FFM that they were not aware of any progress in these proceedings.

The FFM also documented the practice of kidnapping or detaining the relatives of people targeted as part of the strategy of repression to force them to present themselves to the authorities (known as “Sippenhaft”).

Allegations of torture and other ill-treatment during initial periods of enforced disappearance were common.

## **EXCESSIVE USE OF FORCE**

Several security operations against criminal gangs took place in Caracas during which police and military forces used unlawful and unnecessary force. There were reports of several deaths caused by stray bullets in two operations in January and July.

## **IMPUNITY**

Impunity prevailed for human rights violations and crimes under international law.<sup>2</sup> The FFM expressed deep concern about the state's willingness to prosecute those suspected of criminal responsibility for human rights violations, stating: "the State is not taking tangible, concrete and progressive steps to remedy violations, combat impunity and redress the victims through domestic investigations and prosecutions."

Authorities announced the establishment of a commission for judicial reform. However, the person appointed to lead this had been named by the FFM as probably responsible for crimes against humanity and was a National Assembly representative, casting doubt on his independence and impartiality.

The military officer charged in connection with the death in 2017 of David Vallenilla during a peaceful demonstration was acquitted in September. However, the Attorney General Office appealed against this and in October he was sentenced to 23 years. The command responsibility was yet to be investigated.

## **UNFAIR TRIALS**

Criminal proceedings and courts continued to be misused to silence dissent. The use of military jurisdiction for civilians and special "terrorism" courts was common. Authorities denied detainees visits from families and lawyers on the pretext of Covid-19 restrictions, leaving many in incommunicado detention and without adequate time to prepare their defence.

In its report, the FFM stated that the justice system "played a significant role in the State's repression of Government opponents. The effects of the deterioration of the rule of law

extend beyond those directly affected and impact society as a whole."

## **RIGHT TO TRUTH, JUSTICE AND REPARATION**

Efforts to seek truth, justice and reparation through international mechanisms, in the absence of effective national remedies, continued to be thwarted by the authorities' attempts to avoid international scrutiny. The Maduro government did not recognize the jurisdiction of the Inter-American Court of Human Rights or the oversight of the Inter-American Commission on Human Rights (IACHR), despite several rulings and recommendations from both organizations.

Although the OHCHR maintained the mandate for technical cooperation with officials in the Maduro government and oversight of the human rights situation, invitations to special rapporteurs and treaty bodies such as the Special Rapporteurs on human rights defenders, on freedom of assembly and on extrajudicial killings, and the Working Group on Arbitrary Detentions, among others, to visit the country remained pending. In February, the Special Rapporteur on the Negative Impact of Unilateral Coercive Measures on the Enjoyment of Human Rights visited Venezuela.

In November, the ICC Office of the Prosecutor opened an investigation into the situation of Venezuela. In a visit to Caracas, the Prosecutor signed a memorandum of understanding with the authorities, who committed to fully cooperate with the investigations, although they did not agree that the criteria had been met to move the investigation forward.

## **REPRESSION OF DISSENT**

Political opponents, real and perceived, of the Maduro government faced constant attacks and harassment and were at risk of arbitrary detention, torture and other human rights violations, as part of a long-standing policy of repression.

In July, Freddy Guevara, a high-profile member of Popular Will, was arbitrarily detained in Caracas and held for over a



month. Although the government subsequently allowed him to join negotiations between the Maduro government and the opposition in Mexico City, his detention was emblematic of the ongoing repression.

Media outlets close to the governing party, such as the national TV programme *Con El Mazo Dando*, continued to stigmatize and attack human rights defenders and others perceived as government opponents.

## **FREEDOM OF EXPRESSION AND ASSEMBLY**

According to the Venezuelan Observatory of Social Conflict, a local NGO, between January and June, there were 3,393 protests. These were largely over economic, social and cultural rights, such as labour rights, healthcare services, high food prices and lack of basic services, including fuel. At least 59 protests were attacked by the police, military or pro-government armed groups, resulting in the death of one protester and injuries to seven others.

The Venezuelan NGO Espacio Público (Public Space) reported that between January and August there were more than 292 attacks on the press and journalists, including harassment and intimidation, arbitrary detention, censorship and digital attacks. These attacks compounded the lack of transparency regarding epidemiological data on the Covid-19 pandemic.

The National Telecommunications Commission (Conatel) banned several programmes, including Punto de Corte Radio aired on Radio Fe y Alegría, and one of the country's main newspapers.

A court ruled against one of the main newspapers in Venezuela, *El Nacional*, which was fined the equivalent of US\$13 million after losing a court case for defamation relating to Diosdado Cabello, a high-ranking government official.

In October, police raided the home of journalist Roberto Deniz, from the Armando Info portal; he and his family had been granted precautionary measures by the IACHR in 2020.

Journalist Luis Carlos Díaz remained subject to severe restrictions and prosecution.

## **HUMAN RIGHTS DEFENDERS**

The crackdown on and criminalization of civil society and human rights defenders intensified.

In January, five members of Azul Positivo, a humanitarian organization, were arbitrarily detained and charged with offences including "terrorism". They were conditionally released in February, but remained subject to restrictions and prosecution at the end of the year.

In March, the government approved an administrative regulation requiring local NGOs to register with an "anti-terrorism" oversight organization and disclose confidential and sensitive information about victims of human rights violations and how the NGOs are funded and function. Following international pressure, the government reversed some of these provisions. However, the regulation remained in place and local organizations risked criminalization under the Organic Law on Organized Crime and Financing of Terrorism if they failed to register. National and international organizations viewed this administrative regulation as a clear crackdown on human rights defenders and humanitarian workers.

In July, Javier Tarazona, Rafael Tarazona and Omar de Dios García, members of the local NGO FundaREDES, were arbitrarily detained by SEBIN officers. They were charged with inciting hatred, treason and "terrorism". Despite numerous requests, their chosen legal representatives were denied accreditation to appear before the court. All three were awaiting initial pre-trial hearings at the end of the year. Rafael Tarazona and Omar de Dios García were conditionally released in October. Javier Tarazona, who had a serious health condition that required urgent attention, remained in detention.

According to the Centre for Human Rights Defenders and Justice, in 2021 there were 743 attacks against human rights defenders, an increase of 145% compared to 2020.

## REFUGEES' AND MIGRANTS' RIGHTS

Despite border closures and restrictions on movement due to the pandemic, the number of Venezuelans fleeing the country to escape mass human rights violation continued to rise, reaching 6 million by the end of the year. Many continued to use unofficial crossings, including by sea in precarious vessels and overland via hazardous routes, leading to reports of deaths at sea as well as at border crossings. (For violations of the rights of Venezuelan refugees in Curaçao, see Netherlands entry.)

## ECONOMIC, SOCIAL AND CULTURAL RIGHTS

The complex humanitarian emergency in the country continued to intensify.

According to the OHCHR, access to basic services during the pandemic, including medical assistance, water, gas, food and gasoline, was limited and deteriorating.

The UN Office for the Coordination of Humanitarian Affairs announced that 2.7 million people had received aid of some kind by 31 August as part of the Humanitarian Response Plan.

### RIGHT TO HEALTH

The infrastructure of the healthcare system continued to deteriorate.

Public data related to Covid-19 was unclear. The local NGO Médicos Unidos (United Doctors) reported that more than 815 health professionals had died of Covid-19 since March 2020; authorities withheld detailed figures of deaths of health workers.

Access to Covid-19 vaccines was one of the main challenges, as well as the use of vaccines that had not been deemed safe and effective by objective and independent regulatory agencies. No national vaccination plan was published. Health personnel continued to demand protective equipment as well as salary increases.

The shortage of antiretrovirals stood at 58.68% between January and June, according to the NGO Acción Ciudadana Contra el SIDA (Citizen Action Against AIDS).

Civil society organizations continued to demand the reactivation of the Organ

Procurement Programme, suspended four years earlier.

The WHO registered a yellow fever outbreak.

### RIGHT TO FOOD

The OHCHR noted that a third of Venezuelans suffered from food insecurity.

The Centre for Documentation and Analysis for Workers calculated the cost of the basic basket of goods at US\$260.77 a month in October, while the monthly minimum wage was US\$1.66.

In July, the World Food Programme announced assistance for children under six in areas it identified as most affected by food insecurity.

The food distribution system, Local Supply and Production Committees, continued operating but did not meet nutritional needs, according to Bengoa Foundation.

According to the National Survey of Living Conditions, 94.5% of the population was living in poverty while 76.6% was living in extreme poverty.

### RIGHT TO WATER

Failures in the supply of drinking water and sanitation continued, sparking protests in local communities.

In June, the National Assembly approved the Draft Organic Water Law; there were concerns about the law's lack of a human rights perspective.

## SEXUAL AND REPRODUCTIVE RIGHTS

Lack of access to sexual and reproductive health services remained a concern.

High costs and restrictions related to the pandemic prevented access to contraception. The UN Population Fund carried out activities in some communities to help reduce maternal mortality and facilitate access to contraceptives.

The IACHR urged Venezuela to eliminate barriers preventing access to sexual and reproductive health services and to review its restrictive legislation on abortion.

Vannesa Rosales, a human rights defender in Merida state – arbitrarily detained in October 2020 for providing a 13-year-old girl, who was pregnant as a result of rape, with

information on abortion – was released on 21 July after spending nine months detained, six of them under house arrest.<sup>3</sup>

## **INHUMANE DETENTION CONDITIONS**

Lack of medical care, adequate food and drinking water, unsanitary conditions, overcrowding and violence in prisons and other detention centres persisted.

Malnutrition and tuberculosis were the main causes of deaths in prisons, according to the Venezuelan Observatory of Prisons and A Window to Freedom, two local NGOs.

According to the Venezuelan Observatory of Prisons, 94 detainees died in custody, most due to malnutrition.

A Window to Freedom reported overcrowding in preventive detention centres of 292%, while the Venezuelan Observatory of Prisons pointed out that overcrowding in other prisons reached 198% and that 56% of the prison population was held in pre-trial detention.

## **DISCRIMINATION**

### **LGBTI PEOPLE**

There was a lack of legislation and public policies guaranteeing the rights of LGBTI people. The IACHR called on the state to take effective measures to recognize the rights of LGBTI people and to eradicate discrimination, violence and situations of vulnerability to which they are exposed.

### **WOMEN**

The Attorney General's Office announced that there were 72 prosecutorial offices nationwide specializing in criminal investigations into gender-based violence.

Local NGOs continued to report that prosecutors, judges, police officers and other officials remained ill-equipped to protect women's rights and women were often re-victimized as a result of institutional violence.

The lack of detailed official data made it difficult to assess the situation of gender-based violence. However the Centre for Justice and Peace (CEPAZ) documented 235 femicides in Venezuela between January and October.

CEPAZ criticized the lack of state protection for breast cancer survivors, requested by the IACHR in 2020.

### **INDIGENOUS PEOPLES**

The situation of the Orinoco Mining Arc and illegal mining remained of concern and continued to seriously affect the rights of Indigenous peoples, who were subjected to abuses including labour exploitation and gender-based violence.

Covid-19, malaria, tuberculosis, hepatitis and gastrointestinal and respiratory diseases, as well as a measles epidemic, were among the health issues affecting Indigenous peoples during the year, according to civil society organizations.

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1. *Venezuela: Impunity in the Face of Lethal Policy of Social Control* (Index: AMR 53/3632/2021), 18 February
  2. *Venezuela: Human Rights Lose Whilst Impunity Prevails: Amnesty International Submission for the UN Universal Periodic Review, 40th Session of the UPR Working Group, January 2022* (Index: AMR 53/4488/2021), 23 July
  3. *Venezuela: Urgent Action: Women and Girls' Rights Defender is Free* (Index: AMR 53/4508/2021), 22 July

## **VIET NAM**

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### **Socialist Republic of Viet Nam**

Head of state: **Nguyễn Xuân Phúc** (replaced **Nguyễn Phú Trọng** in April)

Head of government: **Phạm Minh Chính** (replaced **Nguyễn Xuân Phúc** in April)

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**A severe crackdown on both online and offline dissent occurred during the Communist Party of Viet Nam (CPV) National Conference and national elections. Independent journalists, publishers and other government critics were arrested and charged under repressive laws. Human rights defenders were subjected to widespread harassment, unlawful digital surveillance, arbitrary arrest and politically motivated prosecution. Torture and other ill-treatment continued to be reported. Harsh lockdown measures to curb the spread of Covid-19 disproportionately impacted the most vulnerable and authorities meted out harsh penalties against those who violated**

**Covid-19 regulations. Informal workers faced acute pandemic-related hardship due to inadequate social assistance, and young LGBTI people were at heightened risk of discrimination.**

## **BACKGROUND**

A new Party Central Committee and Politburo was elected at the 13th National Congress of the CPV in January to lead the party and the country for the next five years. The election results meant continuity of the ruling party's repressive approach to dissent and human rights. National Assembly elections followed on 23 May. They confirmed the formal election of legislators and the re-election of Prime Minister Phạm Minh Chính.

## **FREEDOM OF EXPRESSION AND REPRESSION OF DISSENT**

Intolerance of dissent hardened further throughout the year and the right to freedom of expression continued to be restricted. Arbitrary arrests and prosecutions of journalists, publishers and others who criticized the government or the CPV increased.

Before the National Assembly elections in May, the authorities initiated a crackdown on independent election candidates and those critical of the election process. In March, political commentator Trần Quốc Khánh and citizen journalist Lê Trọng Hùng were arrested under Article 117 of the 2015 Criminal Code, which criminalizes “making, storing or spreading information, materials or items for the purpose of opposing the State of the Socialist Republic of Viet Nam” and carries a sentence of up to 20 years’ imprisonment. Both had applied to be independent (or “self-nominated”) candidates for the National Assembly elections. On 31 December, Lê Trọng Hùng was sentenced to five years in prison and five years’ probation. In March, police arrested medical doctor Nguyễn Duy Hưởng for writing articles on his Facebook account that were critical of government policies.<sup>1</sup>

Critics of the government’s response to the Covid-19 pandemic also faced harsh

punishments. In early August, police arrested Trần Hoàng Huấn for sharing criticism of the government’s Covid-19 response on Facebook. On 2 September, police fined Facebook user Nguyễn Thùy Dương 5 million Vietnamese Dong (approximately US\$210) after she shared an online post criticizing the authorities for neglecting Ho Chi Minh City residents and allowing them to go hungry during Covid-19 lockdowns. In October, four people were arrested and charged under various articles of the Criminal Code for posting comments on Facebook that were critical of the government’s response to Covid-19. They remained in detention at year’s end.

## **HUMAN RIGHTS DEFENDERS**

In February, an investigation by Amnesty International revealed a campaign of unlawful surveillance targeting human rights defenders conducted between February 2018 and November 2020. The spyware attacks were attributed to a group known as Ocean Lotus, and targeted Vietnamese activists both inside and outside the country. Among them was Bùi Thanh Hiếu, a blogger and pro-democracy activist residing in Germany. The Vietnamese Overseas Initiative for Conscience Empowerment (VOICE), a non-profit organization supporting Vietnamese refugees and promoting human rights in Viet Nam with offices in the USA and the Philippines, was also targeted.<sup>2</sup>

Prominent journalist, author and human rights defender Phạm Đoan Trang, who was arrested in October 2020, was sentenced to nine years’ imprisonment by The People’s Court of Hanoi on 14 December 2021. She was charged under Article 88 of the 1999 Penal Code for “storing, distributing or disseminating information, documents and items against the Socialist Republic of Viet Nam”, in relation to articles she had written about the environment and human rights, and interviews she gave to foreign media outlets. Prior to her trial, Phạm Đoan Trang had been held in incommunicado detention for over a year.

Another prominent human rights defender, Nguyễn Thúy Hạnh, was arrested on 7 April and charged under Article 117 of the Criminal Code. She is the founder of the “50K Fund”, which fundraises to provide support for the families of unlawfully detained persons in Viet Nam, and she frequently discussed human rights issues on Facebook.

On 5 May, two land rights activists, Cấn Thị Thêu and her son Trịnh Bá Tư, were convicted under Article 117 of the Criminal Code and sentenced to eight years’ imprisonment followed by three years’ probation for their peaceful advocacy of land rights. They had been arrested in June 2020 together with Trịnh Bá Phương (another son of Cấn Thị Thêu) and fellow land rights activist Nguyễn Thị Tâm. The four had spoken out about a high-profile land dispute in Đồng Tâm village near the capital, Hanoi, in which a clash during a police raid in January 2020 resulted in the deaths of an 84-year-old village leader and three police officers. In December, Trịnh Bá Phương and Nguyễn Thị Tâm were sentenced respectively to 10 years in prison with five years’ probation, and six years’ imprisonment with three years’ probation. Before his trial, Trịnh Bá Phương was held incommunicado for 16 months, with all requests for family visits denied by authorities.

## TORTURE AND OTHER ILL-TREATMENT

Reports of torture and other ill-treatment of prisoners remained widespread. In March, Amnesty International revealed that political activist Nguyễn Văn Đức Độ, who was serving an 11-year prison sentence, had been kept in solitary confinement since May 2020 in inhumane conditions at Xuân Lộc prison in Đồng Nai province. His prolonged solitary confinement and ill-treatment by prison guards severely affected his mental health.<sup>3</sup>

## RIGHT TO HEALTH

Responding to a surge in Covid-19 infection rates in late August, the authorities imposed harsh and disproportionate lockdown measures in the hardest-hit regions. There

were several lockdowns in Ho Chi Minh City under which residents were not permitted to leave their homes for a total of 16 weeks. This included a four-week-long military-enforced lockdown starting in late August when, forced to rely on the military to deliver food and other supplies, many people, especially the already vulnerable, were left in a position of severe food insecurity and hunger.<sup>4</sup>

The authorities also imposed criminal punishments against individuals who failed to abide by lockdown regulations. On 6 September, the People’s Court in Cà Mau province sentenced Lê Văn Trí to five years’ imprisonment for breaking Covid-19 regulations and “spreading the virus”. On 30 March, the People’s Court of Ho Chi Minh City handed a two-year suspended prison term to flight attendant Dương Tấn Hậu under the same charge of “spreading dangerous infectious diseases”.

## DISCRIMINATION

The Covid-19 pandemic affected all sectors of Vietnamese society, but some groups were disproportionately affected, including LGBTI people, and women migrant workers including informal sector workers.

Some young LGBTI people reported undergoing intense difficulties as a result of being confined in their family homes during lockdowns, where they faced discrimination and violence from relatives because of their sexual orientation or gender identity.

Government-supported research revealed that women migrant workers from within Viet Nam, including street vendors, suffered especially severe economic effects. Many reported experiencing food insecurity and struggling to meet other basic needs because of a lack of work opportunities and inadequate social assistance from the government.

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1. “Viet Nam: Fresh crackdown as National Assembly election looms”, 1 April
  2. “Viet Nam: Click and Bait: Vietnamese human rights defenders targeted with spyware attacks”, 24 February

3. *Viet Nam: Activist Tortured, Held in Solitary Confinement for Over 300 Days* (Index: ASA 41/3878/2021), 23 March
4. "Viet Nam: As Ho Chi Minh City extends Covid-19 restrictions, militarized response must respect human rights", 13 September

# YEMEN

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## Republic of Yemen

Head of state: **Abd Rabbu Mansour Hadi**

Head of government: **Maeen Abdulmalik Saeed**

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**All parties to the conflict in Yemen continued to commit violations of international humanitarian and human rights law with impunity. The Saudi Arabia-led coalition, supporting the internationally recognized Yemeni government, and Huthi forces continued to carry out attacks that unlawfully killed and injured civilians and destroyed civilian objects, including food infrastructure. Southern Transitional Council (STC) forces carried out summary killings. Parties to the conflict carried out harassment, arbitrary detentions, enforced disappearances, torture and other ill-treatment, and unfair trials, against individuals on the basis of their political, religious or professional affiliations, their peaceful activism or their gender. All parties perpetrated gender-based violence and discrimination. The government and STC used lethal violence to repress largely peaceful protests demanding measures to address the deteriorating economic situation. Parties to the conflict impeded the flow of food, medicine, fuel and humanitarian aid. The Huthi de facto authorities prevented Covid-19 vaccinations. Saudi Arabia and Bahrain lobbied state members of the UN Human Rights Council (HRC) against renewing the Group of Eminent International and Regional Experts on Yemen (UN GEE), forcing the termination of the only international, impartial investigative mechanism for Yemen. All parties to the conflict contributed to environmental degradation. Death sentences were handed down and executions carried out.**

## BACKGROUND

The armed conflict continued throughout 2021, markedly escalating in February and September when Huthi forces launched offensives against government forces in Ma'arib, Dahle', al-Bayda and Shabwa governorates. This resulted in unprecedented territorial gains for Huthi forces, who by the end of 2021 were closing in on Ma'arib city. These and other fronts witnessed displacement of 573,362 people, according to the International Organization for Migration.

Fighting also continued in Aden, Abyan and Shabwa governorates, including in heavily populated areas, between the United Arab Emirates-backed STC and government forces, between STC factions, and between STC forces and local tribes. Although STC and government representatives restated their commitment to the Riyadh power-sharing agreement, it was still not fully implemented and STC forces remained outside of government control.

Despite promising signs of a breakthrough in political talks between the parties in 2020, by the end of 2021 the newly appointed UN Special Envoy for Yemen noted that discord between the parties was deepening.

## UNLAWFUL ATTACKS

The Saudi Arabia-led coalition and Huthi forces continued to conduct indiscriminate attacks, which killed and injured civilians and destroyed and damaged civilian objects, including food distribution facilities.

The Saudi Arabia-led coalition carried out air strikes that killed or injured civilians and damaged civilian objects. On 21 March, in Hodeidah governorate, two air strikes hit Salif grain port, damaging facilities and injuring five employees. On 14 June, in Khamir district, Amran governorate, two poultry farms were hit by missiles that the UN GEE concluded were likely fired by the Saudi Arabia-led coalition. The UN GEE expressed concern that the coalition was failing to take all feasible measures to protect civilians.

Huthi forces continued to use imprecise heavy weaponry. Throughout March, they

regularly fired such weaponry into the Meel, Tawasol and Kheir camps for internally displaced people, close to Ma'arib city, 1-3km from the front line. This killed six women and three children. On 3 April, in Rawda neighbourhood, Ma'arib city, a rocket launched from a Huthi-controlled area killed one boy and one man and injured three boys. The UN GEE concluded that these attacks amounted to war crimes.

In Hodeidah, government forces occupied the Thabit Brothers food production facility, using it for military purposes and therefore rendering it a military target. On 6 and 19 June, Huthi forces shelled the facility, causing civilian casualties and damaging food production and water supply.

## **UNLAWFUL KILLINGS**

In Aden, a governorate controlled by STC forces, there were 38 assassinations or attempted assassinations of civilians in 2021, according to SAM for Rights and Liberties.

On 8 September, at al-Farsha checkpoint, Tur al-Bahah, Lahij governorate, STC forces stopped and killed a doctor. On 4 October, unidentified armed men at another checkpoint in Tur al-Bahah, in an area controlled by STC forces, stopped and killed a nurse working for Doctors Without Borders.

## **ARBITRARY DETENTION, TORTURE AND UNFAIR TRIALS**

All parties to the conflict continued to detain, forcibly disappear and torture individuals on the basis of their political, religious or professional affiliations, their peaceful activism or their gender.

### **HUTHI DE FACTO AUTHORITIES**

Huthi de facto authorities continued to arbitrarily detain hundreds of migrant men, women and children, mostly Ethiopian and Somali nationals, in poor conditions for indefinite periods in Sana'a city. On 7 March, detainees conducted a hunger strike in protest. Authorities responded by corralling 350 detainees in a locked hangar and firing projectiles into the building, igniting a fire that killed 46 detainees and injured 202 others. The Huthi Ministry of Interior stated that they

had started an investigation, found the police were responsible and arrested 11 personnel.

Huthi de facto authorities continued to detain four journalists on death row. Amnesty International documented how journalists from the same group of detainees, but who were released in 2020 along with men from the Baha'i community, were subjected to enforced disappearance and torture during their detention, before being forced into exile as a condition of their release.<sup>1</sup>

Huthi de facto authorities continued legal proceedings targeted against Baha'i on the basis of their religion, and froze or confiscated assets belonging to 70 members of the community. They also continued to arbitrarily detain, since March 2016, a Jewish man on the basis of his religion, despite judicial rulings requiring his release.

### **STC FORCES**

In early 2021, in Aden, STC forces arbitrarily detained two men for criticizing the STC. In May, in Aden, STC counter-terrorism forces detained a man whose fate remained unclear at the end of the year. In September, they abducted four university students returning from a trip abroad, while they were transiting Aden airport. They were released at the end of September.

## **GENDER-BASED VIOLENCE AND DISCRIMINATION**

All parties to the conflict continued to impose and exploit patriarchal gender norms, used gender-based violence and discrimination to further their objectives, and maintained a wide range of discriminatory and oppressive customary and statutory legal provisions. Yemen was ranked second to worst in the 2021 Global Gender Gap Index.

### **HUTHI DE FACTO AUTHORITIES**

Huthi de facto authorities continued their campaign of arbitrary detention and enforced disappearance of women and girls, particularly women human rights defenders and those perceived to be challenging Huthi-enforced gender norms. In 2021 alone, they detained at least 233 women and girls in facilities in Sana'a, accusing them of supporting the coalition, "sex work" or crimes

of “immoral acts”. Women, girls and LGBTI people in these facilities have in the past been subjected to systematic torture, including rape and other forms of sexual violence; cruel and inhuman treatment; and forced recruitment.

In February in Sana’a, Huthi de facto authorities arbitrarily detained and forcibly disappeared actress and model Intisar al-Hammadi.<sup>2</sup> During her detention, she was interrogated while blindfolded, and physically and verbally abused. On 5 May, Huthi de facto authorities asked her to take a “virginity test”, which she refused. In November, she was sentenced to five years in prison on charges of committing an “indecent act”.

In January, the Huthis restricted permission to purchase contraceptives to “husbands”, congruent with the stated aim of increasing the birth rate to serve their military cause.

#### **GOVERNMENT OF YEMEN**

In January, the government’s political security forces in Ma’arib arbitrarily arrested a woman because her brother had worked for the Huthis and she later died in custody, according to the Women’s Solidarity Network.

In July and August, government armed forces in Ta’iz harassed and assaulted two women human rights defenders, one of them living with disabilities, and accused them of “prostitution” as well as working for the Huthis. In September, according to Mwatana for Human Rights, political security forces in Ma’arib arbitrarily detained and forcibly disappeared another woman, a human rights activist and humanitarian worker, for a month.

#### **FREEDOM OF EXPRESSION AND ASSEMBLY**

All parties continued to curtail free speech and assembly of human rights defenders, journalists, political opponents and perceived critics.

Throughout September, peaceful protests were staged against the government and STC in Aden, Ta’iz and southern governorates, demanding they address the economic crisis and deteriorating living conditions. According to Mwatana for Human Rights, the

government and STC violently repressed these protests, including with gunfire and grenades. This resulted in STC forces in Aden killing one man and injuring three boys, and government forces killing a man and a boy and injuring another boy in Hadramout governorate, as well injuring a man in Ta’iz. The survivors all sustained life-changing injuries.

#### **RIGHT TO FOOD**

The economy continued to collapse. Devaluation of the Yemeni rial resulted in a 36-45% rise in the cost of living. Prior to this rise, around 47,000 Yemenis were already living in famine-like conditions, with 2021 being the first time such conditions emerged since the beginning of the conflict. More than 50% of the population – around 16.2 million people – were estimated to be food insecure, according to the World Food Programme.

All parties to the conflict continued to impose siege-like conditions, blockades, obstructions on imports and unnecessary bureaucracy or restrictions on movement, which inflated the cost of food, impeded humanitarian aid and fuelled food insecurity. The actions undermined famine prevention and contributed to famine-like conditions.

Between March and June, the Saudi Arabia-led coalition denied entry to 13 vessels carrying 350,000 tonnes of fuel derivatives. During 2021, two vessels carrying fuel derivatives were left waiting for clearance for approximately 200 days. In addition to contributing to fuel shortages, which impacted food production and distribution, the loss of revenue threatened authorities’ capacity to pay public sector salaries.

#### **RIGHT TO HEALTH**

The health system continued to be severely impacted by the armed conflict, economic and institutional crises, and exacerbated by Covid-19. Only 50% of health facilities were fully functional and over 80% of the population faced difficulties in accessing healthcare services.

Restrictions by all parties to the conflict impeded access to medication and medical



treatment, including Covid-19 vaccines and treatment. The continued closure of Sana'a airport by the Saudi Arabia-led coalition denied Yemenis life-saving medical treatment. Covid-19 health surveillance was limited throughout Yemen, compounded by Huthi authorities' refusal to collect or disseminate data on cases and deaths, despite healthcare providers identifying waves of infections and deaths. Huthi authorities publicly denied the existence of Covid-19 and spread disinformation about its seriousness. They refused to carry out vaccinations and rejected COVAX-initiative vaccines allocated to them by the government.

The spread of Covid-19, and inaction or mismanaged preventative measures by all parties, compounded structural inequalities, disproportionately impacting women, girls and those from marginalized communities.

Only 20% of maternal and child health services were functioning, according to the UN Population Fund, leaving 48,000 women and girls at risk of death during pregnancy or childbirth.

## **RIGHT TO TRUTH, JUSTICE AND REPARATION**

Intensive Saudi-led lobbying throughout 2021, as well as Bahraini-led opposition to the renewal of the UN GEE's mandate at the HRC in October, resulted in the termination of the only international, impartial investigative mechanism for international humanitarian law violations in Yemen. The final report of the UN GEE urged the UN Security Council to refer the situation in Yemen to the ICC, and called for the creation of an international criminal investigative body on the conflict in Yemen.<sup>3</sup>

In January, the Italian government permanently stopped issuing export licences for armaments to be used in Yemen, and cancelled shipments to Saudi Arabia. The Rome Public Prosecutor recommenced investigations into the complicity of the Italian National Authority for Export of Armaments and arms manufacturer RWM Italia SpA in a

2016 Saudi Arabia-led coalition air strike that killed six civilians.

In August, lawyers filed a submission on behalf of Yemeni complainants to the ICC, requesting an investigation into the criminal liability of the Saudi Arabia-led coalition leadership and mercenaries employed by a US military contractor, for unlawful air strikes that killed civilians, torture and murder. In October, they filed the same complaint to the UK's Metropolitan Police.

## **ENVIRONMENTAL DEGRADATION**

Parties to the conflict were responsible for environmental degradation across Yemen through poor governance, cancelling programming, neglect of legally protected areas, mismanagement of oil infrastructure, and placing economic pressure on civilians. Yemenis resorted to environmentally damaging coping mechanisms, including reliance on charcoal, unsustainable fishing and unsustainable development. This resulted in increased pollution, deforestation, soil erosion and loss of biodiversity, which adversely impacted enjoyment of the rights to health, food and water.

In June, at Bir Ali oil terminal, Shabwa governorate, mismanagement of oil infrastructure led to a pipeline discharging oil into the sea for four days, close to an environmentally sensitive coastline. Also in June, Huthi authorities refused to grant security assurances to the UN-led technical assistance team for the tanker FSO Safer. This left the tanker off the coast of Hodeidah at increasing risk of spilling its cargo of 1.14m barrels of oil, which would have devastating consequences for the biologically sensitive Red Sea coastline, as well as water scarcity, health, and the food security and livelihoods of millions of Yemenis and Eritreans reliant on Red Sea fishing.

## **DEATH PENALTY**

Death sentences were handed down and executions took place, including public executions.

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1. *Yemen: Released and Exiled: Torture, Unfair Trials and Forcible Exile of Yemenis under Huthi Rule* (Index: MDE 31/3907/2021), 27 May
  2. "Yemen: Actress arbitrarily detained at risk of forced 'virginity testing'", 7 May
  3. "Yemen: Saudi Arabia forces an end to mandate of only international mechanism to investigate HR abuses", 7 October

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# ZAMBIA

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## Republic of Zambia

Head of state and government: **Hakainde Hichilema**  
(replaced **Edgar Chagwa Lungu** in August)

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**Inter-party tensions escalated in the run-up to the elections; party supporters subjected their opponents to extreme violence and there were political killings. Police used live ammunition against pre-election protesters. One police officer went on trial in connection with the 2020 killing of two unarmed protesters, but many others continued to enjoy impunity. The authorities weaponized laws and state institutions to restrict human rights and intimidate critics. Medical professionals were harassed and prosecuted for protesting against poor working conditions. Persons with albinism suffered violent attacks. Girls were at particular risk of widespread gender-based violence.**

## BACKGROUND

The United Party for National Development (UPND), the main opposition party, defeated the Patriotic Front (PF) in the 12 August general elections, breaking the PF's 10-year rule.

According to the Integrated Food Security Phase Classification, around 1.18 million people faced acute food insecurity in the third quarter of the year. By September, Zambia's external debt was US\$12.91 billion. Inflation rocketed and, after the elections, the Zambian kwacha appreciated.

## FREEDOM OF EXPRESSION

### POLITICAL OPPONENTS

The authorities continued to crack down on the right to freedom of expression and

suppress the human rights of perceived political opponents. In April, PF supporters publicly called for the arrest of Sishuwa Sishuwa, a University of Zambia academic, on sedition charges. The calls came after he published an article in online newspaper News Diggers about the possibility of public unrest during the August elections. Later that month, the university announced erroneously that he was not one of their employees.

The state weaponized criminal defamation laws to intimidate and silence government critics. In January, brothers Victor and Nicholas Sankisa from the Western Province were arrested for allegedly using insulting language against the president. The same charges were brought against Chilufya Tayali, a leader of the Economic and Equity Party, in May after he posted a video accusing the president of encouraging turmoil ahead of the elections.

Fred Manyaa and Steven Phiri were sentenced in April to a three and a one-year prison sentence, respectively, with hard labour, for insulting then President Lungu. Their convictions related to incidents in March 2018 and March 2019, respectively.

In March, the president enacted the Cyber Crimes and Cyber Security Act. It was widely criticized for containing provisions which may be used to target government critics, suppressing the right to freedom of expression, and allowing the policing of cyberspace. In April, five civil society organizations petitioned the Constitutional Court, arguing that the law violated the human rights guaranteed under the constitution.

The Permanent Secretary at the Ministry of Information and Broadcasting Services threatened to close down the internet ahead of polling day. On election day, there was a partial shutdown and social media apps like Twitter, Facebook, Instagram and WhatsApp were disrupted. Civil society organizations challenged the move and the high court ordered the restoration of internet services on 13 August.

## **JOURNALISTS AND MEDIA**

The authorities continued to attack, intimidate and harass radio broadcasters that hosted opposition figures, in some cases damaging their property. In February, PF cadres attempted to disrupt a Liberty Radio programme which featured Harry Kalaba, the leader of the Democratic Party, causing damage to property. In the same month, they disrupted a live Radio Luswepo programme which was hosting Harry Kalaba, again damaging the studio's property. In March, they fired tear gas into the Radio Chete studio in Nakonde for airing a programme which featured the UPND provincial chairman. In June, unidentified people set fire to Kalungwishi radio station in Chiengi district in the early hours of the morning.

The authorities continued to try and close leading private media outlets by using the Independent Broadcasting Authority (IBA) to intimidate, harass and threaten them with closure for hosting discussions with opposition political parties, saying it was "unprofessional conduct". The IBA issued several warnings against Muvi TV and in May it was given a final warning.

In May, journalists Francis Mwiinga and Nancy Malwele, who covered PF intra-party factional disputes, were injured in an attack by PF supporters, who also seized their equipment. In July, UPND cadres attacked journalist Victor Mwila, from Ikelen'gi district. The authorities later replaced the equipment that had been taken from him by his attackers.

In August, the IBA granted Prime Television an operating licence, 16 months after withdrawing it on "public interest" grounds.

## **FREEDOM OF ASSEMBLY**

Former police officer Jeyson Musonda was arrested on 2 June for staging a one-man demonstration against the Inspector General of Police and his use of police officers to abuse people.

The police threatened to arrest Brian Sampa, president of the Resident Doctors Association of Zambia (RDAZ), after he convened a meeting on 19 May calling for

strike action over poor working conditions and arrears in the payment of doctors' salaries and allowances. On 30 May, when the strike began, police arrested Chikonde Mukula, Secretary General of RDAZ, and charged him with espionage. The charges were later dropped after civil society activists intervened. In June, Brian Sampa was sacked from a government post by the Ministry of Health, for inciting doctors to participate in a week-long go-slow. In the same month, the Police Inspector General threatened to arrest anyone attending Zoom meetings, under the newly enacted cyber crimes law.

Tensions escalated ahead of the elections, with violence by both PF and UPND cadres. Police used live ammunition and tear gas on 5 June in the Copperbelt Province to disperse unarmed UPND supporters who were escorting the party leader Hakainde Hichilema's convoy. On 15 June, the Electoral Commission of Zambia suspended electoral campaigns for 14 days in the Lusaka, Mpulungu, Nakonde and Namwala districts.

In July, a Socialist Party council candidate was murdered by unidentified people who then set fire to his body. Later that month, two PF youths were murdered in Kanyama township by suspected UPND supporters. Following their deaths, President Lungu deployed the army, air force and national service to assist police with law and order in the election run-up. On election day, the PF Provincial Chairperson for the North West Province, Jackson Kung'u, was murdered. His killers were suspected to be UPND cadres. Several other people, accused of trying to rig the election in Solwezi, were manhandled and injured.

## **UNLAWFUL KILLINGS AND IMPUNITY**

In February, police constable Fanwell Nyundu was arrested on two counts of murder and went on trial in November. The charges related to the December 2020 killing of two unarmed protesters after police opened fire on UPND supporters who had

gathered in solidarity with Hakainde Hichilema in the capital, Lusaka.

In June, the coroner found that the police were responsible for the unlawful killing of 14-year-old Frank Mugala when he was on his way home from school in Lusaka in February 2020. Although the court ordered action to be taken against the accused, no one had been arrested at the end of the year.

## RIGHT TO HEALTH

The Zambia Medical Association disclosed that 16 doctors died of Covid-19 between January and March. Zambia faced difficulties in receiving Covid-19 vaccines due to a global shortage, delaying the vaccination programme which eventually began on 14 April after the country received 228,000 doses. Frontline health workers were prioritized for vaccination. The second batch of vaccines did not arrive until July during the pandemic's third wave.

## DISCRIMINATION

### PERSONS WITH ALBINISM

Persons with albinism continued to be subjected to violent attacks and mutilation due to superstitious misconceptions about albinism. In June, organized criminals posing as police officers attacked a home in the Senga district, mutilating a two-year-old child. In July, a nine-year-old boy from Chasefu district had his finger chopped off by a relative and another man. One of the men fled and the other was arrested and detained awaiting trial.

## SEXUAL AND GENDER-BASED VIOLENCE

According to a report by the Zambia Police Service, there were 4,000 cases of gender-based violence reported in the first half of the year, of which 804 were sexual offences. Of those, 590 were committed against girls and there were 576 cases of "defilement", 571 of which were against girls and five against boys.

In what appeared to be a politically motivated case, a woman was raped on a bus going to Kafue by unidentified men who claimed to be punishing the PF government.

# ZIMBABWE

## Republic of Zimbabwe

Head of state and government: **Emmerson Dambudzo Mnangagwa**

**The human rights situation continued to deteriorate, with the government demonstrating hostility to human rights defenders, protesters, political activists and journalists. They were harassed, arrested, prosecuted and subjected to prolonged pretrial detention; one activist was killed allegedly by supporters of ZANU-PF, the ruling party. The state weaponized Covid-19 lockdowns to restrict political activity. Security forces carried out unlawful killings. The Supreme Court quashed a 20-year prison sentence against two opposition supporters. Thousands were forcibly evicted from their land. Public hospitals remained underfunded and poor healthcare infrastructure put women's and girls' health at risk. Many people were at risk of becoming stateless.**

## BACKGROUND

The government enacted two constitutional amendments which were heavily criticized for undermining the judiciary's independence. In April, parliament passed Constitution Amendment 1 of 2017 allowing the president to appoint the Chief Justice, Deputy Chief Justice and High Court Judge President without open selection processes. In May, it passed Amendment 2 enabling the president to appoint sitting judges to vacancies in the higher courts, without open selection processes.

The cost of living increased and the government failed to meet its target to provide 1 million people with social protection and discontinued its Covid-19 social welfare package during the third wave from June to August.

## FREEDOM OF EXPRESSION

The authorities were increasingly hostile towards people who expressed dissenting

views. In October, Spenser Chiteera, a police officer in Mount Darwin, underwent disciplinary action for his online endorsing of Nelson Chamisa, president of the opposition Movement for Democratic Change–Alliance (MDC-A), with the campaign slogan “*Ngaapinde Hake Mukomana*” (“let the lad lead”).

In the same month, police arrested Maxwell Guvava, also a police officer, for insulting or undermining the president’s authority after he told ZANU-PF supporters that “the country is rotten” (“nyika yaora”).

In August, the Cybersecurity and Data Protection Bill was reintroduced to parliament after errors were identified in its text. The Bill was substantively different from the gazetted version which had been presented to citizens during public hearings; the government was criticized for disregarding the public consultation process in formulating the legislation.

#### **JOURNALISTS AND MEDIA WORKERS**

At least 15 journalists were detained, arrested or assaulted by security forces while carrying out their work. In January, Michael Magoronga was arrested in Kwekwe for using an expired accreditation card issued by the Zimbabwe Media Commission. Samuel Takawira of 263Chat online media forum was assaulted in April by anti-riot police while he was covering the sentencing at the Magistrates Court of Makomborero Haruzivishe, an MDC-A youth activist (see below, Arbitrary arrests and detentions). Freelance journalist Jeffrey Moyo was arrested on 26 May for violating the Immigration Act by helping two *New York Times* journalists to obtain media accreditations. He was denied bail but released on 15 June. In September, nine journalists were arrested for covering an MDC-A demonstration at the Zimbabwe Electoral Commission offices. Following legal intervention, they were released without charge.

Also in September, Gilbert Munetsi was arrested and detained for violating a Covid-19 curfew when he was on his way home from work. He was released the next day after his

lawyer intervened. The same month, two journalists were detained when they were covering the MDC-A anniversary commemorations in Bulawayo.

Eight community radio stations were granted operating licences in September.

#### **ARBITRARY ARRESTS AND DETENTIONS**

The authorities curtailed the right to protest by weaponizing Covid-19 regulations to target political activists, human rights defenders and other people holding dissenting views.

On 2 February, MDC-A activists Cecilia Chimбири and Joana Mamombe were arrested and detained at Chikurubi Maximum Security Prison, accused of undermining police authority during a national lockdown under Section 11 of Statutory Instrument 83 of 2020. They were granted bail on 8 February.

Makomborero Haruzivishe was arrested on 17 February after plain-clothed men shot at him. He was accused of inciting public violence for blowing a whistle during a protest in February 2020 outside the Zimbabwe Electoral Commission in the capital, Harare. In April, he was sentenced to 36 months in prison of which 16 were suspended. He appealed against the sentence and in July was given bail, which was promptly revoked by a magistrate who ordered that he remain in detention pending other charges against him. After Joana Mamombe and Cecilia Chimбири addressed a press conference in solidarity with him, they were re-arrested on 6 March. They were arrested at a police station where they had gone as part of their bail reporting conditions and accused of violating Covid-19 regulations. They were denied bail but released on 5 May.

In March, police raided the house of civil society activist Prosper Tiringindi in Masvingo in search of evidence of his involvement in spraying graffiti messages calling for a reversal of the 500% increase in inflation. He was arrested and later released without charge. On 6 April, four armed security agents raided his house again in search of him.

Nine Masvingo Residents Forum members were arrested on 23 April for protesting about the two-month water shortage affecting Masvingo. They were charged under Section 37 of the Criminal Law Codification with participating in an unlawful gathering with the intent to promote public violence and acquitted on 24 September.

Alice Kuvheya, director of Chitrest, a residents' trust, was arrested on 14 June and charged with "inciting participation in a gathering with intent to promote public violence" and "incitement to commit public violence", after she had accused the local authority of colluding with the police to evict informal traders. Shortly before this, she had won a court case which blocked the demolition of premises belonging to informal traders. A court dismissed the charges on 28 June and in November, respectively.

Forty war veterans, arrested on 26 October in Harare for protesting about meagre monthly pensions of less than US\$100, were charged with breaching the peace. They were released on bail four days later.

## **FREEDOM OF ASSOCIATION**

On 30 June, the Provincial Development Coordinator for Harare metropolitan province issued a directive requiring NGOs to submit work plans prior to carrying out activities in Harare. On 3 August, the High Court ruled that the directive was unconstitutional.

On 5 November, an amendment to the Private Voluntary Organizations Act regulations was published in the official gazette, allowing for the closure of organizations suspected of funding or campaigning for politicians during elections.

After the Covid-19 restrictions were lifted in September, Nelson Chamisa (see above, Freedom of expression) began his meet-the-people tour in October. In Masvingo province and other places, ZANU-PF supporters disrupted the tour, damaging vehicles and beating villagers who came out to support him. They forced his supporters, including older people, to publicly denounce him. On 20 October, his car was shot at in Manicaland province.

## **UNLAWFUL KILLINGS**

On 16 January, six soldiers shot at four villagers on the outskirts of Gweru, killing one and injuring others after the locals confronted them for assaulting villagers during a search for copper cable thieves. The six soldiers were arrested, charged with murder and remanded on bail pending trial.

MDC-A supporter Nyasha Mawere died in November after being beaten in Gutu by suspected ZANU-PF supporters in October. His wife and other relatives were charged with defamation after they accused ZANU-PF members of being responsible. No one was arrested for the killing.

## **RIGHT TO A FAIR TRIAL**

On 4 June the Supreme Court acquitted and ordered the immediate release of two MDC-A supporters Last Tamai Maengahama and Tungamirai Madzokere from Chikurubi Maximum Security Prison. They had been sentenced to 20 years in prison in 2016 for the murder of a Zimbabwe Republic Police officer.

## **RIGHT TO HOUSING**

Thousands were made homeless as a result of the authorities' demolitions of homes built on what the government termed "illegal settlements".

In rural areas many communities were threatened with forced eviction or evicted for resisting "economic investment" initiatives. For example, thousands of villagers were driven off their land in Chisumbanje in Manicaland province and their crops destroyed to make way for a fuel company to expand its sugar cane plantation.

In March, the government published Statutory Instrument 72A of 2021, withdrawing its plans for the imminent evictions of 12,000 residents from their land in Chilonga to make way for a company to produce lucerne grass (alfalfa). It was introduced one day before the High Court was due to hear the community's challenge to the evictions. The government submitted opposing papers to the court acknowledging it had not properly consulted with the

community and that it would not carry out evictions until it had found ways to compensate them and provide them with alternative land.

## **RIGHT TO HEALTH**

In January, the Zimbabwe chapter of the Media Institute of Southern Africa took the government to court over its failure to disseminate comprehensive Covid-19 information on private and public testing, isolation measures and treatment.

The vaccine shortage arising from the global shortfall continued. Although 35,000 Covaxin doses were donated by India, ongoing shortages prevented some people from receiving a second jab. In June, as the third wave began, the authorities wrote to Afreximbank, refusing receipt of three million doses of Johnson and Johnson vaccines, citing concerns about possible side effects and storage problems. Meanwhile, the authorities implemented a home-based care policy arguing that the majority of people with Covid-19 did not require hospitalization. Consequently, public hospitals turned away people with Covid-19 symptoms and treatment was increasingly privatized. Private hospitals charged between US\$2,000 and US\$5,000 for necessary care, an average of US\$3,500 for each admission, far above the average monthly income of US\$130-US\$300.

By August, 78 health workers had died after contracting Covid-19. In September, the government instituted a “Jabs for Jobs” policy. A month later, it issued a circular barring unvaccinated government workers from reporting to their place of work. They could face disciplinary action and no pay if they flouted the directive.

## **WOMEN'S AND GIRLS' RIGHTS**

In March, the government announced that in the first two months of the year, 4,959 girls had become pregnant, and that at least 1,774 girls got married before they reached 18. In July, a 14-year-old girl died after she gave birth at a church shrine in Manicaland province. Following a public outcry, her husband and father were arrested and

charged with rape and obstructing justice, respectively.

Pregnant women and girls remained at risk of life-changing childbirth-related injuries, including obstetric fistula, as many avoided public healthcare facilities in favour of home deliveries, due to inadequate health infrastructure, cultural practices and high hospital costs.

## **RIGHT TO A NATIONALITY**

Hundreds of thousands of Zimbabweans were at risk of becoming stateless. They waited months to receive national registration documents from the Registrar General's Office, due to a huge backlog of applications.

# AMNESTY INTERNATIONAL

## REPORT 2021/22

### THE STATE OF THE WORLD'S HUMAN RIGHTS

From a human rights perspective, 2021 was largely a story of betrayal and hypocrisy in the corridors of power. Promises to “build back better” after the Covid-19 pandemic were little more than lip service, with some governments even redoubling their exploitation of the pandemic to bolster their own positions.

Hopes of global cooperation withered in the face of vaccine hoarding, reluctance to confront climate change and narrow self-interest. Promises of economic recovery were undercut by lacklustre debt relief and entrenched income inequality. Advances in science and technology were undermined by corporate greed and governments’ complicity or exploited to stifle dissent and keep refugees and migrants from crossing borders.

But hopes for a better post-pandemic world were kept alive by courageous individuals, social movements and civil society organizations. Their efforts and limited hard-won victories should prompt governments to live up to their promises.

The Amnesty International Report 2021/22 highlights the impact of these dynamics at a global, regional, and national level, covering the human rights situation in 154 countries in 2021. It presents Amnesty International’s documented concerns and recommendations for governments and others. It is essential reading for policy makers, advocates, activists and anyone with an interest in human rights.

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