



## HUMAN RIGHTS TRENDS

Under strict embargo for Wednesday 22 May 2013 at 23.01 GMT

### AFRICA

**Armed conflict** escalated across much of the continent, including in the Democratic Republic of the Congo, Mali and Sudan. The civilian population bore the brunt of the violence and thousands were displaced. Gross human rights abuses were committed by myriad armed groups and security forces.

People were also displaced en masse by **communal violence** in Kenya, Nigeria and South Sudan. In Côte d'Ivoire an estimated 13,000 people were displaced by violent incidents in villages along the Liberian border.

**Human rights abuses by Islamist armed groups** continued in Somalia and Nigeria. Violations were also committed by security and intelligence agencies in the name of 'counter-terrorism'. In Niger several people accused of being members of al-Qa'ida in the Islamic Maghreb were ill-treated in an attempt to extract confessions.

The **use of child soldiers** was documented in Somalia, Mali, the Democratic Republic of the Congo and Chad.

**Discrimination** against people because of their real or perceived sexual orientation or gender identity worsened across much of the continent. Cameroon saw an increase in the number and frequency of arrests for 'homosexuality' and in Uganda there were fresh attempts to pass a controversial bill aiming to significantly increase the penalties associated with same-sex sexual conduct. Women in areas of armed conflict were subjected to high levels of sexual violence. Xenophobic attacks against refugees and migrants occurred in Kenya and South Africa.

There were marked incidents of **police brutality** throughout the year. In South Africa, police authorities deployed units armed with assault rifles and live ammunition to crush a strike by miners at the LONMIN Marikana platinum mine. Thirty-four miners were killed. At least six people were killed by security forces during pre-election unrest in Senegal.

Many governments continued their **assault on freedom of expression**. In countries such as Ethiopia, Rwanda and Sudan human rights activists experienced increased surveillance. In the Gambia, Nigeria and South Sudan journalists were harassed, intimidated and imprisoned. Eighteen journalists were killed in Somalia.

The **death penalty** was imposed in several countries but applied only in a few. In a worrying move, the Gambia carried out its first executions in 30 years.

The **use of torture by police and security forces** remained widespread with cases reported in Guinea, Ethiopia, Nigeria, Senegal and Zimbabwe amongst others. **Arbitrary arrests** were also common in most countries. In Côte d'Ivoire more than 200 people suspected of threatening state security were illegally detained.



## ASIA-PACIFIC

In countries across the Asia-Pacific, brutal state oppression cracked down on **freedom of expression** – both on the streets and online. People were routinely harassed, attacked, jailed and killed for daring to challenge the authorities. Viet Nam locked up more than 20 peaceful dissidents, while the Cambodian security forces gunned down people peacefully protesting against forced evictions. In Sri Lanka, journalists were harassed, violently attacked or “disappeared” for criticizing the authorities. In China, people protesting against mass forced evictions risked detention, imprisonment or being sent to re-education through labour camps; the country’s leadership transition in November was marked by a wide crackdown on activists, with at least 130 people detained or otherwise restricted to stifle criticism and protests. Protests in Maldives against the resignation of Prime Minister Mohammad Nasheed were met with violent repression by the security forces. Law enforcement authorities in South Korea used vaguely worded clauses of the National Security Law to detain people and to control online debate on North Korea. And in Indonesia, the authorities continued to use ill-defined legislation to criminalize peaceful political activists – at least 70 people from Papua and Maluku were imprisoned for peacefully expressing their views.

Despite having committed no crime, many thousands of people held in **political prison camps** in North Korea were subjected to harsh conditions including forced labour, torture and other ill-treatment and extrajudicial execution.

Millions of **refugees, displaced people and migrants** – as a result of conflict, natural disasters or for economic reasons – continued to suffer. In Afghanistan, some 500,000 people remained internally displaced by the end of the year – many living in desperate conditions in camps without access to adequate supplies. During the bitter cold 2011/2012 winter, scores died in camps from cold or illness. In Myanmar, hundreds of thousands were displaced by armed conflict or Muslim-Buddhist communal violence, sparking concerns about their access to humanitarian aid. Thailand indicated that the 146,900 Myanmar refugees living there could be returned within a year, despite the risks they still face in their home country. Tens of millions of internal migrants in China continue to suffer hardships in the cities they move to, where they are often denied the legal protection and the access to services that other workers enjoy. In Australia legislation was passed reintroducing offshore processing of asylum-seekers. By the end of the year, Australia was detaining more than 300 asylum-seekers on Nauru island and in Manus Island, Papua New Guinea.

**Impunity** was still the norm for perpetrators of human rights abuses – historic and recent – who continued to walk free in 2012. There has still not been an internationally led independent and impartial investigation into Sri Lanka’s bloody civil war, when tens of thousands of people are thought to have been killed by government forces and the Tamil Tigers. In Indonesia, victims of past human rights violations in Papua, Aceh, Timor-Leste before its independence and elsewhere were by and large still waiting for truth, justice and reparation, with a clear lack of political will from the government to address this. In Pakistan, enforced disappearances continued at an alarming rate, in particular in the poor and volatile Balochistan province and the Tribal Areas, for which hardly anyone has been held to account.

**Armed conflict** continued to blight the lives of tens of thousands of people in the region, with civilians suffering injury, death and displacement as a result of suicide attacks, indiscriminate bombings, aerial assaults or targeted killings. Civilian deaths in the Afghanistan conflict reached record highs in 2012. In Pakistan the Armed Forces and armed groups continued to perpetrate abuses in the tribal areas and Balochistan province, including enforced disappearances, abductions, torture and unlawful killings. Religious minorities, like the Shi’a Hazara, were targeted by a wave of brutal killings by armed groups and suffered persecution after religious leaders incited violence against them. In Myanmar, armed conflict intensified in Kachin state by the end of the year, with concerns about severe human rights violations committed by the armed forces. In Thailand, civilians remained at risk of attacks that resulted in deaths and injuries in the southernmost provinces. Government teachers and schools were targeted for attacks, resulting in school closure during the latter part of the year.



**Women and girls were still being denied fundamental rights**, spotlighted by the Pakistani Taliban's shocking attack on 14-year-old Malala Yousufzai in September. In Afghanistan and Pakistan, many women and girls continued to be barred from public life, and in some cases subjected to execution-style killings by the Taliban. Public outcry at the gang-rape and subsequent death of a student in India highlighted the state's persistent failure to curb violence against women and girls. And in Papua New Guinea such violence, although pervasive, went largely unpunished with no adequate law to address domestic violence. In Indonesia, women and girls continued to face legal barriers to exercising their sexual and reproductive rights, and for a third successive year parliament failed to debate and enact a domestic workers law. Progress for women's rights, however, was recorded in the Philippines which passed a new Reproductive Health Law after 10 years of lobbying by activists. The implementation of the law, however, has stalled as the Supreme Court reviews its constitutionality.

Asia-Pacific countries saw a number of developments on the **death penalty** in 2012. Japan, Pakistan, Afghanistan and India all resumed executions after in some cases relatively long periods – in India's case it was eight years since the last execution, and 2013 has already put another person to death. But there were also positive developments in line with the worldwide trend of moving towards abolition of the death penalty. Singapore and Malaysia made efforts to remove mandatory death sentences, while Viet Nam did not execute anyone for the first time in decades.

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## AMERICAS

The Americas saw progress in **the fight against impunity** in 2012. The widespread human rights violations of the past, and the failure to hold those responsible to account, have cast a long shadow over many countries in the region. However, key prosecutions in Argentina, Brazil, Guatemala and Uruguay marked further important advances in the quest for justice for violations committed during past military governments. Nevertheless, for some, the struggle for meaningful access to justice continued. In Haiti, proceedings against former President *for life* Jean-Claude Duvalier remained stalled in the courts. In the USA, little progress was made in holding to account those responsible for abuses committed as part of the CIA's programme of secret detentions during the Bush administration.

The **Inter-American Human Rights System**, and in particular the Inter-American Human Rights Commission continued under attack from a number of governments in the region in response to its work on human rights protection. Venezuela went so far as to announce its withdrawal from the American Convention on Human Rights, thereby initiating its withdrawal from the Inter-American Court. However, at the end of the reform process which threatened to weaken the system, a key General Assembly of the Organization of American States (OAS) backed the work of the Inter-American Commission of Human Rights and the inter-American system as a whole.

There was slow but constant progress in ending the use of the **death penalty** in the Americas. In the USA – the only country in the region that continued to execute people – Connecticut became the 17th state to abolish the death penalty, followed by Maryland in early May 2013. Countries in the English-speaking Caribbean continued to impose death sentences, but did not carry out any executions.

**Indigenous Peoples** continued the struggle for their rights as social conflict over natural resources, the right to land and the right to consultation continued and, for many communities, attacks on their rights intensified. However, recognition of the rights of Indigenous Peoples received a boost as court rulings reaffirmed their right to free, prior and informed consent to development projects affecting them. In June, for example, the Inter-American Court of Human Rights issued a landmark ruling in favour of the Kichwa Indigenous People of Sarayaku and found Ecuador guilty of violating their rights.

Mass demonstrations took place against government proposals on, among others, reforms to the education system and labour rights, with many ending in clashes with the police. In such contexts of **social conflict**, human rights violations took place. Allegations of **arbitrary detention, torture and other ill-treatment** including sexual violence and excessive use of force by the security forces were reported in the aftermath of some of these protests.

**Violence against women and girls** remained a serious concern, as was respect for their **sexual and reproductive rights**. Measures to prevent and punish gender-based violence were nonexistent or ineffective. Uruguay granted access to legal abortion to all women during the first 12 weeks of pregnancy and Argentina's Supreme Court confirmed that women and girls pregnant as a result of rape should have access to safe abortion without the need for judicial authorization. However, millions of women in the region were blocked from the right to make free and informed decisions about having children. In countries such as Chile, El Salvador, Nicaragua and the Dominican Republic, women and girls pregnant as a result of rape or for whom continued pregnancy posed a threat to their health or life, continued to be denied access to safe, legal abortions. The impact of this denial of human rights was particularly acute for young girls and women from disadvantaged groups.



**Attacks on journalists and human rights defenders** continued unabated in many countries in the Americas. Journalists continued to play a vital role in exposing human rights violations, often at great personal cost. Some faced direct repression from the government, while in other countries they were targeted by armed gangs and criminal networks. Again and again, human rights defenders, often living in precarious and difficult situations, continued to face down attempts to silence them through vilification, misuse of the courts and violence. Through their actions they showed just how strong and deep-rooted the human rights movement has become, and the hope that it inspires in millions throughout the region.

**Day-to-day criminal violence and insecurity** resulted in suffering and human rights abuses in many countries across the Americas. Grave flaws in criminal justice and the public security sector enabled criminal gangs, often operating in collusion with state agents, to operate with impunity. Police and security forces also committed human rights violations, such as arbitrary detention, torture and enforced disappearances, against criminal suspects. In Mexico, thousands of migrants transiting to the US border continued to face constant attacks by criminal gangs. Impunity for these crimes remained the norm.

**Torture and other cruel, inhuman and degrading treatment** continued to be used, particularly by the police when detaining suspects. Cruel, inhuman and degrading treatment in prisons and detention centres remained a concern. There were reports of overcrowding, including of those in pre-trial detention, as well as killings and ill-treatment in custody.

The ongoing peace process between the government and the Revolutionary Armed Forces of Colombia (FARC) offered hope that **the long-running Colombian armed conflict** could finally come to an end. However, a lasting peace will not be possible without a firm commitment from both sides to respect human rights and international humanitarian law, and assurances from the government that all those responsible for human rights abuses and violations will be brought to justice. In this respect, several legislative initiatives supported by the government – including the proposal to strengthen the military justice system's role in investigating suspected violations of human rights and international humanitarian law – threatened to undermine the fight against impunity.



## EUROPE & CENTRAL ASIA

**Attacks on freedom of expression, peaceful assembly and association**, including attacks, harassment and prosecution of **human rights defenders**, continued in many of the republics of the former Soviet Union. In Belarus, Russia and Tajikistan, authorities applied repressive legislation to close or undermine the work of critical non-governmental organizations (NGOs) and to prosecute civil society activists. In Russia new legislation was introduced requiring all NGOs receiving foreign funding and ostensibly engaged in political activities to register as a “foreign agent” in a move clearly intended to smear the work of independent NGOs working on issues such as human rights violations, corruption and abuse of the electoral system. Azerbaijan amended its legislation to increase the punishment for participating in “unauthorized” or “banned” protests, and considered further legislation that will provide for harsher criminal defamation penalties. Kazakhstan used allegations of “extremism” as a pretext to muzzle freedom of the press. Turkey continued to use anti-terrorism laws to prosecute legitimate dissent, attendance at demonstrations and association with recognized political groups.

**Restrictive migration control** policies and practices in several European Union (EU) countries exposed migrants to detention, refoulement, push-backs to the countries they entered and other human rights violations. Governments focused on strengthening border control and signing new bilateral agreements with countries of origin and transit, despite knowledge of their poor human rights records. People fleeing armed conflict, such as the one in Syria, take ever more dangerous routes in their attempt to find their way to a “safe haven” in Europe. Greece, in particular, failed to guarantee basic shelter and security for refugees. Asylum-seekers faced severe obstacles in applying for asylum and increasingly risked detention in inhuman conditions – or violence at the hands of xenophobic vigilante groups.

Across Europe, **discrimination against ethnic minorities** such as the Roma continued apace. Roma across Europe remained vulnerable to forced evictions (Italy, Slovenia, France, Romania and Serbia) – driving them further into poverty and segregation. Romani children continued to be placed in substandard classes or schools, including in the Czech Republic and Slovakia. Violent attacks against Roma continued to be widely reported. The European Commission has taken no action against states that violate the human rights of Roma, despite having legal competence to pursue infringement procedures under the race equality directive.

**Discrimination against lesbian, gay, bisexual, transgender and intersex (LGBTI)** people also continued, with Russia and Ukraine planning to outlaw the “propaganda of homosexuality among minors” – restricting the rights to freedom of expression and peaceful assembly.

The EU adopted a comprehensive **human rights framework for external relations** and an action plan. If properly implemented, this could lend increased coherence and balance to the EU's action on human rights around the world. However, the adoption of this package highlighted the problematic lack of internal human rights mechanisms and effective peer review within the EU itself.

**Counter-terror and security:** In Italy, two former top intelligence officials and three agents were convicted and imprisoned for the kidnapping of Egyptian national Abu Omar in 2003 before the CIA unlawfully transferred him to Egypt, where he was held in secret and allegedly tortured. Three former US CIA officials were also convicted for his kidnapping, but in April 2013 the Italian President pardoned a US Air Force officer who had been convicted in his case. In a separate case, the European Court of Human Rights ruled that the former Yugoslav Republic of Macedonia was responsible for the unlawful detention, enforced disappearance, torture and other ill-treatment of German national Khaled El-Masri in early 2004.



The European Parliament finally followed up on its calls for **accountability** in EU member states overwhelmingly, by adopting a strong report giving fresh impetus to the search for justice and accountability for human rights violations committed in the context of the CIA renditions programme.

Russia and Ukraine **returned individuals to** Central Asian Republics in which they face **a real risk of torture** – ignoring European Court of Human Rights rulings blocking the practice. Torture and ill-treatment remained widespread across Central Asia, where impunity for human rights violations remained the norm.

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## MIDDLE EAST & NORTH AFRICA

**Armed conflict and crisis** again took a heavy toll on the region. The brutal conflict in Syria has ravaged the country, leaving more than 70,000 dead since 2011, according to UN figures. Forces and militias loyal to the government continue to carry out indiscriminate and targeted attacks on civilians. Arbitrary detention, enforced disappearances and torture remain rife in detention centres. Some opposition groups continued to hold hostages and carry out summary killings, including of civilians, based on their nationality, political views or sectarian identity. Meanwhile, an international stalemate drags on, preventing meaningful action such as the referral of the situation to the International Criminal Court. In Iraq escalating violence has given rise to fears of renewed internal conflict. Deadly clashes between Sunni Arab armed groups and security forces are on the increase following protests in predominantly Sunni Arab areas against perceived discrimination by the Shi'a dominant government and abuse of detainees. Parts of Yemen also continued to be marred by violence between government forces and armed groups. The Israeli government continued policies of collective punishment in the Occupied Palestinian Territories, including its blockade of the Gaza Strip and restrictions on Palestinian movement in the West Bank, where it is expanding illegal settlements. In November 2012, Israel launched an eight-day military campaign against Palestinian armed groups that fire indiscriminate rockets from Gaza into Israel; six Israelis and more than 160 Palestinians were killed during the conflict, the majority of them civilians.

**Freedom of expression and assembly:** Greater space for media and civil society was achieved in countries where long-standing leaders were ousted during the 2010-11 uprisings but new governments have reneged on promises. In Egypt, dozens of opposition activists have been arrested on trumped-up or politically motivated charges, and journalists, broadcasters and bloggers have faced questioning for criticizing the authorities or "defaming" religion. In Tunisia, Ben Ali era laws have been used on several occasions to charge artists, bloggers and journalists with "insulting religion" and "disrupting public order" in increasing attacks on freedom of expression. Protests have continued in Egypt as the new authorities reprised repressive tactics and Tunisians have been shaken to the core after the killing of leftist opposition leader Chokri Belaid. In Libya, the authorities have recently passed legislation placing undue restrictions on the right to peaceful assembly. Elsewhere in the region, human rights and political activists continue to face arrest, detention and, in some cases torture or other ill-treatment. In Bahrain, while the authorities have trumpeted reform, they have continued to imprison prisoners of conscience, including leading members of the opposition and human rights activists. In Iran there is concern that existing repression of dissidents and journalists will be tightened in the run-up to the presidential election scheduled for June. Other places where authorities have clamped down on human rights defenders, political activists or journalists include Saudi Arabia, where unrest continues in the predominantly Shi'a Eastern Province, the Occupied Palestinian Territories (by Israel, the Palestinian Authority and Hamas), the United Arab Emirates and Morocco. New laws in Algeria and Jordan have tightened controls on the media. Many countries in the region are seeking to stifle civil society through restrictive NGO laws and control over funding.

**Torture or other ill-treatment** remained endemic in Libya and Egypt, in a climate of total impunity. In Yemen, protesters, particularly in the south, have been subjected to excessive use of force and torture or other ill-treatment in detention.





The Syrian conflict has forced more than 1.4 million **refugees** to flee the country and some 4 million are **internally displaced**. This increasing humanitarian crisis has put huge strain on neighbouring countries. **Migrant workers** who have flocked to Gulf states to escape poverty have encountered appalling working conditions and so-called sponsorship systems that often leave them trapped in a cycle of exploitation. In Libya, the authorities have failed to find a durable solution for entire communities displaced by the conflict, such as the Tawargha and Mashashya, who continue to live in poorly resourced camps and are still unable to return to their homes for fear of reprisals. **Migrants, refugees and asylum-seekers** continue to face indefinite detention, torture and other ill-treatment, including at the hands of militias. Eritrean refugees and asylum-seekers kidnapped from refugee camps in eastern Sudan have been trafficked to Egypt's Sinai desert, where they are held captive by Bedouin criminal gangs while ransom payments are demanded from their families.

Women have been prominent among the protests across the region but there is little sign that the uprisings had achieved significant advances in **women's rights** or in denting the pervasive discrimination to which they are exposed in law and practice. Sexual attacks against women in Egypt and elsewhere have brought this starkly to attention.

The authorities in Iran, Iraq, Saudi Arabia and Yemen all continued to use the **death penalty** on an extensive scale – executions in those four countries accounted for 99 per cent of the regional total. In Morocco, Algeria, Tunisia, Jordan and Lebanon long-standing *de facto* moratoriums remained in place.

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