

**AMNESTY**

**INTERNATIONAL**

**REPORT 2022/23**

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



**AMNESTY  
INTERNATIONAL**



# AMNESTY INTERNATIONAL

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# 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

**COP27**

27th Conference of the Parties to the UN Framework Convention on Climate Change

**ECOWAS**

Economic Community of West African States

**Escazú Agreement**

Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean

**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 Freedoms

**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

**NATO**

North Atlantic Treaty Organization

**NDC**

Nationally determined contribution

**NGO**

Non-governmental organization

**OAS**

Organization of American States

**OCHA**

United Nations Office for the Co-ordination of Humanitarian Affairs

**OHCHR**

Office of the United Nations High Commissioner for Human Rights

**OSCE**

Organization for Security and Co-operation in Europe

**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**

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

**UN Special Rapporteur on torture**

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

**UN Special Rapporteur on violence against women**

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

For more than a decade, human rights organizations have warned that a persistent deterioration of respect for human rights and the rule of law was underway. Where does 2022 fit in that descent? Was it yet another disastrous year for human rights? Has the breakdown of international norms reached a new nadir? And if so, what must the global community do about it?

In February 2022, Russia invaded Ukraine, unleashing military destruction on a people and country at peace. Within months, civilian infrastructure had been destroyed, thousands killed and many more injured. Russia's action accelerated a global energy crisis and helped weaken food production and distribution systems, leading to a global food crisis that continues to affect poorer nations and racialized people disproportionately.

Less than a week after the invasion, the Chief Prosecutor of the ICC announced an investigation into war crimes committed in Ukraine. On 2 March, an overwhelming majority of countries at the UN General Assembly voted to condemn Russia's invasion as an act of aggression. Meanwhile, European countries that long had rejected refugees opened their borders to Ukrainians seeking safety.

Throughout 2022 international calls for justice and support to war crimes investigations were strident. Possibly riding this wave, at the General Assembly, UN member states adopted a resolution to counter the power of the veto at the UN Security Council, a major source of its systemic weakness.

Could Russia's aggression against Ukraine also act as a broader wake-up call? Could it work to unite the world around human rights and universal values?

## **MORE CONFLICTS, MORE DEADLY**

The war in Ethiopia raged on in 2022, claiming hundreds of thousands of lives by some estimates, making it one of the deadliest conflicts in recent memory. But much of this carnage was hidden from view, meted out in a largely invisible campaign of ethnic cleansing against Tigrayans in Western Tigray.

2022 was the deadliest year in a decade for Palestinians in the West Bank, with at least 151 people, including dozens of children, killed by Israeli forces, most in the context of more frequent military raids and arrest operations. The military of Myanmar systematically punished the country's Karen and Karenni civilians with the result that hundreds died and at least 150,000 were displaced. The people of Haiti, Mali, Venezuela, Yemen, and many other places too, were plagued by armed conflicts or systemic violence and associated human rights violations.

## **MORE CLIMATE CATASTROPHES, MORE OIL, LESS REMEDY**

The devastating costs of the unchecked climate crisis were made abundantly clear in 2022. Floods, droughts, heatwaves and fires led to deaths, loss of housing and livelihoods, and increasing food insecurity.

Yet, in the face of these disasters, when the world's leaders met for COP27 in Egypt, they failed to take the measures needed to keep the rise in global

temperature below the 1.5°C threshold. States further refused to tackle global warming's number one driver – the production and use of fossil fuels.

Global cooperation to stem this temperature rise was ineffective and negotiations failed to secure vital commitments to the phasing out of all fossil fuels. There was a breakthrough on funding for countries hit hardest by climate disasters: the establishment of the Loss and Damage fund is a ray of hope for people living on the frontlines of the climate crisis. However, the fund is far from operational and the annual USD 100 billion in climate-related funding, which wealthy countries have been promising to developing nations since 2009, has yet to be delivered.

Meanwhile, the six largest Western oil companies achieved record breaking pre-tax profits of over USD 200 billion in 2022. This extraordinary accumulation is not just a product of Russia's aggression against Ukraine driving up energy prices. It reflects the fossil fuel industry's knowing disregard for the damage their business has on the world's climate and the environment, and their recalcitrant approach to compensation and remedial action for that damage.

## **DOUBLE STANDARDS**

The Covid-19 pandemic, and now the Ukraine war, have exacerbated double standards. Wealthy nations hoarded Covid-19 vaccines and weakened multilateral redistribution systems, contributing to deepening inequality. In 2022, there was little evidence of that being reversed. Wealthy countries failed to take action to relieve developing countries of their crushing debt burdens.

Russian aggression against Ukraine is also a war against universal values, and the multilateral systems designed to uphold them. To win that war, the Western world cannot effectively condone similar aggression in other countries just because their interests are at stake. In fact, the double standards of the West were showcased by their deafening silences on human rights violations in Saudi Arabia and Egypt, and their inconsistent responses to the grave human rights impact of other conflicts, some amounting to crimes against humanity, and to the protection of refugees fleeing them.

In Israel and the Occupied Territories, 2022 saw the system of apartheid solidified. Successive Israeli governments rolled out measures forcing more Palestinians from their homes, expanding illegal settlements, and legalizing existing settlements and outposts across the occupied West Bank. Rather than demand an end to that system of oppression, many Western governments chose instead to attack those denouncing Israel's apartheid system. The EU's open doors for Ukrainian refugees fleeing Russian aggression remained closed to those fleeing war and repression in Afghanistan and Syria. Between September 2021 and May 2022, the USA expelled more than 25,000 Haitians and detained and subjected many to torture and other ill-treatment rooted in anti-Black racism.

Such examples confirmed to the rest of the world that the West's support for human rights is selective and self-interested, and undermined global support for Ukraine. Those double standards do not benefit Western power alone. China continued to evade international condemnation by the UNGA and the UNHRC despite massive human rights violations, amounting to crimes against humanity, against the Uighurs and other Muslim minorities.

## PROTECTING RIGHTS NATIONALLY

Any argument that the world's response to Russian aggression marks out a new era for a values-based international system and the rule of law is also weakened by the palpable deterioration in states' protection of human rights at home.

Indigenous peoples' rights were violated when states failed to protect them from corporate or state expropriation of their lands, in Brazil, Canada, Sweden, Tanzania, Viet Nam and elsewhere.

The USA's Supreme Court overturned a long-standing constitutional guarantee of abortion access, thereby threatening the exercise of critical rights, including the right to life, security and non-discrimination for millions of women, girls, and other people. In Afghanistan, the Taliban imposed draconian restrictions, denying women and girls the rights to education, work, and autonomy, while publicly proclaiming women's subservience to men. In Iran, the "morality police" murdered Mahsa Amini for wearing her headscarf the wrong way, sparking nationwide protests in which more women and girls were injured, detained or killed.

The erosion of our freedoms to protest and to express ourselves became, in 2022, a fully-fledged landslide. Russian media houses were taken to court and shut down for simply mentioning the war in Ukraine. Journalists were imprisoned in Afghanistan, Ethiopia, Myanmar, Russia and dozens of other countries across the world. Technology was weaponized against many, to silence, to prevent public assembly or to disinform. Peaceful protesters faced an ever-growing armoury of weapons; from batons, tear gas and rubber pellets, to live ammunition, as we saw in Iran, Peru and Sri Lanka. Corrosive legislation in the UK increased police power as it diminished the right to peaceful protest.

We've witnessed iconic acts of defiance, including Afghan women taking to the streets to protest Taliban rule and Iranian women posting videos of themselves cutting their hair in protest against the country's abusive and forced veiling laws. We can take some comfort in knowing that in the face of such repression thousands of people still came together to write letters, sign petitions, and take to the streets. It should be a reminder to those in power that our rights to demand change, and to come together freely and collectively, cannot be taken away.

## IN CONCLUSION

2022 may have been a turning point for the international order. It certainly saw a renewal of the Atlantic alliance, with a level of cooperation between the US and other Western powers that a year ago, in the wake of the chaotic 2021 Afghanistan withdrawal, would have been hard to imagine.

But there was no turning point on the human rights front. Rather, the descent continued unchecked. Russia's aggression served to further destabilize an international multilateral system already weakened by decades of powerful states flouting international law with impunity. The war diverted resources and attention away from the climate crisis, other long-standing conflicts and human suffering the world over.

The West's response to Russia's invasion of Ukraine also underscored its own double standards, and its inconsequential reactions to so many other

violations of the UN Charter. This in turn further fuelled instability and impunity.

If Russia's war of aggression demonstrates anything for the world's future, it is the importance of an effective and consistently applied rules-based international order. Those leading the coalition in support of Ukraine must step up their efforts, and partner with others, for a renewed commitment to an international system that benefits the majority of the world's population.

2023 marks the 75th anniversary of the Universal Declaration of Human Rights, a document created from the ashes of a world war. Let us not wait for the world to burn yet again to truly live by the freedoms and principles that came at the cost of millions of lives. 2023 must be a turning point for upholding human rights: anything less from the world's leaders is a betrayal which could take the world to the abyss.

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

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**REPORT 2022/23**

**GLOBAL ANALYSIS AND REGIONAL OVERVIEWS**



# GLOBAL ANALYSIS

The year 2022 saw new or renewed conflicts break out and protracted ones persist. On the ground, violations of international humanitarian law led to appalling human tragedies. International responses were inconsistent with regard to the severe human rights impact of different conflicts and the protection of people fleeing them, as well as other patterns of egregious violations, some amounting to crimes against humanity. They included heavy-handed repression of the freedoms of expression, association and peaceful assembly, including protests. Those defending human rights often bore the brunt of such repression.

Meanwhile, gender-based violence against women, girls and LGBTI people remained a global issue, despite some action to improve legislative protections, and there were some notable setbacks and progress on abortion rights. Although many countries began to emerge from the shadow of Covid-19, others continued to face its effects. Economic crises associated with the impact of the pandemic, as well as unsustainable debt, conflict and climate change, fuelled rocketing rises in the cost of living and food insecurity. The challenges disproportionately affected the most marginalized and led to rising inequality.

These themes emerged most strongly from Amnesty International's research on 156 countries in 2022 and are deeply interconnected. Repression of dissent facilitated the path to conflict. Armed conflict and coups in 2021 paved the way to clampdowns on civil society. Sexual violence against women and girls was a brutal feature of armed conflict. War, political crises, the rising cost of living, restrictions on the right to abortion, violence against women and discrimination were important drivers of protests. Within some of these patterns of violations, Amnesty International's research revealed evidence of the increasingly severe harms that arise from the business model of Big Tech and underscored the pressing need for bolder action to tackle the climate crisis and environmental degradation.

## **VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW AND RIGHTS OF PEOPLE ON THE MOVE**

Across the globe, new or renewed conflicts broke out and protracted ones persisted. Government forces and armed groups were responsible for violations of international humanitarian law and human rights abuses, in some cases amounting to war crimes and crimes against humanity.

In Europe, Russian forces invaded Ukraine in an act of aggression and, in its assault on the civilian population, committed extrajudicial executions and indiscriminate attacks, and targeted the country's energy infrastructure during winter. In Africa, government forces and armed groups fighting in Ethiopia, the Democratic Republic of the Congo (DRC) and the Sahel region, among other places, caused the deaths of thousands of civilians, some in mass killings. In the Middle East and North Africa, long-standing conflicts in Libya, Syria and Yemen, as well as the flare-up of armed hostilities between Israel and a Palestinian armed group in August, were characterized by indiscriminate air strikes or other unlawful attacks that killed and injured civilians. War crimes were also committed in Afghanistan, where the Taliban continued its campaign of reprisal killings against members of the former administration and security forces.

Sexual violence was perpetrated in conflicts in different regions, including as a weapon of war. In both the Central African Republic and South Sudan, dozens of women and girls

reported being raped in the context of clashes between government forces and armed groups or attacks by armed groups. In Ethiopia, Tigrayan forces perpetrated multiple incidents of conflict-related rape and other sexual violence. In Ukraine, in addition to reports of sexual violence by Russian forces, women faced other gender-specific threats as attacks on healthcare facilities contributed to greatly reduced maternal health services.

In positive moves, a majority of states in the UN General Assembly denounced Russia's aggression against Ukraine and the UN Human Rights Council moved swiftly to establish a commission of inquiry following that invasion. In the face of the UN Security Council's failure to act on many conflicts, the UN General Assembly raised the political cost of permanent members of the Security Council using their veto. It did so by adopting a resolution in April which required the General Assembly to meet automatically every time a veto is used in the Council.<sup>1</sup> The General Assembly subsequently met after Russia abused its veto power to block a Security Council resolution demanding the reversal of its decision in September to annex four partially occupied regions of Ukraine. The General Assembly condemned the move and deemed it invalid and illegal. However, Russia's self-serving action was not the only selective approach to violations in conflict situations.

Western states vocally backed efforts by the International Criminal Court (ICC) to investigate allegations of war crimes in Ukraine; some had not done so in various other situations. The UK in effect earmarked additional assistance to the ICC and the USA provided political support despite its own non-ratification of the Rome Statute and its opposition to investigations involving political allies such as Israel or their own nationals in Afghanistan and Iraq. As it marked its 20th anniversary, the ICC's actions begged the question of whether its principles applied equally to victims of crimes under international law in any situation or region. While it publicly promoted its absolutely vital large-scale investigation into the situation in Ukraine, it committed much fewer resources to other investigations, such as those into the situations in Nigeria and Palestine.<sup>2</sup> In another example of inconsistency, the UN Human Rights Council, while rightly forthright in its condemnation of violations in Ukraine, failed to meaningfully address the conflict in Yemen, leaving a huge accountability gap.

Some corporate actors facilitated violations in conflict situations, although action was taken by human rights defenders and organizations, as well as some governments, to confront their conduct. Amnesty International documented the role of businesses in importing and distributing aviation fuel that could be used in air strikes by the Myanmar military against civilians. Subsequently, some implicated companies announced that they were exiting or suspending business operations in Myanmar. Amnesty International also found that the algorithms and business practices of Meta (the owner of Facebook and Instagram) had substantially contributed to grave human rights violations during 2017 by amplifying anti-Rohingya content and enabling Myanmar military action against them.

Armed conflicts predictably produced large movements of refugees and internal displacement. The EU's welcome open-door policy towards Ukrainian refugees fleeing Russian aggression demonstrated that, as one of the richest blocs in the world, it was more than capable of receiving large numbers of people seeking protection and ensuring their access to key services, such as health, education and housing. However, the approach differed markedly from that taken towards people seeking protection from outside the region, highlighting deep racism and discrimination. At both land and sea borders, refugees and migrants were subjected to forcible, summary and sometimes violent returns, despite some of them experiencing torture and other violations in transit countries such as Libya. Many were left to die.

In the Middle East and North Africa, refugee protection was undermined. The Lebanese authorities scaled up so-called "voluntary returns" of Syrians. In the Americas, the lack of robust systems of international protection in many countries continued to leave unprotected

the sharply increasing number of people fleeing situations of armed violence and other crises. Between September 2021 and May 2022, the USA expelled more than 25,000 Haitians and subjected many to torture and other ill-treatment rooted in anti-Black racism.

**Parties to armed conflicts must respect international humanitarian law, investigate allegations of violations and prosecute suspected perpetrators. All other governments should consistently pressure them to do so and act to strengthen the implementation of UN Security Council Resolution 1325, which calls for special measures to protect women and girls from conflict-related sexual violence, as well as affirming the importance of women's full and equal participation in conflict resolution and peacebuilding. The ICC must ensure that funding for investigations is allocated in a non-discriminatory way. All governments must ensure all those fleeing persecution have access to safety and international protection and end double standards in the treatment of people seeking protection.**

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

The repression of dissent and civil society remained one of the key human rights trends globally.

Some crackdowns on the freedoms of expression and association were associated with armed conflict. In Russia, new legislation effectively barred critical mention of the war in Ukraine. Thousands of administrative and criminal prosecutions ensued and dozens of independent media outlets were closed. In Ethiopia, authorities arbitrarily arrested media workers and stymied efforts by civil society organizations to call for peace.

Other crackdowns followed armed takeovers of government. In Afghanistan, Taliban authorities subjected journalists to arbitrary detention, as well as torture and other ill-treatment, for reporting critically on them after their takeover of the country in 2021. In Myanmar, the military authorities that took over following a coup in 2021 arrested dozens of media workers, maintained bans on independent media outlets and placed restrictions on the legitimate work of NGOs, making non-compliance punishable by imprisonment. In Mali, where coups had occurred in 2020 and 2021, authorities suspended national and foreign broadcasters and arrested or threatened journalists and others for criticizing the government or the army.

Elsewhere, influential states clamped down on civil society to seek to prevent discussion of their human rights records both abroad and at home. The Chinese government lashed out at a strong and long-awaited report by the UN Office of the High Commissioner for Human Rights (OHCHR) documenting potential crimes against humanity against Uyghurs and other Muslim ethnic minority groups in Xinjiang, where thousands of men and women were believed to be arbitrarily detained, while imposing ever more pervasive and sophisticated censorship within the country. The Indian government imposed international travel bans on human rights defenders.

In Türkiye, parliament passed a new disinformation law enhancing government powers over social media, while the authorities continued to detain and prosecute dozens of journalists, human rights defenders and opposition politicians on spurious terrorism-related charges. In Egypt, the government sought to improve its image in the lead-up to its hosting of the 27th Conference of the Parties to the UN Framework Convention on Climate Change (COP27) in November, partly by releasing hundreds held for political reasons. However, they arbitrarily detained around triple the number in the same period for actual or perceived dissent, including hundreds arrested in connection with calls for demonstrations during COP27.

The events in Egypt were one illustration of the nexus between freedom of expression, on the one hand, and climate justice and environmental degradation, on the other. Elsewhere, activists campaigning to protect the environment were killed or threatened. Nowhere was this more in evidence than in Latin America; in its 2022 report, Global Witness stated that three quarters of the killings in 2021 of land and environmental defenders occurred in that region.



Around the world, people came together to protest against the failure to tackle climate change, as well as a range of other concerns including war, political crises, the rising cost of living, restrictions on the right to abortion, violence against women and discrimination. States often used unlawful – including sometimes lethal – force to repress protests. This was brutally demonstrated in Iran: from September, the authorities responded to the unprecedented uprising against decades of gender-based discrimination, severe repression and, more broadly, the Islamic Republic itself, with live ammunition, metal pellets and beatings, killing hundreds of people, including dozens of children. Meanwhile, in Peru, over 20 were killed after security forces used unlawful force to respond to protests during the political crisis that followed the ousting of its then-president in December.

Security forces in countries across the world used firearms and a range of less-lethal weapons, including batons, tear gas and rubber bullets, to police protests. Some security forces arbitrarily detained protesters and subjected them to torture or other ill-treatment, sometimes using inherently abusive equipment such as weighted leg chains. The proliferation and abuse of law enforcement equipment in the context of policing in general was facilitated by the absence of global human rights controls on their import and export. However, in May, at the request of the UN General Assembly, a group of governmental experts released a report that put forward the option of a legally binding instrument to regulate the trade. Argentina, the EU and Mongolia led a global alliance of more than 60 states promoting a potential treaty. Human rights organizations proposed key elements to include.<sup>3</sup>

States suppressed protests by other means. Authorities in countries including Australia, India, Indonesia and the UK passed new legislation imposing restrictions on demonstrations. Other governments used states of emergency such as in Sri Lanka, or pretexts such as Covid-19 in the case of China, or security around elections in the case of Guinea (another country where a coup took place in 2021), to prevent protesters challenging state policies. Governments also repressed online civic space to try to thwart protesters. Iran and Myanmar were among those that shut down or disrupted internet and telecommunications.

The international response to these egregious human rights violations and others that went beyond the freedoms of expression, association and peaceful assembly was inconsistent, just as the response of the UN and ICC was to situations of armed conflict. On the one hand, the UN Human Rights Council established a Special Rapporteur on the human rights situation in Russia and an investigative mechanism on Iran in the wake of the deadly repression of protests there. On the other, it voted not to further investigate or even discuss the UN's own evidence of potential crimes against humanity in Xinjiang, China, and discontinued a resolution on the Philippines. Similarly, Israel's allies firmly rejected conclusions by a growing chorus of human rights organizations, including Amnesty International, that it had established a system of apartheid, despite this analysis being endorsed by UN experts. Meanwhile the international human rights system, one of the three "pillars" of the UN, remained chronically underfunded, with certain states seeking to weaponize the budgetary process to defeat the operationalization of needed mechanisms.

**Governments must stop using pretexts to repress dissent and prevent discussions of their human rights records. They must investigate killings, intimidation and harassment of human rights defenders, stop security forces using unnecessary or excessive force during protests and repeal or amend legislation violating the right to peaceful assembly. At a multilateral level, governments should support negotiations to agree a new treaty to control the trade in law enforcement equipment. They should also consistently set up accountability mechanisms for all patterns of gross human rights violations.**

## GENDER-BASED VIOLENCE AND SEXUAL AND REPRODUCTIVE RIGHTS

Violence against women, girls and LGBTI people remained a global human rights problem. Some of the violence occurred in armed conflicts, as already mentioned. However, most of it occurred during peacetime and in domestic settings.

Reflecting a pattern across the Americas, hundreds of feminicides (gender-based killings of women facilitated by impunity) were recorded in Mexico alone. Venezuelan refugee women were subjected to gender-based violence and discrimination in Colombia, Ecuador, Peru and Trinidad and Tobago. Indigenous women reported forced sterilization in previous years in Canada and continued to face disproportionately high levels of rape and sexual violence in the USA. High levels of violence persisted elsewhere, both offline and online. In Pakistan, several high-profile murders of women by family members were reported yet the parliament failed to enact legislation on domestic violence that had been pending since 2021. In India, violence against Dalit and Adivasi women, among other caste-based hate crimes, was committed with impunity.

Some governments did take action to improve legislative protections, responding to pressure from women human rights defenders. In Europe, new rape laws enshrining the principle of consent entered into force in Belgium, Finland and Spain. In Africa and Asia, new legislation aimed in part at strengthening protections for women and girls against sexual and gender-based violence was adopted in countries including China, the Congo, Indonesia, Papua New Guinea and Zimbabwe. However, too often, in these countries and others around the world, authorities failed in practice to protect women and girls from entrenched gender-based violence or to address impunity for related crimes. In the Middle East and North Africa, authorities in Egypt, Iran, Iraq, Saudi Arabia and Yemen even subjected women human rights defenders and activists to prosecution and other forms of harassment for speaking out against sexual violence.

As always, the backdrop for this violence was continuing widespread discrimination against women, girls and LGBTI people in law and practice, underscored by discriminatory social attitudes and norms. Afghanistan witnessed a particularly significant deterioration in the rights of women and girls. New edicts issued by the Taliban forbade women and girls from travelling without a male chaperone, banned them from public parks and prohibited them from attending secondary schools and university or from working for NGOs.

Meanwhile, the year saw both setbacks and progress on abortion rights. Following the ending of federal protections for abortion rights in the USA in June, several US states passed laws to ban or curtail access to abortion, while various others voted overwhelmingly to protect it. Elsewhere in the Americas, abortion remained criminalized in five countries, but a constitutional court ruling in Colombia decriminalized abortion up to the 24th week of pregnancy and a new law in Ecuador decriminalized abortion in cases of rape.

Similar trends were observed across Europe. In Hungary, Poland and Slovakia, new measures were introduced to limit access to abortion, while several other countries, including Germany and the Netherlands, removed certain restrictions on accessing abortion. Meanwhile, women human rights defenders faced persecution in countries including Andorra and Poland for supporting the right to abortion.

**Governments must take comprehensive steps to prevent entrenched gender-based violence against women, girls and LGBTI people, protect and support survivors and address impunity for related crimes. All states that continue to criminalize abortion must reform their abortion laws to ensure everybody can access abortion-related information and services, and post-abortion care, without discrimination or coercion, and with respect for their reproductive autonomy and other human rights.**

## ECONOMIC AND SOCIAL RIGHTS

In all regions economic crises associated with the impact of the Covid-19 pandemic, as well as unsustainable debt, conflict and climate change, fuelled rocketing rises in the cost of living and food insecurity. The International Monetary Fund highlighted in October that over 60% of low-income countries and over 25% of emerging markets were unlikely to be able to service their debts. The Russian invasion of Ukraine not only interrupted wheat supplies on which many countries depended but also resulted in significant increases in fuel costs. The challenges were exacerbated by the failure of many governments to address structural barriers to and the underlying causes of, the non-fulfilment of the rights to food, health, social security, housing and water – such as socio-economic inequalities and low public expenditure on health and social protection. The challenges disproportionately affected the most marginalized in all regions.

The African Union had declared 2022 as the Year of Nutrition, but extreme weather conditions triggered malnutrition in several countries in the region. In Somalia a severe drought led to a surge in malnutrition cases, while in Nigeria floods precipitated an outbreak of waterborne diseases, killing hundreds. Economic crises meant 97% of the population of Afghanistan were living in poverty, up from 47% in 2020, and people in Sri Lanka experienced serious shortages in food, fuel, medicines and other essential items. In the Middle East and North Africa, economic crises also heightened food insecurity. In the case of Syria and Yemen, conflict was a key factor. In the Americas, humanitarian crises saw more than 40% of the population in Haiti facing emergency hunger levels and most of the population in Venezuela experiencing food insecurity. Due to the war with Russia, at least a half a million children were plunged into poverty in Ukraine. Elsewhere in Europe huge spikes in energy prices, partly resulting from the war, contributed to record inflation and cost of living crises, disproportionately affecting the most marginalized.

Climate change further contributed to poverty, malnutrition and displacement. Sea level rises and floods impacted impoverished coastal communities in countries including Bangladesh, Honduras and Senegal, while rising temperatures, coupled with energy infrastructure projects, affected Indigenous peoples in Canada and Russia.<sup>4</sup> In India and Pakistan, among other countries, record-breaking heat, coupled with air pollution, took a high toll on those forced to work outside, such as farmers, street vendors and daily wage earners. Rains and flooding in Pakistan, made more severe by climate change, also had a catastrophic impact on people's lives and livelihoods. Despite all this and the UN General Assembly's welcome adoption in July of a resolution recognizing the right to a clean, healthy and sustainable environment, governments' climate action remained woefully inadequate. While COP27 delivered the adoption of a loss and damage fund for those harmed by climate change, it failed to secure agreement on the phasing out of all fossil fuels.<sup>5</sup> Meanwhile, governments' current emission reduction pledges would condemn humanity to the devastating impact of 2.5°C of global warming.

Across the world, the right to housing was undermined by forced evictions, which often affected those most subjected to discrimination. In Africa, the Americas and Asia, governments proceeded with extractive, agricultural or infrastructure projects without obtaining the free, prior and informed consent of Indigenous peoples affected, sometimes leading to forced eviction from their lands. In Tanzania authorities forcibly evicted Indigenous Maasai community members from ancestral land to make way for a tourist operation.

Work continued in developing a new UN-sponsored treaty on global taxation of multinational enterprises, culminating in the passing of a resolution by unanimous consensus at the UN General Assembly in December. This reflected the fact that the current global tax deal from the Organisation for Economic Co-operation and Development (OECD), agreed in 2021, did not go far enough to correct the imbalance in the allocation of taxing rights between the sources of a

company's profits, often in countries in the global south, and where it is legally based, often in countries in the global north. Further active commitments are needed to ensure a fair system that will deliver vital additional resources, particularly for low-income countries, to better guarantee people's economic, social and cultural rights.<sup>6</sup>

**Governments must urgently take steps to mitigate the climate crisis and to keep global warming to under 1.5°C above pre-industrial levels, including by prioritizing the speedy phase-out of fossil fuels, while guaranteeing a just and human rights-consistent transition to a zero-carbon economy. They must put in place measures that guarantee the rights of everyone, including marginalized individuals and groups, to an adequate standard of living, food, health, social security, housing and water. They must obtain the free, prior and informed consent of Indigenous people for any projects on their territory.**

**Wealthy states and international financial institutions must provide urgent debt relief and contribute funds to international efforts to support countries that need assistance to realize economic, social and cultural rights, including in the context of the climate crisis. Lower-income countries should also benefit from greater fairness and inclusivity through the UN-sponsored global tax reform that will deliver vital additional resources to this end.**

## **INTERNATIONAL HUMAN RIGHTS MECHANISMS**

2023 marks the 75th Anniversary of the Universal Declaration of Human Rights, the 30th Anniversary of the Vienna Declaration and Programme of Action and the 25th anniversary of the UN Declaration on Human Right Defenders. However, certain patterns of behaviour by states have undermined those instruments, such as inconsistent or inadequate implementation of human rights obligations, inconsistent international responses to patterns of egregious human rights violations, and failure to contribute sufficient financial resources to international human rights mechanisms.

**In this context, states must recommit and take concrete steps to enhance the strength and resilience of the international human rights architecture. This includes earmarking an increased budget for the human rights pillar of the UN, prioritizing consistent implementation of the full scope of states' international human rights obligations and promoting coherence and effectiveness in the ability of international mechanisms to address human rights violations everywhere.**

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1. "UN: Veto resolution is a vital step towards accountability", 26 April
  2. "The ICC at 20: Double standards have no place in international justice", 1 July
  3. *Essential Elements of a Torture-Free Trade Treaty*, September, 23 September
  4. *Any Tidal Wave Could Drown Us: Stories from the Climate Crisis*, 3 November
  5. "COP27: Loss and Damage fund is welcome but failure to deliver on phasing out fossil fuels is a huge setback", 21 November
  6. *Taxation, Illicit Financial Flows and Human Rights*, 28 June

# AFRICA REGIONAL OVERVIEW

The scourge of conflict remained entrenched and showed little promise of abatement. However, there was limited progress across the region towards ensuring victims' rights to truth, justice, reparation and accountability for grave violations and abuses of human rights that may amount to crimes under international law.

Almost all countries in the region contended with the devastating economic impacts of the Covid-19 pandemic. Recovery efforts were hindered by conflicts, economic disruptions arising from Russia's invasion of Ukraine, and extreme weather conditions, which were exacerbated by climate change. Consequently, the rights of millions of people to food, health and an adequate standard of living were seriously undermined.

Authorities across the region deployed various tactics to silence peaceful dissent. Crackdowns on the right to freedom of peaceful assembly intensified as authorities used national security or Covid-19 as a pretext to ban, suppress or violently disperse protests. Human rights defenders, activists, journalists and opposition members faced intimidation and harassment, including arrests, detention and prosecution as authorities tightened their grip on the rights to freedom of expression and association.

The number of people fleeing conflict or climate crises continued to rise. Yet, international funding shortfalls left authorities barely equipped to adequately address refugees' urgent basic needs.

The prevalence of violence against women across the region reflected the entrenched patterns of gender discrimination and other forms of inequality. In some countries, LGBTI people and people with albinism were not protected from discrimination and violence.

The high risk of environmental degradation or displacement of communities resulting from planned or existing mining or infrastructural projects persisted.

## UNLAWFUL ATTACKS AND KILLINGS

Armed groups and government forces alike targeted civilians, leaving a trail of death and destruction. In Burkina Faso, the Group for the Support of Islam and Muslims (GSIM) and the Islamic State in the Sahel (ISS) armed groups attacked towns and cities. In Djibo town, more than 300,000 residents were affected when GSIM destroyed water infrastructure. At least 80 people, mostly civilians, were killed when ISS fighters attacked Seytenga town in June; the assailants went from house to house killing men. In Cameroon, armed separatist groups in the Northwest and Southwest regions targeted people, healthcare facilities and schools; armed groups in the Far North region similarly raided villages, killing and abducting dozens of civilians. In the Central African Republic (CAR), at least 100 civilians were killed by armed groups and government forces between February and March. Attacks on civilians also intensified in eastern parts of the Democratic Republic of the Congo (DRC) where armed groups killed more than 1,800 civilians.

In Ethiopia, targeted attacks by government forces and armed groups on civilians in the Oromia, Benishangul-Gumuz, Amhara, Tigray and Gambela regions involved mass killings. In Mali, GSIM attacks on three villages in the Bankass Cercle in June, resulted in approximately 130 deaths, mostly civilians. In Mozambique, Al-Shabaab armed groups extended their attacks on civilians from Cabo Delgado to Niassa and Nampula provinces. In May, they beheaded 10 civilians during an attack on three villages in Cabo Delgado where they also abducted women and girls and looted and burned houses. In Nigeria attacks by Boko Haram,

which had previously operated mainly in the north-east, spread to some states in north-central and north-western areas. Boko Haram, the Islamic State's West African Province and unknown gunmen killed at least 6,907 people. In Somalia, Al-Shabaab was responsible for 76% of the 167 deaths and 261 injuries arising from attacks on civilians between February and May. In its deadliest attack, it killed more than 100 people in October in two bomb attacks targeting the Ministry of Education building and a busy market intersection in Mogadishu, the capital.

Civilians also bore the brunt of indiscriminate attacks. In Burkina Faso, French forces supporting the national army killed four civilians in February during an aerial strike on the armed group Ansaroul Islam. Dozens of civilians were killed in similar air strikes by Burkinabe armed forces in April and August. In CAR, 11 people were killed and 42 injured in 40 improvised explosive device-related incidents between January and October. Multiple airstrikes by government forces in Ethiopia, including one on a kindergarten, killed hundreds of civilians in the Tigrayan towns of Dedebeit, Mekelle and Adi Daero. In Niger, an air strike by the Nigerian army in February killed seven children in Maradi region. The Niger army was also accused of unlawfully killing artisanal gold miners in Tamou in air strikes carried out in October.

Conflict-related sexual violence (CRSV) remained pervasive, leaving survivors facing psychological and other health complications. In South Sudan, over 130 women and girls were raped or gang raped between February and May in the southern part of Unity State, in the context of the clashes between government forces with affiliated militias and the Sudan People's Liberation Army-In Opposition. The UN Multidimensional Integrated Stabilization Mission in the Central African Republic documented 47 cases of CRSV in CAR between June and October. In DRC, at least six women were raped in May when the Cooperative for the Development of the Congo armed group attacked a gold mining village in Ituri province. The UN reported four CRSV incidents in Somalia between February and May. In Ethiopia, four survivors in Afar region said they were raped and abused by members of the Tigrayan forces.

Blockades and restrictions on humanitarian access continued to be used as a method of war. In Burkina Faso, GSIM not only blocked access and commercial supplies to several cities in the north and east, but also attacked civilian supply convoys, even those escorted by the military. In eastern DRC, relentless attacks by armed groups, military operations, and deliberate movement restrictions imposed by both government forces and armed groups further hindered humanitarian access and prevented communities from accessing vital assistance. In Ethiopia, where restrictions on humanitarian aid deliveries to Tigray were imposed when the conflict began in November 2020, the government declared a humanitarian truce in March that allowed a significant increase in the number of aid convoys to the region but deliveries stopped completely in August, when fighting resumed. In November, following the signing of the cessation of hostilities (Pretoria) agreement, deliveries resumed.

In Mali, Katiba Serma fighters blockaded the road axis linking the towns of Boni, Douentza, Hombori and Gossi between May and September, forcing traders to rely on military escorts. In August, the armed group attacked and burned 19 goods trucks in Hombori.

**Parties to armed conflicts must protect civilians by ending deliberate attacks on civilians and civilian infrastructure, and indiscriminate attacks. They must also facilitate the safe and unhindered access to humanitarian assistance for populations at risk.**

## RIGHT TO TRUTH, JUSTICE AND REPARATION

There was limited progress across the region in fighting impunity and ensuring the right to truth, justice and reparation for victims of crimes under international law and other serious human rights violations and abuses. In March, Chadian authorities surrendered Maxime Jeffroy Eli Mokom Gawaka, an Anti-Balaka armed group leader, to the ICC to face charges of war crimes and crimes against humanity allegedly committed in 2013 and 2014 in CAR. In

May, Dutch authorities arrested a former army officer suspected of involvement in the massacre of the Tutsi in Mugina city, Rwanda, during the 1994 genocide. The trials of Ali Mohammed Ali, accused of war crimes and crimes against humanity in Darfur in Sudan, and Mahamat Said, alleged commander of the Seleka armed group in CAR, opened at the ICC in April and September, respectively. Other trials concerning crimes committed by members of armed groups in CAR opened at the Court of Assizes in Bangui, the capital, and at the Special Criminal Court. In South Sudan, a military tribunal in Yei convicted eight soldiers of rape committed in the context of the conflict. However, no progress was made in establishing the Hybrid Court for South Sudan.

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

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

### **RIGHT TO FOOD**

The Russian invasion of Ukraine interrupted wheat supplies that many African countries had depended on. Meanwhile rising fuel costs, another consequence of the war in Europe, caused considerable spikes in food prices which disproportionately affected those who were marginalized and most vulnerable to discrimination. Food insecurity worsened as drought in several African countries reached unprecedented levels.

Large segments of populations faced acute hunger and high levels of food insecurity, including in Angola, Burkina Faso, CAR, Chad, Kenya, Madagascar, Niger, Somalia, South Sudan and Sudan. In Angola, food insecurity in the Cunene, Huíla and Namibe provinces was among the worst in the world and in some of these areas, adults and children resorted to eating stalks of grass to survive. In Burkina Faso, OCHA estimated that by September, 4.9 million people were facing food insecurity, including many internally displaced people who had fled their homes due to the conflict.

Conflict and resulting displacement also heightened food insecurity in Niger affecting 4.4 million people (about 20% of the population). In CAR, 50% were food insecure, and in some areas, it was as high as 75%. Half of Somalia's population similarly faced acute food insecurity and more than 3 million livestock, essential for pastoralists' livelihoods, perished largely due to drought. Massive loss of livestock as a consequence of drought was also recorded in Angola.

### **RIGHT TO HEALTH**

While the impact of Covid-19 receded, several countries experienced new disease outbreaks or epidemics, including an Ebola outbreak in Uganda, declared in September, which resulted in 56 deaths.

A measles epidemic in Congo's Pointe-Noire department claimed the lives of 112 children; and in Zimbabwe more than 750 under-fives died when a measles outbreak in Mutasa district spread to other areas. In Cameroon, a cholera epidemic affected seven regions, resulting in 298 deaths. At the New Bell prison in Douala, at least 16 prisoners died during two cholera outbreaks at the prison, including Rodrigue Ndagueho Koufet, who had been arbitrarily detained since September 2020 for participating in a peaceful protest. In Malawi, a cholera epidemic affected 26 of its 28 districts and by 31 December, 576 deaths were reported.

In several countries, extreme weather conditions triggered disease outbreaks. In Nigeria, floods precipitated an outbreak of waterborne diseases, including cholera, which killed over 320 people in Yobe, Borno and Adamawa states. Severe drought in Somalia led to a surge in

malnutrition cases, while suspected cholera and measles cases increased sharply compared with previous years, according to the WHO.

## **RIGHT TO HOUSING**

Forced evictions remained a grave concern in the region.

In southern Angola, the expropriation of communal grazing land for commercial ranching persisted. In October, the police burned 16 houses and personal belongings in a raid to evict the Mucubai community from their land in Ndamba area on the outskirts of Moçâmedes, Namibe Province, to facilitate a land transfer to a commercial rancher.

In Tanzania, authorities forcibly evicted Indigenous Maasai community members from their ancestral land in Loliendo division, Arusha region, to make way for a tourist operation. Prior to the evictions, authorities failed to carry out genuine consultations with the residents or give them adequate notice and compensation.

In urban centres and cities, forced evictions were concentrated in informal settlements. For example, in June the Greater Accra Regional Security Council in Ghana demolished hundreds of homes located on land belonging to the Council for Scientific and Industrial Research in Frafraha in the capital Accra. Residents were given only 48 hours' notice of eviction. In Nigeria, the Federal Capital Territory Administration and security agencies demolished around 100 structures in the Dubaidna Durumi 3 village in August. Security agents used tear gas, exposure to which caused two children to faint, and physically assaulted residents during the demolition. In Zambia, the Chingola municipal council demolished over 300 houses built on land surrounding the Kasompe Airstrip in Chingola District.

**Governments must take immediate action to ensure that the rights to food, health and housing are guaranteed including through international cooperation and assistance where necessary. They must also ensure that perpetrators of human rights violations are held to account.**

## **REPRESSION OF DISSENT**

### **FREEDOM OF ASSEMBLY**

Crackdowns on the right to freedom of assembly intensified as authorities used national security or the Covid-19 pandemic as pretexts to ban, suppress or violently disperse protests. Even so, the people's determination to claim their right to protest was barely deterred. Large demonstrations relating to various issues, including spiking food prices, took place in cities and towns across the region.

The deaths of scores of protesters were reported and attributed to excessive use of force by security forces in Chad, DRC, Guinea, Kenya, Nigeria, Senegal, Sierra Leone, Somalia and Sudan, among other countries. In Chad and Sierra Leone, where at least 50 and 27 protesters died in October and August, respectively, findings from official investigations into the killings were not available by the year's end.

Arrests and detention of protesters remained widespread throughout the region, including scores in Kenya, Sierra Leone and South Sudan who had protested the rising cost of living. Sudanese security forces detained hundreds of protesters and forcibly disappeared many others as part of a broader clampdown on opposition to the 2021 military coup. In Guinea, Senegal and Uganda, authorities targeted opposition leaders or protest organizers. Ugandan opposition leader Kizza Besigye was arrested and detained three times for protesting against inflation and the high cost of living. Six women who protested his detention were also arrested and charged with inciting violence and holding an illegal protest. In July, organizers and participants of a banned march in Guinea were prosecuted.



In several countries, including Chad, DRC, Guinea, Lesotho, Niger and Senegal, bans on demonstrations effectively curtailed the right to protest.

On a positive note, in March the ECOWAS Court of Justice held that a 2011 ministerial order in Senegal that prohibited demonstrations of a political nature in downtown Dakar (the capital) violates the rights to freedom of expression and peaceful assembly. The court asked Senegalese authorities to repeal it.

## **FREEDOM OF EXPRESSION**

Human rights defenders, activists, journalists and opposition members faced harassment, intimidation and threats simply for exercising their right to freedom of expression. In Nigeria, a court in Kano city sentenced two social media celebrities to a week's detention, flogging and a fine for allegedly defaming the Kano state governor in a comedy sketch. In Senegal, an opposition leader and two activists were among those arrested and charged with defamation and dissemination of false news. In Sudan, a woman in Southern Kordofan was charged with multiple offences under the Cybercrimes Act, including publishing false information in connection with a social media post about child recruitment to the Sudan Armed Forces. Activist and author Kakwenza Rukirabashajja fled Uganda after he was detained in connection with Twitter posts that the police claimed were intended to disturb the peace of Lieutenant General Muhoozi Kainerugaba, the president's son. In Zambia, two men were sentenced to 24 months' imprisonment with hard labour for insulting the president on TikTok.

Attacks on media freedom remained rife. Security forces raided media premises in Sudan and Uganda while authorities suspended or shut down media outlets in Ghana, Mali, Nigeria, Somalia and Tanzania for publishing content deemed critical of or unfavourable to government. Many individual journalists across the region were also arrested and detained, if not routinely harassed and intimidated. In Ethiopia, authorities arrested at least 29 journalists and media workers, many of whom were not formally charged. In Eswatini, Zweli Martin Dlamini, editor of Swaziland News, was declared a terrorist under the anti-terrorism law. In Ghana, a radio host was sentenced to two weeks in prison and fined GHS 3,000 (around USD 377) for contempt of court after he published a video alleging that President Akufo-Addo conspired with judges to influence the 2020 presidential elections.

Journalists and human rights defenders' rights were repressed in Burundi, DRC, Madagascar, Malawi, Mozambique, Niger, Rwanda, Somalia and Zimbabwe. In Madagascar, 70-year-old environmental defender, Henri Rakotoarisoa, was stabbed to death in June. In Mozambique, suspected state agents broke into human rights lawyer João Nhampossa's office and stole his computer, flash drives, mobile phones and various documents; and human rights defender Adriano Nuvunga received death threats.

## **FREEDOM OF ASSOCIATION**

Authorities in the region tightened their grip on the right to freedom of association, impacting civil society organizations. For example, ahead of Angola's general elections, the police prevented Omunga and the Association for the Development of Culture and Human Rights from holding a conference on peace building, while authorities in Burundi shut down a press conference in March. In Guinea, the transitional authorities dissolved the National Front for the Defence of the Constitution, a coalition of civil society organizations and political parties demanding the return to constitutional order.

Laws to stifle and control such organizations' work were also enacted. In Niger, a decree was promulgated in February, requiring government approval for all NGO-initiated programmes and projects. Zimbabwe's Private Voluntary Organization Amendment Bill, which contains provisions threatening the very existence of civil society organizations and their operations, was introduced in parliament.

**Governments must end the harassment and intimidation of human rights defenders, journalists and activists, drop all charges against those facing prosecution, and immediately and unconditionally release anyone arbitrarily detained; and ensure media freedom is respected, including by allowing media outlets to operate independently.**

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

Increasing numbers of people fled their homes due to conflict or climate crises. An additional 600,000 people were internally displaced in DRC, bringing the total to nearly 6 million, the highest in Africa. As the conflict in Mozambique expanded, the number of displaced people rose to 1.5 million. Food and water insecurity, malnutrition, precarious health and inadequate housing marked their living conditions. In Somalia, more than 1.8 million people were displaced due to drought and conflict.

Uganda continued to host the largest refugee population in Africa with nearly 1.5 million refugees, almost 100,000 of whom arrived in 2022. Yet, only 45% of Uganda's funding requirements were met as of November leaving authorities unable to adequately address refugees' urgent needs like healthcare, water, sanitation and education. Sudan continued to receive new refugees from neighbouring countries – approximately 20,000 from South Sudan and 59,800 from Ethiopia. But severe international funding shortfalls forced the World Food Programme to cut refugees' rations.

Migrants faced a unique set of violations and abuses. Thousands, including 14,000 between January and May, were violently expelled from Algeria to “Point Zero” on the border with Niger. In June, 10 migrants were found dead near the border with Libya. In Equatorial Guinea, dozens of irregular migrants were deported to their home countries without due process and without access to a lawyer.

**Governments must take steps to ensure that refugees, migrants and internally displaced people are protected and given full access to humanitarian aid, including food, water and shelter; and immediately halt unlawful deportations and detentions of migrants and refugees and ensure their protection needs are met. The international community must address international funding shortfalls by providing long term sustainable and predictable funding to enable host countries to adequately address refugees' urgent needs.**

## **DISCRIMINATION AND MARGINALIZATION**

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

The exclusion of pregnant girls from schools persisted in Tanzania and Equatorial Guinea. On the positive side, in September the African Committee of Experts on the Rights and Welfare of the Child found that Tanzania's exclusion policy violated the African Charter on the Rights and Welfare of the Child and recommended the policy be reviewed. In addition, 800 children, including pregnant girls and girls who had dropped out of school because of pregnancy, were reintegrated into schools in Sierra Leone.

Gender-based violence remained prevalent across the region. In South Africa, murders of women increased by 10.3%, with 989 women killed between July and September, while sexual offences and rape increased by 11% and 10.8%, respectively. In Eswatini, the brutal murder of a woman by her former partner led women's rights organizations to intensify calls for a national emergency to be declared to combat gender-based violence. In Guinea, victims of rape continued to experience failures in prevention of and a lack of protection from such

crimes as well as inadequate access to and availability of medical care, sexual and reproductive health services and care, psychological support, and legal and social support.

Several countries enacted progressive laws on gender equality. Congo's parliament passed the "Mouébara law" on combating domestic and other violence against women. In Sierra Leone, the Customary Land Rights Act gave women an equal right to own and use family land; and an equality law included a provision stipulating that 30% of all positions in government be reserved for women. In Zimbabwe, legislation outlawing early and child marriage was introduced.

On the flipside, the president of the Permanent Commission of the National Assembly in Madagascar rejected a proposed law that sought to modify the penal code to decriminalize abortion. In Nigeria, the National Assembly voted against five bills which aimed to promote gender equality, and only committed to reconsider three of the bills after women's groups and civil society organizations protested. In Rwanda, parliament rejected a bill to allow the provision of contraceptives to people over 15.

## **LGBTI PEOPLE'S RIGHTS**

Harassment, arrests and prosecution of LGBTI people was common in many countries. After being assaulted by her neighbours and motorcycle taxi-drivers, a transgender woman in Benin was further beaten in a police station, stripped and photographed. She was released without charge after spending three days in detention, naked and deprived of food. In Zambia, members of the homophobic #BanNdevupaNdevu #BanHomosexuality movement held a protest and used WhatsApp to call for the killing of and other violence against people suspected of being gay. In Uganda, the official NGO Bureau ordered the closure of Sexual Minorities Uganda, an umbrella organization that operates to protect LGBTI people's rights.

Several countries introduced or considered new measures to criminalize consensual same-sex relations. In Ghana, a bill to further criminalize LGBTI people remained pending in parliament. In Equatorial Guinea, draft legislation regulating LGBTI people's rights was being prepared. In Senegal, however, the National Assembly rejected a proposed bill that would criminalize LGBTI people.

There was barely any protection of LGBTI people in national courts. In Nigeria, three gay men were sentenced to death by a sharia court in Ningi, Bauchi state. In Eswatini, the High Court upheld the Registrar of Companies' refusal to register the Eswatini Sexual and Gender Minorities advocacy group as an organization. In Namibia, the High Court dismissed applications of spouses of Namibian citizens seeking to regularize their immigration status on the basis of same-sex marriages concluded outside the country. At the regional level, the African Commission on Human and Peoples' Rights rejected the observer status applications of three organizations ostensibly because they worked on LGBTI people's rights.

## **PEOPLE WITH ALBINISM**

Mutilation and other violent attacks against people with albinism continued in parts of Eastern and Southern Africa, motivated by superstitious misconceptions about albinism. In Madagascar, the number of violent attacks doubled, with abductions of children with albinism reported in February and August, while the mutilated body of a six-year-old boy was found in the Berano community, Amboasary Atsimo district, in March. In Zambia, the vandalized grave of a 12-year-old boy whose hand had been chopped off was discovered in January in Mungwalala Village in Chama district, Eastern Province. In June, three men severed a 10-year-old boy's forefinger in Mkushi district, Central Province.

**Governments must take immediate action to protect people from discrimination and violence, including steps to protect women's and girls' rights to equality and non-discrimination, and to allow them to live free of gender-based violence, including by**

**ensuring survivors' comprehensive access to sexual, reproductive and other healthcare, psychological support, and legal and social support.**

## **CLIMATE CRISIS AND ENVIRONMENTAL DEGRADATION**

The region continued to bear the brunt of extreme weather conditions exacerbated by climate change. The Horn of Africa suffered its worst drought in 40 years while parts of Southern Africa experienced extreme rainfall. In Madagascar, six tropical storms and cyclones made landfall between January and April, killing more than 200 people. In South Africa's Kwazulu-Natal province, local government's poor spatial planning and infrastructure maintenance worsened the impact of floods which destroyed thousands of houses. In West Africa, Nigerian authorities failed to implement sufficient measures to mitigate the impact of floods which killed at least 500 people and affected more than 1.9 million people across 25 states. In Senegal, the rising sea level continued to cause erosion in fishing villages, including in Guet-Ndar in Saint-Louis, threatening livelihoods and forcing communities to further move inland.

The high risk of environmental degradation or displacement of communities as a result of planned or existing mining or infrastructural projects persisted in several countries. In Namibia, the High Court dismissed an urgent application made by several organizations to stop a Canadian mining company from continuing its exploration in the Kavango regions. Tanzania and Uganda continued to participate in plans to construct the 1,443km East African Crude Oil Pipeline which would pass through human settlements and wildlife areas, agricultural land and water sources.

Several countries initiated new measures to tackle climate crisis or address environmental degradation. Guinea's prime minister instructed a bauxite mining company accused of serious pollution to comply with international pollution control standards. In Somalia, the federal government created the Ministry of Environment and Climate Change and appointed a special presidential envoy for drought response. South Africa's climate change bill was tabled in parliament, but there were concerns that it did not go far enough in addressing climate crisis. In South Sudan, President Kiir reportedly ordered all dredging related activities in the country to be suspended, pending completion of assessments on the impact on surrounding communities and ecosystems.

**Governments must take immediate measures to protect individuals and communities against the risks and impacts of climate change and extreme weather conditions, including by seeking international assistance and cooperation to take sufficient climate adaptation and mitigation measures.**

# AMERICAS REGIONAL OVERVIEW

Three years after the emergence of Covid-19, the Americas continued to experience the devastating effects of the pandemic. Authorities failed to guarantee millions of people's access to basic rights to food, water and health and healthcare systems remained critically underfunded. Against the backdrop of an economic downturn, authorities in many countries intensified their use of repressive tactics to silence dissent and many forms of protest. Several governments declared states of emergency that led to a series of grave human rights violations, including arbitrary arrests, unfair trials and unlawful killings. In other cases, repressive crackdowns included excessive use of force against people exercising their right to protest, unlawful surveillance and monitoring of activists and attacks against journalists. Indigenous peoples, Black people and other people facing racial discrimination continued to be disproportionately affected by human rights violations, including abuses by the police and torture and other ill-treatment in migrant detention centres. There were major setbacks regarding sexual and reproductive rights and authorities in various countries approved measures that undermined access to abortion and banned comprehensive sexuality education. Violence against women and girls remained widespread and LGBTI people continued to be at risk, with killings of transgender people reaching record levels in some countries. In several countries authorities took action to bring to justice some of those responsible for past crimes, but impunity for grave human rights violations generally remained entrenched. Governments failed to fulfil their commitments on climate change. Faced with historic levels of people seeking refuge or a better life abroad, authorities implemented retrogressive policies that undermined the rights of refugees and migrants and contravened international law.

## ECONOMIC, SOCIAL AND CULTURAL RIGHTS

The number of people living in poverty remained above pre-pandemic levels. Many governments across the region failed to address structural barriers that were responsible for the crisis unleashed by the pandemic: previous socio-economic inequalities, low levels of taxation and public expenditure on health and lack of access to other social determinants of health, namely food security, clean water and basic infrastructure.

Inflation compounded economic hardship. According to the International Monetary Fund, inflation was particularly marked in Argentina, Chile, Colombia, Haiti, Honduras, Nicaragua and Venezuela. Millions of people in the region did not enjoy basic rights to food, health and water. In Brazil, more than half the population lacked adequate and secure access to food, with Black people and marginalized communities disproportionately affected. In Venezuela, most of the population experienced food insecurity and, according to the World Bank, by August the country had the third highest inflation rate for food prices in the world. In Cuba, food shortages forced people to queue for hours for basic goods and in Haiti more than 40% of the population faced emergency hunger levels, amid a re-emergence of cholera. In Argentina, 36.5% of the population was living in poverty during the first half of the year.

Authorities in most countries failed to implement measures to strengthen protections to the right to health, despite evidence from the pandemic that health systems needed major reform. In Brazil, Congress approved the lowest ministry of health budget in a decade, threatening to affect access to adequate care and medicine supplies in the country. Countries such as Guatemala, Honduras and Paraguay continued to allocate critically low levels of public

spending to health and services were overwhelmed and unable to cover the basic needs of their populations. In Chile, in September, a large majority of citizens rejected a proposal for a new constitution that would have strengthened protections for economic, social, cultural and environmental rights, while proposed reforms regarding rights to health and sexual and reproductive rights remained pending at the end of the year.

**Governments must take immediate action to ensure that maximum available resources are assigned to guarantee that their minimum core obligations on economic, social and cultural rights are met.**

## **ARBITRARY DETENTIONS, UNLAWFUL KILLINGS AND TORTURE AND OTHER ILL-TREATMENT**

Authorities in many countries continued to violate people's rights to life, liberty, fair trial and physical integrity. These violations mainly occurred during government crackdowns in response to political crises or states of emergency, or as part of more generalized failings of security forces and justice systems that resulted in unlawful, arbitrary and disproportionate responses.

Excessive use of force and unlawful killings by security forces were widespread throughout the region and often targeted low-income and racialized neighbourhoods in countries such as Argentina, Brazil, Colombia, the Dominican Republic, Mexico, the USA and Venezuela, among others. In Venezuela, security forces carried out 488 alleged extrajudicial executions in various parts of the country between January and September. In Brazil, police operations led to the killings of dozens of people.

Arbitrary detentions remained widespread in Colombia, Cuba, Ecuador, El Salvador, Mexico, Nicaragua and Venezuela. Those held were often tortured or otherwise ill-treated and, in some cases, forcibly disappeared. In March, authorities in El Salvador declared a state of emergency in response to a spike in homicides, allegedly committed by gangs. The measure resulted in massive human rights violations, more than 60,000 arrests and widespread unfair trials. In Ecuador, at least 146 people deprived of their liberty were killed amid a crisis in the prison system. In Ecuador and Mexico, administrative, judicial and legislative decisions were taken to expand the role of the armed forces in public security tasks.

## **REPRESSION OF DISSENT AND FREEDOM OF EXPRESSION**

In several countries, social movements and activists took to the streets to demand basic economic and social rights, an end to gender-based violence, the release of those unjustly detained and to defend the environment. Authorities routinely responded with unnecessary and excessive force. In Ecuador, at least six people died after security forces used excessive force against protests by Indigenous peoples over socio-environmental issues. In Colombia, an Indigenous leader was shot dead in the context of an environmental protest and, in a separate protest in the capital Bogotá, a protester sustained eye trauma after being hit by a projectile. In Peru, at least three people died during protests following National Police interventions during the first half of the year and, during the last weeks of the year, at least 22 people were killed in protests during the political crisis that followed the ousting of former president Pedro Castillo in December.

In Bolivia, law enforcement officials violently repressed, and in some cases arbitrarily detained, coca leaf producers who were protesting against efforts to eradicate their crops. In

the USA, more than 75 people were arrested in connection with protests following the death of Jayland Walker, a Black man who was fatally shot by police 46 times in Akron, Ohio, in June. In Mexico, the government continued to stigmatize feminists and human rights defenders who protested against government inaction on gender-based violence and, in some states, security forces violently beat and arbitrarily detained protesters. In Puerto Rico and Cuba, several reports emerged of excessive use of force by police against protests over electricity outages, and other social demands, following Hurricane Ian.

In Nicaragua, authorities revoked the legal status of more than 1,000 organizations during the year, closed at least 12 universities, jailed journalists and harassed political activists and opponents. In Venezuela, intelligence services and other security forces, with the acquiescence of the judicial system, continued to arbitrarily detain, torture and otherwise ill-treat those perceived to be opponents of the government.

Human rights defenders were killed for their work in Bolivia, Brazil, Colombia, Guatemala, Honduras, Mexico, Peru and Venezuela. In addition, they were threatened, harassed or subjected to criminal prosecution or arbitrary arrests in, among others, Bolivia, Brazil, Chile, Colombia, Cuba, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Paraguay, Peru and Venezuela. In Colombia, at least 189 social leaders and human rights defenders were killed during the year. In Venezuela, at least 396 human rights defenders were the targets of intimidation, stigmatization and threats. In Nicaragua, dozens of detained dissidents and critics were put on trial in proceedings which lacked basic due process guarantees. In Paraguay, activists continued to face trumped-up charges for participating in protests against state health policies. In Guatemala, judges, prosecutors, human rights defenders and protesters faced unfounded criminal proceedings. And in Bolivia, human rights defenders faced prosecution for criticizing the government.

Freedom of the press remained at risk across the region. Journalists were killed in Colombia, Haiti, Mexico and Venezuela. Mexico recorded its most deadly year for the press, with at least 13 journalists killed. In Nicaragua and Venezuela, media outlets were arbitrarily closed down. In Guatemala, journalists reporting on corruption and impunity often faced unfounded criminal complaints and smear campaigns, while in El Salvador attacks on dozens of journalists were recorded.

The use of Pegasus spyware for unlawful surveillance of activists and journalists was documented in El Salvador and Mexico.

Authorities also used vague and overly broad laws to silence critics. In El Salvador, the Penal Code was amended to provide for prison sentences of between 10 and 15 years for generating “anxiety” or “panic” by reporting on gangs. In Nicaragua, the General Law on Regulation and Control of Non-Profit Organizations was the latest in a series of laws passed since the 2018 crackdown that undermined civil society organizations. In Cuba, a new Penal Code came into force in December which risked entrenching long-standing limitations on the rights to freedom of expression and peaceful assembly. In Argentina, the Jujuy provincial government introduced a bill to amend the provincial constitution to limit protests by prohibiting roadblocks and the “usurpation of public space”.

**Governments must respect, protect and facilitate the exercise of the rights to freedom of expression, association and peaceful assembly, including ensuring that journalists, human rights defenders and those perceived as political opponents are able to carry out their work and exercise their rights in a safe and enabling environment free from harassment, violence and unlawful surveillance.**

**Governments must ensure that people are able exercise their right to peaceful protest and that any force deployed by the security services is necessary, proportionate and lawful.**

## SEXUAL AND REPRODUCTIVE RIGHTS

Authorities in several countries in the region took actions that seriously jeopardized sexual and reproductive rights. In El Salvador, a total ban on abortion remained in force. At least two women remained imprisoned on charges related to obstetric emergencies, including one woman serving a maximum 50-year sentence. In the Dominican Republic, Congress again failed to table a revised criminal code that decriminalizes abortion.

In June, the US Supreme Court ended federal protections for abortion rights by overturning *Roe v. Wade*, reversing nearly 50 years of jurisprudence. The decision was followed by several US state legislatures passing laws to ban or curtail access to abortions. In contrast, people in various US states voted overwhelmingly to protect the right to abortion. In Puerto Rico, five bills seeking to restrict access to abortion were defeated. In Peru, a bill was submitted to Congress which, if approved, would jeopardize access to abortion. In Argentina, significant obstacles persisted in accessing abortion services, despite a 2020 law decriminalizing and legalizing abortion within the first 14 weeks of pregnancy.

Nonetheless, some advances were made on sexual and reproductive rights. A ruling by Colombia's Constitutional Court in February decriminalized abortion up to the 24th week of pregnancy. In Mexico, four more states decriminalized abortion, bringing the total to 11 out of 32 Mexican states. In Ecuador, the president signed into law a bill decriminalizing abortion in cases of rape, which nevertheless contained certain restrictive elements that limited reproductive rights.

Authorities in several countries failed to protect the right to comprehensive sexuality education. Authorities in Argentina (Chaco province), Paraguay, Peru and several US states continued to curb the use of education on sexuality and gender diversity in educational settings.

**Governments must ensure access to sexual and reproductive rights, including access to safe abortion services.**

## VIOLENCE AND DISCRIMINATION AGAINST WOMEN, GIRLS AND LGBTI PEOPLE

Authorities failed to protect women and girls from entrenched gender-based violence or to address impunity for these crimes. In Argentina, according to figures collected by NGOs, 233 gender-based killings (femicides) were recorded, 91% of them in domestic settings. In Mexico, there were 858 reported feminicides (gender-based killings facilitated by impunity and therefore where state and legal structures bear responsibility for the crime) between January and November. In Venezuela, local organizations reported a total of 199 femicides from January to September. A civil society observatory in Uruguay recorded an increase in femicides compared to the previous year and in Peru 124 femicides were recorded.

The US Congress passed, and President Biden signed into law, the previously lapsed Violence Against Women Act, the main funding mechanism for preventing and responding to violence against women in the USA.

LGBTI people continued to be at risk of killings, attacks, discrimination and threats and faced obstacles to legal recognition in various countries in the region. Transgender people were at particular risk of killings in Brazil, Colombia, Guatemala, Honduras and Mexico. Data published in January showed that for the 13th consecutive year Brazil was the country with the highest number of killings of transgender people in the world. However, for the first time in the country's history, two transgender women were elected to the federal congress.



Several legislative measures were adopted during the year concerning LGBTI people's rights. In Colombia, the Constitutional Court recognized a non-binary gender marker for ID registration, establishing legal precedent for gender diversity. In September, following a referendum, Cuba approved a new Family Code which legalizes same-sex marriage and allows same-sex couples to adopt. In October, Tamaulipas State in Mexico legalized same-sex marriage, thus making it legal in the entire country. In the USA, the Respect for Marriage Act was enacted in December, providing some federal protection for same-sex marriages. Conversely, in May, Puerto Rico's Commission on Human Rights and Labour Affairs dropped proposals for a bill of rights for LGBTI people.

**Governments across the region must take urgent action to prevent femicides and killings of LGBTI people, bring those responsible for these crimes to justice and ensure non-repetition guarantees are put in place.**

## **DISCRIMINATION AGAINST INDIGENOUS PEOPLES AND BLACK PEOPLE**

People historically subjected to racial discrimination continued to be disproportionately affected by human rights violations. Indigenous leaders were killed in the context of land-related conflicts in Brazil, Colombia, Ecuador and Mexico. In Colombia, Indigenous leaders and defenders were attacked and killed and, in areas where armed opposition groups continued to operate, Indigenous peoples and Afro-descendant communities were forcibly displaced and some faced humanitarian crises. In Paraguay authorities failed to adequately respond when Indigenous peoples were subjected to forced evictions from their lands. In Nicaragua, Indigenous peoples were forcibly displaced and subjected to violence by armed individuals.

In several countries – including Argentina, Brazil, Canada, Guatemala, Honduras, Mexico, Paraguay, Peru and Venezuela – governments went ahead with extractive, agricultural and infrastructure projects without obtaining the free, prior and informed consent of Indigenous peoples affected. In Argentina, Indigenous peoples continued to face serious difficulties in accessing collective land rights. In Ecuador, killings and threats targeting Indigenous leaders and defenders continued. Indigenous peoples in the Ecuadorian Amazon affected by a large oil spill in January remained without reparation for that spill as well as an earlier one in 2020.

In the USA, Indigenous women continued to face disproportionately high levels of rape and sexual violence and lacked access to basic post-rape care; they also experienced high rates of disappearances and killings. In Canada, Indigenous women from several First Nations and Inuit communities in Québec reported forced sterilization and other obstetric violence.

Canadian Prime Minister Trudeau officially acknowledged the role of the Catholic Church and Canadian government in creating, maintaining and operating the residential school system, which in October the House of Commons unanimously recognized as genocide against Indigenous peoples.

Black people continued to be disproportionately affected by state violence in several countries in the region. In Brazil, several police operations resulted in multiple killings, such as the one in May in the Vila Cruzeiro neighbourhood of Rio de Janeiro in which 23 people were killed. Civil society data collection revealed that 84% of all people killed by police in Brazil were Black. Similarly, data on police killings in Puerto Rico showed that people in low-income racially mixed communities were more at risk of police killings than low-income white communities. Authorities in the USA subjected Black Haitian asylum seekers to arbitrary detention and discriminatory and humiliating treatment that amounted to race-based torture. Also in the USA, the limited public data available suggested that Black people were

disproportionately impacted by police use of lethal force. The US Senate failed to introduce the George Floyd Justice in Policing Act. The Act, which seeks to address a wide range of policies and issues regarding policing practices and law enforcement accountability, was passed by the House of Representatives in 2021. In Canada, the Toronto Police Service reported disproportionate use of force and strip searches on racialized, particularly Black, communities.

**Authorities must respect Indigenous peoples' right to self-determination and ensure their free, prior and informed consent for any projects on their territory. Killings of Indigenous people must be promptly, impartially and effectively investigated.**

**Authorities must take decisive action to dismantle the systemic racism present in policing operations and immigration systems and design systems for collecting data disaggregated by race with the full and effective participation of affected communities.**

## IMPUNITY AND LACK OF ACCOUNTABILITY

Authorities in several countries made important yet limited progress in relation to accountability for human rights violations, including crimes under international law, committed in previous decades. In contrast, governments generally failed to prosecute those suspected of responsibility for such crimes and other grave human rights violations committed more recently and entrenched impunity remained a common characteristic of justice systems across the region.

Authorities in Argentina, Bolivia, Chile, Colombia, Guatemala and Uruguay made progress in investigations or bringing charges for human rights violations committed under former military regimes or during internal armed conflicts. In Colombia, dozens of former army members had been charged by the end of the year under the Special Jurisdiction for Peace.

However, in El Salvador, authorities failed to make significant progress in prosecuting those accused of committing crimes and human rights violations during the armed conflict (1980-1992). In the USA, no one was brought to justice for the CIA-operated secret detention system (authorized from 2001 to 2009), which involved widespread human rights violations, including enforced disappearances, torture and other ill-treatment. In Guatemala, authorities failed to protect judges and prosecutors working on cases relating to the internal armed conflict (1960-1996) from continuous intimidation, harassment and unfounded criminal prosecutions.

Impunity persisted for the human rights violations committed by authorities in Bolivia, Chile, Colombia, Honduras, Nicaragua and Venezuela during protests that were met with repressive crackdowns by governments between 2017 and 2021. In Mexico, the total number of people missing or disappeared since the 1960s reached over 109,000, more than 90,000 of them since 2006.

Reports by the UN Fact-Finding Mission on Venezuela highlighted the manipulation of the judicial system to shield police and military officers responsible for violations from justice and identified chain of command that linked suspected perpetrators to Nicolás Maduro's government. The Office of the Prosecutor of the ICC opened an investigation into alleged crimes against humanity in Venezuela, the first such investigation in the region.

In Chile, people accused of alleged offences during the 2019 mass protests remained in detention, some on unfounded charges. Meanwhile, the government announced a new programme to provide reparations to the more than 400 people who sustained eye trauma during the protests. In Nicaragua, by the end of the year, 225 people remained detained in connection with the human rights crisis that began in 2018.

In Brazil, the Attorney General requested that the Supreme Court dismiss seven of the 10 investigations opened against President Bolsonaro following the report of a Parliamentary Commission of Inquiry into the government's management of the Covid-19 pandemic, which

had recommended indicting him on charges of charlatanism, malfeasance and crimes against humanity. Impunity continued to prevail for unlawful killings by Brazilian security forces and police officers.

Prisons remained chronically overcrowded in Chile, Ecuador, El Salvador, Uruguay and Venezuela.

Thirty-five 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.

**Authorities must address impunity by undertaking prompt, independent, impartial and effective investigations into all crimes under international law and other human rights violations, both past and present. Authorities must prosecute those suspected of criminal responsibility for crimes under international law and ensure justice, truth and reparation for victims and survivors.**

## **FAILURE TO TACKLE CLIMATE CRISIS AND ENVIRONMENTAL DEGRADATION**

Governments failed to implement sufficient measures to tackle the scale of the climate crisis and activists and Indigenous peoples protecting the environment were attacked for trying to address this crisis. Despite the rhetoric of many countries in the region in support of global emissions reductions, authorities failed to match these words with actions. In its 2022 report, Global Witness stated that three quarters of the killings in 2021 of land and environmental defenders occurred in Latin America. Such killings were recorded in Argentina, Bolivia, Brazil, Colombia, Ecuador, Guatemala, Honduras, Mexico, Nicaragua, Peru and Venezuela.

Latin America, along with Africa, remained one of the regions with the highest rate of net loss of natural forest cover, according to the UN Food and Agriculture Organization. In Brazil, between January and October, the deforestation rate in the Brazilian Amazon reached its highest level since 2015. In Bolivia, despite the authorities' commitment to maintain forest cover and combat illegal deforestation, over a million hectares of land were burned, mostly to expand agricultural activities.

Several governments adopted commitments and passed legislation on climate change, none of which matched the scale of the crisis ahead. During the 27th Conference of the Parties (COP27) in November, Canada and the USA failed to increase their emissions reduction targets for 2030.

Although the US Congress passed the first package of climate change legislation in US history, it also reinstated old auctions of oil and gas leases on federal land and the Gulf of Mexico, which the Biden administration had tried to cancel, and forced the administration to hold several new auctions, which began in September.

Brazil's president-elect, Luiz Inácio Lula da Silva, announced that he would promote the protection of the country's biomes with special emphasis on the Amazon, an area that Intergovernmental Panel on Climate Change reports have declared highly vulnerable to drought and high temperatures. While Colombian President Gustavo Petro announced at COP27 an energy transition plan that focuses on non-conventional renewable energy sources, organizations such as Nación Wayuu and Indepaz denounced violations of the right to free, prior and informed consultation of Indigenous peoples about the development of several wind farms in the Guajira Department.

Authorities in the region failed to fulfil the commitments they had previously signed up to as parties to the Paris Agreement and, in some cases, actively supported fossil fuel projects. In Brazil, authorities submitted an NDC that was insufficient in relation to the county's

contribution to climate change. By the middle of the year, Canada's Export Development agency had financed CAD 3.4 billion (USD 2.5 billion) to the oil and gas sector in Canada and abroad. At the same time, Canada launched a plan to phase out public financing for new fossil fuel projects.

**Authorities must take urgent action to curb their carbon emissions, cease funding fossil fuel projects and ensure Indigenous peoples and human rights defenders are protected in state policies on the environment. Wealthier countries in the region must also urgently scale up climate finance to lower income countries and commit to providing additional dedicated funding for loss and damage.**

## REFUGEES' AND MIGRANTS' RIGHTS

Profound human rights and humanitarian crises throughout the region led to sharp increases in the numbers of people leaving their country in search of protection. In June, UNICEF declared that the number of children crossing the Darién Gap between Colombia and Panama had reached more than 5,000 since the beginning of 2022, twice the number recorded for the same period in 2021. By the end of 2022, the Inter-agency Coordination Platform for Refugees and Migrants from Venezuela estimated that 7.13 million Venezuelans have left their country, 84% seeking protection in 17 countries in Latin America and the Caribbean. The number of people leaving Cuba and Haiti also increased significantly compared to recent years, adding to the steady number of people fleeing from Venezuela and Central America. Lack of robust systems of international protection, continued to leave refugees and migrants unprotected in Argentina, Canada, Chile, Colombia, Mexico, Peru, Trinidad and Tobago, and the USA.

US federal courts upheld the Migrant Protection Protocols and Title 42 of the US Code, resulting in irreparable harm to tens of thousands of asylum seekers who were expelled to danger in Mexico. Mexican authorities continued to collaborate with US authorities to enable these policies, which breach the principle of non-refoulement. In the USA, authorities continued a system of arbitrary, mass immigration detention, with funding to detain 34,000 people daily in 2022. Between September 2021 and May 2022, the USA expelled more than 25,000 Haitians without due process, in violation of national and international law. Mexican authorities detained at least 281,149 people in overcrowded immigration detention centres and deported at least 98,299 people, mostly from Central America, including thousands of unaccompanied children.

Trinidad and Tobago remained one of the few countries in the Americas lacking national legislation on asylum and the UN expressed alarm at authorities' practices of pushbacks, inhumane detention and deportations of Venezuelan asylum seekers. Meanwhile, Venezuelan refugee women were subjected to gender-based violence and discrimination in at least Colombia, Ecuador, Peru and Trinidad and Tobago, where authorities failed to guarantee their rights to a life free from violence and discrimination. In Peru, the system to process asylum applications remained suspended.

In Chile, authorities restarted the immediate expulsion of foreign nationals without assessing whether they needed international protection or the risks upon return. In Argentina, authorities failed to pass regulations to allow asylum seekers and refugees greater access to basic rights such as education, work and healthcare.

**Authorities must urgently cease unlawful deportations, refrain from detaining refugees and migrants and ensure their international protection needs are met.**

# ASIA-PACIFIC REGIONAL OVERVIEW

There were faint glimmers of hope for human rights in the Asia-Pacific region, with modest gains in the rights of women and LGBTI people in several countries, a new law criminalizing torture in Pakistan and the abolition of the death penalty in Papua New Guinea. Yet, the overall picture remained bleak. Civilians bore the brunt of escalating armed conflict in Myanmar. The full effects of Taliban rule on human rights in Afghanistan became increasingly apparent including the particularly devastating rollback of the rights of women and girls. Economic crises fuelled by pandemic-related recession, economic mismanagement and armed conflict within and beyond the region severely affected economic and social rights including in Afghanistan, Laos and Sri Lanka, where food, healthcare and an adequate standard of living became increasingly inaccessible. Intolerance of dissent grew as authorities in numerous countries tightened restrictions on freedom of expression and association and arbitrarily arrested and detained their critics. People took to the streets across the region to protest against injustice, deprivation and discrimination, but in countries including Bangladesh, India, Indonesia, Nepal, Pakistan, Sri Lanka and Thailand they were met with excessive, sometimes lethal, force. Impunity was compounded by the inability of the UN Human Rights Council to effectively address serious concerns in China and the Philippines. Well-established patterns of discrimination, including against minorities, women and girls, LGBTI people and Indigenous peoples also persisted. The resumption of executions in Afghanistan and Myanmar represented a major regression.

## ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Economic crises severely impacted human rights including the rights to an adequate standard of living and to health. In Sri Lanka, inflation exceeded 73% in September, making food, healthcare and other basic needs unaffordable, particularly for day wage workers, many of whom were women and from Malaiyaha Tamil minorities. High inflation in Laos similarly put basic commodities out of reach for many. In Afghanistan, the spiralling economic crisis plunged 97% of the population into poverty, with the vast majority of households experiencing hunger and increasingly resorting to negative coping strategies to survive – a situation that was set to worsen further following the Taliban's December decree banning women from working for humanitarian and other NGOs. The decree restricted livelihood opportunities for women and prevented people from accessing services that were previously provided by women workers.

Elsewhere, inadequate housing protections and house demolitions left thousands of people homeless and destitute or at risk thereof. In Nepal, the government ignored calls to amend a 2018 housing law, which failed to adequately guarantee the right to housing, leaving hundreds of families, predominantly from marginalized communities or those living in informal settlements, at risk of eviction. In India, authorities unlawfully demolished mainly Muslim-owned homes and other private property in the capital, New Delhi, and in several states, raising concerns that this was a form of collective punishment for alleged involvement in inter-communal clashes. In Cambodia and Mongolia, multiple households were made homeless or lost their livelihoods as a result of urban development projects.

**Governments must guarantee economic, social and cultural rights, without discrimination.**

## FREEDOM OF EXPRESSION

The right to freedom of expression remained under threat in the region as many governments intensified crackdowns on dissent and sought to avoid scrutiny.

Attacks on press freedom persisted in multiple countries. In Afghanistan, journalists faced arbitrary arrest and detention as well as torture and other ill-treatment for reporting that was critical of the Taliban. In Bangladesh, where journalists experienced physical assaults, judicial harassment and other reprisals for their reporting, a draft data protection law threatened to further curtail freedom of expression. Media workers in Pakistan also came under increased pressure as journalists and others were arrested on spurious charges. A new administration in the Philippines brought no immediate respite for the media; at least two journalists were killed in the latter part of the year while judicial harassment of others continued and websites belonging to independent media groups remained blocked.

In China, online censorship and surveillance grew ever more pervasive within the country. The government also sought to prevent the discussion of its human rights record internationally, including by trying to stop the OHCHR from publishing a report documenting potential crimes under international law and other serious human rights violations against Uyghurs and other Muslim ethnic minority groups in Xinjiang.

The Indian government likewise tried to prevent the human rights situation there from being discussed abroad by imposing international travel bans on human rights defenders. It also took the extraordinary and unlawful step of banning a list of ordinary words from being used in parliamentary debates in a clear attempt to restrict criticism from opposition parties.

In Myanmar, the military authorities intensified both online and offline surveillance and restricted the right to information, reportedly using CCTV cameras with facial recognition capabilities in major cities and imposing periodic nationwide internet and telecommunications shutdowns. In North Korea, all criticism of the government remained forbidden.

In Indonesia, freedom of expression was dealt a further blow with the adoption in December of a new penal code that recriminalized insulting the president and other officials and state institutions. The Maldives parliament passed a law that could force journalists to reveal their sources. Encouragingly, the Maldives government was considering amending the law, but faced strong criticism.

Authorities in Viet Nam continued to use the existing criminal code to arbitrarily arrest and prosecute critics. A new decree, “Decree 53”, requiring tech companies to store user data and potentially share it with the authorities, potentially provided a new tool to silence dissent.

In both Malaysia and Nepal, comedians were among those who faced prison sentences in relation to their performances.

**Governments must respect media freedoms, halt all investigations or prosecutions related to the exercise of the right to freedom of expression without discrimination and repeal legal provisions that criminalize legitimate expression or which can be used to restrict it.**

## FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION

Even as governments sought to repress dissent, people across the region claimed their right to protest against injustice and discrimination, often risking arbitrary arrest and detention, as well as injury and even death when authorities repeatedly resorted to unnecessary and excessive force.

In Sri Lanka, police used live ammunition, tear gas and water cannon against largely peaceful crowds protesting against the economic crisis, causing deaths and injuries. Police in Bangladesh used live and rubber bullets, sound grenades and tear gas to disperse protests by students and workers.

In Pakistan, authorities forcibly broke up peaceful protests by activists and family members of victims of enforced disappearances. Protesting victims of loan sharks in Nepal were met with police baton charges and arbitrarily detained. In India, a 15-year-old boy and another protester were shot and killed by police during demonstrations in Jharkhand state. Police in Indonesia also responded with unnecessary and sometimes lethal force to protests including in Papua and West Papua.

New restrictions were introduced further limiting the right to protest in several countries. In Karnataka state in India, an order was upheld which restricted protests to a designated area in the state capital. A new penal code in Indonesia banned unauthorized demonstrations, while in Australia, several states adopted new laws imposing fines and prison sentences for participation in unauthorized protests.

Freedom of association was also further curtailed in a number of countries. In Afghanistan, the space for independent human rights monitoring and reporting had all but disappeared. In India, money laundering laws and other pretexts were used to harass NGOs. New restrictions were imposed on the legitimate work of NGOs in Myanmar with non-compliance punishable by imprisonment.

In Cambodia, the main opposition party, the Cambodia National Rescue Party, remained banned and prosecution of its members and that of its successor, the Candlelight Party, continued. Public accusations of links to communist groups, known as “red-tagging”, continued to be used in the Philippines against organizations and individuals as a way of suppressing dissent by marking them out for arbitrary detention and unlawful killing. In Mongolia, human rights defenders faced accusations of spying and other familiar patterns of intimidation. Civil society space in Chinese Autonomous Region of Hong Kong contracted even further in 2022 as legitimate NGO activities were criminalized, creating an environment of fear and self-censorship.

**Governments must respect and facilitate the exercise of the rights to freedom of peaceful assembly and association. The work of human rights defenders must be respected and protected and a safe and enabling environment for their work ensured.**

## ARBITRARY ARRESTS AND DETENTIONS

In China, despite the authorities’ assertions to the contrary, many thousands of men and women were still believed to be arbitrarily detained in Xinjiang. Tibetan activists in China were also sentenced to lengthy prison sentences after unfair trials for activities deemed to have “incited separatism” or “endangered national security”.

Elsewhere across the region, human rights defenders, political and environmental activists and others were arbitrarily arrested and detained for asserting their right to protest or otherwise challenging government policies and actions.

In Thailand, more than 1,000 people including several hundred children were facing criminal charges for their participation in protests. Protesters in Sri Lanka were arrested, arbitrarily detained and charged with terror-related and other offences. In Myanmar, mass arbitrary arrests and detentions of opponents of the military regime continued and more than 1,000 people were convicted in grossly unfair trials.

In Viet Nam, long prison sentences were imposed on human rights and land rights activists, and in India, human rights defenders were detained without trial.

**Governments must end all arbitrary arrests and detention of government critics and others and immediately release anyone detained solely for the peaceful exercise of their rights to freedom of expression, peaceful assembly, association or other human rights.**

## IMPUNITY AND THE RIGHT TO JUSTICE

Impunity prevailed as national authorities in many countries failed to fulfil victims' rights to justice, truth and reparation, and international bodies too often reneged on their responsibilities to protect them.

Despite the report by OHCHR that added to an already strong body of evidence of Chinese atrocities in Xinjiang the UN Human Rights Council voted against even holding a debate on the situation. It similarly betrayed the countless victims of the "war on drugs" in the Philippines by failing to renew OHCHR's monitoring mandate, despite a disturbing increase in police killings during anti-drug operations during the year. By contrast, in the face of a lack of progress on establishing accountability for crimes under international law committed during and after the armed conflict in Sri Lanka, the council adopted a resolution to extend OHCHR's mandate to gather evidence for future accountability processes.

Impunity became further entrenched in Afghanistan, where the Taliban's version of a justice system lacked any credibility. In Nepal, there was no progress towards realizing the right to justice for the tens of thousands of victims of grave human rights violations committed during the 1996-2006 internal armed conflict there.

Where prosecutions of alleged perpetrators took place, trials were too often marred by irregularities. For example, there were serious questions about the credibility of a trial in Indonesia in which a former military commander was acquitted of the unlawful killing of four Papuan high-school students in 2014.

**Governments must address impunity by undertaking thorough, independent, impartial, effective and transparent investigations into crimes under international law and other serious human rights abuses and by bringing suspected perpetrators to justice in fair trials. Full cooperation should be extended to international investigations and justice processes.**

## VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW

The Myanmar military was responsible for war crimes as it intensified indiscriminate and targeted ground and air attacks against civilians and civilian objects, and looted and burned villages, killing hundreds and forcibly displacing thousands of people. Its use of cluster munitions and land mines, both banned under international law, was also documented.

War crimes were also committed in Afghanistan, where the Taliban continued its campaign of reprisal killings against members of the former administration and security forces and arbitrarily arrested, extrajudicially executed and tortured individuals allegedly associated with the National Resistance Front and other armed opposition groups.

Armed groups were also responsible for grave violations in Afghanistan, where Islamic State – Khorasan Province (IS-KP) continued its targeted attacks on minority ethnic and religious groups, including by bombing religious and educational facilities used by Hazara and Sikh communities. In Myanmar, some groups used banned anti-personnel landmines or improvised explosive devices. Armed groups in India's Jammu and Kashmir region reportedly killed at least 19 civilians including members of the Hindu minority community.

**All parties to armed conflicts must abide by international humanitarian law, in particular by ending direct attacks against civilians or civilian infrastructure and indiscriminate attacks.**

## CORPORATE ACCOUNTABILITY

Following an Amnesty International report documenting the role of businesses in importing and distributing aviation fuel that could be used by Myanmar in military air strikes against



civilians, implicated companies including Puma Energy and other foreign businesses announced that they were exiting or suspending business operations in Myanmar.

Underscoring the need for corporate actors to take seriously their responsibility to protect and promote human rights and to be held to account when they do not, Amnesty International also found that Meta's (formerly Facebook) algorithms and business practices had substantially contributed to grave human rights violations suffered by Rohingya in Myanmar 2017.

**Corporate actors should put in place due diligence measures to ensure that their operations and those of their partners do not cause or contribute to human rights abuses. They should also put mitigation measures in place against any potential abuses.**

## FREEDOM OF RELIGION AND BELIEF

Freedom of religion and belief remained under threat in several countries. In India, where Muslims were routinely arrested and prosecuted for exercising their religious freedoms, the Karnataka state government, following the example of other states, passed a law criminalizing marriages where the forced conversion of one spouse, often the Hindu woman, was alleged by a relative or other person. Girls were also banned from wearing the hijab in public schools in Karnataka.

Allegations of violations of blasphemy laws continued to result in death sentences and lynchings in Pakistan where forced conversions to Islam of Hindu, Christian and Sikh women and girls also persisted.

In China, religious leaders and Falun Gong practitioners were among those subjected to arbitrary detention and imprisonment, while the continued persecution of Uyghurs, Kazakhs and those from other predominantly Muslim ethnic minority groups in Xinjiang threatened to erase both their religious and cultural identities.

**Governments must take effective measures to implement legal and policy reforms to fully protect, promote and guarantee freedom of religion or belief without discrimination.**

## WOMEN'S AND GIRLS' RIGHTS

New legislation aimed at strengthening protections for women and girls, including legislation combating sexual and gender-based violence, was adopted in several countries including China, Indonesia and Papua New Guinea. In India the Supreme Court passed two progressive judgments upholding the right to dignity of sex workers, by directing the police to stop harassing them and interpreting an existing law to expand abortion access to all women, notwithstanding their marital status.

Nevertheless, the reality for many women and girls in the region remained one of systemic discrimination and violence. In Afghanistan, women and girls were effectively erased from public life and spaces as new edicts further restricted their rights and freedoms which, in addition to banning them from working with NGOs, forbade them from travelling without a male chaperone, attending secondary school and university or going to public parks, among other restrictions.

In Nepal, women continued to be denied equal citizenship rights and, although the statute of limitations for rape was extended, the excessively short period in which complaints must be filed remained a significant barrier to effective remedy for survivors.

Legal obstacles to women's participation in elections in Fiji remained in place during the December parliamentary elections because a legal challenge to a discriminatory law requiring women to change their name on their birth certificate if they wished to vote under their married name was unresolved. Women's representation in public life remained low, including in Papua New Guinea – where only two of the 118 parliamentarians elected in 2022 were

women – and Japan, where women accounted for just 10.6% of prefectural assembly members.

Violence against women also remained prevalent. There were calls on the Maldives authorities by UN experts to address rising gender-based violence there. In Bangladesh, hundreds of incidents of rape or murder of women by their husbands or other family members were recorded by an NGO, although many cases are thought to go unreported and impunity for such crimes remained widespread. Despite being criminalized, violent attacks on women and girls accused of sorcery continued in Papua New Guinea.

In Pakistan, several high-profile murders of women by their partners or family members were reported, yet the National Assembly failed to adopt legislation on domestic violence, pending since 2021.

**Governments across the region must accelerate efforts to protect and end discrimination against women and girls and take concrete steps to prevent and prosecute gender-based and sexual violence.**

## LGBTI PEOPLE'S RIGHTS

Some steps were taken towards legal recognition of LGBTI rights in countries including Japan, Singapore and Taiwan. In Singapore, consensual sexual relations between men were decriminalized. However, the Singapore government also amended the constitution to effectively block same-sex marriage and, overall, LGBTI people in the region remained among the most at-risk groups, with particular concerns in South Asia.

In Sri Lanka, despite a landmark decision by the CEDAW Committee that provisions in Sri Lanka's Penal Code criminalizing consensual same-sex conduct violate the right to non-discrimination, the government failed to act. In Afghanistan, LGBTI people were forced to live in hiding to protect themselves against physical and sexual assault, arbitrary detention and other violations by the Taliban. Chinese authorities also continued their anti-LGBTI campaign, severely restricting both offline and online LGBTI activism and censoring LGBTI content. In Pakistan, violent attacks, hate speech and threats against transgender people persisted and murder rates of transgender people were the highest in the region.

**Governments should repeal laws and policies that discriminate against LGBTI people, including by decriminalizing consensual same-sex relations and removing legal obstacles to same-sex marriage, and put in place measures to protect LGBTI people's rights and enable them to live in safety and dignity.**

## ETHNIC AND CASTE-BASED DISCRIMINATION AND INDIGENOUS PEOPLES' RIGHTS

In both India and Pakistan, caste-based discrimination continued largely unabated. In India, Dalits and Adivasis were subjected to violence and discrimination from members of dominant castes with impunity. A draft bill was tabled in Bangladesh that would outlaw discrimination including based on caste, religion and other identities, but mobs continued to conduct violent attacks against Hindu minorities.

Indigenous peoples as well as ethnic and religious minority groups also continued to face widespread discrimination in Cambodia, Indonesia, Japan, Laos, Malaysia, Nepal, the Philippines, Sri Lanka and Thailand. In Australia, Aboriginal and Torres Strait Islander people were disproportionately represented in the penal system. In Sri Lanka, Muslim and Tamil minorities were arbitrarily arrested and detained in disproportionate numbers under the draconian Prevention of Terrorism Act. Online advocacy of hatred towards and disinformation

about ethnic Korean people continued in Japan and they were scapegoated for the assassination of former prime minister Shinzo Abe.

In Nepal, Indigenous peoples, evicted from their ancestral lands during the establishment of national parks and conservation areas, remained landless and at risk of eviction from informal settlements. Malaysian authorities forcibly relocated members of an Indigenous community in Kelantan state to make way for the construction of a dam, while illegal logging in Cambodia continued to threaten the livelihoods and culture of Indigenous peoples there.

**Governments must provide effective and accessible access to justice to victims of ethnic, religious and caste-based discrimination and hate crimes, and work with affected communities to develop comprehensive programmes to eliminate discrimination in the criminal justice system and advocacy of hatred in online and offline domains.**

## TORTURE AND OTHER ILL-TREATMENT

Torture and other forms of ill-treatment of detainees remained commonplace in many countries and custodial deaths including as a result of torture were reported in at least ten countries.

After a decade-long struggle, a law to criminalize torture was finally adopted in Pakistan, but reports of torture and other ill-treatment of detainees persisted, as did incidents of torture in detention in Mongolia despite the establishment of a national mechanism for the prevention of torture there. In Nepal, torture in pretrial detention including to obtain “confessions” also continued to be reported, and there were still no convictions under the 2017 law criminalizing torture.

Fifty-four alleged deaths in custody were recorded in the first nine months of 2022 in Bangladesh. There were reports of sexual violence in detention in Myanmar, where hundreds of people died in custody during the year. Torture and other forms of ill-treatment were also reported elsewhere, including China, North Korea and Viet Nam.

In the Indonesian province of Aceh, scores of men and women were subjected to flogging. State-authorized public floggings also resumed in Afghanistan following the Taliban’s return to power.

**States must prohibit and criminalize torture and other acts of ill-treatment, and take effective measures to protect people and prevent these forms of abuse. Where they occur, states must investigate allegations, hold those responsible to account and provide victims with a remedy.**

## FAILURE TO TACKLE CLIMATE CRISIS

Devastating floods, soaring temperatures, deadly typhoons and coastal erosion highlighted the vulnerability of the region to climate change. Yet preparedness and adaptation remained largely inadequate and the poorest and most marginalized suffered the greatest consequences. In Pakistan, heatwaves, droughts and then devastating floods left nearly 750,000 people without access to adequate housing, education or healthcare. In India, farmers, street vendors, daily wage earners and other outdoor workers were particularly affected by record-breaking heat and air pollution. In Bangladesh, climate change, compounded by discrimination, prevented Dalits and other marginalized groups from coastal south-western regions from accessing water supplies and sanitation.

Despite the warning signs, emissions targets set by many states in the region, including the biggest emitters, remained insufficient to keep the increase in average global temperatures below 1.5°C, and policies were often inconsistent with meeting even these targets. Particularly worrying was the continued financing by Japan of global oil, gas and coal projects and its

plans for the construction of new coal-fired electricity plants; China's increased coal production despite government pledges to transition to renewables; and the incompatibility of South Korea's electricity generation plans with the need to phase out coal by 2030.

**Governments across the region must urgently review climate change targets and policies to ensure that they are consistent with keeping global temperatures down. Investment in disaster preparedness and adaptation must be increased and protection of marginalized and other groups particularly at risk from climate change prioritized. Wealthier countries in the region must also urgently scale up climate finance to lower-income countries and commit to providing additional dedicated funding for loss and damage.**

## REFUGEES' AND MIGRANTS' RIGHTS

Refugees and asylum seekers remained highly marginalized and at risk of refoulement.

The plight of Rohingya refugees from Myanmar remained unresolved. In Bangladesh, there was some improvement in access to education for Rohingya children, but an estimated 100,000 remained out of school. In Malaysia, Rohingya and other refugees from Myanmar remained detained indefinitely and several died during an attempted escape. Allegations of ill-treatment and poor conditions in immigration detention centres were also reported to have caused the deaths of many Indonesian nationals in Malaysia.

The practice of detaining refugees and asylum seekers solely for immigration purposes continued in Australia, Japan and the Chinese special administrative region of Hong Kong. In South Korea, there were reports of ill-treatment of foreign nationals in detention centres. In New Zealand an independent review found the immigration detention framework was "a recipe for arbitrary detention" and recommended an end to holding asylum seekers in correctional facilities.

Afghans fleeing persecution at home faced pushbacks from neighbouring countries, while the Malaysian authorities deported thousands of people to Myanmar despite the grave human rights situation there.

**Governments must cease detaining asylum seekers on the basis of their immigration status and allow them to seek international protection, ensuring that they are not forcibly returned to a country where they would face persecution.**

## DEATH PENALTY

The Papua New Guinea government abolished the death penalty. Executions resumed in Afghanistan, Myanmar and Singapore. In Singapore, lawyers representing people on death row faced intimidation and harassment.

**Governments that still retain the death penalty must take urgent steps to fully abolish it.**

# EUROPE AND CENTRAL ASIA REGIONAL OVERVIEW

2022 will be remembered in Europe and Central Asia as the year Russia led a full-scale military invasion of Ukraine, committing war crimes and potential crimes against humanity, and sparking the biggest movement of refugees in Europe since World War II. Russia's use of unlawful siege tactics, attacks on energy infrastructure and civilian property left thousands of civilians killed, injured and suffering severe privation.

Almost 7 million people were displaced within Ukraine, 5 million fled to Europe and 2.8 million left for Russia and Belarus. The welcome shown to those arriving in the EU was striking, but discriminatory at times, as it did not include some categories of people fleeing Ukraine such as Black people, non-nationals with temporary residency permits, and some Roma people, who faced particular obstacles accessing protection. Generous reception of most people from Ukraine stood in sharp contrast to the often violent rejection and abuse of refugees and migrants at Europe's external borders. This double standard revealed the racism inherent in EU external border policy and practice. Many European countries also introduced severe travel restrictions against Russian citizens, many of whom sought to flee mobilization.

The socio-economic impact of the war reverberated worldwide, with many in the Global South hit hard by disruption of grain and fertilizer exports. European countries saw huge spikes in energy prices. By the end of the year, many European countries had cost of living crises and record inflation, disproportionately affecting the most vulnerable. Moldova saw inflation rise above 30%, and Türkiye, above 64%. Moves to tackle the climate crisis were blunted by efforts to avoid dependence on Russia's oil and gas.

The war fostered the reconfiguration of politics in the broader region. Belarus largely aligned its foreign and military policy with Moscow and shared responsibility for Russia's act of aggression. There and in Russia, the war meant more repression, increasing hardship, and more international isolation, symbolized by Russia's expulsion from the Council of Europe and suspension from the UN Human Rights Council. The Nagorno-Karabakh conflict flared up anew as Russia's peacemaker role waned.

The war and Russia's policy also destabilized the Western Balkans, as Serbia's conflict with Kosovo threatened to escalate. An indirect consequence was a shift in EU enlargement policy, with the EU granting "conditional" candidate status to Bosnia and Herzegovina, despite its failure to meet accession criteria. The EU also gave the nod to Ukraine and Moldova to begin accession negotiations, but not to Georgia, where reforms stalled or regressed.

With regard to international and regional human rights mechanisms, Russia's veto powers often paralysed the OSCE and also the UN Security Council and relegated these organizations to the role of helpless observers of the conflict. The ICC however acted with unprecedented swiftness, announcing an investigation into the situation in Ukraine on 2 March.

Overall, Russia's war in Ukraine exacerbated the negative human rights trends of previous years by fuelling insecurity and inequality; this in turn gave a fillip to authoritarian forces and provided a pretext for further clampdowns on basic freedoms. These same forces were emboldened to articulate and often implement racist, xenophobic, misogynistic and

**homophobic agendas. Vicious crackdowns on protesters in Kazakhstan and Tajikistan were emblematic of authorities' continuing use of excessive force.**

## **VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW**

Russia's invasion of Ukraine triggered an extensive human rights, humanitarian and displacement crisis.

Investigators documented thousands of possible war crimes and potential crimes against humanity committed by Russian forces, including extrajudicial executions and other unlawful killings, torture and other ill-treatment, forced population transfers, the use of banned weapons, sexual violence and the targeting of schools and hospitals. Russia's use of siege tactics against civilians, indiscriminate attacks and the targeting of Ukraine's energy infrastructure during winter seemed aimed at maximizing civilian suffering. Prisoners of war held by both sides in the conflict were subjected to ill-treatment and possible extrajudicial execution.

No progress was made in investigating violations of international humanitarian law during the 2020 Armenia-Azerbaijan conflict or in bringing suspected perpetrators to justice. People continued to be killed by mines planted by Armenian forces in territories ceded to Azerbaijan, and tensions flared at the year's end when Azerbaijani protesters blocked the road connecting Nagorno-Karabakh with Armenia, disrupting the provision of essential goods and services. Georgia's breakaway regions of Abkhazia and South Ossetia/Tskhinvali Region saw no progress on impunity for past abuses.

**All allegations of war crimes and crimes against humanity should be subject to impartial and independent investigations, including through the principle of universal jurisdiction.**

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

The region received record numbers of people on the move. People fleeing Russia's invasion of Ukraine constituted the biggest single case of displacement on the continent since World War II. The largest numbers of such people were recorded in Poland (1.53 million), Germany (1.02 million) and the Czech Republic (468,000). The EU activated the Temporary Protection Directive for the first time, providing people fleeing the conflict in Ukraine with quick access to accommodation, the labour market, and education. The reception shown to people seeking protection from the war in Ukraine set a new benchmark in Europe and showed that EU member states have the capacity to give dignified protection to millions if there is the political will to do so. For example, a state emergency law was passed in the Netherlands for municipalities to ensure that 60,000 Ukrainians had access to accommodation and other services. In Switzerland, refugees from Ukraine received rapid support, although projects aimed at improving conditions in asylum centres were postponed.

EU countries also marked the largest number since 2016 of asylum requests from people from other countries around the world seeking safety and a rise in people using the Western Balkan, Central and East Mediterranean routes to arrive. Throughout the year Europe's borders remained a place of racialized exclusion, danger and abuse for many people also seeking protection coming from other parts of the world, including Afghanistan, Syria and sub-Saharan Africa. At both land and sea borders, states subjected refugees and migrants to forcible, often violent, summary returns without examination of their individual circumstances. Many refugees and migrants endured the consequences of racist border policies at the hands of the officials enforcing them. Spanish authorities continued to deny responsibility for serious human rights violations during operations by their border police in Melilla in 2021 which resulted in the

death of 37 people from sub-Saharan Africa, injuries to scores of others and the summary return of at least 470 people to Morocco.

State actors patrolling sea borders prevented refugees and migrants arriving by boat from disembarking. Border officials and police arbitrarily detained, often for long periods, others who managed to reach EU territory and summarily returned, often violently, thousands of people from Bulgaria and Greece to Türkiye; Türkiye to Iran and Syria; Cyprus to Lebanon; Spain to Morocco; France to Italy; Croatia to Bosnia and Herzegovina; Hungary to Serbia; and Latvia, Lithuania and Poland to Belarus.

Countries reacted differently to the Taliban takeover of Afghanistan in 2021. Denmark began to review cases of rejected Afghan asylum seekers, but Belgium resumed refusals of international protection for Afghans. While Germany resettled significant numbers of at-risk Afghans, a new programme launched to approve admission of 1,000 people per month prompted concerns over fairness and transparency of the process.

In the east of the region, Tajikistan detained and deported Afghan refugees. Russia's war in Ukraine prompted the large-scale migration of Russians to Armenia, Georgia, Kyrgyzstan and Kazakhstan. Kazakhstan proposed legislative amendments which could force many to return to Russia. Belarus continued to violently force refugees and migrants to cross its borders towards EU countries, subjecting them to torture and other ill-treatment.

**Governments must ensure that everyone has their right to international protection respected, protected and upheld without discrimination or being returned to persecution or other human rights violations.**

## WOMEN'S AND GIRLS' RIGHTS

The rights of women saw both progress and setbacks. In Poland, a harmful constitutional court ruling from 2021 continued to limit access to abortion, while NGOs supported 44,000 people to access abortion services (mostly abroad) at great risk due to the appalling criminalization of the provision of help. Hungary adopted new rules requiring people seeking an abortion to show a clinician's report confirming that they had listened to the "fetal heartbeat". Political forces in Slovakia introduced legislation to limit access to abortion.

Several countries began removing restrictions on accessing abortion. The Netherlands abolished the mandatory waiting period of five days for an abortion, while Germany repealed a provision criminalizing doctors for "advertising abortion". In Spain, parliament passed a bill to remove the requirement of parental consent for 16- and 17-year-olds seeking an abortion, mandatory counselling and reflection periods. Malta began to discuss the possibility of termination if the woman's life and health are at risk.

Violence against women and domestic violence persisted at high levels across the region. This was the case in Kyrgyzstan, where gender-based violence remained systemic and under-reported, and in Georgia, where concerns mounted about growing levels of femicide. Several countries moved towards reforming rape laws and enshrining the principle of consent. New laws entered into force in Belgium, Finland and Spain, while legislators in the Netherlands continued to discuss such amendments.

Ukraine and the UK ratified the landmark Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention). Although the EU had not made progress towards ratifying the Istanbul Convention, the European Commission proposed a new directive to combat violence against women and domestic violence.

UN Women reported that more than a third of female-headed households in war-affected areas in Ukraine struggled to secure sufficient food, and Russian strikes on healthcare facilities contributed to greatly reduced maternal health services. In April in Turkmenistan,

demonstrating a new move to impose “traditional” values, police began preventing women from sitting in the front passenger seat of a car under new rules lacking legal clarity.

**Governments must urgently combat all forms of gender-based violence that disproportionately affect women and girls and address its root causes.**

## RIGHT TO PRIVACY

Following earlier revelations about Pegasus spyware, 2022 saw revelations that Spain had targeted journalists and opposition politicians. During the year, there were also independently confirmed cases of journalists and politicians targeted with spyware in Poland and Greece.

A number of governments continued dangerous expansions of law enforcement and intelligence service powers. In Serbia, the government sought to introduce legislation facilitating biometric surveillance and data processing. In Switzerland and Ireland, NGOs raised concerns about draft legislation expanding the powers of intelligence services in the former and introducing facial recognition technology in law enforcement in the latter. In Georgia, legislative amendments gave law enforcement authorities increased scope to conduct covert surveillance. Turkmenistani activists were targeted abroad, for example in Istanbul where Turkmenistani consulate staff attacked peaceful activists trying to deliver a human rights petition.

## EROSION OF JUDICIAL INDEPENDENCE AND THE RIGHT TO A FAIR TRIAL

In June the Council of Europe’s Venice Commission noted that in Georgia the speed and scope of 2021 amendments to the law on common courts may create a “chilling effect on judges’ freedom of expression and internal judicial independence” with a perceived aim to “control and silence” them. In Belarus legislation expanded the use of investigations and trials in absentia and the justice system continued to persecute government critics. The governments in Hungary and Poland continued to target judges and prosecutors with abusive disciplinary proceedings and suspensions and to disregard international criticism in this area. In Türkiye, the government’s grip on the judiciary has eviscerated judicial independence over a number of years, resulting in human rights defenders, activists and political opponents facing baseless investigations, prosecutions and convictions.

**Governments must stop the slide to surveillance societies, respect the right to a fair trial, and end the erosion of judicial independence.**

## TORTURE AND OTHER ILL-TREATMENT

Russia’s war in Ukraine was accompanied by systematic torture and other ill-treatment. Prisoners of war were subjected to ill-treatment and possible extrajudicial execution. The Russian “filtration” process subjected some civilians in Ukraine to electroshocks, execution threats, the denial of food and water, and the separation of children from their parents. Elsewhere in the east of the region, ill treatment was commonly deployed in detention centres. In Kazakhstan electric shocks and burning with steam irons were reported and according to official figures six individuals died from “unlawful interrogation methods”. Torture and other ill-treatment was rampant in Tajikistan to intimidate and extract confessions. In Belarus, those convicted under politically motivated charges were held in inhuman conditions in solitary confinement. Kazakhstan fully abolished the death penalty in law, while Belarus executed at least one person.



Border guards and police at the EU's external borders continued to subject refugees and migrants to ill-treatment, frequently amounting to torture, and in Italy court cases relating to torture in prisons continued.

**Governments must act urgently to end torture and other ill-treatment, bringing perpetrators to justice.**

## STATE OVERREACH AND FREEDOM OF EXPRESSION

Governments used various “crises” to arrogate new powers. The authorities in Hungary used the pretext of the war in Ukraine to give themselves new powers to declare a state of emergency. Latvia, Lithuania and Poland continued their states of emergency at the border with Belarus, unjustifiably restricting access of journalists, NGOs and humanitarian actors.

Türkiye continued to detain and prosecute dozens of journalists, activists and opposition politicians on spurious terrorism-related charges. Parliament passed a new disinformation law enhancing government powers over social media.

In the Western Balkans, authorities pressured, harassed and threatened journalists, especially those reporting on organized crime, corruption and war crimes. Monitors recorded physical attacks against journalists in Kosovo, Montenegro and Serbia. Strategic Litigation against Public Participation (SLAPPs), abusive lawsuits that targeted journalists and environmental activists, were increasingly common. The use of SLAPPs was concerning in Austria, Bosnia and Herzegovina, Bulgaria and Greece, but frighteningly common in Croatia, Serbia and Slovenia. The European Commission proposed an anti-SLAPP directive, which was under negotiation.

In the east, freedom of expression remained under severe assault. Government restrictions left Russians with few independent sources of information. In March, new legislation penalizing “discreditation” of and spreading “deliberately false information” about the Russian Armed Forces effectively barred critical mention of the war in Ukraine. Thousands of administrative and criminal prosecutions ensued. People criticizing the war were arrested, heavily fined or sentenced to detention or prison. Many high-profile critics of the war were declared “foreign agents”. Dozens of independent media were closed, thousands of websites were blocked, and Meta was declared an “extremist organization”. Belarus also prosecuted hundreds who expressed support for Ukraine or criticized the government, arrested 40 more independent journalists and brought new charges against those already imprisoned. Hundreds were prosecuted for association with “extremist” content.

The Tajikistani authorities aggressively targeted independent media and human rights defenders in response to new protests in the Gorno-Badakshan Autonomous Oblast (GBO), and shut down the internet completely there in the first months of the year. Turkmenistan reportedly blocked 1.2 billion IP addresses to prevent access to information from abroad, and Azerbaijan adopted a new media law to create a single official register of journalists and mandated media to distribute “objective” information only.

## FREEDOM OF ASSEMBLY

In the western part of the region, several countries imposed arbitrary or disproportionate bans on peaceful protests. In Republika Srpska in Bosnia and Herzegovina authorities banned protests commemorating the 30th anniversary of wartime persecution. Türkiye repeatedly placed bans on Prides and demonstrations commemorating victims of enforced disappearances. More often, the authorities resorted to other measures, such as preventive detention (Sweden), excessive use of force against protesters (Serbia), severe fines (Slovenia), arbitrary arrests (Greece) and unfair dismissals of protest participants (Hungary).

Many governments continued efforts to prevent or punish acts of civil disobedience, especially by environmental protesters. Governments cracked down using various means, including unlawful dispersals in Finland and charging protesters with severe crimes such as sabotage in Sweden. The UK passed legislation granting police new powers to implement restrictions on the grounds of noise and nuisance. Setting a precedent, the Federal Administrative Court in Germany ruled that protest camps are protected by constitutional guarantees of freedom of assembly.

To the east, peaceful protesters met with excessive force from the authorities in several countries, leading to death, torture and injury. January saw a sudden explosion of mass protest in Kazakhstan calling for reform. The response was over 10,000 arrested, use of live ammunition and rubber bullets, labelling protesters “terrorists”, ill-treatment and detention in inhuman conditions, and the death of at least 219 protesters and 19 law enforcement officers. At the year’s end most incidents had not been investigated.

Tajikistan saw a brutal crackdown on protest in the GBAO. An “anti-terrorist operation” saw tens of Pamiri protesters killed and over 200 people, including activists, poets and journalists, arbitrarily arrested.

In Karakalpakstan, Uzbekistan, protests erupted in July in response to proposed constitutional amendments around the status of the territory. Security forces were deployed, leading to at least 21 deaths, more than 250 injured, hundreds arbitrarily detained and scores subjected to torture and other ill-treatment.

Belarus saw police brutally disperse peaceful protests against Russia’s aggression against Ukraine, and the sentencing of many protesters to detention or fines after closed trials. Authorities in Bishkek, Kyrgyzstan, restricted locations where public assemblies could be held. In Russia, the authorities viciously persecuted not just protest participants but also those who monitored protests.

## FREEDOM OF ASSOCIATION

In the west of the region, Türkiye and France stood out as countries restricting freedom of association by seeking to dissolve associations. The former applied counter-terrorist provisions in an overly broad manner, targeting a platform against femicide, a community group, and one of the main opposition parties (the HDP). The latter abused the provisions of a new law on “republican values”, targeting an anti-fascist group, two pro-Palestinian groups, and an environmental rights collective.

Uzbekistan’s government cemented control of civil society when it issued a decree requiring NGOs to obtain “national partners” – chosen by the government – to implement foreign grants. Kyrgyzstan introduced new requirements for NGOs to report on foreign funds, and Belarus cited “extremism” and “terrorism” charges to shut down over two hundred organizations.

**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.**

## HUMAN RIGHTS DEFENDERS

Türkiye continued its assault on human rights defenders. At year’s end, Öztürk Türkdoğan faced three different spurious prosecutions for “membership of a terrorist organization,” “insulting a public official,” and “denigrating the Turkish nation”. Similarly, human rights lawyer Eren Keskin and Şebnem Korur Fincancı, a prominent forensic specialist, both faced baseless terrorism-related charges. Turkish authorities refused to implement a binding decision from the European Court of Human Rights in the case of human rights defender

Osman Kavala despite infringement proceedings. The Court of Cassation overturned charges against former Amnesty Türkiye chair Taner Kılıç.

Greece, Italy and Türkiye all persecuted human rights defenders working on migrants' and refugees' rights. Women's rights defenders faced persecution in several countries. In Andorra, Vanessa Mendoza Cortés faced a huge defamation fine after criticizing the harmful impact of the country's ban on abortion. In Poland, Justyna Wydrzynska faced trial for supporting a pregnant woman's efforts to seek an abortion.

In the east, defenders were subjected to arbitrary detention, violence and intimidation. In Belarus, the human rights organization Viasna was a singular target, with Nobel laureate Ales Bialiatski and colleagues imprisoned and facing trumped-up charges; Marfa Rabkova and Andrey Chapyuk were sentenced in a closed trial to 15 and six years' imprisonment respectively. Nasta Loika was falsely charged with "petty hooliganism" and denied medicines, warm clothes and drinking water in administrative detention, and then pressed with false criminal charges. In Russia, human rights defenders were under unceasing pressure under the "foreign agents" and "undesirable organizations" legislation, forcing many to leave the country. In April, the Ministry of Justice withdrew the registration of over a dozen foreign foundations and NGOs including Amnesty International, forcing the closure of their offices in Russia. In occupied Crimea, Crimean Tatar rights activists and lawyers continued to face severe reprisals.

**Governments should protect human rights defenders and recognize their crucial role, rather than stigmatizing and criminalizing their activities.**

## DISCRIMINATION

A number of countries saw record reports of antisemitism. In both Germany and the UK, monitors recorded a serious increase in antisemitic hate crimes. In Slovakia, the suspect in the murder of two LGBTI people was found to have written virulently antisemitic propaganda. The Latvian parliament passed a restitution law granting compensation to the Jewish community for properties seized during the Nazi and Soviet occupations.

Several countries continued to reinforce or pass new measures targeting Muslim women. Andorra passed a law banning the wearing of conspicuous religious symbols which prevents Muslim women from wearing the headscarf. In France, local authorities banned a protest by women footballers against an attempt to codify a discriminatory ruling which prevents Muslim women who wear headscarves from participating in competitive sports. The highest administrative tribunal upheld a ban on wearing "burkinis" in Grenoble. In Switzerland, following a 2021 referendum, parliament considered a draft law to ban face coverings. The discussion of these measures was rife with negative stereotypes and mired in anti-Muslim rhetoric.

Monitors in both Belgium and Switzerland found strong evidence of structural racism against people of African descent. In the UK, police stop-and-search practices continued to disproportionately affect Black people. An investigation found that over a two-year period 650 children had been strip searched, with 58% of them Black. In Denmark, a housing company evicted numerous people to avoid categorization as a "ghetto" under laws which prohibit the concentration of people of "non-Western background". In Germany, the National Discrimination and Racism Monitor found that racism was part of everyday life in the country.

Roma faced derogatory speech and systemic discrimination in housing, education, policing and other realms of life. Roma continued to be subjected to segregation in education for example in Albania, Croatia, Kosovo, North Macedonia and Slovakia. Racist policing, statelessness and the lack of personal documentation continued to hinder efforts at Roma empowerment. The continuing vicious crackdown on human rights in Belarus also targeted

national minorities, including Poles and Lithuanians, as well as proponents of Belarusian language and culture. The government barred two schools from teaching in Polish in the west of the country where many Poles live, closed a Lithuanian school in Hrodna region and shut down Belarusian book shops.

## LGBTI PEOPLE'S RIGHTS

Discrimination and violence against LGBTI people in some countries was accompanied by judicial or legislative progress in others. One of the most serious violent incidents took place in Slovakia when two people died and one was injured in a shooting outside a gay bar. Attacks and/or threats against LGBTI leaders took place in Montenegro, North Macedonia and Poland.

Judiciaries in some countries issued decisions that upheld the rights of LGBTI people. Courts in Croatia confirmed that same-sex couples should be able to adopt children under the same conditions as others. The Constitutional Court in Slovenia declared bans on gay marriage and adoption as unconstitutional. Following a Supreme Court decision in Latvia, administrative courts started recognizing same-sex couples. In Switzerland, new regulations to legalize civil marriage and adoption for same-sex couples entered into force. The Spanish parliament passed a landmark bill that recognizes trans people's right to gender self-determination. The governments in Finland and Germany proposed progressive legislation on legal gender recognition.

In contrast, the government in Hungary organized a referendum based on a 2021 anti-LGBTI law. In Poland, numerous local governments still declared themselves to be "LGBT-free zones" and activists faced SLAPP suits and arbitrary detention.

In the east, some progress was seen. President Volodymyr Zelensky promised legislation on civil partnerships in Ukraine. Moldova held its largest-ever Pride march notwithstanding threats from the mayor in the capital, Chisinau, that he would ban it. Elsewhere, however, LGBTI rights continued to be severely repressed. Russia extended the prohibition of "propaganda of non-traditional sexual relations, paedophilia and gender reassignment" from minors to all age groups. Turkmenistan and Uzbekistan continued to criminalize consensual sexual relations between men, and a discriminatory draft law was submitted in Uzbekistan allowing police to conduct mandatory testing for men who have sex with men.

**Governments must redouble their efforts to prevent discrimination including against Jews, Muslims, Black people, Roma and LGBTI people.**

## ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Countries with close economic ties to Russia were profoundly impacted by the war in Ukraine. In Russia itself, overall poverty levels increased. Within Ukraine, the World Bank reported that poverty levels increased tenfold as nearly half a million children were plunged into poverty.

By the end of the year, most countries in the region had cost of living crises and record inflation. Seventeen EU member states had inflation greater than 10%. As usual, across the region the poorest and most vulnerable, including persons with disabilities, pensioners and children, were disproportionately affected and suffered inadequate social protection.

**Governments must take immediate action to address ongoing socio-economic hardships, by assigning adequate resources including through comprehensive social protection to ensure that everybody can enjoy their economic, social and cultural rights.**

## FAILURE TO TACKLE CLIMATE CRISIS

The climate crisis was brought home to many by unprecedented summer heatwaves, with temperatures exceeding 40°C in places. Some 25,000 excess deaths were recorded due to the heat, which also resulted in dried up rivers, a glacier collapse in Italy, severe drought affecting most of Portugal and fires destroying vast territories in Spain. The urgency of taking climate action was counteracted by the effects of Russia's war in Ukraine. In Ukraine military activities polluted the air, water and soil with toxic substances and Russia's conduct of hostilities raised the risk of a nuclear accident around the Zaporizhzhia nuclear power plant. The need to reduce dependence on Russian oil and gas led to a scramble to ensure alternative sources of fossil fuels, decisions to extend the life of coal and nuclear plants, and temporary reductions in fuel taxes. Turkmenistan continued to be one of the highest methane gas emitters globally and women in rural areas there were disproportionately impacted by climate change.

After some equivocation before COP 27, the EU supported the creation of a Loss and Damage fund, raising some hopes for climate solidarity. However, European countries failed to align 2030 emission reduction targets to achieve the global target of limiting temperature increase to 1.5°C.

**Governments must increase their emission reduction targets in a way that reflects their responsibility for the climate crisis. They should 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.**

# MIDDLE EAST AND NORTH AFRICA REGIONAL OVERVIEW

Governments failed to adequately respond to the devastating impact of worsening economic conditions, exacerbated by global events such as the war in Ukraine and local factors such as conflict and climate-related disasters, on the human rights of millions of people to food, water, housing and healthcare.

Armed conflicts continued to devastate the lives of millions of people across the Middle East and North Africa. Civilians faced indiscriminate attacks, destruction of vital infrastructure, forced displacement and abusive rule by unaccountable militias, armed groups or security forces. Lebanon and Jordan continued to host millions of Syrian refugees, but both countries adopted coercive policies to pressure refugees to return. Authorities failed to secure safe return of millions of internally displaced people to their places of origin.

Governments continued to use draconian measures to repress the rights to freedom of expression, association and peaceful assembly. Authorities censored or silenced online and offline media. They subjected human rights defenders, journalists, protesters, women's rights campaigners, political activists and other critics or dissidents to arbitrary detention, unfounded criminal prosecutions, unfair trials, imprisonment, travel bans, threats and other forms of harassment. Security forces used unlawful, sometimes lethal, force and mass arrests to crush protests.

Other human rights violations included discrimination against ethnic and religious minorities, enforced disappearances, torture and other ill-treatment, and the use of the death penalty and other cruel, inhuman or degrading punishments.

Three events in particular highlighted human rights issues in the region. In September, the death in custody of Mahsa (Zhin) Amini following her arrest by Iran's so-called "morality police" for violating the country's abusive veiling laws sparked unprecedented protests calling for an end to the Islamic Republic and the establishment of a system respecting human rights and equality. In November, Egypt hosted COP27, which exposed its abysmal human rights record and the plight of the tens of thousands of people languishing in Egyptian jails for political reasons. It also highlighted the failure of governments worldwide to take the necessary action to avert the climate crisis and tackle environmental degradation. Later in November, Qatar staged the football World Cup, drawing attention to the plight of Qatar's migrant workforce, some working in conditions that amounted to forced labour. Many migrant workers across the region experienced similar conditions. The World Cup also highlighted discrimination against LGBTI people in Qatar.

## VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW

Prolonged armed conflicts, military occupation and insecurity continued to devastate the lives of millions of civilians in Iraq, Israel and the Occupied Palestinian Territories, Libya, Syria, and Yemen. Parties to the conflicts, both state and non-state actors, committed war crimes and other serious violations of international humanitarian law, including indiscriminate and targeted attacks, leading to civilian casualties and destruction of infrastructure.

The armed conflict in Syria continued into its 11th year, although levels of violence decreased. Syrian and Russian government forces conducted unlawful ground and aerial attacks on civilians and civilian infrastructure, including water stations and camps for internally displaced people, killing and injuring scores of civilians.

The devastating conflict in Yemen continued despite a ceasefire agreement. All parties to the conflict carried out unlawful attacks that killed civilians, obstructed access to humanitarian aid and destroyed civilian infrastructure.

In Libya, a national ceasefire in place since October 2020 generally held. Militias and armed groups, however, continued to engage in localized clashes over territory and resources, during which they carried out indiscriminate attacks and destroyed civilian infrastructure.

The conflict between Israeli military forces and Palestinian armed groups flared up again. On 5 August, Israel launched a three-day military offensive targeting the Palestinian Islamic Jihad in the Gaza Strip, which has been under a 15-year-long illegal Israeli blockade and discriminatory rule. Around 1,700 Palestinian homes were damaged or destroyed, and hundreds of civilians were displaced during the offensive. Seventeen Palestinian civilians were killed in Israeli attacks and at least seven were killed apparently by rockets launched by Palestinian armed groups that misfired.

**All parties to armed conflicts must abide by international humanitarian law, in particular ending direct attacks on civilians and civilian infrastructure and indiscriminate attacks. Foreign governments must stop transfers of weapons where there is an overriding risk that they will be used to commit or facilitate serious violations of human rights or international humanitarian law.**

## RIGHTS OF REFUGEES, MIGRANTS AND INTERNALLY DISPLACED PEOPLE

The rights of refugees, migrants and internally displaced people continued to be undermined by ongoing and historical conflicts. Host nations, such as Lebanon and Jordan, violated the rights of refugees and international donor governments did not adequately fund humanitarian response programmes. Authorities continued to arrest and arbitrarily detain refugees and migrants and subject them to refoulement and mass expulsions.

Lebanon continued to host an estimated 1.5 million Syrians, but the failure of the government to mitigate the impacts of the economic crisis in the country left most refugees living in extreme poverty and unable to access their human rights such as food, housing, education and health. The Lebanese authorities also scaled up so-called voluntary returns for Syrians, despite well-documented persecution in Syria and a coercive environment in Lebanon that undermined the ability of Syrian refugees to provide free and informed consent to return.

Neighbouring Jordan continued to host around 2 million Palestinian refugees and more than 750,000 refugees from other countries in the Middle East and North Africa, most of whom had limited access to essential services due to severe underfunding. Israel welcomed tens of thousands of Ukrainian refugees and allowed thousands of Jewish Ukrainians to settle in the country, but continued to deny millions of Palestinians their right of return. It also denied asylum to tens of thousands of people fleeing from African countries, particularly from Eritrea and Sudan.

In Libya, state officials, militias and armed groups subjected refugees and migrants to widespread violations including unlawful killings, indefinite arbitrary detention, torture, rape and other ill-treatment, and forced labour. EU-backed Libyan coastguards shot at or deliberately damaged boats carrying refugees and migrants crossing the Mediterranean. Thousands of people intercepted at sea and disembarked in Libya were forcibly disappeared;

thousands of others were expelled from the country's southern borders without the opportunity to seek asylum.

At the border between northern Morocco and the Spanish enclave of Melilla, security forces on both sides used excessive force, killing 37 people from sub-Saharan Africa and injuring many more. In Algeria, authorities arrested or summarily deported dozens of refugees and asylum seekers. In Iran, security forces fired at Afghan nationals crossing the Iran/Afghanistan border, and arbitrarily detained and tortured others before expelling them unlawfully. Saudi Arabia forcibly returned tens of thousands of Ethiopian migrants after arbitrarily detaining them in inhumane conditions because they did not have valid residency documents and subjecting them to torture and other ill-treatment. In Iraq, Libya and Syria, internally displaced people were unable to return to their homes due to insecurity, risks of arbitrary arrest and harassment by security forces, and lack of essential services and job opportunities.

**Governments must end the arbitrary detention of refugees and migrants on the basis of their migration status, and protect them from refoulement and mass expulsions. They must also take concrete steps to ensure the voluntary, safe and dignified return of internally displaced people to their areas of origin.**

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

Authorities across the Middle East and North Africa region continued to arbitrarily arrest, detain, prosecute and harass people for expressing critical views, participating in peaceful protests, and engaging in human rights work or political activism.

Authorities used terrorism legislation or vaguely worded charges related to “national security” to silence dissent and impose long prison sentences. In Algeria, environmental activist Mohad Gasmi was jailed for three years for email exchanges relating to the exploitation of shale gas in the country. In Jordan, three journalists were arrested and charged with “spreading fake news” for their coverage of leaked documents that exposed the financial activities of companies, politicians and the king. In Morocco, human rights defender Saida Alami was sentenced to two years in jail for her social media posts denouncing the repression of journalists and activists, a sentence that was subsequently increased to three years on appeal.

In some states, authorities increased censorship or ramped up threats against free speech. The Huthi de facto authorities in Yemen shut down at least six radio stations in the capital and continued to imprison at least eight journalists, four of them on death row. Syria's government passed a new cybercrime law imposing long prison sentences for criticizing the authorities or constitution online. A new decree in Tunisia mandated prison terms of up to 10 years for wilful misuse of telecommunications networks to produce, send or spread “fake news” or other false or defamatory content, and allowed authorities to dissolve entities found to have violated it. A new law in the United Arab Emirates (UAE) criminalized “anyone who mocks, insults, or damages the reputation, prestige or standing of the state” or “its founding leaders”.

Authorities cracked down on protests in Iran, Libya and Syria, including through the use of unlawful lethal force and mass arrests. The authorities in Iran responded to the unprecedented uprising against the Islamic Republic with live ammunition, metal pellets and beatings, killing hundreds of people, including dozens of children, and injuring thousands more. The authorities shut down or disrupted internet and mobile phone networks and blocked social media platforms. Thousands were arbitrarily arrested and subjected to unfair trials and prosecutions and two were executed. Palestinian authorities in the West Bank and Gaza Strip at times used excessive force to disperse peaceful gatherings.

Impunity for unlawful killings and other serious human rights violations prevailed domestically across the region, but at the international level some positive steps were taken. For example, in November, the UN Human Rights Council established a fact-finding mission to investigate



human rights violations related to the Iran protests that erupted in September. Furthermore, European countries investigated and prosecuted individuals suspected of committing crimes under international law in Syria and Iran through their national courts under the principle of universal jurisdiction.

In several countries, authorities adopted other measures to crush dissent. In Algeria, they used bogus anti-terrorism charges to silence members of opposition political parties and movements. They also suspended at least one political party and threatened to suspend at least two others. Israeli authorities raided and ordered the closure of seven Palestinian civil society organizations and disqualified a Palestinian political party from standing in Israel's parliamentary elections. In December, human rights lawyer Salah Hammouri was deported to France following nine months in administrative detention without charge or trial and the revocation of his East Jerusalem residency status.

Between April and the end of the year, the Egyptian authorities released 895 people held for political reasons, but 2,562 suspected critics were arrested and interrogated by prosecutors during the same period including hundreds in connection to calls for protests during COP27 in November. Thousands of human rights defenders, journalists, protesters and other actual or perceived critics and dissidents remained in arbitrary detention for exercising their human rights.

**Governments must respect the rights to freedom of expression, association and peaceful assembly, including ensuring that journalists, human rights defenders and activists can enjoy these rights without harassment, violence and prosecution, and releasing those detained for exercising these rights.**

## DISCRIMINATION

### WOMEN AND GIRLS

In 2022, women and girls continued to face discrimination in law and in practice across the Middle East and North Africa, including in relation to the rights to inheritance, divorce, political representation and employment opportunities. Gender-based violence remained prevalent and was committed with impunity. Authorities in Egypt, Iran, Iraq, Saudi Arabia and Yemen subjected women human rights defenders and activists to prosecution, interrogation and/or other forms of harassment for speaking out against sexual violence and gender-based discrimination.

Women and girls were at the forefront of nationwide protests that erupted in Iran in September, challenging decades of gender-based discrimination and violence and defying discriminatory and abusive compulsory veiling laws.

So-called "honour killings" of women and other femicides continued. In central Iraq and the Kurdistan Region of Iraq, despite an increase in reports of such killings and other forms of gender-based violence including against trans women, the government failed to criminalize domestic violence. In Algeria, 37 femicides were recorded.

Legal protections from discrimination were further weakened in several countries in the region. In March, Saudi Arabia passed its first "personal status law", codifying many of the problematic practices inherent in the male guardianship system and entrenching gender-based discrimination in most aspects of family life. An amendment to Tunisia's electoral law removed provisions that improved women's representation in parliament. The Huthi de facto authorities in Yemen banned women from travelling in governorates under their control without a male guardian or their written permission.

There were signs of progress in some countries, although women continued to face discrimination and violence. Morocco ratified the Optional Protocol to CEDAW, but domestic

law still entrenched gender inequality. A constitutional amendment in Jordan declared men and women equal before the law and banned discrimination between them, but no steps were taken to amend the country's laws. In Kuwait, the government introduced measures to increase women's representation in public employment and leadership, but domestic law continued to discriminate against women. Omani authorities set up a domestic violence hotline, but failed to establish shelters or pass laws defining domestic violence.

## **LGBTI PEOPLE**

Across the region, LGBTI people faced arrest and prosecution, and at times were subjected to torture such as forced anal examinations, on the basis of their sexual orientation or gender identity. Some criminal courts handed down harsh sentences for those convicted of consensual same-sex relations.

In some countries, there were signs of regression. In Lebanon, following demands by religious groups to "reject the spread of homosexuality", the interior ministry banned peaceful gatherings by LGBTI people, but a court suspended the decision. In UAE, where the law criminalizes consensual same-sex relations, the government ordered schoolteachers not to discuss "gender identity, homosexuality or any other behaviour deemed unacceptable to UAE society". In Yemen, authorities targeted people with non-conforming sexual orientation or gender identity with arbitrary arrest, rape and other torture.

## **ETHNIC AND RELIGIOUS MINORITIES**

Across the region, members of national, ethnic and religious communities and minorities continued to face entrenched discrimination in law and practice, including in relation to their rights to worship, enjoy equal access to employment and healthcare, and live free of persecution and other serious human rights abuses.

Israel maintained an extreme form of discrimination – a system of apartheid – through oppression and domination over Palestinians through territorial fragmentation, segregation and control, dispossession of land and property, and denial of economic and social rights. Israel committed a wide range of human rights violations against Palestinians to entrench this system, including forcible transfers, administrative detention, torture, unlawful killings, denial of basic rights and freedoms, and persecution, which constituted the crime against humanity of apartheid. In a move to further entrench the system of apartheid, the authorities in March re-enacted a law that imposes sweeping restrictions on Palestinian family reunification to maintain a Jewish demographic majority, and in July the Supreme Court upheld a law authorizing the interior minister to strip citizens of their citizenship if convicted of acts that amount to "breach of allegiance to the state".

In Iran, ethnic minorities, including Ahwazi Arabs, Azerbaijani Turks, Baluchis, Kurds and Turkmen, faced systematic discrimination, restricting their access to education, employment, adequate housing and political office. In Kuwait, the Bidun (native but stateless Kuwaitis) faced increased discrimination by law.

Members of religious minorities also faced deep-rooted discrimination in law and practice, including in their right to worship. In Algeria, authorities used a decree that restricts religions other than Sunni Islam to persecute members of the Ahmadi Religion of Peace and Light and to close at least three Protestant churches. Egypt's authorities continued to prosecute and imprison Christians and other religious minorities, as well as atheists and people espousing religious beliefs not sanctioned by the state, for "defamation of religion" and other bogus charges. In Iran, Baha'is, Christians, Gonabadi Dervishes, Jews, Yaresan and Sunni Muslims faced discrimination in law and practice, particularly in terms of accessing education, jobs, political office and places of worship.

**Governments must take urgent action to end gender-based discrimination and violence against women, girls and LGBTI people and bring to justice those responsible for such crimes. They must also decriminalize consensual same-sex relations. Governments must end discrimination on the basis national origin, ethnicity or religion, and implement legal and policy reforms to grant equal rights for all without discrimination and to protect, promote and guarantee freedom of religion and belief.**

## **ECONOMIC AND SOCIAL RIGHTS**

Economic crises in some countries had a devastating impact on the cost of living, food and fuel security, and the right to water, housing, health and an adequate standard of living. People from marginalized groups, including women, LGBTI people, ethnic and religious minorities, refugees and migrants, and low-paid workers, were hit particularly hard.

In Lebanon, the authorities failed to address the country's acute economic crisis, classified by the World Bank as one of the worst of its kind in modern history, resulting in a drastic deterioration in the guarantee of economic and social rights. Almost half of Lebanese households were food insecure; the state provided less than two hours of electricity per day; medication became unaffordable or unavailable; and social protection programmes remained woefully inadequate. Egypt spiralled into a financial and economic crisis that undermined millions of people's economic and social rights. Tunisia's economic crisis also worsened, with unemployment reaching 15% and shortages of staple foods. In Syria, an estimated 55% of the population was food insecure. In Yemen, currency depreciation, high inflation and soaring global food prices meant people's access to food was highly restricted.

Across the region, governments failed to protect low-paid workers from labour abuses and repressed workers' right to join independent trade unions and to strike without fear of serious repercussions. In Egypt, Iran and Jordan, workers who staged protests or strikes, or sought to form independent trade unions, were penalized through unfair dismissal, arrests and prosecution. In the Gulf states, low-paid migrant workers, who make up the majority of the workforce, remained vulnerable to extreme exploitation, employment discrimination, highly inadequate housing, a wide range of physical and mental abuses, underpayment or non-payment of wages, limited access to healthcare, and summary dismissal and return to their country. In Qatar, the government continued to reform the country's *kafala* (sponsorship) system for migrant workers, but the process failed to end widespread labour abuses including wage theft. The authorities still failed to investigate adequately the unexpected deaths of migrant workers, including those working in extreme heat and for long periods without breaks or rest days. Many migrant workers faced discrimination on the basis of their race, nationality and language, resulting in different rates of pay, worse working conditions, and tougher jobs. Meanwhile, domestic workers, most of them women, continued to face harsh working conditions and serious physical and mental abuse and sexual assault. The government also maintained its ban on migrant workers forming or joining trade unions, a right afforded to Qataris.

**Governments must take urgent action to establish social protection measures that effectively protect everyone, including marginalized groups, against the adverse impacts of crises and call for coordinated international efforts to guarantee the rights to health, food and an adequate standard of living. Governments must also protect the right of workers to organize independent trade unions and to protest, and they must extend labour law protections to migrant workers, including domestic workers.**

## FAILURE TO TACKLE CLIMATE CRISIS

States across the region failed to take the necessary action to tackle climate change and environmental degradation, including those party to the 2015 Paris Agreement, a legally binding international treaty on climate change. 2022 saw widespread evidence of the devastating impact of the climate crisis on human rights. In Algeria, wildfires destroyed large areas of forest and killed more than 40 people. Iran suffered continuing loss of lakes, rivers, wetlands and forests, high levels of air and water pollution, and land subsidence. In Iraq, intense droughts, heat waves and sandstorms displaced more than 10,000 families.

The region's major oil and gas-producing nations failed to support the call to phase out all fossil fuels in the final agreement at COP27 or to take the required action at home to combat climate change. Saudi Arabia, one of the world's largest producers of oil, did not update its NDC to reduce greenhouse gas emissions. Kuwait, Bahrain and UAE, the world's second, third and fourth highest carbon-dioxide-emitting countries per capita, respectively, and Qatar also failed to update their NDCs. The UAE even raised its levels of oil production during the year, contrary to its obligations under the Paris Agreement. Other states failed to update or revise their 2030 emissions targets to keep the rise of global temperatures below 1.5°C, or made their modest pledges contingent upon international financial support. Negotiations at COP27 were overshadowed by Egypt's human rights crisis including a wave of mass arrests in connection to calls to protest during the conference. The event took place in a repressive environment with participants subjected to interrogations, surveillance and other forms of harassment.

**Governments must take urgent action to curb their carbon emissions and stop funding fossil fuel projects. They must also review and respect their NDCs and meet all their obligations under the Paris Agreement.**

## TORTURE AND OTHER ILL-TREATMENT

Torture and other ill-treatment continued in official and unofficial places of detention with virtual impunity in Egypt, Iran, Iraq, Israel and the Occupied Palestinian Territories, Lebanon, Libya, Saudi Arabia, the State of Palestine, Syria and Yemen. Abuses were inflicted to extract confessions and punish detainees. Torture methods included beatings, electric shocks, mock executions, suspension in contorted positions, sexual violence, denial of healthcare and prolonged solitary confinement. In almost all cases, authorities failed to carry out adequate investigations into allegations of torture and suspicious deaths in custody.

Militias and armed groups in Libya systematically tortured and otherwise ill-treated detainees, sometimes to death, using electric shocks, flogging, sexual violence and other methods. In Saudi Arabia, authorities tortured and ill-treated migrant workers and denied them adequate healthcare, resulting in several deaths in custody. In Egypt, torture remained rampant in prisons, police stations and facilities run by the National Security Agency. In Israel, security forces continued to torture and otherwise ill-treat Palestinian detainees, and such abuses remained rife in detention and interrogation centres run by Palestinian authorities in the West Bank and Gaza Strip. In Lebanon, a military investigative judge indicted five members of a security agency on charges of torture in the case of a Syrian refugee who died in custody, but the case was being heard in the inherently unfair military courts.

Iran, Libya and Saudi Arabia maintained laws that provide for corporal punishment, including amputation, flogging, blinding, stoning and crucifixion. In Iran, between May and September, the authorities amputated the fingers of five men convicted of theft.

Prisoners across the region were often held in inhumane conditions, suffering from overcrowding, poor ventilation and hygiene, lack of sufficient food and water, and denial of

access to timely and appropriate healthcare, family visits, or fresh air and outdoor exercise. In Bahrain, Ahmed Jaber Ahmed was denied medical care for 11 months, which left him unable to walk or dress himself. Eventually a hospital diagnosed tuberculosis that had spread to his spine. In UAE, human rights defender Ahmed Mansoor was held in solitary confinement throughout 2022 without a mattress, pillow, personal hygiene items, books and his glasses.

**Governments must ensure independent, impartial and effective investigations into allegations of torture, extrajudicial executions, enforced disappearances and other crimes under international law and serious human rights violations, and put in place measures to prevent these crimes, and ensure reparation for victims.**

## DEATH PENALTY

Most countries in the region retained the death penalty and courts handed down death sentences after unfair trials, including for offences not involving intentional killing, for acts protected under international law such as consensual same-sex relations and apostasy, and for bogus or vague charges brought against dissidents.

Executions were carried out in Egypt, Iran, Iraq, Saudi Arabia, and the State of Palestine under the de facto Hamas authorities for the first time in five years. In Egypt, Iran, Iraq, Libya and Saudi Arabia, death sentences were passed after grossly unfair trials, including by emergency, military and special courts. In Iran, where the death penalty was widely used as a tool of political repression, executions increased in 2022 and public executions resumed. Iran was the only country in the region to execute people convicted of offences that occurred when they were children. In Saudi Arabia, the largest single mass execution in decades took place on 12 March when 81 men were put to death, and Saudi Arabia resumed executions for drug-related offences after an unofficial two-year moratorium. In Egypt and Iraq, fewer executions were carried out in 2022 compared with previous years.

**Governments must immediately establish an official moratorium on executions with a view to abolishing the death penalty.**



**AMNESTY**

**INTERNATIONAL**

**REPORT 2022/23**

**A-Z COUNTRY ENTRIES**



# AFGHANISTAN

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## Islamic Republic of Afghanistan

Head of state and government: **Mohammad Hassan Akhund**

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**Restrictions on women's rights, freedom of the media and freedom of expression increased exponentially. Institutions designed to support human rights were severely limited or shut down completely. Peaceful protesters faced arbitrary arrests, torture and enforced disappearance. The Taliban conducted extrajudicial executions, arbitrary arrests, torture and unlawful detention of perceived opponents with impunity, creating an atmosphere of fear. Extreme poverty increased, exacerbated by drought and other natural disasters. Public executions and floggings were used as punishment for crimes such as murder, theft, "illegitimate" relationships or violating social norms. Women's rights continued to be attacked, and women's participation in public life was severely limited. Afghanistan was the only country in the world where girls were banned from attending secondary school. Almost all institutions set up to address gender-based violence under the former government were shut down by the Taliban.**

## BACKGROUND

Already a poor country, Afghanistan plunged deeper into poverty due to its international isolation and the economic upheaval brought on by the Taliban takeover in 2021. According to the UN Office for the Coordination of Humanitarian Affairs, 97% of Afghans were living in poverty, up from 47% in 2020. The lack of social protections led families to resort to measures including child marriage and the selling of organs. The level of humanitarian assistance did not meet the population's needs. The economy continued to be seriously hampered by the freezing of Afghan foreign reserves and the cutting of development assistance, steps taken by the international community following the Taliban

takeover. The aid received by Afghanistan in 2022 was mostly humanitarian assistance, aimed at preventing starvation, but not contributing to other social needs. As a result, access to healthcare, employment and education continued to suffer. The exodus of doctors, engineers, lawyers, teachers and government officials left those sectors severely under-resourced.

The increasing humanitarian crisis was made worse by drought, flash flooding, earthquakes and other natural disasters, some exacerbated by climate change.

The Taliban Supreme Leader ordered the Taliban judges to impose sharia law – Islamic law – in November, and thereafter public executions and floggings began.

## EXTRAJUDICIAL EXECUTIONS

Under the Taliban, extrajudicial executions of people associated with the former government, members of armed groups such as the National Resistance Front (NRF), Islamic State of Khorasan Province (IS-KP) and those allegedly not following the Taliban's rules appeared to be widespread and systematic. This included Afghans associated with the former government or former security forces. The UN Assistance Mission in Afghanistan (UNAMA) recorded at least 237 extrajudicial executions between the Taliban takeover on 15 August 2021 and 15 June 2022. In December, the UN reported at least another 69 extrajudicial killings primarily of NRF members, 48 of which had occurred between 12 and 14 September in Panjshir province.

In one incident in Ghor province on 26 June, the Taliban attacked the home of a man associated with the former government, killing six Shia Hazaras: four men, a woman and a girl. Three of the men killed were members of the former anti-Taliban groups known as the People's Uprising. Following the extrajudicial killings the Taliban claimed that they were rebels, despite the fact that all those killed were civilians. In September, fresh videos and pictures of extrajudicial killings by the Taliban of people associated with the NRF in Panjshir province appeared



on social media. The attacks clearly constituted a war crime. The Taliban Ministry of Defence announced an investigation into the incident, but no findings were made public. Media reported that civilians in the area were evicted and their homes taken over to be used as police and military installations. The Taliban authorities also tortured to death civilians in Panjshir province, according to media reports. On 6 September the UN Special Rapporteur on the situation in Afghanistan reported on executions of captured fighters in Balkhab district of Sar-I-Pul Province.

Impunity prevailed for such crimes under the Taliban. There were no proper or transparent investigations into extrajudicial executions or other gross human rights violations. Taliban officials continued to deny that such violations had occurred and rejected the findings of NGOs including Amnesty International.

## **DEATH PENALTY, TORTURE, AND CRUEL, INHUMAN OR DEGRADING PUNISHMENT**

The Taliban began publicly executing and flogging people for crimes such as murder, theft, “illegitimate” relationships or violations of social norms. Between 18 November and 16 December, more than 100 people were publicly flogged in stadiums in several provinces, according to UN human rights experts.

In December, the Taliban authorities carried out their first public execution in Farah province in the presence of senior Taliban officials including the deputy prime minister, ministers and the chief justice.

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

The space for free media shrank drastically as the Taliban created an increasingly intimidating environment, forcing many media outlets to close. Journalists faced growing restrictions including arbitrary arrest, unlawful detentions and torture in response to reporting that criticized the Taliban, leading many to self-censor. Journalists were beaten and faced other forms of torture while

detained. Many journalists fled the country. Women television reporters were forced to almost completely cover their faces.

The Afghanistan Independent Human Rights Commission (AIHRC), the national human rights institution, remained closed, and the space for civil society organizations to document and report on human rights shrank significantly. Independent human rights groups were unable to work freely. The Taliban arrested and unlawfully detained those who criticized the Taliban on social media, particularly Facebook.

The Taliban dismantled any space for peaceful assembly, demonstration or gathering. Taliban police used excessive and unnecessary force against demonstrators, and peaceful protesters were arbitrary arrested, detained, tortured and forcibly disappeared. Detained protesters faced physical and psychological torture. Family members prevented female relatives from protesting out of fear of repercussions, further shrinking the space for freedom of assembly.

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

The Taliban shut down the Ministry of Women's Affairs (MoWA) and replaced it with the Ministry for the Propagation of Virtue and Prevention of Vice, which issued restrictive and abusive decrees on women's and girls' rights. Women who protested against these restrictions were met with unlawful detention and violence.

Girls remained barred from attending secondary school, and from December, from tertiary education. Previously, women attending universities were required to learn in gender-segregated classrooms wearing head-to-toe coverings, among other restrictions. They faced difficulties registering for classes and the national university entrance exam and, in some instances, were denied entrance to university buildings, making higher education almost inaccessible. Women were also barred from studying certain subjects. By the end of the year, women and girls were only permitted to attend primary schools.

Women and girls were increasingly prevented from freely accessing other public spaces through various measures. The Taliban imposed a dress code, required women to have a chaperone (*mahram*) to accompany them in public, and banned women and girls from public parks. In August, the media reported that 60 women university students were denied the right to leave Afghanistan because they did not have a *mahram*. These rules were arbitrarily and randomly enforced and many women chose not to travel alone as a result.

The Taliban announced that male relatives would be responsible for any violations of the restrictions by women and girls in their families. This led to family members restricting the rights of female relatives out of fear of reprisals by the Taliban authorities. The Taliban cracked down on women who protested against these restrictions publicly or on social media, including through beatings, arrests, unlawful detention and arrests of family members. Some of the women arrested, including those fleeing abuses, were charged with a vague and ambiguous “crime” of “moral corruption”. However, following the Taliban takeover the applicability of previously existing laws remained mostly unclear as the Taliban publicly enforced their narrow and restrictive understanding of the sharia laws in the country. While protests continued throughout the year, they were increasingly met with resistance from Taliban police who blocked the way of protesters and arrested journalists attempting to cover the protests.

The dismantling of former government structures, including the MoWA and the AIHRC, and the conversion of the judicial system into the religious-based sharia system, reduced the protections previously available to women and girls. This led to an increase in reports of domestic violence and forced marriages. There was no reliable mechanism to which women victims of domestic violence could turn. Courts and prosecution units that were previously responsible for investigating and adjudicating cases of gender-based violence remained

shut. The Taliban authorities and community-level dispute resolution mechanisms both punished women for reporting domestic violence.

The Taliban additionally barred women and girls from working with NGOs in December. This and other Taliban restrictions on women’s rights to work outside the home hugely affected women’s livelihoods – in particular households where they are the sole breadwinners – at a time of increasing national food insecurity.

## **UNLAWFUL ATTACKS AND KILLINGS**

Between August 2021 and June 2022, UNAMA recorded 2,106 civilian casualties. Many were people killed by the IS-KP, which continued to carry out systematic and targeted attacks on minority ethnic and religious groups, including by bombing religious and educational centres and attacking public transportation taken by these groups. Such instances included an attack on a Sikh temple in the capital, Kabul, on 18 June and the bombing of an education centre in a primarily Hazara neighbourhood on 30 September. The latter killed at least 52 teenagers, mostly girls. The Taliban authorities failed to investigate these attacks or take adequate steps to protect minorities. Instead, in some instances, the Taliban removed existing security measures set up under the former government to protect these minority groups. This included removing guards protecting sites likely to be targeted, exposing them to further risk of attack.

In areas of ongoing armed resistance against the Taliban – particularly in the provinces of Panjshir, Baghlan, Badakhshan and Sari Pul – civilians continued to face death, arbitrary arrest, torture and restricted movement enforced by local Taliban authorities. Locals also reported that the Taliban carried out forced evictions in these areas, particularly in Panjshir.

## **RIGHT TO HEALTH**

The government takeover by the Taliban continued to be deeply damaging to the country’s healthcare system. The Taliban

policy on women healthcare workers remained ambiguous and inconsistent. Because of requirements that women travel with a *mahram*, as well as fears of Taliban reprisals against women and the large numbers of educated women who fled the country, the healthcare sector faced a serious depletion in human resources. This was particularly challenging in rural areas where health resources were already limited under the previous government. The freezing of most international aid, which had been largely responsible for supporting healthcare before 2021, left hospitals and health clinics with limited resources or staff, contributing to a widespread inability to access healthcare.

## REFUGEES AND INTERNALLY DISPLACED PEOPLE

Large numbers of Afghans continued to flee the country due to a well-founded fear of persecution by the Taliban. Despite the dangers they were subject to in Afghanistan, other countries continued to deport Afghan refugees and asylum seekers. Some fleeing Afghans were shot dead, denied the right to apply for asylum, faced pushbacks on the border, or met with other violations and exploitation by the authorities of the countries in which they sought refuge.

At the beginning of the year, 3.8 million people were internally displaced in Afghanistan, living in precarious circumstances with limited ability to access their human rights. The Norwegian Refugee Council reported that the Taliban forcibly evicted some of these internally displaced people from urban areas and forced them to return to their villages of origin, where they faced extreme poverty and an inability to sustain themselves.

## LGBTI PEOPLE'S RIGHTS

LGBTI people in Afghanistan continued to face grave human rights violations perpetrated by the Taliban, including threats, targeted attacks, sexual assaults, arbitrary detentions and other violations. Many LGBTI people remained fearful that past discriminatory practices by the Taliban would

resurface. These historically included punishing those believed to be engaging in same-sex relations with death. Many LGBTI people remained in hiding, fearing a risk to their lives.

## IMPUNITY

The Taliban governance structure lacked justice, truth or reparation for crimes under international law or human rights violations. Courts and prosecutors did not investigate extrajudicial executions or prosecute those committing other human rights violations. The independence of the judicial system was severely damaged by the Taliban replacing judges and courts with their own systems of justice.

In October, the ICC Pre-Trial Chamber authorized the ICC Prosecutor to resume its investigation into the situation in Afghanistan. In its decision, the Court stressed that such an investigation should be with regard “to all alleged crimes and actors”, including “members of armed forces or security and intelligence services of non-States parties”, in contrast to the Prosecutor’s prior decision to focus his attention on crimes committed only by the Taliban and IS-KP.

## ALBANIA

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### Republic of Albania

Head of state: **Bajram Begaj (replaced Ilir Meta in July)**

Head of government: **Edi Rama**

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**The government failed to protect citizens’ personal data from a cyberattack on the country’s servers. Intimidation against journalists continued. A specialized forensic psychiatric facility was lacking to accommodate and treat patients. Roma and Egyptian people were subjected to discrimination and segregation in education. Violence persisted against women and LGBTI people. There were fears that the restructuring of the courts would make justice less accessible.**

## RIGHT TO PRIVACY

In July and September, an external cyberattack on Albania's main state systems and servers revealed important classified and unclassified information and personal data relating to Albanian citizens. There were concerns that the government had failed to provide adequate protection against these incidents.

## FREEDOM OF EXPRESSION

### JOURNALISTS

In September the Prosecutor's Office banned all media outlets from publishing information from files that had been hacked from Albanian servers and computer systems and then leaked online, and threatened to launch criminal investigations against offenders and block news websites.

Due to the government's failure to protect citizens' data, in April a journalist's personal data was downloaded by a public notary without his consent, after he had published information about the vetting process of a former prosecutor who was formerly married to the notary.

In July, the prime minister banned a journalist for three months from participating in his press conferences, saying that he should be sent for "re-education" and accusing him of unethical behaviour.

## CRUEL, INHUMAN OR DEGRADING TREATMENT

In April, the European Committee for the Prevention of Torture published a report on a recent visit to Albania to examine the situation of forensic psychiatric patients in the country, currently accommodated unlawfully in the prison system. The Committee stressed the urgent need for a permanent solution for the accommodation and treatment of such patients by creating a specialized forensic psychiatric facility, as required by mental health legislation.

In October, a 32-year-old man died in a police station in Tirana after he was arbitrarily detained. Although he was suffering from a health condition requiring immediate treatment, the police refused to send him to

hospital immediately. The police also unlawfully failed to register the victim in the official registers.

## DISCRIMINATION

### LGBTI PEOPLE

LGBTI people remained subject to discrimination and harassment. In May, a transgender man was physically attacked by a group in the street because of their gender identity.

### ROMA AND EGYPTIAN PEOPLE

Roma and Egyptian people were subjected to discrimination and segregation in education from an early age. In May, the European Court of Human Rights ruled that the rights of six Roma and Egyptian families had been violated when their children had suffered indirect discrimination and segregation in the Naim Frashëri primary school, in Korçë.

## VIOLENCE AGAINST WOMEN AND GIRLS

Violence against women remained widespread, with protection orders not being effectively implemented. Dozens of women were killed by their partners or family members. A report confirmed that women candidates and members of parliament encountered different forms of abuse within political parties, including offensive language or insults, speech interruption, threats, and sexual harassment.

## RIGHT TO A FAIR TRIAL

In July, the government approved judicial reforms reducing the number of courts in the country. There were concerns that this would make access to justice more expensive and more difficult.

# ALGERIA

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**People's Democratic Republic of Algeria**

Head of state: **Abdelmadjid Tebboune**

Head of government: **Aimene Benabderrahmane**

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**Authorities continued to arrest and prosecute people who expressed dissent online or attended protests. They also**

**continued to use anti-terrorism laws to prosecute peaceful activists and journalists, and to close or threaten to close associations. Prison officers subjected prisoners to torture and other ill-treatment with impunity. Authorities closed three churches and refused licences for more, and restricted the right to movement of some activists and journalists. Three lawyers were prosecuted in relation to their defence of political activists or for protesting against a suspicious death in custody. Thirty-seven femicides were reported; no changes were made to the law to protect women. Courts handed down death sentences; there were no executions.**

## **BACKGROUND**

On 4 July, the 60th anniversary of Algerian independence, President Tebboune pardoned 1,076 prisoners and issued clemency measures for 70 people indicted but not sentenced for participating in the mass, peaceful protest movement known as Hirak in 2019-2022.

In July, the Moroccan king called for restoration of diplomatic ties with Algeria. Algeria had cut ties in August 2021 over what it called “hostile acts” in relation to the long-standing dispute over the Western Sahara (see Morocco/Western Sahara entry).

In September, the government postponed the planned visit of the Special Rapporteur on the Freedom of Peaceful Assembly and of Association for the eighth time since 2011.

## **FREEDOM OF EXPRESSION AND ASSEMBLY**

The widespread crackdown on freedom of expression and peaceful assembly escalated, with authorities crushing any form of dissent. At the end of the year, at least 280 activists, human rights defenders and protesters remained in prison on charges relating to the peaceful exercise of their rights to freedom of expression and assembly.

In March, a court in the capital Algiers sentenced five young Hirak activists, including Mohamed Tadjadit and Malik Riahi, to two years in prison for publishing a video

in which a 15-year-old boy said that police had sexually assaulted him.<sup>1</sup> After the release of Mohamed Tadjadit in August, the Sidi M'hamed court in Algiers re-ordered his provisional detention in October for the fourth time in three years, but released him a week later.

In April, a criminal court in Adrar city in south-west Algeria sentenced environmental activist Mohad Gasmi to three years in prison for “sharing confidential information without the intent of treason” relating to email exchanges about the exploitation of shale gas in Algeria. He was already serving a prison sentence for “glorification of terrorism” for a Facebook post in which he attributed the radicalization of a prominent Algerian militant to the authorities’ failure to deliver justice and dignity to the people.

## **FREEDOM OF ASSOCIATION**

Authorities suspended at least one political party and threatened to dissolve at least two associations. They also used bogus anti-terrorism charges against members of opposition political parties and movements deemed oppositional. A new law on associations was being drafted.

On 20 January, on the orders of the Ministry of Interior, the State Council suspended the Socialist Workers’ Party (PST), forcing it to cease all activities and close its premises. The PST appealed, but received no response and remained suspended. Also in January, the Ministry of Interior asked the State Council to suspend two other political parties: the Union for Change and Progress; and the Rally for Culture and Democracy.

In April, Abdelrahman Zitout, younger brother of a member of Rachad, an opposition movement the authorities label as “terrorist”, was imprisoned on multiple charges. No evidence of terrorism was brought against him in court. He staged several hunger strikes to protest against his imprisonment.

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

Torture and other ill-treatment continued with impunity.

Anti-corruption activist, former military officer and whistle-blower Mohamed Benhlima was transferred to Blida military prison south-west of Algiers in April, held in solitary confinement, subjected to torture and other ill-treatment, and not allowed to receive food, clothes and books from the outside.

## **FREEDOM OF RELIGION AND BELIEF**

Authorities continued to use Decree Law 06-3, which restricts religions other than Sunni Islam, to prosecute members of the Ahmadi Religion of Peace and Light and to close at least three Protestant churches, bringing to 29 the number of churches closed since 2018. Authorities had issued no licences for non-Muslim worship since 2006.

Authorities refused to issue building licences to the Protestant Church of Algeria, which has 47 churches across the country.

In January, the government rejected the UN Working Group on Arbitrary Detention's view that the sentencing to five years in prison of Hamid Soudad, a Christian, for "offending Islam" under Article 144*bis*2 of the Penal Code is incompatible with the ICCPR. The government said that the Article protects public order.

In June, the first instance court in Bejaia in east Algiers charged 18 members of the Ahmadi Religion of Peace and Light with "participation in an unauthorized group" and "denigrating Islam" under Article 46 of the Law on Associations and Article 144*bis*2 of the Penal Code, respectively. The judge ordered that three be detained and the others released pending further investigation. In November, all charges against the group were dropped. On 16 November, the Ministry of Religious Affairs issued a fatwa against the group, declaring them "heretics" and saying they should be "condemned and punished according to the law".

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

According to UNHCR, the UN refugee agency, over 140 refugees and asylum seekers were arrested or deported between January and mid-September, and at least

21,870 people were deported to Niger in 2022.

In November, authorities forcibly transferred over 60 Syrian and Palestinian men, women and children across the Niger border and left them in the desert.

## **FREEDOM OF MOVEMENT**

At least five activists and journalists were prevented from leaving the country without a judicial order, in breach of their right to freedom of movement.

In February, Lazhar Zouaimia, an Algerian-Canadian national and member of Amnesty International in Canada, was charged with "terrorism" for his alleged connection with the Movement for the Self-determination of Kabylie (MAK) and Rachad. Authorities twice stopped him from leaving Algeria, before allowing him to travel to Canada in May.<sup>2</sup> In September, a tribunal in the city of Constantine convicted Lazhar Zouaimia in his absence and sentenced him to five years in prison and a fine.

In August, staff and authorities at Oran airport questioned activist Kaddour Choucha and journalist Jamila Loukil and prevented them from travelling to Switzerland for a UN conference.

## **RIGHT TO A FAIR TRIAL**

Authorities arbitrarily arrested defence lawyers, thus undermining the right to fair trial. In June, the first instance court of Tebessa in north-east Algeria sentenced lawyer Abderraouf Arslane to three years in prison, two of them suspended, after he had spent over a year in pretrial detention. He was arrested in May 2021 for defending three Hirk activists, and charged with "spreading fake news" and "terrorist"-related offences.

In May, lawyers Abdelkader Chohra and Yassine Khelifi were arrested for protesting against the suspicious death in custody of an activist, and charged with "spreading fake news" and "incitement to unarmed gathering". Both were sentenced on 15 August to six months in prison, suspended, and released the same day.

## 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. The Penal Code's "forgiveness clause" allows rapists to escape sentencing if they obtain a pardon from the victim and does not explicitly recognize marital rape as a crime.

The activist group Féminicides Algérie recorded 37 reported femicides in 2022.

## LGBTI PEOPLE'S RIGHTS

The Penal Code continued to criminalize consensual same-sex sexual relations, punishable by two months to two years in prison and a fine.

## WORKERS' RIGHTS

The Labour Code continued to restrict the right to form trade unions.

Authorities denied registration to the independent General Autonomous Confederation for Algerian Workers, as they had done since 2013.

On 30 April, police in Bejaia city summoned Nacer Kassa, regional coordinator of the National Autonomous Union of Public Administration Personnel, to request he cancel a protest demanding improved workers' rights. The union did not hold its protest but denounced the ban. In October, Bejaia local authorities refused, without explanation, to allow the union to hold its general assembly.

## DEATH PENALTY

Courts continued to hand down death sentences, including for political reasons. The last execution was in 1993.

In October, Mohamed Abderrahmane Semmar, editor of the news outlet Algérie Part, was sentenced to death for "high treason" for leaking information about Algerian oil deals.

In November, the Criminal Tribunal of First Instance in Dar El Beida in Algiers sentenced scores of people, including one woman, to death for the murder of activist Djamel Ben Smail, who was lynched by a crowd in August

2021 in the Kabylie region in north-east Algeria. The judge convicted five of the defendants in their absence of several charges, including for their alleged links to MAK, which the authorities label as "terrorist".

## FAILURE TO TACKLE CLIMATE CRISIS

Algeria did not update its 2030 emissions target to align with the 1.5°C imperative, and domestic legislation remained insufficient to protect and promote the right to a clean, healthy environment.

In August, wildfires destroyed around 10,000 hectares of forest, killing 43 people.

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1. "Algeria: End prosecution of activists who exposed torture of a child in police custody", 22 March
  2. "Algeria: Lift arbitrary travel bans on diaspora activists", 6 May

# ANDORRA

## Principality of Andorra

Heads of state: **Joan Enric Vives i Sicília** and **Emmanuel Macron**

Head of government: **Xavier Espot Zamora**

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**Andorra maintained a total ban on abortion. A woman human rights defender who raised concerns about women's rights, including access to abortion, was awaiting trial accused of defamation. Legislation was passed that discriminated against women and girls choosing to wear headscarves at school.**

## SEXUAL AND REPRODUCTIVE RIGHTS

A total ban on abortion remained in place. Consequently, those in need of an abortion had to travel to other countries to seek the healthcare they needed, inflicting additional stress and reinforcing the stigma surrounding abortion.

## HUMAN RIGHTS DEFENDERS

In October, a judge issued an indictment against Vanessa Mendoza Cortés, president of the organization Stop Violence, accusing her of "crimes against the prestige of the

institutions”, which carries a potential fine of up to EUR 30,000. The public prosecutor brought criminal charges against her in 2020 following a complaint by the Andorran government after her intervention at the CEDAW Committee and statements she made to the press about abortion rights and calling for an improvement to women’s rights. In June 2021, the prosecutor dropped two of the charges, but kept the charge liable to a fine. Her trial was pending at the end of the year.

In February, a report by the Parliamentary Assembly of the Council of Europe urged the authorities to guarantee the right to freedom of expression to all those speaking out about sexual and reproductive rights, including access to abortion.

## DISCRIMINATION

In April, parliament passed legislation banning the wearing of conspicuous religious symbols in educational institutions. The law prevents Muslim women and girls who choose to wear a headscarf from exercising their rights to non-discrimination, equality, education, freedom of religion, expression, bodily autonomy and access to public life.

## FREEDOM OF EXPRESSION

Defamation laws that include the criminalization of legitimate criticism of the authorities remained in force, in breach of international human rights law.

# ANGOLA

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### Republic of Angola

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

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**Angola’s human rights record remained appalling. The pre- and post-election periods were mired in human rights violations including crackdowns on the right to peaceful assembly and protest, and the detention and torture of activists. In the south, extreme weather conditions, symptomatic of climate change, continued to impact the rights to food and water; and**

**the associated humanitarian crisis remained unmitigated. Illegal occupation of communal grazing land in this region aggravated the dire conditions under which pastoralist communities lived.**

## BACKGROUND

General elections took place on 24 August amid general discontent about the high cost of living and increasing government unpopularity. The young were among the most dissatisfied, incensed by growing unemployment and the government’s failure to create the 500,000 jobs it promised during the 2017 electoral campaign. Crackdowns on peaceful assembly and protest by youth increased in the lead-up to the election. Unprecedented apathy among the electorate, with only 46% voting, contributed to the People’s Movement for the Liberation of Angola (MPLA) winning the election with 51% of the vote, the lowest margin ever recorded. It lost Luanda, the capital and the largest electoral district, for the first time to the National Union for the Total Independence of Angola. As allegations of electoral irregularities cast a shadow over the legitimacy of the MPLA’s victory, President Lourenço was sworn in with a show of military might in the streets and skies of Luanda.

## FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

While there were no human rights violations reported at polling stations on election day, numerous crackdowns by security forces on the right to peaceful assembly, protest and freedom of expression in the pre- and post-electoral period were recorded. Security agents enjoyed impunity for these crimes.

The police continued to detain António Tuma, the assistant technical secretary for information of the Cabinda Independentist Movement (MIC), accused of “criminal association and rebellion”. He and another MIC activist, Alexandre Dunge, had been arrested in their homes at dawn on 6 October 2021 and remained in detention at Cabinda Civil Penitentiary until 1 July when the Cabinda District Court absolved and released



them. Hours later, António Tuma was re-arrested along with six other MIC – activists Sebastião Macaia Bungo, Joaquim do Nascimento Sita, Jorge Gomes, Teofilo Gomes, Marcos Futi Poba Polo and José Isamo– who had gathered to celebrate the release of their colleagues. However, the Criminal Investigation Service (SIC) claimed that they had intended to go on a march to create public instability.

In March, the SIC detained 10 civic activists for planning a seminar on regional sustainable development at Agostinho Neto Primary School in Malanje province. SIC officers subjected the activists to torture in detention.

In April, police arrested and detained 22 youth activists, including three women, in Luanda. They were accused of taking part in an “unauthorized manifestation in disregard of the presuppositions of the law on the right to assembly and demonstration”. The activists intended to protest against Indra, the company contracted to manage the electoral process, and call for the release of political prisoners. After summary trials, 20 of them were acquitted, while two were ordered to pay fines as an equivalent to a 40-day prison sentence.

The authorities tightened their grip on the right to freedom of association by preventing civil society meetings from taking place ahead of the general election. On 21 May, the police prevented two civil society organizations – Omunga and the Association for the Development of Culture and Human Rights – from holding a conference on peace building.<sup>1</sup>

Mass arrests were carried out following the election. On 26 August dozens of young people, including children, took to the streets in Lobito city, Benguela province, to peacefully protest the provisional election results. The national police dispersed them with tear gas and gunfire and arrested eight activists and 11 bystanders. The following day, a group of young people were dispersed by police when they attempted a peaceful demonstration against the provisional results. Twenty members of the group were arrested,

including activists Avisto Mbota, Albino Elavoko, António Gomes, Maria Do Carmo Correia and Mário Hulunda Raúl who were gathered inside a residence where the police surprised them with gunshots, arrests and beatings. By 29 August, a total of 40 young people had been presented to Lobito District Court on charges of public disobedience. The arresting officers failed to appear in court and the case was dismissed due to lack of evidence.

On 15 September, as President Lourenço was being sworn in, police detained civic activist Osvaldo Caholo for seven hours before releasing him without charge. Three days before, he had given an interview to Deutsche Welle where he said that in the next five years, the MPLA would turn Angola into a terrorist state against its own people. In the same month, 12 civic activists were detained at the SIC premises in Luanda, accused of posting videos on social media to “sow insecurity, hatred and panic”. They were released without charge after four days on 28 September.

Also in Luanda, on 20 September, unidentified men wearing facial disguises invaded the home of Claudio Emmanuel, a radio show host, and held his family hostage after one of his guests criticized the intelligence services on air. The men tortured Claudio Emmanuel’s wife, tying her up, beating her and using a hot knife to inflict more than 30 cuts to her limbs. They also threatened to kill her baby if she screamed. Although the case was reported to the police who later visited Claudio Emmanuel’s home, no one was held accountable.

On 29 September, civic activists and their families received death threats for organizing protests against the election results. For example, Hermenegildo Victor, coordinator of the Civic Movement Mudei, and Basílio da Fonseca, leader of the civic organization, Malanjina Resistance, received death threats on their mobile phones from unknown sources.

## RIGHT TO FOOD AND WATER

Extreme weather conditions symptomatic of climate change continued to affect lives in the south, including in the provinces of Cunene, Huíla, Kwando Kubango and Namibe, where drought reached unprecedented levels in recent years, causing food and water shortages, and malnutrition resulting in the death of people and cattle.<sup>2</sup>

The Integrated Phase Classification (IPC) which describes the severity of food shortages said food insecurity in the Cunene, Huíla and Namibe provinces was among the worst in the world, affecting about 1.58 million people, of whom 43% were classified by the IPC as being in crisis phase 3 and 15% in emergency phase 4. Around 400,000 children were projected to be acutely malnourished in 2022, according to UNICEF and OCHA. Some adults and children resorted to eating grass to survive. There was a massive loss of livestock caused by fodder shortages as a consequence of the drought which aggravated food insecurity levels among pastoralists. Meanwhile, the war in Ukraine led to a 45% increase in wheat prices in Africa, according to the African Development Bank, which further aggravated food shortages.

## REFUGEES AND MIGRANTS

The drought, widespread cattle losses and crop failure continued to drive people to neighbouring Namibia as the only viable option in the desperate search for food and water. Thousands of people trekked to Namibia on foot, without food and water, some of them sick and malnourished; many of them died on the journey. In Namibia, they sheltered under cardboard and plastic bags or slept outside on the ground, without cover.

Whereas there was little government relief for those who remained in Angola, the Namibian government and the Red Cross made visible efforts to provide relief for the refugees. Hunger forced many of those who had been repatriated to Angola to return to Namibia.

## FORCED EVICTIONS

The expropriation of communal grazing land for commercial ranching in southern Angola continued, despite calls by local and international human rights organizations to end the practice. The land transfers from pastoralist communities to commercial ranchers exacerbated food and water shortages by limiting the communities' access to arable land and preventing them from transferring their livestock to alternative grazing land in accordance with the seasons. Land transfers were often made without the free, prior and informed consent of the pastoralists, who include Indigenous and tribal peoples. The authorities and the ranchers violated pastoralists' procedural and political rights, including their rights to just compensation, community consultations, environmental impact assessment and resettlement. For instance, on 12 October, the police attempted to evict the Mucubai community from their land in Ndamba on the outskirts of Moçâmedes, Namibe Province, to facilitate a land transfer to a commercial rancher. The police burned 16 houses and personal belongings including blankets, clothes and water containers. A five-year-old boy disappeared following the raid and the residents feared he may have been burned alive in one of the houses.<sup>3</sup>

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1. ["Angola: Authorities repress civil society organizations ahead of election", 24 May](#)
  2. ["Angola: Make the Vote Meaningful for Human Rights Observance: Human Rights Manifesto for Angola Ahead of the 2022 General Election, 16 August](#)
  3. ["Angola: Authorities must account for missing five-year-old following violent raid in Ndamba", 20 October](#)

# ARGENTINA

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## Republic of Argentina

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

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**Impunity for gender-based violence persisted with many femicides and attacks against LGBTI people going unpunished. Abortion remained difficult to access in**

**many parts of the country, despite its recent decriminalization. Investigations into several key cases of disappearances and deaths in police custody did not progress. Officials did not take measures to improve the integration of refugees and asylum seekers.**

## **BACKGROUND**

The country remained mired in an economic and social crisis. In the first half of 2022, 36.5% of the population was living in poverty.

In September, vice-president Cristina Fernández de Kirchner was the target of an assassination attempt.

In September, the UN Independent Expert on the Effects of Foreign Debt visited Argentina and expressed the need to ensure that its international debt obligations do not compromise human rights.

In November, the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions found that Argentina did not effectively investigate and prevent unlawful deaths. He concluded that “victims often belong to the most disadvantaged and vulnerable sections of the population... while those responsible enjoy impunity”.

## **WOMEN’S AND LGBTI PEOPLE’S RIGHTS VIOLENCE AGAINST WOMEN, GIRLS AND LGBTI PEOPLE**

According to figures collected by NGOs, during 2022, 233 gender-based killings were recorded, 91% of them in domestic settings.

Despite the public attention given to the fight against gender-based violence, prosecution rates for sexual violence remained low and only 15.5% of reported cases resulted in convictions, according to the National Prosecutor’s Office.

In October, after more than four years of collaboration between the Argentine, Brazilian and Nicaraguan justice systems, actor Juan Darthés testified in the trial in Brazil in which he is charged with the rape of Thelma Fardin. A final ruling in the case was deferred to 2023.

Women and LGBTI journalists faced increased violence and attacks. At least two journalists who defend women’s human

rights filed complaints with the courts for online harassment and violence. At the end of the year their cases remained pending.

The fate and whereabouts of Tehuel de la Torre, a 21-year-old transgender man missing since March 2021, remained unknown. No independent, effective, impartial, trans-feminist investigation into the case was carried out.

## **SEXUAL AND REPRODUCTIVE RIGHTS**

Significant obstacles persisted in accessing abortion services despite the approval of a law in 2020 decriminalizing and legalizing abortion within the first 14 weeks of pregnancy. Authorities did not carry out any campaigns to disseminate information about the law.

Miranda Ruiz, a doctor from Tartagal, Salta Province, was finally acquitted after having been criminalized for assisting in a legal abortion.

Ana, a 30-year-old woman who had had a miscarriage, was finally released after having been accused of aggravated homicide and spending eight months in prison in Corrientes Province.

According to the latest available official data released in 2022, at least three children aged under 15 gave birth daily in 2020. Despite a decrease in the number of pregnancies among children and adolescents aged between 10 and 19 between 2016 and 2020, more than 50,000 people in this age group gave birth during 2020.

## **COMPREHENSIVE SEX EDUCATION**

By the end of the year litigation remained pending against a resolution passed by Chaco Province’s Ministry of Education in May allowing a teacher training conference to contain content dismissing abortion rights and children’s rights, and pathologizing sexual diversity.

## **EXCESSIVE USE OF FORCE**

At the end of the year, a ruling against the 13 police officers accused in the case of Valentino Blas Correas, a 17-year-old boy from Córdoba Province who was shot and killed by police in August 2021, remained pending.

On 5 June, Daiana Soledad Abregú was found dead in a police cell in the town of Laprida, Buenos Aires Province. Although initial examinations suggested that she took her own life, a second autopsy dismissed the hypothesis of suicide. The five police officials charged with aggravated homicide remained at liberty.

A bill on a Comprehensive Approach to Institutional Violence by Police Officials in the Security and Penitentiary Services remained pending before the Lower House at the end of the year.

## **FREEDOM OF ASSEMBLY**

The Jujuy provincial government introduced a bill to amend the provincial constitution and limit social protest, prohibiting roadblocks and the “usurpation of public space”. The discussion of the reform was deferred to 2023.

## **IMPUNITY**

Trials before ordinary civilian courts continued for crimes against humanity committed under the 1976-1983 military regime. Between 2006 and December 2022, 286 rulings were handed down, bringing the total number of convictions to 1,088 and acquittals to 166.

The investigation into the disappearance and death of Facundo Astudillo Castro in 2020 made no significant progress. He was last seen at a police checkpoint in Buenos Aires Province.

By the end of the year, the investigation into the disappearance and death of Santiago Maldonado had made no progress. His body was found in 2017 in a river on Mapuche territory in Chubut Province, 78 days after a violent raid by the Argentine National Gendarmerie.

Concerns remained over the lack of institutional public policies on effective searches for missing persons, and investigations into alleged enforced disappearances were not carried out.

## **INDIGENOUS PEOPLES’ RIGHTS**

Indigenous peoples continued to face serious difficulties in accessing collective land rights. The National Institute for Indigenous Affairs only completed 43% of the survey of Indigenous territories mandated by the Emergency Law 26.160. Evictions of Indigenous people from their territories continued despite a prohibition mandated by the same law.

Formosa Province authorities denied the pre-colonial existence of the Nivaclé people and thus refused to issue birth certificates and identity cards to its people, especially the elderly. According to civil society organizations, about 30% of them remained without identity documents, violating their right to identity and putting them at risk of statelessness.

## **REFUGEES’ AND MIGRANTS’ RIGHTS**

In May, national authorities established a community sponsorship programme for people fleeing social unrest and natural disasters in Central America, the Caribbean and Mexico. However, people in need of international protection for other reasons and from other countries were not included.

Authorities suspended the relocation of new people in need of international protection under the community sponsorship programme for Syrians (the “Syria Programme”). Government authorities failed to pass regulations pursuant to the refugee law to allow asylum seekers and refugees greater access to basic rights such as education, work and healthcare.

## **FAILURE TO TACKLE CLIMATE CRISIS AND ENVIRONMENTAL DEGRADATION**

Congress failed to enact the Wetlands Law Bill, which had been pending approval for more than a decade, despite intense heatwaves, droughts and fires in large areas of the country, which threatened both land and livelihoods.

# ARMENIA

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## Republic of Armenia

Head of state: **Vahagn Khachatryan (replaced Alen Simonyan in March, who replaced Armen Sarkissian in February)**

Head of government: **Nikol Pashinyan**

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**No progress was reported in investigating war crimes and other crimes under international law during the 2020 Armenia-Azerbaijan armed conflict and its immediate aftermath. Law enforcement officers used excessive force during anti-government protests. Freedom of expression was restricted as hundreds faced criminal prosecution for allegedly insulting officials. Amendments to the Mining Code made it easier to bypass public opposition and environmental concerns. Laws to combat discrimination on the grounds of sexual orientation and gender identity remained inadequate.**

## BACKGROUND

The security situation along the Armenia-Azerbaijan border remained tense with frequent skirmishes. Azerbaijani shelling inside Armenia proper, with strikes in the Syunik, Gegharkunik and Vayots Dzor provinces, resulted in over 200 deaths including two civilians. In October, Azerbaijan and Armenia agreed on the short-term deployment of an EU monitoring mission along their border.

The large-scale migration of Russians to Armenia prompted by the war aided economic performance but also contributed to an increase in rental prices and the cost of living generally.

In March, the European Committee of Social Rights expressed concern over insufficient measures taken by Armenia to improve occupational safety and health, the lack of a clearly defined policy on occupational health and safety and the failure to guarantee social security to all workers and their dependents.

## 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.

People continued to be killed and injured by mines planted by Armenian forces in territories where they had ceded control to Azerbaijan. Azerbaijani authorities reported in October that 266 people had been injured by mines since the 2020 conflict, maintaining that the maps of minefields provided earlier by Armenia were not reliable.

According to an ICRC report issued in August, over 300 Armenians remained missing or unaccounted for since the 2020 fighting.

## FREEDOM OF ASSEMBLY

Freedom of peaceful assembly was curtailed by the violent and disproportionate response of law enforcement authorities to protests.

A series of anti-government protests took place from April to June demanding the resignation of prime minister Nikol Pashinyan over negotiations on the Armenia-Azerbaijan conflict. The protests often took the form of large-scale demonstrations with protesters blocking streets and setting up tents. The response of the authorities on occasions was disproportionate, dispersing and arresting hundreds and injuring dozens.

In one of the most violent clashes, which took place on 3 June, police fired stun grenades and used excessive force to prevent thousands of demonstrators from approaching the Armenian parliament building. Fifty people, including 34 police officers, were said to require medical attention and dozens were arrested for taking part in “mass violence”.

Media rights watchdogs reported that at least 11 journalists were injured while covering protests from April to June; some were also obstructed from covering the demonstrations. By the end of the year no police officers had been charged with using

excessive force in connection with the anti-government demonstrations.

On 25 August, police dispersed a peaceful protest in the capital, Yerevan, against the Russian invasion of Ukraine, arresting 22 people. Detained protesters were held without access to a lawyer, or an interpreter for those who did not speak Armenian, for several hours and released without charge later that day.

## FREEDOM OF EXPRESSION

The right to freedom of expression continued to be unduly restricted. Criminal prosecutions over the legitimate expression of criticism of the authorities had a chilling effect on free speech.

The trial of Yazidi human rights defender Sashik Sultanyan continued on fabricated charges of “inciting ethnic hatred” for voicing criticism of the authorities’ treatment of national minorities.

Following the passing in 2021 of legislative amendments criminalizing insulting public figures, more than 200 criminal cases were initiated on charges of grave insults against officials.

On 4 July, new amendments proposed by the Prosecutor General giving the government powers to block online content it considers harmful, without prior judicial oversight, prompted concerns regarding ever-increasing government censorship of free speech on the internet.

## ENVIRONMENTAL DEGRADATION

On 18 June, parliament amended the Mining Code which makes it easier to bypass public opposition and environmental concerns, allowing mining projects to proceed despite protests. Local environmental activists raised concerns that the new law served the government’s intention to restart the Amulsar gold mine project in southern Armenia, halted due to environmental and other concerns and civil society protests.

## LGBTI PEOPLE’S RIGHTS

LGBTI people continued to face discrimination on grounds of sexual

orientation and gender identity as laws to combat discrimination remained inadequate. The authorities failed to address the recommendations made in 2021 by the Council of Europe’s Committee on Equality and Non-Discrimination, which included adopting effective legislation and “policies to strengthen action against discrimination based on sexual orientation, gender identity, gender expression and sexual characteristics”.

On 17 May, the European Court of Human Rights found that the authorities had failed to protect an LGBTI bar owner from homophobic violence, including arson and physical and verbal attacks in 2012, and to carry out an effective investigation.

# AUSTRALIA

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## Australia

Head of state: **Charles III (replaced Elizabeth II in September)**, represented by **David Hurley**

Head of government: **Anthony Albanese (replaced Scott Morrison in May)**

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**New laws restricted the right to peaceful protest in several states and territories. Discrimination against First Nations peoples continued. The rights of child detainees were violated. Australia accepted an offer by New Zealand to resettle refugees, but indefinite detention of asylum seekers continued. New carbon reduction targets were enshrined in legislation, but fell short of required levels.**

## FREEDOM OF ASSEMBLY

New South Wales, Tasmania and Victoria adopted new laws carrying large fines and prison sentences for participating in unauthorized protests.

In August, police in New South Wales arrested 34 peaceful protesters and a legal observer at a demonstration in Sydney against government inaction on climate change. Twenty-one people were charged under the Roads and Crimes Legislation Amendment Act 2022 and faced a two-year

prison sentence or a fine of up to AUD 22,000 (approximately USD 14,170) if convicted.

## INDIGENOUS PEOPLES' RIGHTS

Aboriginal and Torres Strait Islander people remained over represented in the adult prison population, despite targets to reduce the number of incarcerated First Nations people.

During the year, 21 Aboriginal and Torres Strait Islander people died in custody.

The government proposed a constitutional amendment in September to establish the Aboriginal and Torres Strait Islander Voice, a body mandated to make representations directly to government on issues affecting First Nations peoples.

In September the UN Human Rights Committee found that Australia's failure to adequately protect Indigenous Torres Strait Islanders against impacts from climate change violated their rights to enjoy their culture and be free from arbitrary interference with their private life, family and home.

## CHILDREN'S RIGHTS

Australia continued to detain children as young as 10. First Nations children, who represented 6% of the population aged 10 to 17, constituted 50% of those in youth detention.

In July, 17 boys held in Western Australia's Banksia Hill Youth Detention Centre were transferred to the maximum-security adult Casuarina Prison. Incidents of self-harm among the transferred children were reported.<sup>1</sup> Increased rates of self-harm among children detained in Don Dale Youth Detention Centre in the Northern Territory were also reported.

In August, allegations of sexual and physical abuse against children held at Ashley Youth Detention Centre in Tasmania emerged during an official investigation, prompting calls for the immediate closure of the facility.<sup>2</sup>

## REFUGEES' AND MIGRANTS' RIGHTS

In March the government accepted New Zealand's offer to resettle 150 refugees annually for the next three years. However, the practice of indefinite detention of refugees and asylum seekers offshore in Nauru and Papua New Guinea, and in Australia, continued.

In July an Iranian-Kurdish refugee, Mostafa "Moz" Azimitabar, challenged the legality of his 15-month-long detention in hotels, dubbed by the government as "alternative places of detention". A decision on the case was pending at the end of the year.<sup>3</sup>

## FAILURE TO TACKLE CLIMATE CRISIS

The Climate Change Act, adopted on 9 September, legislated for a 43% emissions reduction below 2005 levels by 2030. While this represented progress, it fell short of the figure needed to keep the rise in average global temperatures below 1.5°C.

The government committed to increase financial support for countries in the region to mitigate the effects of climate change to AUD 2 billion (approximately USD 1.3 billion) for the period 2020-2025, but did not rejoin a global climate fund it had left in 2018.

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1. "Moving kids with complex needs to maximum security prison shameful", 6 July
  2. "Australia: Amnesty International calls for the closure of Ashley Youth Detention Centre in light of the latest evidence of sexual abuse", 19 August
  3. "Australia: Refugee Moz Azimitabar is taking the Australian government to court over its detention regime", 13 July

# AUSTRIA

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## Republic of Austria

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

Head of government: **Karl Nehammer**

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**Social assistance benefits in some states remained inadequate. The right to adequate housing was insufficiently recognized and implemented. Women and girls were not adequately protected from gender-based violence. Journalists were prevented from**

**observing protests. Media freedom came under increased pressure. Regulations for unaccompanied children seeking international protection did not adequately protect them. Racial profiling persisted. Police accountability for excessive use of force remained inadequate. Austria failed to reach its climate targets.**

## **RIGHT TO SOCIAL SECURITY**

In June, parliament amended the Basic Act on Social Assistance, providing a hardship clause for non-Austrians and ensuring those living in shelters for women and homeless people receive the full amount of social assistance. By the end of the year, four federal states had partially implemented the amendments, but the law continued to deprive people of adequate access to social benefits.

## **RIGHT TO ADEQUATE HOUSING**

Although the government introduced some measures to prevent Covid-19 related evictions and support people at risk of homelessness, the authorities failed to develop and implement a national housing strategy or ensure federal provision of homeless assistance services. Further, a lack of information, high levels of bureaucracy, language barriers and statutory requirements intentionally excluding Austrian as well as non-Austrian citizens who did not fulfil the eligibility criteria left many people without access to relevant services and assistance.<sup>1</sup>

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

Gender and intersectionality were not sufficiently considered in the provision of services. Most homeless assistance services, for example, were not gender-specific but based on the needs and experiences of men. Proposed reforms to the care system failed to fulfil the rights to fair remuneration and social security of migrant women, who constituted the vast majority of workers providing care for older people in their homes.

By the end of the year, 28 women had been killed due to gender-based violence, amid

concern that there were insufficient places in women's shelters.

In September, women's rights organizations criticized persistent barriers to accessing affordable and safe abortion services.

## **FREEDOM OF EXPRESSION**

Media freedom continued to be under pressure.

At several protests in the capital, Vienna, police prevented journalists from observing and reporting protests or failed to adequately protect them from attacks by protesters. When evicting people from a protest camp in April, police set up a separate press zone for journalists at such a distance from the camp that it was impossible to observe events adequately.

The use of strategic lawsuits against public participation (SLAPPs) increased, both against publishers of media outlets and against journalists.

In March, Julian H., who played a key role in the making of the so-called "Ibiza video" alleging high-level corruption, was sentenced to 41 months' imprisonment. Concerns were raised about his right to a fair trial.

A law on freedom of information, proposed in February 2021 and aimed at increasing transparency and trust in politics and institutions, remained stalled.

The EU Commission began infringement proceedings against Austria for its continued failure to transpose the EU Whistle-blower Directive into national law.

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

In February, the Styrian Regional Administrative Court ruled that an asylum seeker from Morocco had been unlawfully returned by the police to Slovenia, noting that such unlawful actions were a recurrent practice.

By the end of the year, 90,000 Ukrainian refugees received temporary protection in Austria under the provisions of the EU Temporary Protection Directive.

In September, the Ministry of Internal Affairs revealed that within a period of seven months 5,140 unaccompanied children seeking



asylum had disappeared. Many NGOs and politicians demanded the immediate assignment of a legal guardian to all unaccompanied minors on their arrival, rather than only when admitted to the asylum procedure, which could take several months.

## DISCRIMINATION

Law enforcement continued to use facial recognition technology without a clear legal basis, despite its potentially discriminatory impact on gender and ethnic and racial minorities, as well as on rights to privacy, freedom of expression and peaceful assembly.

Racial profiling by police persisted and there was still no effective accountability mechanism.

## EXCESSIVE USE OF FORCE

Failures to investigate allegations of excessive use of force by the police, such as at the 2021 May Day demonstration, persisted.<sup>2</sup> An independent investigatory body, announced by the government in 2020, had not been established by the end of the year. Police were still not required to wear identification badges, further impeding accountability.

## FAILURE TO PREVENT CLIMATE CHANGE

Austria failed to reach its climate targets, including the sustainable reduction of carbon emissions, and there was no active climate action law in place.

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1. *Austria: "If housing was a human right, I wouldn't live like this" – Barriers to Accessing Homeless Assistance Services in Austria*, 7 April
  2. "Amnesty criticizes climate of impunity for police violence in Austria", 26 January (German only)

# AZERBAIJAN

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Republic of Azerbaijan

Head of state: **Ilham Aliyev**

Head of government: **Ali Asadov**

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**Violations of international humanitarian law continued to be reported and there was no**

**notable progress investigating alleged war crimes committed during the 2020 Nagorno-Karabakh conflict. Freedom of expression, assembly and association remained severely restricted as authorities carried out arbitrary arrests and politically motivated prosecutions of civil society activists, crushed peaceful protests and hindered the work of independent organizations and media outlets. Women and girls continued to face discrimination.**

## BACKGROUND

Azerbaijan's role in the supply and transit of energy supplies grew. It pursued an increasingly assertive economic and military policy, particularly after Russia's influence in the region fell following its full-scale invasion of Ukraine and the subsequent Western sanctions.

Security along the Armenia-Azerbaijan border remained fragile. During a flare-up between 12-14 September, Azerbaijani shelling inside Armenia proper, in the Syunik, Gegharkunik and Vayots Dzor provinces, killed at least two civilians. In October, Azerbaijan and Armenia agreed on the short-term deployment of an EU monitoring mission along their border.

The Lachin corridor, the only road connecting Nagorno-Karabakh with Armenia, was blocked since 12 December and remained closed at the end of the year. Dozens of Azerbaijani protesters had blocked the road, demanding an end to alleged unlawful mining in the area and that Azerbaijan retake control of the corridor. Russian peacekeeping forces subsequently barricaded the road to prevent an escalation of tensions. Access to essential goods and services for ethnic Armenian residents of Nagorno-Karabakh was disrupted and hundreds of people were stranded.

## VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW

On 2 October, the Prosecutor General's Office opened an investigation into a video which had first appeared online shortly beforehand showing a group of men in Azerbaijani

military uniforms rounding up and shooting at least six Armenian soldiers. The investigation was continuing at the end of the year, with no progress reported in identifying those responsible. Likewise, 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 identifying and bringing to justice suspected perpetrators.

According to an ICRC report issued in August, over 300 Armenians missing on Azerbaijan's territory remained unaccounted for.

People continued to be killed and injured by mines which Azerbaijan claimed Armenian forces continued to lay in its internationally recognized territory, retaken in 2020. Azerbaijani authorities also maintained that the mine maps provided earlier by Armenia were not reliable. In October, the Azerbaijani authorities reported that 45 people had been killed and 221 injured by mines since the 2020 conflict.

## **FREEDOM OF EXPRESSION**

Media remained severely restricted, with websites publishing dissenting views blocked and critical social media users arbitrarily penalized and prosecuted. Having effectively muzzled most of the independent media in the country, authorities targeted critical outlets reporting on Azerbaijan from abroad.

On 8 February, the president enacted a new media law requiring the owners of media outlets serving Azerbaijani audiences to reside permanently in the country, making them vulnerable to censorship and persecution. The new law further increased state control over Azerbaijani media by, among other things, requiring all journalists to obtain official registration and report information "objectively", while failing to provide a clear explanation for this requirement in the law.

Authorities continued to subject civil society activists and independent media to arbitrary arrest and other forms of harassment. In September Azerbaijani human rights

organizations reported that 99 people were imprisoned on politically motivated charges.

Female journalists appeared to be targeted in particular. On 15 February, police detained, beat and insulted two journalists, Fatima Movlamli and Sevinj Sadigova, while they were covering protests by mothers of deceased Azerbaijani servicemen. Ayten Mammedova sustained minor injuries when she was assaulted in a lift on 8 May by an unknown assailant with a knife. His threats made it clear that the attack was connected to her work as a journalist.

On 23 April, former prisoner of conscience and prominent activist Bakhtiyar Hajiyev reported that he had been kidnapped and beaten by masked men who warned him against criticizing the interior minister. On 9 December, following a private dispute, a Baku court ordered his pretrial detention for 50 days over politically motivated charges of hooliganism and contempt of court. Activists and individuals with dissenting views over the Azerbaijan-Armenia conflict were targeted by an online smear campaign reportedly orchestrated through government-linked social media accounts.

On 20 September, Ahmad Mammadli, activist and head of the NGO Democracy 1918 Movement, was jailed for 30 days for criticizing President Aliyev following clashes between Armenia and Azerbaijan. In November, two other activists of the NGO were also given 30 days' detention for purportedly disobeying police.

On 11 September, Avaz Zeynali, chief editor of the independent news outlet Xural, and lawyer Elchin Sadigov, known for representing opposition figures, were arrested on politically motivated charges of accepting and facilitating bribery, respectively. On 20 September Elchin Sadigov was transferred by the court to house arrest, while Avaz Zeynali remained in pretrial detention at the end of the year.

At least six activists critical of the government were arrested on what appeared to be fabricated drug-related charges, in separate cases, after their asylum

applications were rejected by Germany and they were deported to Azerbaijan.

## **FREEDOM OF ASSEMBLY AND ASSOCIATION**

The right to freedom of association remained curtailed while excessive restrictions, both in law and practice, continued to hinder the work of human rights defenders and NGOs.

Authorities continued to arbitrarily restrict the right to freedom of peaceful assembly. Police broke up peaceful anti-government rallies in the capital, Baku, on at least three occasions between May and November. Peaceful protesters were rounded up, beaten and arbitrarily detained; most were released shortly afterwards without formal charges being brought.

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

On 4 July, the CEDAW Committee expressed concern about internally displaced women and girls who faced limited access to education, employment, healthcare and housing. It recommended that Azerbaijan abolish restrictions in the country's Labour Code, which prohibits women from working in 204 professions.

# **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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**Prisoners were tortured and subjected to cruel and inhuman treatment, including medical neglect, delays in medical treatment as reprisal and denial of contact with family members. Authorities continued to restrict freedoms of expression and assembly and to hold prisoners for exercising these rights. The government did not adequately protect migrant workers from exploitation or take adequate steps to address the climate crisis. The government tightened access to healthcare for stateless children.**

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

At least six prisoners were tortured and otherwise ill-treated during the year.

In February, Ahmed Jaafar Mohamed told the Office of Public Prosecution's Special Investigation Unit (SIU), the agency that investigates government abuses, that Jaw prison guards had beaten him when he was forcibly deported from Serbia to Bahrain on 24 January. The SIU told the UN that it was investigating the allegation, but did not report any results.

In March, authorities moved Ahmed Jaber Ahmed to an external hospital only after 11 months of illness had left him unable to walk or dress himself. The hospital diagnosed tuberculosis that had spread to his spinal column, requiring that he be put in a halo brace. Denial of medical care can be considered cruel, inhuman or degrading treatment or punishment.

In May, AbdAli Khayer, a Jaw inmate imprisoned on terrorism charges in a mass trial, said in a voice-recorded call from the prison that when he told a guard he needed treatment at the prison clinic for painful gout that was making it difficult for him to stand, the guard responded by beating him with his fists.

## **RIGHT TO HEALTH**

The authorities violated prisoners' right to health by failing to provide them with adequate medical care compared to that available in the community.

Prison officials deliberately denied access to medical care to prisoners who spoke out as a punitive measure. In retaliation for his chanting pro-Palestinian slogans, authorities refused to take prisoner of conscience AbdulHadi al-Khawaja from Jaw prison to a medical appointment for possible glaucoma for nine months, putting him at risk of blindness.<sup>1</sup>

When tuberculosis, an infectious disease, affected several inmates at Jaw prison, the administration did not institute preventive measures including contact tracking and testing. Authorities returned Hasan Abdulla Bati from hospital to his cell with eight other

inmates two days after he was diagnosed with tuberculosis.<sup>2</sup>

From June until the end of the year, the Ministry of Interior refused to schedule a dental appointment for 74-year-old Hasan Mushaima, even though he was suffering serious dental pain and had lost a tooth. He had been imprisoned since 2011 for participating in mass protests.

## **DETAINEES' RIGHTS**

Prison staff continued to punitively restrict phone and video calls with family members for prisoners who talked back to guards, even though prison regulations provide for four calls per week. Family visits with prisoners remained banned since the start of the Covid-19 pandemic in 2020, leaving families without information when scheduled phone calls were cut without explanation. From 11 to 21 August, the administration at Dry Dock juvenile prison did not permit Ali Isa Abdulthnashr to call his family after he argued with a guard.

In September, without explanation, Jaw prison denied 14 prisoners access to phone calls after moving them from their regular cells.

Authorities maintained their confiscation of the writings of AbdulJalil al-Singace, imprisoned since 2011 for exercising his right to freedom of expression that year. In response, he remained on a solid-food hunger strike for over a year, significantly weakening his health.

In November, authorities opened two new prosecutions against AbdulHadi al-Khawaja for insulting a prison guard and chanting political slogans.

## **FREEDOM OF EXPRESSION AND ASSEMBLY**

Authorities continued to hold prisoners for exercising their rights to freedom of expression and assembly.

In February, Amnesty International confirmed use of the Pegasus spyware against three Bahraini citizens who had criticized the government.<sup>3</sup>

During the final two weeks of November, authorities arrested and released six members of the family of prisoner of conscience Hasan Mushaima for peacefully protesting on his behalf. One was held for interrogation for two days.

Ten leaders imprisoned since 2011 for exercising their rights to freedom of expression and assembly during mass protests that year continued to be held, as did prisoner of conscience Sheikh Ali Salman, an opposition leader serving a life sentence.

## **MIGRANTS' RIGHTS**

The government continued to leave migrant workers unprotected from exploitation through the *kafala* (sponsorship) system.

The Ministry of Labour and Social Development failed to take the steps necessary to process the unpaid wages of at least 18 employees of dissolved construction company GP Zachariades. The employees had returned to their home countries without pay based on the Ministry's assurance that it would work with the liquidators of GP Zachariades, which had benefited from Bahraini government contracts, to ensure they received their dues.

In August, the UN Committee on Economic, Social and Cultural Rights noted that migrant workers continued to face employment discrimination and limited access to adequate housing, education and healthcare. Bahrain does not have a legislated minimum wage in the private sector, where most migrants work, unlike the public sector.

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

The government tightened access to public healthcare for families whose children are stateless due to Bahrain's gender-discriminatory nationality law.

Under the Nationality Law, Bahraini women do not pass their nationality to their children. In April, government health clinics began requiring families of these stateless children to apply each time they sought free public health treatment.

In August, the UN Committee on Economic, Social and Cultural Rights expressed concern about Bahraini laws that criminalize abortion in all cases, including when pregnancy is a result of rape, and discriminate against women in inheritance and the right to pass on their nationality.

## FAILURE TO TACKLE CLIMATE CRISIS

Bahrain did not update its NDC to carbon reduction in 2022. The annual regional report by the UN-sponsored Sustainable Development Solutions Network found that Bahrain's action to reduce climate change, in line with UN Sustainable Development Goal 13, was stagnant. Bahrain has the third-highest rate of carbon dioxide emissions per capita in the world, according to World Bank data.

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1. "Bahrain: Human rights defender at risk of blindness due to denial of medical care", 1 April
  2. "Bahrain: Prison officials' inadequate response to tuberculosis cases in Jaw prison puts prisoners' health at serious risk", 9 June
  3. "Bahrain: Devices of three activists hacked with Pegasus spyware", 18 February

# 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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**Severe crackdowns on freedom of expression and peaceful assembly continued to be reported, including police use of excessive or unnecessary force to suppress protests. Rights of workers and ethnic and religious minorities were under threat. Ensuring the human rights of Rohingya refugees inside the world's largest refugee camp continued to pose a major challenge for Bangladesh.**

## BACKGROUND

In August, Michelle Bachelet conducted the first official visit to Bangladesh by a UN High Commissioner for Human Rights. She subsequently raised several human rights

concerns, including the "narrowing civic space, increased surveillance, intimidation and reprisals often leading to self-censorship".

## FREEDOM OF EXPRESSION

Free expression remained restricted. Reports estimated that in the first nine months of the year at least 179 journalists were harassed or faced reprisals. Most commonly this entailed being assaulted in the course of their work or cases being filed against them in relation to published stories.

The draconian Digital Security Act (DSA) was used repeatedly to stifle dissent and criticism of the government. According to a report by human rights group Ain o Salish Kendra (ASK), 2,249 cases were filed under the DSA over the course of the year before the Cyber Tribunals in Dhaka, Rajshahi and Chittagong divisions alone. Article 19 documented media reports of 114 DSA cases between January and November and found that the vast majority (78 cases) were filed in connection with posts on social media. It also found that 46 out of the 114 cases were filed by individuals associated with the ruling party.

A former Awami League MP and her daughter filed separate cases against Fazle Elahi, editor of a local newspaper in the Chittagong Hill Tracts (CHT), under provisions in the DSA relating to defamation and publishing offensive, false or threatening information, leading to his arrest in June. Fazle Elahi had published an article that detailed alleged irregularities and misuse relating to a government property leased by the MP and her daughter.

In August, the vice-president of the Awami League's Rangpur district unit filed a case under the DSA against online news website Netra News. The case related to an exposé published by Netra News, which used satellite imagery to verify the existence of secret prisons operated by the Directorate General of Forces Intelligence (DGFI), the state's principal military intelligence agency, to detain victims of enforced disappearances "for spreading propaganda". The case was

also filed against a survivor of the secret prison system who had shared their testimony with Netra News.

The authorities also tried to limit the right to freedom of expression of NGOs. The NGO Affairs Bureau (a body under the Prime Minister's Office) rejected the registration renewal application of human rights organization Odhikar over allegations that they had published "misleading information" about extrajudicial killings, enforced disappearances and murders. The Bureau argued that this information "tarnished the image" of Bangladesh globally.

Individuals also faced threats to their rights to freedom of expression. In March, a teacher in Munshiganj district was arrested for "hurting religious sentiments" by discussing the difference between science and religion in class, after a complaint was made by the school's office assistant. After his release 19 days later, the teacher told media that he felt he was "framed" because of internal conflicts in the school.

The draft Data Protection Act introduced new restrictions on freedom of expression and threatened people's right to privacy. Broadly worded exemptions granted under the law would give the authorities legitimacy to access the personal data of individuals and institutions without judicial oversight.

## **FREEDOM OF ASSEMBLY**

The police cracked down on several protests during the year. In Sylhet in January, police clashed with hundreds of students from a public university demanding the resignation of the vice-chancellor, who had earlier ordered police action against a student-led blockade of the premises. The police reportedly used batons, sound grenades and rubber bullets against students, leading to several injuries, and filed a case against 200 students.

In February, police fired bullets and tear gas shells to disperse garment workers protesting against a factory closure. In March, police used tear gas and water cannons against demonstrators from leftist organizations, during protests against rising prices of

essential services and basic commodities. In June, police suppressed protests by workers from several garment factories in the capital, Dhaka, who were calling for an increase in the 2018-set national monthly minimum wage of BDT 8,000 (USD 80), due to rising inflation. In July, the police arrested 108 young men from a community centre in Chuadanga for playing "harmful and addictive" games as part of an online gaming competition.

In December, police clashed with activists and supporters of the Bangladesh Nationalist Party (BNP), the largest opposition party, outside the BNP's headquarters in Dhaka. The party had just announced its plan to arrange a political rally demanding the resignation of the ruling party so a neutral caretaker government can oversee the upcoming elections in 2023. A man died from a bullet wound and at least 60 others were injured after the police opened fire on thousands of protesters. In the first half of December, the police conducted mass arrests of 23,968 individuals nationwide, including at least several hundred opposition party leaders and activists.

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

Allegations of custodial torture and other ill-treatment remained common. Civil society organizations Odhikar and ASK estimated that there were 54 alleged deaths in custody in the first nine months of the year. ASK reported that 34 of those who reportedly died in custody were being detained while on trial.

The death in custody of a delivery man accused of theft was widely reported. The police said that he had hanged himself; however, his wife, Zannat Akhter, alleged that he was beaten to death after the family were unable to pay money demanded from them by police following his arrest. Zannat Akhter told media: "[the] police demanded BDT 500,000 [approximately USD 4,870] from us after arresting my husband. They killed him as we could not pay the money. Allah will judge the people who orphaned my boy."

## **EXTRAJUDICIAL EXECUTIONS AND ENFORCED DISAPPEARANCES**

High rates of extrajudicial executions and enforced disappearances in the past decade continued to garner national and international concern, including from UN human rights mechanisms such as the Committee against Torture. During her visit to Bangladesh, the UN High Commissioner for Human Rights called on the government to ratify the Convention for the Protection of All Persons from Enforced Disappearance.

According to estimates from Odhikar, in the first nine months of the year at least 25 people were killed in extrajudicial executions and 16 people became victims of enforced disappearance. Although this represented a significant reduction compared to the previous year, these grave human rights violations persisted at concerning levels despite sanctions imposed by the USA against the Bangladeshi police in December 2021. An investigative report by Netra News exposed details and satellite imagery of “Aynaghar”, a secret facility operated by the DGFI to detain victims of enforced disappearance in central Dhaka. Former detainees described cruel, inhuman and degrading prison conditions in the facility, including windowless cells with large fans that were switched on almost continuously to drown out all other sounds.

## **VIOLENCE AGAINST WOMEN AND GIRLS**

Based primarily on a compilation of reports from nine newspapers, ASK estimated that there were records of at least 936 women and girls being raped, while 292 women were murdered by their husbands or other family members. Although these figures were lower than those recorded by ASK in 2021, a culture of impunity persisted for gender-based violence and the lack of official data on violence against women and girls made it difficult to assess the true extent of its prevalence.

A female student at the University of Chittagong was reportedly sexually assaulted and stripped naked on campus by five men reportedly affiliated with the ruling party's

student wing, the Bangladesh Chhatra League (BCL), who also threatened to release a video recording of the incident if she complained. Nevertheless, the woman filed a complaint with the police and the university. Following an investigation, five young men were arrested; at least two of them were found to be active members of the BCL and enrolled as students in the University of Chittagong. They were expelled from the university after dozens of fellow students formed human chains to protest against the authorities' inaction.

Following sustained pressure from women's rights groups, parliament passed an amendment bill for the Evidence Act 1872, repealing Section 155(4) which allowed defence lawyers to subject rape complainants to questions about their perceived morality and character. However, the Rape Law Reform Coalition criticized the bill for crucial omissions and ambiguities, which could continue to allow victim-shaming in court even in the absence of Section 155(4).

## **WORKERS' RIGHTS**

Despite institutional reforms and other changes enacted after the deadly collapse of the Rana Plaza building in 2013, occupational safety of workers remained a distant prospect. The Safety and Rights Society estimated that at least 333 workers were killed in 241 workplace accidents in the first six months of 2022, compared to 306 deaths in the same period in 2021.

In June, a fire at the BM Container Depot killed at least 49 workers and injured 250 others. Along with an array of other non-compliance issues, the Department of Explosives found that the depot did not have a licence to store hydrogen peroxide, the presence of which may have caused the explosion. Some of the surviving workers told the Prothom Alo newspaper that an exit gate was locked, preventing workers escaping. The same issue had contributed to the deaths of workers in the Hashem Foods Factory fire less than a year before, and the Tazreen Fashions fire in 2012. In parliament, an opposition party MP condemned the

government's lack of action against the depot owners, who were affiliated with the Awami League's Chattogram South district unit.

The frequency of industrial accidents underscored the continuing failure of the government to monitor and ensure employers' compliance with safeguards under labour and building safety laws relating to the occupational safety of workers.

In August, more than 150,000 tea workers employed by 168 tea estates across Bangladesh launched an indefinite strike to demand an increase in their daily minimum wage from BDT 120 (USD 1.2) to BDT 300 (USD 3). After a series of unsuccessful negotiations, prime minister Sheikh Hasina directed tea estate owners to raise the minimum wage to BDT 170 (USD 1.7).

## **DISCRIMINATION**

Minority groups reported facing different forms of discrimination, particularly along ethnic and religious lines. In April, the law minister placed before parliament the long-anticipated Anti-Discrimination Bill, which would outlaw discrimination on various grounds, including gender, religion, ethnicity, place of birth, caste and occupation. It would also introduce a complaints mechanism for victims of discrimination to seek remedies.

In March, reports emerged regarding the death of Indigenous rights activist Nabayan Chakma Milon in military custody. In May, the Chittagong Hill Tracts (CHT) Commission issued a press release in which it expressed deep concern over the deployment of new units of the Armed Police Battalion to replace vacant army camps in the CHT; this, it argued, was a violation of the CHT Peace Accord.

In July, a mob in Narail district vandalized a Hindu temple, and ransacked and set fire to the homes of several Hindu families as well as a grocery shop owned by a Hindu man, alleging that a Facebook post by the son of the shop owner "hurt religious sentiments". This assault followed a similar pattern of mob attacks against Hindu communities in recent years, involving calculated looting and then violent destruction ostensibly in response to a

social media post, which would often turn out to be fake. Affected residents described having their possessions stolen by groups of people who also demanded money and then burned down their homes or threatened to start fires.

Marginalized groups from coastal south-western Bangladesh reported their access to water being severely impeded by not only climate change-induced damage to water and sanitation infrastructure but also systemic discrimination. For Dalits, this discrimination was driven by notions of impurity and untouchability.

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

Access to education for Rohingya refugees from Myanmar improved during the year despite some early setbacks. Between December 2021 and April 2022, the government reportedly shut down and dismantled about 30 community-led schools. Rohingya refugees alleged that some schoolteachers were detained by the Armed Police Battalion and released only after signing a paper confirming that they would stop teaching. In May, the situation improved when UNICEF reported enrolling 10,000 Rohingya children in the Myanmar Curriculum Pilot, which sought to provide Rohingya children with education based on the national curriculum of their home country. This had been a key demand from humanitarian actors since the start of the refugee crisis. However, UNICEF estimated that, of the more than 400,000 school-aged Rohingya children in Bangladesh's refugee camps, 100,000 were not yet attending learning centres.

On 19 June, the day before World Refugee Day, tens of thousands of Rohingya refugees held a demonstration named "Bari Cholo" (Let Us Go Home) spanning 23 camps in Ukhia and Teknaf. Despite concerns from the international community and human rights groups, the Bangladeshi government persisted in its plans to relocate at least 100,000 Rohingya refugees to the remote and flood-prone Bhasan Char island. In October, 963 Rohingya refugees were



relocated to Bhasan Char, bringing the total number to 30,079 according to official figures. Refugees attempting to flee the remote island were reportedly detained by police, raising doubts as to the voluntary nature of the relocation.

# BELARUS

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## Republic of Belarus

Head of state: **Alyaksandr Lukashenka**

Head of government: **Raman Halouchanka**

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**The rights to freedom of expression, association and assembly remained severely curtailed. At least one man was executed. Torture and other ill-treatment were widespread and impunity prevailed. The justice system was abused to suppress dissent and trials were routinely unfair. National and religious minorities faced discrimination. Refugees and migrants were subjected to violence and refoulement.**

## BACKGROUND

Belarus remained largely isolated internationally owing to the continuing refusal by the EU and USA to recognize Alyaksandr Lukashenka as president. It chiefly aligned its foreign and defence policy with that of Russia, including by contributing to Russia's war against Ukraine.

GDP plunged and inflation rose after trade with Ukraine halted and new sanctions were imposed by Western governments on Belarusian companies.

## FREEDOM OF EXPRESSION

Freedom of expression remained severely restricted. Thousands were prosecuted, including for expressing support for Ukraine, reporting on the movements of Russian troops and military equipment, or criticizing the government. Forty independent journalists were arbitrarily arrested and new charges were brought against others already imprisoned. At the end of the year, 32 journalists remained imprisoned for their work.

Hundreds of individuals were prosecuted in closed trials for “insulting” officials, “discrediting” state institutions and symbols, or “inciting societal animosity and enmity”. In July, student Danuta Peradnya was imprisoned for six-and-a-half years for reposting a message criticizing the war in Ukraine and the role of Alyaksandr Lukashenka in it.<sup>1</sup>

The authorities continued to arbitrarily label organizations, online resources, printed and other material as “extremist”. Thousands of individuals were prosecuted for association with such content, for example “liking” a social media post or wearing a t-shirt with an “extremist” logo. The official list contained over 2,200 people considered “extremists”, most of them imprisoned under politically motivated charges.

Journalist Yury Hantsarevich was sentenced in July to 30 months' imprisonment for “facilitating an extremist activity” after he sent photos of Russian military equipment to independent media outlets.

In November, the Ministry of the Interior banned the use of the traditional salute “Long Live Belarus”, adding it to the list of “Nazi symbols and paraphernalia”.

## FREEDOM OF ASSOCIATION

The authorities continued the crackdown on independent civil society organizations that began after the disputed 2020 presidential election, targeting NGOs, media outlets, professional organizations and ethnic and religious communities.

The authorities used arbitrary charges of “extremism” and “terrorism” to shut down organizations. Over 250 civil society organizations as well as major independent media outlets were shut down, many following their designation as “extremist organizations”.

In April, the authorities raided the homes and offices of leaders of independent trade unions, arresting 16 people on undisclosed grounds. In July, the Supreme Court liquidated the Belarusian Congress of Democratic Trade Unions, effectively banning all independent trade unions.

## **FREEDOM OF ASSEMBLY**

Following Russia's full-scale invasion of Ukraine on 24 February, police brutally dispersed peaceful protests across Belarus, arresting at least 700 protesters on 27 February alone. Following closed trials, many were sentenced to detention for up to 30 days on trumped-up charges of "organizing, preparing or participating in activities grossly violating public order" and others were fined.

The authorities continued to prosecute peaceful participants of the 2020 protests, arresting 280 individuals in the first six months of 2022.

In May, legislative amendments were enacted allowing troops from the Ministry of the Interior to use combat weapons and special military equipment to disperse public protests and other activities said to be disturbing public order.

## **DEATH PENALTY**

At least one man was executed .

In May, legislation was amended extending the application of the death penalty to "attempted crimes" in terrorism-related cases, in violation of the country's obligations as a state party to the ICCPR.<sup>2</sup> In December parliament approved in its first reading a law introducing the death penalty for treason committed by public officials or military personnel.

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

Torture and other ill-treatment remained widespread. Perpetrators continued to enjoy impunity.

Individuals convicted under politically motivated charges often faced harsher treatment and worse conditions of detention. They were frequently held in inhuman conditions in solitary confinement or denied the right to make phone calls, see family members, receive food parcels or exercise outside. Prominent political activist Syarhei Tsikhanouski, serving an 18-year sentence on trumped-up charges, was repeatedly subjected to such arbitrary restrictions and spent over two months in a punishment isolation cell.<sup>3</sup>

## **HUMAN RIGHTS DEFENDERS**

The authorities prevented human rights defenders from carrying out their work and subjected them to arbitrary detention, violence and intimidation. People targeted included members of the prominent human rights organization Viasna, several of whom were in pretrial detention or received prison terms. In September, imprisoned leaders Ales Bialiatski, Valyantsin Stefanovich and Uladzimir Labkovich faced new trumped-up public disorder charges. On 7 October Ales Bialiatski was co-awarded the Nobel Peace Prize.

Marfa Rabkova and Andrey Chapyuk, in detention since 2020, were sentenced in a closed trial to 15 and six years' imprisonment respectively.<sup>4</sup>

Nasta Loika served at least six 15-day terms of administrative detention on trumped-up charges of "petty hooliganism", during which she was denied medicines and basic necessities, including warm clothes and drinking water. In December she was charged with the criminal offence of "organizing activities grossly violating public order" and transferred to pretrial detention.

## **UNFAIR TRIALS**

The justice system continued to be widely abused by the authorities to crack down on all dissent and imprison government critics, as well as to intimidate and silence the lawyers defending them. At least seven lawyers were issued with arbitrary charges and at least five of them arrested. At least 17 more were arbitrarily stripped of their legal licence after working on politically motivated cases.

Hearings in politically motivated cases were usually closed and fraught with irregularities. In July, legislation was enacted widening the use of investigations and trials in absence of defendants, and used later in the year.

## **DISCRIMINATION**

The authorities escalated attacks on some ethnic minorities, including Poles and Lithuanians, in apparent retaliation against Poland and Lithuania for hosting exiled

opposition activists and criticizing the Belarusian government.

Military cemeteries of Polish soldiers were repeatedly vandalized, with no one held to account. The government arbitrarily barred two schools in western Belarus (home to a sizable Polish minority) from teaching in Polish and closed a Lithuanian-language school in Hrodna region. Authorities targeted schools and publishing houses teaching or publishing in Belarusian, despite its status as an official language, regarding it as a language of the political opposition. Belarusian bookshops were closed, and Belarusian-speaking activists, academics and literary and cultural figures and tour guides faced arbitrary arrest.

## FREEDOM OF RELIGION AND BELIEF

The authorities targeted local Christian leaders and activists who spoke out against police violence during the 2020 protests and Belarus's role in Russia's war in Ukraine. In March, the police searched the homes of several Catholic priests, arbitrarily detaining one, Aliaksandr Baran, for 10 days and fining another, Vasil Yahorau, for displaying solidarity with Ukraine.

Following a suspicious fire on 26 September, the authorities terminated the agreement for a local Catholic parish to use the landmark St Simon and Alena Church in the capital, Minsk. During the 2020 demonstrations, the church had defiantly offered shelter to protesters facing police violence.

## RIGHT TO HEALTH

The quality and availability of healthcare remained severely compromised, including by the continued exodus of medical workers dismissed on political grounds, as well as shortages of certain drugs and medical equipment as a result of international sanctions. Medical professionals sacked for supporting peaceful protests in 2020 were arbitrarily refused re-employment. The authorities suspended the licences of at least seven large private medical clinics in what appeared to be a coordinated campaign

targeting independent provision of health services.

## REFUGEES' AND MIGRANTS' RIGHTS

The authorities continued to force refugees and migrants, including those from Syria, Iraq and Afghanistan, to cross the border into Poland, Lithuania and Latvia. Many were pushed back into Belarus, where they faced torture and other ill-treatment by border guards and other officials, obstacles to claiming asylum, or refoulement. In March, the authorities reportedly evicted refugees and migrants from a makeshift camp in the village of Bruzgi, leaving nearly 700 people without shelter or support, including many young children and people with severe illnesses and disabilities.<sup>5</sup>

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1. "Belarus: Free student jailed for 6.5 years for reposting criticism of Ukraine war and Lukashenka", 6 July
  2. "Belarus: New death penalty law is the ultimate attack on human rights", 19 May
  3. "Belarus: Jailed activist subjected to ill-treatment: Sergey Tihanovski", 5 October
  4. "Belarus: Harsh sentences for Rabkova and co-defendants illustrate crushing of civil society", 6 September
  5. *Poland: Cruelty Not Compassion, at Europe's Other Borders*, 11 April

## BELGIUM

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**Kingdom of Belgium**

Head of state: **Philippe**

Head of government: **Alexander De Croo**

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**An improved criminal law introduced a consent-centred approach to rape and other sexual violence. Asylum seekers were left destitute and Afghan asylum seekers were denied international protection. A state-owned weapons manufacturer continued irresponsible arms transfers. A bilateral treaty with Iran raised concerns about impunity. Structural discrimination against non-nationals and racial and ethnic minorities was documented. Prisoners were detained in inhumane conditions and the state was ordered to remedy its violations of the principle of non-refoulement.**

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

In June, new criminal provisions about rape and other sexual violence that centre around the concept of consent, entered into force. The law also decriminalizes sex work.

Two new care centres for survivors of sexual violence were opened, bringing the total number of operational facilities to seven, with at least three more planned.

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

Scores of asylum seekers continued to be left homeless and destitute by the denial of access to housing, due to insufficient shelter capacity.

In March, the Commissioner General for Refugees and Stateless Persons resumed refusals of international protection for Afghan asylum seekers, claiming that there was “no longer a real risk of becoming a victim of random violence” in Afghanistan and that subsidiary protection on humanitarian grounds was not warranted. In October, the Commissioner reported that only 52.2% of Afghan asylum seekers receive international protection.

Despite being at risk of refoulement, ill-treatment amounting to torture in detention and unlawful killings, Afghan refugees in Iran faced unreasonable administrative obstacles accessing protection in Belgium. Several months after refugees seeking to travel to Belgium had submitted applications for humanitarian visas, the Belgian authorities announced that applications would only be considered if re-submitted in Pakistan.

## **IRRESPONSIBLE ARMS TRANSFERS**

In December, Amnesty International and other civil society organizations commenced litigation against FN Herstal, an arms manufacturer fully owned by the Walloon region, challenging the company's continued arms sales to states that are likely to use the weapons to commit serious human rights violations and violations of international humanitarian law.<sup>1</sup>

## **IMPUNITY**

In July, Belgium ratified a treaty with Iran that allows for the transfer of sentenced nationals. International and Iranian civil society called on Belgium to ensure this treaty does not entrench impunity and ensures accountability for serious human rights violations and unlawful acts committed by the Iranian authorities extraterritorially.<sup>2</sup> In December, the Constitutional Court of Belgium partially suspended implementation of the treaty and was due to rule on its annulment in early 2023.

## **DISCRIMINATION**

Studies by the Interfederal Centre for Equal Opportunities (Unia) published in March and June found structural discrimination against people of African descent in housing and persistent structural and direct discrimination against non-nationals in the labour market.

In March, the NGO Ligue des Droits Humains reported that a foreign national or a person with dual nationality was more likely to experience acts of violence during arrest, police custody or as a witness than a Belgian national.

## **INHUMANE DETENTION CONDITIONS**

Overcrowding in dilapidated prisons continued, with insufficient access to essential services, including healthcare and sanitary facilities for people deprived of their liberty.

In June, the Council of Europe's Committee of Ministers expressed its “deep concern” at the structural overcrowding and worsening situation in Belgian prisons and urged the authorities to rapidly adopt solutions to improve the conditions of detention.

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

In September, the Brussels Court of Appeals ordered the government to pay EUR 100,000 compensation to Nizar Trabelsi and request his transfer back to Belgium from the USA where his prison conditions violated the absolute prohibition of torture and inhumane and degrading treatment. Nizar Trabelsi was extradited, in violation of the principle of non-

refoulement and interim measures ordered by the European Court of Human Rights, to the USA after completing a 10-year sentence in a Belgian prison on terrorism-related charges.

1. "Belgium: Walloon arms trade: a new lawsuit will target FN Herstal", 21 June (French only)
2. "Belgium must ensure new treaty with Iran does not entrench impunity", 5 July

## BENIN

### Republic of Benin

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

**Freedom of expression and peaceful assembly were still restricted by repressive laws regulating online communications and the right to strike. Cases of arbitrary arrests, and torture and other ill-treatment were documented. Alleged unlawful killings committed by the defence and security forces during the 2021 presidential election had still not been investigated. People with albinism continued to face discrimination and violence.**

### BACKGROUND

Several attacks and violent incidents attributed to members of Islamist armed groups in the two northern regions resulted in the killing of at least 12 soldiers. To ease political tensions following the 2019 parliamentary elections, 17 people detained since February 2020 for "undermining state security" were released on 14 June. On 27 July, 30 political opponents arrested during the April 2021 presidential elections were released and placed under judicial supervision. The two opposition leaders Joël Aïvo and Reckiatou Madougou remained in detention, having been condemned to 10 and 20 years' imprisonment respectively in December 2021 for "money laundering and endangering the security of the state" and "financing terrorism". In November, the UN Working Group on Arbitrary Detention considered the detention of Reckiatou

Madougou to be arbitrary and called for her immediate release.

### FREEDOM OF EXPRESSION AND ASSOCIATION

Freedom of expression continued to be threatened by the 2018 Digital Code, which criminalizes with imprisonment the publishing of false information online. In December, journalist Virgile Ahouansé was provisionally released under judicial supervision after 48 hours in police custody. He was accused of publishing "false information" after he made allegations about extrajudicial executions by members of the defence and security forces. After a strike by air traffic controllers in September, the National Assembly voted on 11 October to ban the right to strike for workers at the port and airport of Cotonou, and in the hydrocarbon sector. A 2018 law already limits the right to strike to 10 days per year and bans strikes in certain sectors, including health.

### ARBITRARY ARRESTS AND DETENTIONS

Activist Jean Kpoton was released on 18 January after a year in prison. He had been sentenced in February 2021 under the Digital Code, after a publication on social media networks relating to alleged expenses by the president during a tour of the country.

On 29 January, violent clashes erupted after members of the Azaël Ahouignan sect from Kogandji village in Savalou opposed the arrest of some of its members suspected of violence and destruction of goods and property. According to the authorities, two policemen and six members of the sect were killed. Dozens were arrested. According to local media, some people arrested and released a few days later reported having suffered ill-treatment during their detention.

In the context of attacks by armed groups in northern Benin, a 70-year-old man was arrested by the police on 19 March in Tanguiéta in the Atakora region bordering Burkina Faso. Accused of killing a policeman, he was taken to Cotonou on a day-long 587km journey, during which he

was beaten by police with their rifle butts. He was released without charge after one week in detention.<sup>1</sup>

Two journalists were arrested in March in Tanguiéta while investigating African Parks, the organization that manages the Pendjari National Park. Suspected of espionage, they were detained for four days without any legal grounds.

## RIGHT TO TRUTH, JUSTICE AND REPARATION

As of December, no investigation had been opened into the killings of at least five demonstrators by the security forces in the run-up to the 2021 presidential election.

## LGBTI PEOPLE'S RIGHTS

On 4 February, a transgender woman was taken to Pahou police station after being assaulted in Ouidah by neighbours and motorbike taxi-drivers, who accused her of being a thief. Police officers allegedly beat her with sticks and machetes, and stripped and photographed her. She spent three days in detention, naked and deprived of food. She was released on 6 February without charge.<sup>2</sup> On 29 June she filed a complaint against the policemen of Pahou police station. In the absence of any further investigation she appealed to the Constitutional Court, which held a hearing in December.

According to LGBTI rights organization the Hironnelle Club, a “mob movement” around the organization’s headquarters on the International Day against Homophobia, Biphobia and Transphobia on 17 May prevented members from visiting the headquarters for several weeks for fear of intimidation or attack. Representatives of the organization also received death threats via social media and on their phones, but did not complain to the authorities because they assumed that no action would be taken.

## DISCRIMINATION

In August, the UN Committee on the Elimination of Racial Discrimination expressed concerns about the physical

attacks, stigmatization and discrimination perpetrated against people with albinism based on beliefs relating to witchcraft and skin colour. The Committee urged Benin to take effective measures to protect people with albinism and ensure they have equal access to education, health and employment.

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1. “Benin – Togo: Fight against armed groups must not justify human rights violations”, 27 July
  2. “Benin: Police accused of violently attacking transgender woman”, 7 March

# BOLIVIA

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## Plurinational State of Bolivia

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

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**The government signed a reparations agreement with victims of the former military regime. The judiciary continued to lack full independence. Threats and attacks against human rights defenders continued. Law enforcement officials violently repressed, and in some cases arbitrarily detained, coca leaf producers who were protesting. Deforestation and mercury contamination particularly affected Indigenous peoples.**

## IMPUNITY

After camping for more than 10 years in front of the Ministry of Justice, victims of the 1964-1982 military regime signed a reparation agreement with the government that will bring economic reparation for more than 1,700 people. However, thousands of victims were still awaiting government recognition and reparation.

The victims of human rights violations and crimes under international law reported in the course of the 2019 political crisis, during which at least 37 people died and hundreds more were wounded, were still awaiting justice, truth and reparation at the end of the year.

## RIGHT TO A FAIR TRIAL

The UN Special Rapporteur on the Independence of Judges and Lawyers visited the country in February and concluded that authorities continue to interfere with the independence of the judiciary and access to justice remains difficult.

Authorities and officials of the former interim government were still facing charges including “terrorism”, “sedition” and “conspiracy”. After more than 21 months, former interim president Jeanine Áñez and other former state authorities were still in pre-trial detention. This also indicated structural problems in the administration of justice, resulting in an extremely high proportion of people awaiting trial being deprived of their liberty.

## HUMAN RIGHTS DEFENDERS

Authorities failed to protect environmental human rights defenders, who, according to local organizations, were the targets of at least 200 attacks and threats during the year. Some attacks included kidnappings and the burning of community camps, where many environmental defenders were staying.

Human rights defenders, including Waldo and Franco Albarracín, continued to report threats against them and their families, as well as persistent stigmatization and harassment by the authorities. Waldo Albarracín also faced criminal proceedings that lacked due process guarantees.<sup>1</sup>

## FREEDOM OF EXPRESSION AND ASSEMBLY

Law enforcement officials violently repressed, and in some cases arbitrarily detained, coca leaf producers protesting against US-funded efforts to eradicate local production. Security forces used excessive force against some of the detainees.

## ENVIRONMENTAL DEGRADATION AND INDIGENOUS PEOPLES' RIGHTS

Despite Bolivia's commitment to maintain its forest cover and combat illegal deforestation, over a million hectares of land were burned,

mostly to expand agricultural activities, during the year.

The contamination associated with the unregulated disposal of mercury waste in rivers, mostly due to small-scale gold mining, was linked to illness, especially in Indigenous fishing communities living in poverty. The government announced it would implement a plan to reduce the use of mercury, but did not disclose the plan's content.

## WOMEN'S RIGHTS

Women survivors of gender-based violence seeking justice lacked effective protection from reprisals. Women and adolescents lacked free or affordable modern contraceptives, especially in rural areas.

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1. “Bolivia: Misuse of the justice system to persecute human rights defender must stop”, 7 April (Spanish only)

# BOSNIA AND HERZEGOVINA

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## Bosnia and Herzegovina

Head of state: **Rotating presidency – Denis Bećirović, Željko Komšić and Željka Cvijanović**

Head of government: **Borjana Krišto, replaced Zoran Tegeltija in December**

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**Threats against journalists and human rights defenders persisted. Reception conditions for refugees and migrants improved but many were still sleeping rough. The Council of Ministers adopted action plans on Roma inclusion and LGBTI people's rights. Access to justice and reparations for civilian victims of war remained limited.**

## BACKGROUND

Bosnia and Herzegovina (BiH) remained in a state of political crisis. Political parties in Republika Srpska (RS) threatened to dismantle state-level institutions. Government in the Federation of BiH ended its full term in its caretaker capacity. In October, the High Representative imposed amendments to the

Federation of BiH Constitution and the BiH Elections Law aimed at “improving the functionality” of the Federation of BiH institutions. Critics warned that the changes would deepen ethnic divisions. In December, the European Union granted BiH formal candidate status for the EU.

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

Media outlets and journalists reporting corruption and war crimes continued to face political pressure, harassment and threats. Politicians engaged in smear campaigns against journalists, inciting further threats against them, both online and in person. In November, Federation Police Director Zoran Čegar was suspended after he threatened a journalist, saying he would “rip her throat out”.

In September, the Constitutional Court ruled that RS public broadcaster RTRS had slandered Vladimir Kovačević, a journalist who was attacked and seriously injured covering mass protests in Banja Luka in 2018, potentially because of the smear campaign.

BiH was downgraded from 58th to 67th place in the World Press Freedom Index.

Politicians and businesses used defamation lawsuits to intimidate journalists and human rights defenders. In April, a Belgian-based company sued and sought excessive damages against two local environmental activists who had raised concerns about the impact of the company's hydropower plants on the Kasindolska River.<sup>1</sup>

Laws on peaceful assembly varied regionally and were generally not consistent with international standards. In May, the RS police banned a peaceful march to mark the 30th anniversary of the wartime persecution of Bosniaks and Croats in Prijedor. The Council of Europe's Human Rights Commissioner said the police decision violated people's right to peaceful assembly.

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

The authorities registered close to 27,000 arrivals during the year, an increase from

16,000 in 2021. Around 1,300 people, mostly from Afghanistan, remained in BiH at the end of the year.

Reception conditions generally improved, but key institutions responsible for migration remained under-resourced and struggled to manage reception centres without assistance from the International Organization for Migration. The authorities failed to share responsibility for hosting asylum seekers across the country, leaving most people stranded in Una-Sana Canton.

The unexpected increase in arrivals from August onwards and the high turnover in the reception centres further affected the delivery of adequate long-term support to residents.

While most refugees and migrants were accommodated in reception centres, several hundred people, including families with children, were sleeping rough near the border, mostly in Una-Sana Canton. They lacked access to essential services, including water, food, sanitation, heating and medical care. Activists said the authorities prevented them from delivering humanitarian assistance to people outside of reception centres.

The discriminatory measures imposed by Cantonal authorities in 2020 remained in place, including illegal prohibition of migrants' and refugees' freedom of movement, gathering in public places and using public transport.

The asylum system remained largely ineffective with applications taking an average of over 400 days to process. Recognition rates remained extremely low, with not a single refugee status granted by the end of the year.

In contrast, the applications of Ukrainians who sought protection in BiH were processed quickly. Ukrainians were granted subsidiary protection, rather than refugee status, limiting their access to essential rights, including family reunification and travel documents.

## **DISCRIMINATION**

### **ROMA**

In April, the country's Council of Ministers adopted an action plan for the social inclusion of Roma to address the existing



gaps in Roma people's access to housing, employment, education and healthcare.

The authorities failed to implement multiple rulings of the European Court of Human Rights and the BiH Constitutional Court, which found the power-sharing arrangements set out in the Constitution to be discriminatory, preventing people who did not belong to one of the so-called constituent peoples (Bosniak, Croat or Serb) from running for legislative and executive office.

## LGBTI PEOPLE'S RIGHTS

In July, the Council of Ministers adopted the first action plan on the rights of LGBTI people, aimed at enhancing protection against discrimination.

A Sarajevo municipal court confirmed that a former deputy in the Sarajevo Cantonal Assembly was guilty of discriminating against LGBTI people, the first court ruling in BiH regarding discrimination on grounds of sexual orientation.

## RIGHT TO TRUTH, JUSTICE AND REPARATION

Nearly 500 cases of crimes under international law committed during the 1992-1995 armed conflict, involving over 4,000 suspects, remained pending before courts. Lack of capacity, systemic deficiencies in the prosecutor's offices and inconsistent regional cooperation continued to cause major delays, diminishing many victims' hopes that they would see justice, truth and reparation in their lifetime.

Authorities failed to put in place a comprehensive countrywide reparations programme for civilian victims of war. Access to social support, including a disability allowance, depended on victims' residence and varied significantly across the country.

Authorities failed to implement a 2019 UN Committee against Torture decision, which urged BiH to ensure immediate and comprehensive redress to all survivors of wartime sexual violence.

In RS, victims of wartime rape who lost their claims for compensation in civil courts due to the application of statutes of limitation had to

pay excessive court fees and some faced seizure of property. The UN Human Rights Commissioner called for the practice to end urgently.

Over 7,500 people remained missing as a result of the armed conflict.

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1. "Bosnia and Herzegovina: Young environmental activists face baseless defamation charges from Belgian-owned hydropower company in Bosnia", 20 October

# BOTSWANA

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## Republic of Botswana

Head of state and government: **Mogweetsi Masisi**

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**A presidential commission recommended constitutional amendments to improve the protection of certain rights, while undermining others. Migrants and asylum seekers including children were subjected to arbitrary detention. Murders attributed to gender-based violence constituted a large proportion of all murders between January and March. There was a documented rise in the number of people going missing. Indigenous peoples' rights were violated. Botswana continued to use the death penalty.**

## ARBITRARY DETENTION

In July, following a visit to Botswana, the UN Working Group on Arbitrary Detention said it found several instances where the country's laws and practices fell short of international standards. This included the use of automatic arbitrary detention of undocumented migrants as well as asylum seekers and their children, who had no access to education while detained.

## DISCRIMINATION

### GENDER-BASED VIOLENCE

Murder rates continued to rise and a large proportion of cases were a consequence of gender-based violence. In July the Botswana Police Force said they received 349 reports of murders between January and March; 164

victims were women and 133 cases were attributed to gender-based violence.

### **ATTACKS ON CHILDREN**

In June, NGOs raised concerns about the rising number of disappearances in the country. A prominent case involved a six-year-old boy who disappeared in March in Lobatse. His remains were found in July with some body parts missing. The child was allegedly sold by his stepfather for BWP 200,000 (approximately USD 15,000) for ritual purposes. The case ignited national outrage at the increase in disappearances.

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

In December, the Presidential Commission of Inquiry into the Review of the Constitution of Botswana produced its report following extensive countrywide consultations. It made some positive recommendations for the constitutional protection of rights to health, land, education and work among others, and to protect intersex people from discrimination. A few other recommendations raised human rights concerns (see Death penalty below).

#### **INDIGENOUS PEOPLES' RIGHTS**

Restrictions on Indigenous peoples' rights continued. A judge's refusal to allow the body of an older man of the San (also known as Basarwa), a nomadic hunter-gatherer people, to be buried on his ancestral land in the Central Kalahari Game Reserve, was upheld by the Court of Appeal in December. Following a protracted legal battle between the government and his family members, the court made an order directing the family to bury the deceased within seven days.

### **DEATH PENALTY**

Botswana continued to sentence people to death although no executions were carried out in 2022. In July it was reviewed by the UN Committee against Torture, which recommended that the authorities adopt a moratorium on the death penalty with a view to abolishing it. The constitutional review process (see above, Economic, social and cultural rights) concluded that Botswana

largely supported the death penalty and even wanted to extend its use; it recommended that further crimes, including drug-related offences and the rape of children under 12, carry the death penalty.

## **BRAZIL**

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### **Federative Republic of Brazil**

Head of state and government: **Jair Messias Bolsonaro**

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**Racism continued to drive state violence. Mass killings by public security officials were frequent, disproportionately affecting Black people in marginalized neighbourhoods. Cis and transgender women, especially Black women, were targets of various forms of violence. In an election year, the dissemination of fake news and statements by President Bolsonaro incited politically motivated violence, threatened state institutions and undermined the functioning of judicial institutions. Many journalists and human rights defenders were threatened and killed. The social, political and economic situation continued to deteriorate, leading to violations of the rights to food, health, housing, work and social assistance, among others. Investigations into human rights violations documented by the Parliamentary Commission of Inquiry into the government's handling of the Covid-19 pandemic were shelved. The historic failure of the state to confront structural racism continued to result in Indigenous peoples and Afro-descendants being disproportionately impacted by failings in institutional measures and actions.**

### **BACKGROUND**

Throughout the year, President Bolsonaro consistently attacked the high courts and the rule of law. The election period was marked by polarization and political violence. The presidential elections were won by Luíz Inácio Lula da Silva, who was due to take office in January 2023. He announced the creation of a Ministry of Native Peoples and committed

to zero deforestation. Supporters of outgoing President Bolsonaro organized protests and demanded military intervention, claiming unproven electoral fraud. In November, the Liberal Party, of which Jair Bolsonaro is a member, filed a claim requesting more than 250,000 voting machines be reviewed for fraud; the Superior Electoral Court dismissed the claim and ordered a penalty of BRL 22.9 million (approximately USD 4.3 million) for petitioners acting in bad faith. The number of people receiving Brazil Aid, a cash transfer programme introduced in 2021 to replace the Family Allowance social assistance programme, reached record levels during the election period, as did other benefits approved through an amendment to the Constitution based on the declaration of a state of emergency; there were concerns that this assistance may have been used for political ends. The number of firearms registered among the civilian population increased and was estimated to be greater than the number of weapons in the possession of the navy, army and air force combined.

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

The economic crisis deepened structural and persistent social inequalities in the country. Rising inflation and the impoverishment of the population disproportionately impacted groups that have historically faced discrimination, such as Black people, Indigenous peoples and other traditional communities, women, LGBTI people and residents of *favelas* and marginalized neighbourhoods. According to UNICEF, 2 million people between the ages of 11 and 19 who had not finished basic education left school between January and August.

### **RIGHT TO HEALTH**

By the end of the year, more than 693,000 people had died from Covid-19 since the beginning of the pandemic. Despite the problems associated with implementation of the vaccination programme, 80% of Brazilians had been fully vaccinated by December.

In September, the Pan-American Health Organization reaffirmed that Brazil was at a high risk of the re-emergence of polio, which had been eradicated in Brazil in the 1990s.

Congress approved the draft Budget Guidelines Law for 2023, which allocated the lowest level of funding in a decade to the Ministry of Health. Budget cuts impacted the public health system, known as the Unified Health System, and threatened to affect access to adequate care, including medicine supplies and sufficient health workers, as well as HIV/AIDS prevention and treatment and vaccination programmes.

During the year, the Attorney General requested that the Supreme Court dismiss seven of the 10 investigations opened against President Bolsonaro following the report of a Parliamentary Commission of Inquiry (CPI) into the government's management of the Covid-19 pandemic. The CPI's final report recommended that President Bolsonaro be indicted for nine crimes, including "charlatanism", "malfeasance" and crimes against humanity. By the end of the year, the Supreme Federal Court had granted the closure of at least three of the investigations requested by the Attorney General.

### **RIGHT TO HOUSING**

According to the National Confederation of Municipalities (CNM), 5.8 million new homes were needed for families living in inadequate housing and some further 24.8 million housing units required improvements.

In March, the Federal Court of Justice (STF) extended Law No. 14.216/2021, which suspended urban evictions during the pandemic. Judge Luis Roberto Barroso justified the decision by stating that: "in the context of the Covid-19 pandemic, the right to housing is directly related to health protection and there is a need to avoid as much as possible an increase in the number of people living on the street". In October, the STF approved a transitional programme for the reinstatement of evictions that had been suspended during the pandemic.

The number of people living on the streets increased in 2022. A survey published in June by the Federal University of Minas

Gerais estimated that more than 180,000 people in the country had nowhere to live, 68% of whom were Black (approximately 119 million of the Brazilian population is black) and 84% of whom were receiving social assistance via Brazil Aid.

### **RIGHT TO WORK**

Although the level of unemployment was the lowest since 2015, poverty increased. In 2021, the latest year for which figures were available, 62.9 million people had a per capita household monthly income of BRL 497 (approximately USD 90, representing 41% of the minimum wage) or less, according to the Getúlio Vargas Social Foundation. This represented 29.6% of the country's total population, according to the Brazilian Institute of Geography and Statistics.

### **RIGHT TO FOOD**

More than half of the population did not have adequate and secure access to food. The number of people experiencing severe food insecurity (hunger) reached 33.1 million, 15% of the population. The situation was particularly acute among small-scale farmers; 21.8% of households in this sector experienced hunger. Households headed by women and Black people were the most affected by food insecurity. 70% of the total population experiencing severe food insecurity were Black.

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

Incidents of politically motivated intimidation and violence targeting activists, human rights defenders, journalists and voters exercising their right to freedom of expression, thought and belief increased exponentially during the election period. According to a survey by the polling institute DataFolha, seven in 10 people reported feeling afraid to express themselves politically in the country.

There were at least 59 instances of politically motivated violence in October between the first and second rounds of the presidential election. A number involved threats with firearms, including Congresswoman Carla Zambelli pointing a

gun at a political opponent. There were physical attacks on journalists, such as an attack by a congressman on journalist Vera Magalhães after a political debate.

Reporter Aline Porcina faced intimidation during Independence Day celebrations and cameraman Rogério de Paula was assaulted. Harassment of religious leaders not aligned with the president's anti-human rights discourse and harassment of electoral workers also intensified, leading to at least six killings. Political violence also affected children; a 12-year-old girl was shot dead during a celebration of Luís Inácio Lula da Silva's victory in the city of Belo Horizonte.

### **UNLAWFUL KILLINGS**

The logic and implementation of the "war on drugs", which have governed public security policies in Brazil for decades, continued to feed the cycle of violence and killings by police in the country.

Heavily armed police operations resulted in hours of intense shootings in *favelas* and marginalized neighbourhoods. The state's excessive use of force also manifested itself in raids on people's homes, destruction of belongings, psychological torture, restrictions on people's freedom of movement and the suspension of basic services such as schools and health centres.

Three police operations, in which the Federal Highway Police participated, resulted in the deaths of 37 people. In March, a police operation in the Complexo do Chapadão neighbourhood of the city of Rio de Janeiro left six people dead. In May, 23 people were killed as a result of another police operation in the city's Vila Cruzeiro neighbourhood. Such police operations did not follow the guidelines established by the Supreme Court and were carried out despite a plan to reduce killings by police presented by the Governor of Rio de Janeiro in March.

In May, Genivaldo de Jesus dos Santos, a Black man with a mental disability, was extrajudicially executed in the custody of the Federal Highway Police after being restrained in a car using an unidentified gas in Umbaúba, Sergipe state. Three policemen

involved in the incident were indicted for abuse of authority and first degree murder with aggravating factors.

The Federal Prosecutor's Office requested the suspension of the 2021 Ministry of Justice and Public Safety Ordinance, which allows the Federal Highway Police to participate in operations in locations other than federal highways. In June, a Rio de Janeiro Federal Court partially suspended the ordinance, but a Federal Appeals Chamber overturned that decision two days later.

In 2022, the NGO Brazilian Forum on Public Safety reported that in 2021, 99% of victims of police killings were male, 84% were Black and 52% were aged under 25.

The continuing high death toll during police operations was evidence of the state's failure to effectively fulfil its obligations regarding external supervision of police conduct. The fact that Black people made up a disproportionate percentage of victims was further proof that systemic and institutional racism continued to drive the criminalization of and excessive use of force against Black people. The persistence and scale of killings by police also underscored the impunity enjoyed by those directly responsible and the lack of accountability of those in the chain of command who facilitated or tolerated excessive use of force.

## **IMPUNITY**

The authorities did not adequately investigate cases of excessive use of force or ensure that those directly responsible or in the chain of command were brought to justice.

In June, the task force formed to investigate the circumstances that led to the May 2021 Jacarezinho massacre, in which 28 people died, completed its work. Four civilian police officers were accused of the murder of three people, and two suspected drug dealers were accused of involvement in the death of a civilian police officer. The cases of the other 24 killings were closed, reportedly due to lack of evidence, without determining responsibility.

Those suspected of criminal responsibility for the enforced disappearance of Davi Fiuzo,

then aged 16, in October 2014 had still not been brought to justice by the end of 2022. The teenager was last seen being put into an unmarked car during a police operation in the city of Salvador, Bahia state. Of the 17 police officers indicted, only seven faced charges, including kidnapping. A first hearing in the case took place in October under the inadequate military justice system. By the end of the year none of the officers charged had been convicted and all remained at liberty.

## **FAILURE TO TACKLE CLIMATE CRISIS AND ENVIRONMENTAL DEGRADATION**

According to the Space Research Institute, between January and October the deforestation rate in the Brazilian Amazon reached its highest level since 2015, with 9,277 km<sup>2</sup> of forest destroyed in what is known as the "Legal Amazon" region, an area covering nine states in the Brazilian Amazon.

The disasters caused by the effects of climate change, and by the state's failure to adopt adequate and sufficient measures to mitigate them, continued to have disproportionate impacts on marginalized communities, those most affected by the lack of public policies on housing, basic sanitation and infrastructure.

According to a survey by the National Confederation of Municipalities, the first five months of the year alone saw the highest number of deaths for a decade as a result of extreme rainfall. In February and March, at least 238 people died in Petrópolis municipality, Rio de Janeiro state, following mudslides and flooding. In June, 128 people lost their lives in landslides and floods in Recife, the capital of Pernambuco state. In both cases, most of the people affected were Black women living in *favelas* and marginalized neighbourhoods who were at home when the landslides and flooding occurred.

In April, Brazil submitted its second update to its original NDC. According to the Climate Action Tracker, the latest update was weaker than Brazil's original NDC in terms of

absolute emissions reductions, falling short of the Paris Agreement's goal of submitting increasingly ambitious NDCs with each update.

## **HUMAN RIGHTS DEFENDERS**

March marked the fourth anniversary of the killings of Marielle Franco, a councilwoman and human rights defender, and her driver, Anderson Gomes. No one had been brought to justice for the killings, despite continuing efforts by the families to press for justice and effective participation in the investigations. The two men accused of the killings remained in prison, but no date had been set for their trial by the end of the year and those behind the killings had yet to be identified.

In January, three environmental activists belonging to the same family who protected turtles in the Amazon were killed in Pará state. By the end of the year, no one had been brought to justice for the killings.

In June, British journalist Dom Phillips and Brazilian Indigenous expert Bruno Pereira, defenders of the rights of Indigenous peoples, disappeared in a region near the Vale do Javari Indigenous lands in Amazonas state. Their bodies were found 11 days later. Three men were arrested and at the end of the year were awaiting trial on charges of murder and concealing the bodies. Investigations into the intellectual authors of the killings were ongoing.

In November, human rights defender Bishop Vicente de Paula Ferreira was threatened by a group of unidentified individuals, some reportedly armed. Bishop Vicente is known for his support of social causes and defence of democracy and the environment.

In December, Raimundo de Oliveira, an activist of land rights movement Movimento Sem Terra, was shot dead inside his house in the Bico de Papagaio region, Tocantins state.

## **RIGHTS OF INDIGENOUS PEOPLES AND QUILOMBOLAS**

Between January and July, the Pastoral Land Commission registered 759 violent incidents, involving a total of 113,654 families, and 33

killings in land-related conflicts in rural areas of the country. This represented a 150% increase compared to the first six months of 2021. More than half of the conflicts occurred in the "Legal Amazon" region and impacted mainly Indigenous peoples and Quilombolas.

In April, Quilombola leader Edvaldo Pereira Rocha was shot dead in Maranhão state. A suspect was arrested, and investigations into the reasons for and individuals behind the killing were continuing at the end of the year.

In May and June, respectively, two Guarani Kaiowá men, 17-year-old Alex Lopes and Vitor Fernandes, were killed in Mato Grosso do Sul state. In September, 14-year-old Gustavo da Conceição, a member of the Pataxó people, was killed in Bahia state. No one had been brought to justice for these killings by the end of the year.

In addition to ongoing attacks on Indigenous land in Rondônia state, the Hutukara Yanomami Association reported that the presence of illegal mining in the region was affecting the health of Indigenous peoples. The Association recorded the deaths of nine children from diseases that could have been treated with adequate access to healthcare.

## **LGBTI PEOPLE'S RIGHTS**

The National Association of Transvestites and Transsexuals (ANTRA) published data in January 2022 showing that at least 140 transgender people were killed in 2021 and for the 13th consecutive year Brazil was the country with the highest number of killings of transgender people in the world.

Transgender candidates were subjected to intimidation and threats during the electoral process. Nevertheless, for the first time in the country's history, two transgender women were elected as federal deputies.

## **VIOLENCE AGAINST WOMEN AND GIRLS**

According to the Forum on Public Safety, 699 women were victims of femicide in 2022, 62% of whom were Black.

## SEXUAL AND REPRODUCTIVE RIGHTS

Although abortion in cases of rape is provided for in Brazilian law, those seeking abortion services faced intimidation and stigma from authorities.

# BULGARIA

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### Republic of Bulgaria

Head of state: **Rumen Radev**

Head of government : **Galab Donev (replaced Kiril Petkov in August)**

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**Media freedom further deteriorated as journalists were subjected to threats, intimidation and abusive litigation. Migrants and asylum seekers faced pushbacks. Domestic violence increased. Courts found discrimination against Roma during riots in 2019. People with disabilities faced persistent discrimination.**

## BACKGROUND

In June, the reformist coalition led by Kiril Petkov lost a no-confidence vote, triggering an early parliamentary election in October. Galab Donev took on the role of caretaker prime minister in August. The former prime minister Boyko Borissov's GERB party won most seats but failed to win a clear majority, likely leaving the country in a state of protracted political crisis.

## FREEDOM OF EXPRESSION

Journalists and independent media outlets reporting on organized crime, corruption or minority rights faced persistent threats and harassment and were frequently victims of abusive litigation by public officials and business people. An Association of European Journalists' survey indicated that one in two journalists in Bulgaria faced undue pressure and one in 10 had been threatened with court action. This had a chilling effect on reporting and resulted in increased self-censorship. Journalists and human rights defenders living outside of the capital, Sofia, were particularly vulnerable to intimidation.

Major media outlets continued to be controlled by politicians and oligarchs, further undermining editorial independence and limiting access to information.

In November, the parliament adopted at first reading amendments to harmonize the Criminal Code with European Court of Human Rights (ECtHR) rulings on freedom of expression. The amendments would remove the existing provision treating the defamation of a public official as an aggravating circumstance and reduce excessive and disproportionate fines for defamation.

In November, the Revival party proposed legislation which would publicly label individuals and organizations who received financial support from foreign sources as "foreign agents", fine them for failing to disclose foreign donations and prohibit them from carrying out political or educational activities. Civil society organizations warned that the law would undermine freedom of expression and association.

## REFUGEES' AND MIGRANTS' RIGHTS

There was a sharp rise in the number of refugees and migrants who arrived at the border with Türkiye. Authorities recorded over 85,000 arrivals, more than double the 2021 number. Summary returns, sometimes accompanied by violence, remained widespread.

Rights organizations reported continuing discriminatory practices in the asylum system, with applications by nationals of certain countries, including Afghanistan, Algeria, Bangladesh, Morocco and Tunisia, being automatically rejected.

Bulgaria received nearly 1 million Ukrainians, mostly women and children, and provided access to healthcare, social services and education to 150,000 who registered for temporary protection. Many refugees left after September amid growing uncertainty about the government's extension of the hotel accommodation scheme. UNHCR, the UN refugee agency, urged the authorities to provide a lasting solution for accommodation of refugees.

On several occasions, the authorities provisionally accommodated Ukrainian refugees, including families with children, in a temporary accommodation centre in Elhovo, which was designed as a detention facility for people entering irregularly. The NGO the Bulgarian Helsinki Committee highlighted inadequate and undignified conditions at the Elhovo centre.

In August, an appeals court in Varna overturned an earlier district court decision that had approved the extradition to Russia of Aleksei Alchin, a Russian national who had criticized the Russian invasion of Ukraine. The appeal court said that due to Aleksei Alchin's political beliefs, his rights would likely be violated upon his return.

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

Cases of domestic violence, which spiked during the Covid-19 pandemic, continued to rise.

Amendments to the Law on Protection from Domestic Violence and the Criminal Code, aimed at further harmonizing domestic legislation with international standards and strengthening protection for victims, had not been adopted by the end of the year.

The Council of Europe's Human Rights Commissioner asked the authorities to urgently address the severe lack of support services for victims of domestic violence in all parts of the country.

## **LGBTI PEOPLE'S RIGHTS**

In June, a court in Sofia ordered Boyan Rassate, the Bulgarian National Union Party's candidate in the 2021 presidential election, to pay a BGN 3,000 (EUR 1,500) fine for a break-in at an LGBTI community centre – the Rainbow Hub – in 2021, during which the facility was vandalized and an activist assaulted. He was cleared of charges of assault.

In June, the ECtHR called on Bulgaria to pay compensation to the mother of a young man killed in a homophobic attack in 2008. In line with Court's ruling, in December, the Council of Ministers proposed amendments to the Criminal Code, which would recognize

homophobia as an aggravating circumstance in respect of certain crimes against the person, including murder.

The authorities failed to take steps to develop a national strategy and an action plan to combat discrimination on the grounds of sexual orientation or gender identity.

## **DISCRIMINATION**

In October, the ECtHR ruled that the authorities violated the right to private and family life of the Roma residents of Voivodinovo who were driven from their homes during the violent anti-Roma protests in 2019, and ordered the authorities to pay compensation. In August, the national Commission for Protection against Discrimination said that the expulsion of Roma from Voivodinovo was an act of discrimination.

The European Commission against Racism and Intolerance urged the authorities to do more to tackle hate speech and prejudice against Roma.

## **RIGHT TO PRIVACY**

In a ruling in January, the ECtHR found that Bulgaria's laws on secret surveillance were in breach of the European Convention on Human Rights. The Court said that the laws failed to provide sufficient safeguards against arbitrary or abusive surveillance and that there was insufficient oversight against unnecessary and disproportionate access to stored communications data.

## **RIGHTS OF PEOPLE WITH DISABILITIES**

In two separate cases, the ECtHR ruled that Bulgaria had violated the right to vote of two people with a mental disability who were under partial guardianship. It found that Bulgaria's de facto blanket ban on people affected by a mental disability voting was disproportionate and unjustifiable. The Constitutional Court refused to provide an interpretation of the national legislation relating to the right of people with a mental disability to vote, stating that the relevant provisions in the Constitution were sufficiently clear.



The authorities reiterated their commitment to closing specialized institutions for adults with disabilities. However, rights organizations said that the government needed to improve community-based services to provide a dignified alternative to group accommodation in institutions.

In June, the European Committee for the Prevention of Torture urged Bulgaria to urgently adopt measures to address poor living conditions and physical neglect in social care homes.

## BURKINA FASO

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### Burkina Faso

Head of state: **Ibrahim Traoré (replaced Paul-Henri Sandaogo Damiba in September, who replaced Roch Marc Christian Kaboré in January)**

Head of government: **Apollinaire Kyélem de Tambèla (replaced Albert Ouédraogo in October, who replaced Lassina Zerbo in March)**

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**Armed groups and government armed forces committed violations of international humanitarian law. The armed conflict continued to affect the rights to food, water, health and education. There were cases of arbitrary detention and violations of the right to freedom of expression. Two historical judicial cases of high-profile killings were finally completed, including one related to the murder of President Thomas Sankara in 1987.**

### BACKGROUND

Burkina Faso underwent two military coups. The first, in January, was led by Lieutenant-Colonel Paul-Henri Damiba. It toppled President Roch Marc Kaboré and his government and led to the dissolution of all elective offices – parliamentary and local. The army justified the coup on the basis of the government's poor handling of the armed conflict, which continued to have major impacts on civilians. The military authorities placed Roch Marc Kaboré under house arrest until 7 April on grounds of "security".

The state of emergency was renewed in April after a two-month suspension. The new government established military zones in northern and eastern Burkina Faso and ordered civilians to evacuate these areas. A two-year transition before presidential elections was negotiated under mediation from ECOWAS. In September, after military setbacks in the armed conflict, Lieutenant-Colonel Damiba was overthrown by military officers led by Captain Ibrahim Traoré.

### VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW

#### ARMED GROUPS

The Group for the Support of Islam and Muslims (GSIM) blocked access and commercial supply to several cities in northern and eastern Burkina Faso. In February, the GSIM cut access to the city of Djibo in response to the government's prohibition of the movement of people and goods from Djibo to areas under the GSIM's influence. In July, the main road access to the town of Sebba, which hosted 30,000 internally displaced people from neighbouring districts, was also cut off by the GSIM. The blockades reduced food security and access to medicines and healthcare for civilians.

In March, armed assailants launched an attack in Arbinda, a town in Soum province under siege since 2019, targeting people fetching water. Seven people were killed, including three civilians.

In Djibo, the GSIM attacked and destroyed civilian objects including water infrastructure affecting more than 300,000 residents, according to the Norwegian Refugee Council. Traders and others who attempted to supply food to the city were threatened with violence by armed groups, leading the government to deploy armed escorts to assist them to enter Djibo. On 26 September a 207-vehicle civilian supply convoy for Djibo, escorted by the military, was attacked by armed assailants at Gaskindé. Following the attack, 50 people remained unaccounted for. According to the government, the bodies of 11 soldiers were found after the attack.

In June, members of the Islamic State in the Sahel attacked the town of Seytenga, killing at least 80 people, mostly civilians. The assailants reportedly went from house to house, killing men. Thousands of residents were displaced; some 16,000 fled to the regional capital, Dori, and 360 crossed into Niger.

### **GOVERNMENT FORCES**

In February, French forces supporting the national army killed four civilians during an aerial strike on the armed group Ansaroul Islam. There was no investigation into the incident to determine the lawfulness of the attack.

In April, media reports indicated that dozens of civilians were killed during military strikes against armed groups in the villages of Sokoundou, Wassakoré and Tin-Rhassan, in Oudalan province, close to the border with Mali. No investigation was set up into the incident.

In August, state authorities acknowledged their responsibility for the deaths of “several” civilians during aerial strikes against armed groups near Kompienga/Pognoa, close to the border with Togo. Media reports indicated that around 30 civilians, mostly women, were killed during the strikes.

On 30 December, two neighbourhoods with majority ethnic Fulani populations in the town of Nouna, Kossi province, were attacked by government auxiliary forces. At least 86 people were killed, according to local sources. The Office of the Prosecutor of Nouna announced an investigation into the killings.

### **RIGHT TO FOOD**

A combination of conflict-driven increases in the price of consumer products and variations in the climate severely affected food security in Burkina Faso. According to OCHA, 4.9 million people faced food insecurity by September, including many internally displaced people who had fled their homes and lost their livelihoods due to the conflict. Some 180,000 children were chronically malnourished, according to OCHA. This situation was most acute in the

Nord, Sahel and Est regions where armed groups were most active.

### **RIGHT TO EDUCATION**

UNICEF reported that 4,258 schools were closed or non-functioning at the end of September due to the conflict. State authorities supported by UNICEF and other organizations developed educational radio programmes targeting children displaced by the conflict or otherwise not in school.

UNICEF reported in September that some 292,861 children had accessed these radio programmes.

### **FREEDOM OF EXPRESSION**

In March the former president of the National Assembly, Alassane Bala Sakandé, was arrested, detained and interrogated by the gendarmerie before being released the same day without charge. On 24 March, prior to his arrest and detention, he had issued a press statement calling for an end to the illegal detention of the deposed president, Roch Marc Kaboré.

On 19 May, Luc Pagbelguem, a journalist working for the television channel BF1, was assaulted by a security detail of the transitional prime minister, Albert Ouédraogo, while reporting on an event. This prompted a statement by professional media organizations on 26 May which denounced the assault against Luc Pagbelguem and intimidation against several other journalists in Burkina Faso.

### **RIGHT TO TRUTH, JUSTICE AND REPARATION**

In April, a military tribunal in the capital, Ouagadougou, found former president Blaise Compaoré and his former head of security, Hyacinthe Kafando, guilty of the murder of President Thomas Sankara and 12 other government officials in 1987. They were sentenced to life imprisonment in their absence, along with General Gilbert Diendéré. Eight other defendants were also found guilty and sentenced to between three and 20 years' imprisonment; a further three accused were acquitted. In May the military

tribunal ordered Blaise Compaoré and nine of the other convicted men to pay a total of XOF 800 million (EUR 1.2 million) in compensation to the families of Thomas Sankara and the 12 other victims.

General Gilbert Diendéré was also found guilty in May of complicity in the unlawful arrest and aggravated abduction of student union leader Boukary Dabo in 1990 and sentenced to 20 years' imprisonment and a fine of XOF 1 million (EUR 1,450) by the Ouagadougou High Court. These crimes had led to the death of Boukary Dabo. Two other accused in the same case were sentenced to 10 and 30 years' imprisonment respectively and ordered to pay damages.

## BURUNDI

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### Republic of Burundi

Head of state: **Evariste Ndayishimiye**

Head of government: **Gervais Ndirakobuca** (replaced **Alain-Guillaume Bunyoni** in September)

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**Officials failed to uphold the rights to freedom of expression, peaceful assembly and association. Many independent human rights organizations were not allowed to operate and many civil society actors remained in exile. Targeted attacks by security forces and the Imbonerakure (the ruling party's youth wing) continued against government critics and members of the opposition, including arbitrary arrests and detention and enforced disappearances. Detainees' rights were violated. The Truth and Reconciliation Commission faced accusations of bias. The government's failure to address fuel shortages and an ill-advised decision to ban bicycles, tricycles and motorbikes from Bujumbura's city centre adversely affected the cost of living, impacting social and economic rights. Some returning refugees were subjected to harassment, intimidation and attacks.**

### BACKGROUND

In February, the EU lifted sanctions imposed on Burundi under Article 96 of the Africa

Caribbean and Pacific Partnership Agreement in 2016. Relations with neighbouring Rwanda continued to improve, and in March the president received a visit from the Rwandan minister of defence, who bore a special message from his president in a bid to normalize bilateral relations. In May, the president of the Democratic Republic of the Congo (DRC) made an official visit amid concerns about the Burundian army and Imbonerakure conducting military operations against Burundian armed groups inside the DRC.

The Burundian authorities continued to deny access to and fail to cooperate with regional and international human rights mechanisms, including the African Commission on Human and Peoples' Rights (ACHPR) and the UN Human Rights Council.

According to OCHA, 1.8 million of the country's 13 million population needed humanitarian assistance in 2022.

### FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

Officials failed to uphold the rights to freedom of expression, peaceful assembly and association.

In March, law enforcement authorities shut down a press conference organized by the civil society organizations Words and Actions for the Awakening of Consciences and the Evolution of Mentalities (PARCEM) and the Anti-corruption and Economic Malpractice Observatory (OLUCOME). During the conference, participants had denounced Ministry of Interior measures banning bicycles, tricycles and motorcycles from Bujumbura city centre.

The Truth and Reconciliation Commission proposed a genocide denier bill in March to punish anyone who denied the 1972 genocide against the Hutu in Burundi. The bill, if enacted, poses the risk of further restrictions to the already shrinking civic space and repression of the right to freedom of expression.

In June, third anniversary celebrations for the main opposition National Congress for Freedom (CNL) party were banned in several

provinces. Security forces and members of the Imbonerakure disrupted several CNL meetings, including in Gitega province in July, where a group of alleged Imbonerakure, accompanied by the local authorities, accused the party of holding a clandestine and unauthorized meeting. CNL offices were damaged, two were burnt down in Ruyigi province and CNL attempts to form an opposition parliamentary group were initially met with opposition from the president of the National Assembly.

In September, the ACHPR chairperson wrote to President Ndayishimiye, requesting provisional measures in the case against 12 human rights defenders and journalists (Marguerite Barankitse, Dieudonné Bashirashize, Arcade Havyarimana, Patrick Mitabaro, Innocent Muhozi, Patrick Nduwimana, Pacifique Nininahazwe, Armel Niyongere, Gilbert Niyonkuru, Anne Niyuhire, Vital Nshimirimana and Bob Rugurika), all living in exile. They had been falsely accused of participating in the May 2015 attempted coup d'état and sentenced by the Supreme Court in their absence to life in prison in June 2020, in a decision only made public in February 2021.

## **ARBITRARY ARRESTS AND DETENTIONS**

The authorities and the Imbonerakure continued to target CNL members, brutalizing, arresting and illegally detaining them.

Christophe Sahabo, managing director of the Kira Hospital in Bujumbura, was arrested in April, alongside French national Jean-David Pillot, chair of the hospital's board of directors. The latter was released after one night in detention, but Christophe Sahabo remained in detention for several days without access to his family or lawyers of his choosing. He was detained in a National Intelligence Service (SNR) cell where he spent more than 30 days before being presented to a magistrate and transferred to Mpimba prison. On 29 September, he was transferred to the Ruyigi prison, approximately 160km from Bujumbura where his case was registered. His family and

lawyers alleged that he was put under pressure and forced to resign from his role at Kira Hospital over unsubstantiated claims of fraud, money laundering and forging documents. One of his lawyers said that a recent financial audit, commissioned by Kira Hospital interim officials, found no wrongdoing on Christophe Sahabo's account.

On 27 September, his brother, Etienne Sahabo, and his lawyer Sandra Ndayizeye, daughter of the former president Domitien Ndayizeye, were arrested and accused by the prosecutor general of forging the minutes of the Kira Hospital's general assembly meeting that reinstated Christophe Sahabo as the director. Sandra Ndayizeye was released on 7 October after renouncing her representation of Christophe Sahabo. Etienne Sahabo was also released the same day.

In December, the Supreme Court quashed lawyer Tony Germain Nkina's five-year prison sentence and ordered a retrial in connection with his June 2021 conviction for "collaborating with rebels who attacked Burundi". He was released a week later after the Court of Appeal of Ngozi acquitted him. Arrested in October 2020, he had been falsely accused of endangering state security.

## **DETAINEES' RIGHTS**

The authorities continued to violate the rights of detainees. Detention conditions fell short of international human rights standards; facilities were severely overcrowded and food, water and healthcare were inadequate. Prisoners and human rights defenders denounced ration cuts imposed by the prison authorities from July onwards. This situation was aggravated by the continuing increase in the prison population. According to human rights defender Pierre Claver Mbonimpa, food provided by the authorities was enough to feed only 4,294 inmates, while the prison population was estimated to be more than 12,000.

The authorities were yet to conduct an effective investigation into a fire at Gitega prison in December 2021 which killed at least 38 people, according to official accounts. The facility, designed to house 400

inmates, held more than 1,200. Throughout the year, the prosecutor general presided over the release of prisoners accused of minor infractions as directed by President Ndayishimiye in 2021 in an effort to reduce overcrowding. According to officials, at least 60 inmates were released in the capital, Gitega, as of June. In Mpimba prison in Bujumbura, 111 prisoners, including five women, were granted provisional release in June. In November, the minister of justice issued an internal notice to all departments on prison overcrowding, calling on them to implement the president's directive to release pretrial detainees accused of minor infractions.

André Ndagijimana, a CNL member, died at Ngozi Hospital in July while in police custody. He had been denied access to appropriate healthcare.

## **ENFORCED DISAPPEARANCES**

Although the number of enforced disappearances decreased, critics of the government and the ruling party remained at great risk of such crimes.

Jean de Dieu Ndasabira, a CNL member, went missing in June. Local organizations that documented his case believed he was picked up at his workplace in Bujumbura by SNR officers. The authorities had not provided information on any investigations into his disappearance by the end of the year.

## **RIGHT TO LIFE**

Burundian human rights organizations continued to report the discovery of bodies in rivers across the country; the security forces and the Imbonerakure are believed to be responsible for the killings. The authorities failed to investigate these allegations.

In June, a local youth official of the CNL party, Jean Claude Ntirampeba, was found dead near the Rusizi river. There were clear signs on his body that he had been murdered.

## **RIGHT TO TRUTH, JUSTICE AND REPARATION**

The Truth and Reconciliation Commission has long been accused of bias. Its methodology and manner of exhuming bodies continued to be contested by human rights groups and was seen by many Burundian and international actors as part of the ruling party's narrative to portray the Hutu as the sole victims of the 1972 massacres, without investigating other atrocities.

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

Since August 2021, the authorities failed to secure fuel supplies, causing paralysis to economic activity, a sharp rise in inflation, rising food prices and scarcity of public transport in major cities, which prevented many healthcare professionals, students, public servants and private sector workers from reaching work. The public transport crisis was compounded by the interior ministry's ban in March on bicycles, tricycles and motorcycles in Bujumbura city centre (see above, Freedom of expression, association and assembly).

Local media reported abuses by the Imbonerakure, local officials and security forces who extorted motorists by demanding money to avoid long queues for fuel.

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

According to UNHCR, the UN refugee agency, there were 258,272 Burundian refugees in neighbouring countries and more than 80,000 internally displaced people inside Burundi. UNHCR facilitated the return of 16,621 Burundian refugees mainly from the DRC, Rwanda and Tanzania. Local media and human rights organizations continued to report cases of harassment and targeted attacks against returnees by the Imbonerakure and local officials.

# CAMBODIA

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## Kingdom of Cambodia

Head of state: **Norodom Sihamoni**

Head of government: **Hun Sen**

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**Rampant illegal logging and unchecked urban development violated the human rights of Indigenous peoples and the urban poor. Freedom of expression and association remained severely restricted and unfair trials of political opposition members and supporters continued. Authorities arrested, detained and assaulted striking workers. Despite some steps to tackle human trafficking it remained widespread. The right to adequate housing was not protected and human rights abuses were linked to microfinance loans.**

## BACKGROUND

The government crackdown on independent media, civil society organizations and political opposition that began in 2017 continued throughout 2022. Independent observers raised concerns about irregularities in the June local elections in which the ruling Cambodian People's Party (CPP) won 80% of the seats. It was contested by the Candlelight Party which is comprised of some former members of the Cambodia National Rescue Party (CNRP), which was banned by a court order in 2017. Cambodia's NDC remained unchanged since 2020 at a 50% reduction of historical emissions by 2030.

## ENVIRONMENTAL DEGRADATION

Large-scale illegal logging of protected forests continued with severe consequences for Indigenous peoples whose livelihoods and culture depend on them.<sup>1</sup> Indigenous activists reported receiving death threats from authorities and a rise in gun possession amongst illegal loggers throughout the year. In August, following a public outcry, the government halted logging in Phnom Tamao forest, but only after hundreds of hectares had been cleared.

The destruction of lakes and wetlands, especially around the capital Phnom Penh, for private development also continued, resulting in increased flood risks, and loss of housing and livelihoods for surrounding communities, where many people had precarious incomes or were living in poverty.

The sale and gifting by the government of Boeung Tamok, one of the last remaining lakes in Phnom Penh, to private companies and individuals for draining and development continued. In July, Cambodia's Supreme Court upheld convictions and suspended parts of prison sentences for "incitement to commit a felony" against three environmental activists from the campaign group, Mother Nature Cambodia. The three, who were arrested in 2020 for protesting against the privatization of the lake, remained under restrictive probation conditions. In September, the authorities dismantled sheds used by local fishermen to make way for the Boeung Tamok development.

## FREEDOM OF EXPRESSION

On 16 August, members of the prime minister's bodyguard unit detained five journalists along with four activists from a social justice group, Khmer Thavrak, who were documenting the destruction resulting from the illegal logging in Phnom Tamao forest. One of the journalists was reportedly hit in the face while filming the arrest. All nine were released without charge, but were required to sign a document admitting that they flew a drone without permission.

On 3 February, a supporter of the banned CNRP, Veourn Veasna, was found guilty of "incitement to commit felony" and sentenced to two years' imprisonment in relation to a poem he had posted on Facebook that was critical of Hun Sen.

## FREEDOM OF ASSOCIATION

Judicial harassment of members and supporters of opposition political parties continued in 2022. The trial on charges of treason of the leader of the CNRP, Kem Sokha, which began in 2020, was ongoing at the end of 2022, with the verdict scheduled

for 3 March 2023. Mass trials of another 115 CNRP members and supporters took place during the year in which 67 people were convicted and sentenced to prison terms ranging from five to 18 years. UN human rights experts described the trials as “deeply flawed” and called for all convictions to be reviewed.

Five members of the Candlelight Party were arbitrarily detained or imprisoned during the year. On 7 September, the party’s vice president, Son Chhay, was convicted of defamation, fined KHR 17 million (about USD 4,098) and ordered to pay the CPP KHR 3 billion (approximately USD 727,132) in compensation, after questioning the fairness of the June elections.

## **WORKERS’ RIGHTS**

Police arrested and physically assaulted striking workers and union members who were calling for higher wages and the reinstatement of dismissed workers following mass layoffs by the NagaWorld Casino in Phnom Penh in late 2021.

In January, authorities arrested 28 members of the Labor Rights Supported Union of Khmer Employees of NagaWorld (LRSU). The LRSU president, Chhim Sithar, and nine others were charged with “incitement to commit a felony”. All 10 of those charged were later released on bail, but the case remained pending at the end of the year. The 18 others were released without charge after signing pledges that they would not participate in further strike action. Chhim Sithar was rearrested on 26 November for breaching bail conditions that neither she nor her lawyers were aware of.<sup>2</sup>

On 5 February, six LRSU members were arrested as they left a Covid-19 testing site, following a government order that all those involved in the NagaWorld strike action should be tested. Three were later charged with “obstruction of Covid-19 measures” under Covid-19 regulations introduced in 2021, which carry a prison sentence of up to 20 years. They were released on bail but still faced charges at the end of the year.

On 11 August, police punched and kicked protestors outside the NagaWorld Casino, injuring at least 17 women, with one hospitalized as a result. On 12 September, police hit striking workers and union members with walkie-talkies as they attempted to submit a petition to the Ministry of Labour calling for a resolution to the dispute and to withdraw accusations that Yang Sophorn, president of the Cambodian Alliance of Trade Unions, was acting illegally by backing the strike.

On 30 September, NagaWorld filed criminal complaints against four LRSU members for trespassing, aggravated intentional damage and unlawful confinement.

## **HUMAN TRAFFICKING**

On 9 September, the Ministry of Justice announced the establishment of a taskforce to coordinate investigations and prosecutions of those responsible for human trafficking of foreign workers to Cambodia. Raids by the authorities in Phnom Penh and the town of Sihanoukville resulted in the rescue of hundreds of trafficked workers.

According to media and other reports, many more trafficked people, including children, were held in “slave compounds” and forced to work in cyber and other scams. Rescued victims reported being subjected to rape, beatings and other physical violence by guards. Some died while trying to escape. Those arrested for involvement in human trafficking were mainly low-level suspects.

On 30 August, the Preah Sihanouk Provincial Court sentenced Chen Baorong, head of an anti-trafficking NGO, the Cambodia-China Charity Team, and two other men, Chen Xiaohua and Tan Xiaomei, to two years in prison each. Their prosecution appeared to be in retaliation for negative international publicity about the rescue of a trafficking victim who alleged that those detaining him had “harvested” his blood. Their sentences were reduced on appeal to 10 months on 21 December.

## ECONOMIC, SOCIAL AND CULTURAL RIGHTS

In April, the Compliance Adviser Ombudsman of the International Finance Corporation (IFC), an international body that addresses complaints by people affected by IFC-supported projects, agreed to review a complaint filed by local NGOs on behalf of 19 individuals, including Indigenous people, alleging human rights abuses, including coerced land sales, forced migration and child labour, arising from lack of due diligence and inadequate supervision of loans by six Cambodian microfinance corporations and banks.

### RIGHT TO HOUSING

Lack of land titles meant that thousands of people remained at risk of eviction without access to compensation under national law. According to the land and housing rights NGO, Sahnakum Teang Tnaut, 1,507 households had been forcibly evicted since 2020 because they were unable to demonstrate ownership of the land on which they lived.

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1. *Cambodia, 'Our traditions are being destroyed': Illegal logging, repression, and Indigenous peoples' rights violations in Cambodia's protected forests*, 28 January
  2. "Cambodia: Imprisoned union leader must be released: Chhim Sithar", 14 December

## CAMEROON

### Republic of Cameroon

Head of state: **Paul Biya**

Head of government: **Joseph Dion Ngute**

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**Freedoms of expression, association and assembly were still restricted. Dozens of opposition party supporters and anglophone leaders remained arbitrarily detained. In the Northwest and Southwest regions, separatist groups committed serious crimes and the army committed human rights violations. In the Far North region, armed groups continued to carry out deadly raids on villages. Humanitarian access was hampered.**

## BACKGROUND

Armed violence between the army and armed separatist groups 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. In May, inhabitants of Tourou in Mayo-Tsanaga department held a demonstration at the sub-prefecture of Mokolo to denounce the insecurity and demand more protection from the authorities.

As of 30 November, 385,000 people were internally displaced because of the armed conflict in the Far North, and as of December, more than 620,000 people were internally displaced because of the armed violence in the Southwest and Northwest, and 87,000 were refugees in Nigeria.

## FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

Human rights defenders and activists from several organizations were targeted with death threats, harassment and intimidation for exposing human rights violations and abuses in the two anglophone regions.<sup>1</sup> On 22 April, four UN Special Rapporteurs focusing on human rights defenders, extrajudicial executions, the right to freedom of expression and the right to association wrote to President Paul Biya raising concerns over repeated death threats since 2015 against the president and the lawyer of the NGO Organic Farming for Gorillas (OFFGO). OFFGO had exposed abuses by businesses in the Northwest region.

On 27, 28 and 30 June, peaceful protests organized by visually impaired people were violently dispersed by the police in the capital Yaoundé, according to reports from the Collectif des Aveugles et Malvoyants Indignés du Cameroun and the media. Twenty-seven demonstrators were locked up for several hours in Yaoundé's central police station before being released. Others were beaten, insulted, loaded onto vehicles and abandoned in various places far from the centre of Yaoundé.



On 1 August, Mohamadou Boubakar, president of the Confédération des associations des jeunes solidaires du Cameroun, was arrested in Garoua city, North region, by police officers and gendarmes and detained for one night. He had tried to organize a peaceful march to demand the release of several detainees.

## **ARBITRARY DETENTION**

Mancho Bibixy Tse and Tsi Conrad, protest leaders from the Northwest and Southwest anglophone regions and arrested for taking part in peaceful protests in 2016 and 2017, were still arbitrarily detained after being sentenced by a military court in Yaoundé to 15 years in prison, following their conviction for “acts of terrorism, secession, spreading false information, and contempt for public bodies and officials”. In 2019 and 2021 the UN Working Group on Arbitrary Detention called for the release of the two men.

As of December, at least 62 Cameroon Renaissance Movement (MRC) members and supporters remained in arbitrary detention in Yaoundé and Douala after they were 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.<sup>2</sup> Among them were Olivier Bibou Nissack, the spokesperson for MRC leader Maurice Kamto, and Alain Fogue Tedom, national treasurer of the MRC, both sentenced to seven years in prison, and Dorgelesse Nguessan, sentenced to five years for having participated in a protest.

Former director of the public broadcaster Cameroon Radio and Television (CRTV), Amadou Vamoulké, whose pretrial detention for six years had been considered arbitrary by the UN Working Group on Arbitrary Detention, was sentenced on 20 December to 12 years in prison, after more than 130 adjournments.

## **DETAINEES’ RIGHTS**

While a report by the Ministry of Public Health recorded almost 15,000 notified cases of cholera and 298 deaths in several regions, the New Bell prison in Douala was affected by two cholera epidemics. In the first outbreak starting in February, at least six inmates at the prison died of cholera. One of them, Rodrigue Ndagueho Koufets, who died on 7 April, had been arbitrarily detained since September 2020 for having participated in a peaceful protest. According to non-governmental media, the second outbreak from August onwards caused the deaths of at least 10 prisoners. The prison administration carried out disinfection and reinforced existing hygiene measures. The regional health delegation for the Littoral region provided vaccines and supported the care of patients evacuated to public hospitals.

## **UNLAWFUL KILLINGS**

The Ministry of Defence acknowledged on 7 June that the Cameroonian army killed nine people on the evening of 1 June in the town of Missong, Menchum department, Northwest region, “in an inappropriate reaction, inadequate to the circumstances and clearly disproportionate to the refusal of the hostile villagers to cooperate”.

## **RIGHT TO LIFE**

### **NORTHWEST AND SOUTHWEST REGIONS**

Separatist groups committed serious crimes in the Northwest and Southwest regions, targeting people, healthcare facilities and schools, which did not receive adequate protection from the authorities. On 8 and 11 February, these groups burned down Molyko primary school in Buea and Queen of Rosary Catholic college in Mamfe, both in Southwest region.

On 26 February, a nurse from a medical NGO was killed and two other medical staff injured when their car was shot at by a separatist group at a checkpoint on the outskirts of Bamenda, Northwest region.

On 13 April, the government reported the killing of the Northwest regional prison

delegate and three of his staff in an attack on their vehicle on 12 April.

According to reports by OCHA, 13 students and three teachers were abducted in four separate incidents and released after payment of a ransom. On 4 and 6 April, two schools in Buea suffered arson attacks by unknown armed men.

## ABUSES BY ARMED GROUPS

### FAR NORTH REGION

Armed groups continued to carry out deadly raids on villages, killing and abducting dozens of civilians. The Mada hospital in Logone-et-Chari department was forced to close for several months – preventing thousands of people from accessing health services – after an attack on 2 July that killed two civilians.

### DENIAL OF HUMANITARIAN ACCESS

On 5 April, Doctors Without Borders (DWB) announced the suspension of all medical activities in the Southwest region after four of their colleagues were arrested and detained after being “investigated for complicity with secessionism simply for carrying out their medical duties”, according to DWB. Humanitarian operations were suspended from 15 to 21 May in the Northwest and Southwest regions after armed separatist groups called for lockdowns.

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1. “Cameroon: End threats against activists who exposed violations and abuses in Anglophone regions”, 7 July
  2. “Cameroon: More than a hundred detainees from Anglophone regions and opposition party languishing in jail for speaking out”, 24 January

# CANADA

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## Canada

Head of state: **Charles III (replaced Elizabeth II in September), represented by Governor General Mary May Simon**

Head of government: **Justin Trudeau**

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**Marginalized groups faced intersecting inequities, systemic discrimination and barriers to the realization of their human**

**rights. The right to assembly was often under threat, particularly for Indigenous land defenders. Authorities failed to mitigate the climate crisis.**

## FREEDOM OF ASSEMBLY

In February, authorities invoked the Emergencies Act to end the “Freedom Convoy” blockade protest against Covid-19 vaccine mandates and restrictions in the capital Ottawa. The Convoy was characterized by incidents of racism, violence, harassment, intimidation and hate speech.<sup>1</sup> On 25 April, the government established a Public Order Emergency Commission to examine the use of the Act.

On 3 November, the Ontario government passed Bill 28 making it illegal for members of the Canadian Union of Public Employees (CUPE), including educational assistants, school custodians, early childhood educators, secretaries and other professionals to exercise their constitutional right to proceed with a planned strike. This was repealed on 14 November.<sup>2</sup>

## INDIGENOUS PEOPLES’ RIGHTS

The Innu people of Pessamit condemned climate change, forestry practices, hydroelectric projects and colonial policies threatening their traditional ways of life and identity, including their cultural rights, which should be included in any climate changes plans.<sup>3</sup>

In April, Prime Minister Trudeau officially acknowledged the role of the Catholic Church and the government in creating, maintaining and operating the residential school system, which the House of Commons unanimously recognized as genocide on 27 October.

On 1 June, 19 land defenders opposing construction of pipelines on their lands were charged with criminal contempt.<sup>4</sup> On 22 June, Wet’suwet’en land defenders filed a civil claim over surveillance, harassment and intimidation against the minister of justice for the province of British Columbia, three Royal Canadian Mounted Police (RCMP) officers, Forsythe Security and Coastal GasLink

Pipeline Ltd. The case was ongoing at the end of the year.

In September, a private company, Coastal GasLink, began drilling on Wet'suwet'en territory, despite opposition by Hereditary Chiefs.<sup>5</sup>

On all issues, Indigenous Nations called for Nation-to-Nation dialogue with provincial and federal governments. However, authorities failed to obtain the free, prior and informed consent of Indigenous communities in relation to resource extraction projects.

## **RIGHT TO WATER**

Thirty-three long-term drinking water advisories, issued when water is not known to be safe, remained in effect at the end of the year, affecting 29 First Nations communities. In August, the territory of Nunavut declared a state of emergency for the city of Iqaluit over the shortage of water.

Following a class action lawsuit by several First Nations, the 2013 Safe Drinking Water for First Nations Act was repealed and the authorities committed to introduce a new law in consultation with First Nations.

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

In July, the Standing Senate Committee on Human Rights acknowledged the disproportionate impact of forced and coerced sterilizations on Indigenous women, Black and racialized women, and people with disabilities. In November, research in Québec confirmed that Indigenous women suffered forced sterilizations and obstetric violence.

Gaps remained on disaggregated data collection and accountability mechanisms for implementation of the 2022 Progress Report on the National Action Plan to End Violence against Indigenous Women, Girls and Two Spirit peoples. A new national action plan to end gender-based violence was introduced in November.

In October, a coalition of civil society organizations representing transgender, Indigenous and Black sex workers challenged laws criminalizing sex work before the Ontario Superior Court. A decision remained pending.

## **LGBTI PEOPLE'S RIGHTS**

In August, the government launched the first "Federal 2SLGBTQI+ Action Plan", committing new funds prioritizing Black, Indigenous and racialized civil society organizations. Core recommendations for health, employment and refugee support were lacking, as were implementation details.

## **DISCRIMINATION**

In April, the CERD Committee condemned the criminalization of Secwepemc and Wet'suwet'en land defenders by the federal government, the province of British Columbia, the RCMP's Community-Industry Response Group and private security firms.

In June, the Toronto Police Service reported disproportionate use of force and strip searches on racialized, particularly Black, communities.

In October, the Québec Superior Court ruled arbitrary traffic stops unconstitutional as they are based on racial profiling. The Québec government appealed this decision in November, contradicting a commitment made in 2020.

On 4 October, the federal government sought to dismiss a class action lawsuit by Black federal workers alleging systemic discrimination in the public service. A decision remained pending.

In November, the appeal of a Québec Superior Court judge's decision to uphold most of Bill 21 banning the wearing of religious symbols in certain public service functions was heard by the Court of Appeal.

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

In May, the Québec Superior Court restored access to subsidized childcare for refugee claimant families, denied by the Québec government since 2018. The Québec government appealed this decision.

In June, the British Columbia government announced it would end immigration detention in its provincial jails, citing human rights concerns. The provinces of Nova Scotia, Alberta and Manitoba followed suit.

In August, the Ontario Superior Court dismissed a motion to challenge Canada's

denial of essential healthcare to migrants with irregular status and refusal to compensate an affected individual.

In October, the Supreme Court of Canada heard a constitutional challenge of the Safe Third Country Agreement, which prevents most refugee claimants arriving at Canada's official land ports of entry from seeking protection in Canada.

Disparities in refugee resettlement were prevalent. Authorities committed to resettle 40,000 Afghans and increase sponsorship to 3,000 Afghan refugees. Authorization for emergency travel and fee-exempt temporary visitor visas were, however, open to an unlimited number of Ukrainians.

## FAILURE TO TACKLE CLIMATE CRISIS

Canada continued to have the highest rate of greenhouse gas emission per capita of the top 10 emitting countries and was among the largest public finance providers for fossil fuels.

A new NDC reduction of 40-45% below 2005 levels by 2030 and reaching net-zero emissions by 2050 had been announced in April 2021. This target fails to reflect Canada's level of responsibility and capacity and will not keep the rise of global temperatures below 1.5°C.

Canada committed to doubling its climate finance contribution to CAD 5.3 billion (USD 3.9 billion) over the next five years to support international climate efforts in developing countries. These commitments fall short of Canada's fair share of responsibility for the climate crisis.

By 1 July, Export Development Canada had financed CAD 3.4 billion (USD 2.5 billion) to the oil and gas sector in Canada and abroad.

1. "Amnesty International Canada statement on 'Freedom Convoy' blockade", 11 February
2. "Amnesty International Canada welcomes repeal of 'chilling' Ontario anti-strike bill", 7 November
3. *Any Tidal Wave Could Drown Us – Stories from the Climate Crisis*, 3 November
4. "Canada: Indigenous land defenders at risk", 22 June
5. "Canada: Construction of pipeline on Indigenous territory endangers land defenders", 3 October

# CENTRAL AFRICAN REPUBLIC

## Central African Republic

Head of state: **Faustin Archange Touadéra**

Head of government: **Felix Moloua (replaced Henry-Marie Dondra in February)**

**Human rights violations and abuses continued in the context of the armed conflict; dozens of civilians were killed during attacks by all parties. Women and girls were subjected to conflict-related sexual violence. The Special Criminal Court held its first trial and convicted three people for crimes against humanity. At least 50% of the population faced food insecurity; in some areas it reached 75%. Several journalists faced intimidation, harassment and threats. The death penalty was abolished.**

## BACKGROUND

The security situation remained dire because of the armed conflict between the armed forces with their allies, and various armed groups.

In March, the Republican Dialogue for reconciliation, organized by the authorities, was boycotted by the main opposition parties. A constitutional reform project supported by the government was viewed by some political parties as a means to allow the president to run for a third term. In September, the constitutional court annulled the decree establishing a government-appointed committee to redraft the constitution. In the same month, lawyers and magistrates held a seven-day strike in support of independence for the judiciary. In October, the constitutional court's president was removed from office.

## UNLAWFUL ATTACKS AND KILLINGS

According to the UN Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA), at least 100 civilians were killed between February and March. In September at least 46 civilians

were killed including eight women and eight children. They were killed by members of the Union for Peace in the Central African Republic and Return, Reclamation and Rehabilitation (known as 3R), armed groups that had signed the peace agreement in 2019, as well as by the security forces.

On 3 October, three MINUSCA peacekeepers were killed, and one was seriously injured by an improvised explosive device (IED) in the Kouï area. According to OCHA, between January and October, 11 people were killed and 42 injured in 40 IED-related incidents.

## **RIGHT TO TRUTH, JUSTICE AND REPARATION**

On 14 March, Maxime Jeoffroy Eli Mokom Gawaka, a leader of the Anti-Balaka armed group, was surrendered by the Chadian authorities to the ICC.<sup>1</sup> The opening of his hearing to confirm the charges was provisionally scheduled for 31 January 2023. He is suspected of war crimes and crimes against humanity carried out during 2013 and 2014 in the Central African Republic. The ICC trial of Mahamat Said, alleged commander of the Seleka armed group, opened on 26 September under charges of crimes against humanity and war crimes.

The Court of Assizes in Bangui, the capital, held its first criminal trials since 2020 in April. Twenty-five cases were heard involving alleged members of the armed group, Coalition of Patriots for Change, who were found guilty.

Also in April, the government announced the opening of a judicial investigation into a deadly attack against the Muslim community in Boyo town which took place between 6 and 13 December 2021. In July, MINUSCA published a report on the events in which at least 20 civilians were killed, including a 12-year-old girl and three boys, and at least 12 people were injured; 547 homes were burned and food stocks looted. MINUSCA said the attacks were carried out by the armed group, Anti-Balaka, with the involvement of the Central African Republic armed forces who had trained the former in Bambari and

transported them to the Boyo area the day before the attack.

The first trial before the Special Criminal Court (SCC), a UN-backed hybrid court mandated to investigate and prosecute crimes under international law committed since 2003, opened in May.<sup>2</sup> It concerned three members of 3R accused of killings, rapes and other inhumane acts committed in the villages of Lemouna and Koundjili in May 2019. On 31 October, they were found guilty of war crimes and crimes against humanity. The SCC also announced the arrest of three people suspected of having committed crimes in the context of the conflict. The court said in its June report that it had issued more than 60 arrest warrants, of which only four had been executed.

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

According to the Gender-Based Violence Information Management System, between January and September, 17,831 cases of gender-based violence were registered, more than all cases recorded in 2021. The statistics related only to victims who agreed to speak, which suggests the actual figures might be far higher.

According to the UN Secretary-General's report on the situation in the Central African Republic, MINUSCA documented 47 cases of conflict-related sexual violence between June and October in which it identified 70 victims, including 42 girls aged between two and 17 years. It attributed responsibility for the crimes to all parties to the conflict.

## **RIGHT TO FOOD**

According to the UN World Food Programme (WFP), food insecurity worsened as a result of the Covid-19 pandemic and the conflict in Ukraine, which led to a rise in food prices. In September, 50% of the population (around 2.2 million people) did not have enough to eat. The situation was of particular concern in the Bakouma, Kouï, Ngaoundaye, Obo and Zémio sub-prefectures where between 65% and 75% of people were affected. The WFP said that throughout the country 395,000

children under the age of five were chronically malnourished.

## FREEDOM OF EXPRESSION

Journalists faced intimidation, harassment and threats simply for exercising their right to freedom of expression.

Ndeke Luka Radio officials said that on 26 September, the Ministry of Communication informed them that the station might be closed if the journalists continued to cover the constitutional reform issue. In October, the High Council of Communication (the media regulator) denounced intimidation, harassment and threats against journalists by “political authorities”.

## DEATH PENALTY

The death penalty was abolished under the Law on the Abolition of the Death Penalty which was passed by the National Assembly on 27 May, and promulgated by the president one month later. The last execution in the country took place in 1981.

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1. “Chad/Central African Republic: Maxime Jeffroy Eli Mokom Gawaka must face justice at the ICC”, 15 March
  2. “Central African Republic: First-ever SCC trial ensures alleged war criminals face justice”, 19 April

# CHAD

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## Republic of Chad

Head of state: **Mahamat Idriss Déby**

Head of government: **Saleh Kebzabo (replaced Albert Pahimi Padacké in October)**

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**The authorities used excessive force to disperse peaceful protesters and violated the right to freedom of assembly. Government critics continued to be arbitrarily detained. Dozens of people were killed in attacks by armed groups or in inter-communal violence. The Observatory for the Promotion of Gender Equality and Equity was created amid continued violations of women’s and girls’ rights. More than 2 million people faced food insecurity.**

## BACKGROUND

On 13 March, a year after the death of former president Idriss Déby and the establishment of the Transitional Military Council led by his son, Mahamat Idriss Déby, a pre-dialogue opened in Doha, Qatar, between the government of Chad and several armed groups with the aim of ensuring the participation of the latter in a national dialogue. In August, the national dialogue was held in the Chadian capital, N’Djamena, with participation from the government, civil society and some of the armed groups. This dialogue granted the extension of the transitional period for two years and the possibility for Mahamat Idriss Déby to run in future elections.

## FREEDOM OF ASSEMBLY

In May, several events organized by the opposition Wakit Tama platform to protest against the military transition and the French government’s foreign policy in Chad were banned by the Ministry of Security on the grounds of possible public disorder. The movement also planned demonstrations for the same purposes in August and September during the inclusive national dialogue. These were banned on the same grounds.

The law governing freedom of peaceful assembly remained contrary to international standards including the guidelines of the African Commission on Human and Peoples’ Rights, which state that protests do not require prior approval but, at most, prior notification.

## EXCESSIVE USE OF FORCE

In January a demonstration was held in the town of Abéché to protest against the planned appointment of a new canton chief from the Bani Halba community in Abéché. According to the NGO Chadian Convention for the Defence of Human Rights, over a two-day period at least 13 protesters were killed and 80 injured.<sup>1</sup> On 25 January, a government spokesperson denied the use of firearms in a statement to the press. On 3 February, a government delegation visited Abéché and acknowledged the

disproportionate use of force. At least 212 people were also arrested, according to local organizations. Some were reportedly ill-treated before being released after five days in detention without charge.

Security forces also used excessive force targeting associations and the “Transformers” political party, which challenged the organization of the national dialogue in N’Djamena. In early September, security forces surrounded the headquarters of the Transformers and fired tear gas. Human rights defenders and the leader of the Transformers reported that several demonstrators were injured.

On 20 October, security forces used excessive force during a demonstration organized by several political parties and associations to protest against the extension of the transitional period. The government announced that at least 50 people died and 300 were injured. A national commission of inquiry was set up and a commission led by the Economic Community of Central African States began a separate investigation in December.

## **ARBITRARY ARRESTS AND DETENTIONS**

In May, following dispersal of a demonstration by the Wakit Tama platform, six of its leaders were transferred to Moussoro prison, 300km from N’Djamena.<sup>2</sup> According to their lawyers, their case should have fallen within the jurisdiction of the Court of N’Djamena. The Public Prosecutor announced that they were being prosecuted for “gathering with a view to disturbing public order, attacking property and physical aggression”. Following a trial in Moussoro, they were sentenced to a 12-month suspended prison term each.

On 30 August a demonstration by the “unemployed graduates” movement to demand jobs in the civil service was also dispersed by the police. According to the movement’s leaders, several members were injured during the dispersal. Several people were arrested and released a few hours later.

In September at least 140 people who were gathered in front of the office of the Transformers party were arrested and

released the same day. They were protesting against the national dialogue and the security forces’ surrounding of the building.

## **RIGHT TO A FAIR TRIAL**

Following the October demonstrations, hundreds of people, including children, were arrested and illegally transferred to Koro Toro, 500km from N’Djamena. In December, after hearings held behind closed doors, which were boycotted by the defendants’ lawyers, 262 defendants were sentenced to prison terms ranging from two to three years; 80 defendants were given suspended sentences ranging from one to two years, and 59 defendants were acquitted, according to the public prosecutor.

## **ABUSES BY ARMED GROUPS**

According to reports by the media and NGOs, the armed group Islamic State’s West Africa Province (ISWAP) continued to unlawfully kill civilians in the Lake Chad area. In early August, ISWAP fighters reportedly killed six civilians in the village of Aborom. In September ISWAP reportedly killed one person and looted several homes in Baltram. Alleged ISWAP fighters also killed five civilians on a boat in Baga Sola in September.

## **RIGHT TO LIFE**

Communal violence leading to killings between individuals were recurrent during the year. In February at least 10 people were killed in inter-communal violence in the town of Sandana. In May, violence in Danamadji resulted in the deaths of six people. In September, at least 17 people were killed in Mangalmé. According to local NGOs, the disputes originated from tensions between herders and farmers over access to natural resources, especially grazing land. On each occasion the authorities announced investigations and set up local dialogues to resolve the conflicts.

## **RIGHT TO TRUTH, JUSTICE AND REPARATION**

In September, transitional president Mahamat Idriss Déby wrote to the minister of

finance asking him to transfer CFA 10 billion (USD 14.8 million) as the state's contribution to the fund to compensate the victims of former president Hissène Habré's regime. Over 7,000 victims had been awarded CFA 82 billion (over USD 135 million) by the Extraordinary African Chambers in 2017 in the trial against Hissène Habré, and CFA 75 billion (nearly USD 124 million) by Chadian courts in 2015 in the trial against former agents of Hissène Habré's regime, but they had not received any compensation by the end of the year.

## WOMEN'S AND GIRLS' RIGHTS

According to UNICEF, 67% of girls in Chad were married before the age of 18 and 30% before the age of 15, giving Chad one of the highest rates of child marriage globally.

On 19 July, Chad created the Observatory for the Promotion of Gender Equality and Equity, with a mission to promote the inclusion of measures for gender equality in public policies.

In August, the Higher Council for Islamic Affairs in Mangalmé, Guera region, introduced a fine for people who refuse marriage proposals. The Chadian League for Women's Rights denounced this measure as promoting the forced marriage of girls.

## RIGHT TO FOOD

According to the Famine Early Warning System, rising prices and fuel shortages increased food insecurity. Conflicts between farmers and herders also disrupted agricultural production and seasonal herding.

According to OCHA, in July approximately 2.1 million people in Chad were food and nutritionally insecure.

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1. "Chad: One year after the establishment of the Transitional Military Committee, freedom of peaceful assembly remains hampered", 20 April (French only).
  2. "Chad: Release detained opposition members and supporters", 30 May (French only).

# CHILE

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## Republic of Chile

Head of state and government: **Gabriel Boric Font (replaced Sebastián Piñera Echenique in March)**

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**Impunity persisted for human rights violations committed during the mass protests of 2019. Authorities created some mechanisms to advance reparations for victims. Human rights defenders continued to be threatened and attacked. Proposed reforms regarding rights to health and sexual and reproductive rights remained pending legislative proceedings at the end of the year. Refugees and migrants continued to face significant obstacles to remaining in the country.**

## BACKGROUND

In September, citizens rejected by a large majority a proposal for a new constitution that would have strengthened protections for economic, social, cultural and environmental rights. Different political sectors committed to initiate a new constituent process.

Northern and southern territories of the country were under a prolonged state of emergency for much of the year due to the migration crisis and conflict between the state and Mapuche people.

Chile ratified the Escazú Agreement in May.

## EXCESSIVE USE OF FORCE, AND RIGHT TO TRUTH, JUSTICE AND REPARATION

Some protests were registered, primarily in the capital, Santiago. In some instances, police responded with excessive use of force.

By the end of the year, the Public Prosecutor's Office had brought charges in only 140 of the 10,938 complaints of human rights violations by state officials relating to the social upheavals in late 2019. The cases resulted in 17 convictions and two acquittals.

A court convicted a former captain in the Carabineros (National Police) of unlawful coercion in connection with the injuries sustained by Fabiola Campillai. She lost her



eyesight and senses of smell and taste after police fired a tear gas canister in her face as she was walking to a bus stop in November 2019.

A former police commander was charged in connection with the case of Gustavo Gatica, who was injured during the November 2019 protests and lost his eyesight; an investigation in the case was ongoing.

A civilian court sentenced an army officer convicted of the killing of Kevin Gómez in the city of Coquimbo in October 2019 to five years' imprisonment.

The North Central Prosecutor's Office continued investigating high-ranking members of the administration of former president Sebastián Piñera for crimes against humanity and torture and other ill-treatment ("unlawful coercion" in the Chilean Criminal Code). Among those under investigation were members of the Carabineros high command accused of responsibility for widespread human rights violations and crimes under international law during the 2019 social crisis.

The government announced a Police Reform Commission and a Consultative Unit and a Comprehensive Agenda for Truth, Justice and Reparation for victims of the social crisis and established a Round-table for Comprehensive Reparation to advance the drafting of reparation policy and law.

The government announced a new programme to provide reparation to the more than 400 people who sustained eye trauma during the protests, replacing the much-criticized existing programme.

A court sentenced a Carabineros officer to four years' intensive probation for inflicting eye trauma on a protester at a student march in 2013.

Courts convicted 10 former military officers in the "Quemados" case in which Rodrigo Rojas de Negri and Carmen Gloria Quintana were beaten and burned with fuel during a protest in 1986; Rodrigo Rojas died of his injuries.

The government launched a National Search Plan for Disappeared Detainees to determine the fate of more than 1,000 people

who were forcibly disappeared under the regime of Augusto Pinochet (1973-1990).

## **ARBITRARY ARRESTS AND DETENTIONS**

People accused of alleged offences during the 2019 mass protests remained in detention. Many were acquitted due to lack of evidence after long periods in preventive detention; in some cases evidence was found to have been fabricated. Protests demanding their release continued during the year. An amnesty law for those accused in relation to the social protests in 2019 remained under discussion in Congress. At the end of the year, the government granted 13 pardons, nearly all to people detained during the crisis.

## **INDIGENOUS PEOPLES' RIGHTS**

A court convicted three Carabineros of unlawful coercion and harassment for forcing Mapuche children in Ercilla to strip during an identity check in 2018.

A new trial was held into the death of Alex Lemun, a Mapuche adolescent who was shot by police in November 2002 in the commune of Angol. The new trial followed an Inter-American Commission on Human Rights decision in the case that Chile was responsible for various human rights violations. In November, a court sentenced a colonel in the Carabineros to seven years in prison in connection with the death.

## **SEXUAL AND REPRODUCTIVE RIGHTS**

The Ministry of Education announced a Comprehensive Sexuality Education Bill but failed to submit it to Congress.

## **RIGHT TO HEALTH**

Chile had one of the highest mortality rates associated with Covid-19 in the Americas in 2022: 3,215 deaths per million inhabitants. One of the new government's electoral promises was reform towards a universal healthcare system.

## **LGBTI PEOPLE'S RIGHTS**

Congress abolished the higher age of consent for same-sex relationships. However, congressional review of changes to the Anti-

Discrimination Law to address LGBTI rights made little progress.

## **HUMAN RIGHTS DEFENDERS AND JOURNALISTS**

Verónica Vilches, a defender of the right to water in Petorca province, received new death threats and the house of Lorena Donaire, also a water defender from the same province, was burned down in June. Investigations into the incidents were continuing at the end of the year.

During an International Workers' Day march, a female reporter from a community television channel was shot by a civilian and later died of her injuries.

## **ENVIRONMENTAL DEGRADATION**

High levels of pollution affected the cities of Quintero and Puchuncaví, Valparaíso Region, resulting in critical public health risks several times during the year. The authorities announced the progressive closure of the Ventanas smelter, the installation responsible for some of the largest sulphur dioxide emissions in the region.

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

Authorities continued to use unlawful pre-admissibility practices to deny people access to refugee status determination procedures. Procedures were lengthy, lasting between two and four years, and very few individuals were recognized as refugees. Authorities restarted the immediate expulsion of foreign nationals without assessing whether they were in need of international protection or the risks they would face if expelled.

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

The National Committee for the Prevention of Torture confirmed that human rights violations had been committed at a psychiatric hospital in the Valparaíso Region. However, the Valparaíso Prosecutor's Office requested the definitive dismissal of the investigation.

# **CHINA**

People's Republic of China

Head of state: Xi Jinping

Head of government: Li Keqiang

**Severe Covid-19 restrictions in some cases undermined the right to health and adequate food. The government continued to stifle criticism of its policies and actions and discussion of topics considered sensitive through increasingly pervasive online censorship. Government critics, human rights defenders, pro-democracy activists and religious leaders and practitioners were among those subjected to arbitrary arrest and detention. Systematic repression of ethnic minorities in Xinjiang and Tibet continued. Authorities attempted to prevent the publication of an OHCHR report documenting potential crimes against humanity and other international crimes in Xinjiang. Women continued to endure sexual violence and harassment and other violations of their rights. The Hong Kong government continued its crackdown against the pro-democracy movement. Journalists, broadcasters and book publishers were among those prosecuted and imprisoned under the National Security Law and other repressive legislation, while civil society organizations both in Hong Kong and abroad faced criminal charges or harassment for legitimate activities. Despite some positive policy commitments, including to increased use of renewables, China's CO2 reduction targets were rated as "highly insufficient" and coal production increased.**

## **BACKGROUND**

The government maintained its "zero-Covid policy" for most of the year involving widespread lockdowns and mandatory quarantine. Localized protests against the harsh restrictions intensified from mid-November. Demonstrations spread to at least 20 cities following an apartment block fire in Urumqi, the capital of Xinjiang Uyghur

Autonomous Region (Xinjiang), on 24 November in which at least 10 people died. The authorities denied that locked doors had prevented residents from escaping but announced the easing of Covid-19 restrictions following this incident.

In May, the then UN High Commissioner for Human Rights, Michelle Bachelet, conducted a six-day mission to China that included two days in Xinjiang. In June, 42 UN independent human rights experts called on the Chinese government to grant unhindered access to UN special procedures and mechanisms to assess allegations of serious human rights violations in the country, especially in Xinjiang, Tibet and Hong Kong. In August, the government ratified ILO Conventions 29 on forced labour and 105 on the abolition of forced labour.

In October, President Xi Jinping's third term as General Secretary of the Chinese Communist Party (CCP) was announced at the Party's 20th National Congress, raising fears that the human rights situation would continue to deteriorate following a decade of escalating repression under his leadership. China hosted the Winter Olympic Games in February.

## **RIGHT TO HEALTH**

There were reports of food shortages and delayed or denied access to emergency healthcare in areas under lockdown. An unknown number of people died after being refused hospital admission. Conditions in quarantine facilities, where those who tested positive for Covid-19 were detained, were often poor and unhygienic. In some cases, children were separated from their parents in quarantine.

On 7 December, the central government announced significant easing of restrictions and on 26 December said that most elements of the "zero-Covid policy" would be substantially dismantled from 8 January 2023. Covid-19 infections and deaths subsequently rose and there were reports from multiple cities of hospitals under extreme pressure and of acute shortages of medications.

## **FREEDOM OF EXPRESSION AND ASSEMBLY**

Online censorship grew more pervasive and sophisticated as a tool to stifle criticism of the government, intensifying around high-profile events and anniversaries.

The authorities failed to deliver on assurances made as hosts of the Winter Olympic Games to guarantee media freedom before and during the Games and ensure opportunities for peaceful protest. Prior to the Games, they warned athletes against "any behaviour or speeches" that violated "Chinese laws and regulations". High-profile dissidents were censored and had their movements restricted. Journalists accredited to the Games reported repeated government interference in coverage of preparations for the event and in interviews with athletes and local people both in and outside Olympic venues.

Authorities intensified their efforts to prevent criticism of lockdown measures on social media, including appeals for help by those under lockdown and allegations of human rights violations in quarantine facilities. Authorities manipulated the Covid-19 health status phone app that was required to enter public buildings and shops and use public transport or travel, to unduly restrict freedom of movement and peaceful assembly. In Henan province during demonstrations against the freezing of deposits by local banks in June, there were widespread reports of the app suddenly communicating a red-code alert requiring users to quarantine for 14 days. Five local officials subsequently received administrative sanctions for manipulating the app.

In September, in the lead-up to the CCP National Congress, the authority responsible for regulating cyberspace in China launched a three-month purge of internet "rumours and fake news", calling for tech companies to redouble monitoring, tracing, bans and suspensions against account holders. New attempts to block censorship circumvention tools such as Virtual Private Networks (VPN) were also reported.

On 13 October, police arrested Peng Lifa after he unfurled banners on a bridge in the capital, Beijing, during the CCP National Congress criticizing the government's "zero-Covid" policy and calling President Xi a dictator. Images of the protest went viral internationally but all footage and keywords were removed from Chinese social media platforms. There were reports that authorities had arrested some people for reposting images of the protest.

Large numbers of people were detained for participating in peaceful protests against Covid-19 restrictions following the fatal apartment fire in Urumqi in November. It was unclear how many remained in detention at the end of the year. Videos circulated online showed police beating protesters during arrests.

All discussion and commemoration of the victims of the suppression of the 1989 pro-democracy protests remained banned. On the eve of the 4 June anniversary of the military crackdown on protesters in Tiananmen Square, a well-known influencer's livestream was taken down, apparently because it featured an ice cream sculpture resembling a tank.

## HUMAN RIGHTS DEFENDERS

Authorities continued to imprison human rights defenders, including citizen journalists and human rights lawyers. Those detained were held in harsh conditions and subjected to torture and other ill-treatment.

On 1 March, human rights lawyer Yu Wensheng was released after completing a four-year prison sentence for "subverting state power" apparently for criticizing the president. Yu Wensheng said he was pepper-sprayed, forced to sit on a metal chair until he partially lost consciousness and denied adequate food during his pretrial detention.<sup>1</sup>

In January, citizen journalist Zhang Zhan, who was sentenced to four years' imprisonment in 2020 for "picking quarrels and provoking trouble" after reporting on the Covid-19 outbreak, ended her hunger strike to stop the authorities from further force-feeding. It was unclear if Zhang Zhan, whose

health had deteriorated during her hunger strike, was permitted access to appropriate medical care.<sup>2</sup>

In April, there were reports of serious deterioration in the health of Huang Qi, the imprisoned founder and director of the Sichuan-based human rights website "64 Tianwang". Huang Qi, who was serving a 12-year prison sentence for his human rights reporting, reportedly did not have access to adequate medical care and was denied access to a bank account where friends and family had deposited money for him to purchase medical and other supplies. He had been refused all contact with his family since 2020.<sup>3</sup>

Many lawyers remained in prison or under strict surveillance. They included legal scholar Xu Zhiyong and human rights lawyer Ding Jiayi, who were tried in secret in June after being indicted for "subversion of state power" in October 2021. The two men were prominent members of the New Citizens' Movement, a network of activists set up to promote government transparency and expose corruption. Neither had access to lawyers in the months prior to their trials.<sup>4</sup>

In April, the UN Working Group on Arbitrary Detention called on the Chinese authorities to immediately release labour activist Wang Jianbing. He was detained in Guangzhou in September 2021, along with #MeToo activist Sophia Huang Xueqin, and charged with "inciting subversion of state power" in connection with their participation in private gatherings in Wang Jianbing's house to discuss shrinking civil society space.<sup>5</sup> Both were held in incommunicado detention and subjected to ill-treatment following their arrest.

## FREEDOM OF RELIGION AND BELIEF

Harassment and imprisonment of individuals for practising their religion or beliefs continued. Religious leaders and practitioners, including those belonging to house churches, Uyghur imams, Tibetan Buddhist monks and Falun Gong members, were among those subjected to arbitrary arrest and detention during 2022.

## ETHNIC AUTONOMOUS REGIONS

Systematic repression of ethnic minorities in Xinjiang and Tibet continued under the guise of “anti-separatism”, “anti-extremism” and “counterterrorism”. Access to both regions was highly restricted, making human rights documentation and reporting virtually impossible. Pervasive surveillance prevented those living there from sharing information about human rights violations.

### XINJIANG

The government continued to implement far-reaching policies that severely restricted the freedoms of Uyghurs, Kazakhs and those from other predominantly Muslim ethnic minority groups in Xinjiang, which threatened to erase their religious and cultural identities.

During their visit to the region in May, the UN High Commissioner for Human Rights and her team were not permitted to visit detainees or their families and were accompanied by state officials at all times. Having failed to acknowledge the serious human rights violations in the country during the mission, in August OHCHR released a long-awaited report reinforcing previous findings by Amnesty International and others that the extent of arbitrary and discriminatory detention of Uyghurs and others in Xinjiang may constitute international crimes, in particular crimes against humanity. It also documented allegations of torture or other ill-treatment, incidents of sexual and gender-based violence, forced labour and enforced disappearances, among other grave human rights violations.

The Chinese government sought to suppress the report, including by mobilizing other governments to lobby against its publication. Despite the findings, and calls by dozens of UN independent experts for the UN Human Rights Council to convene a special session on China, on 6 October the Council voted to reject a resolution to hold a debate on Xinjiang at its next session.<sup>6</sup>

In November, the CERD Committee called on the Chinese government to immediately investigate all allegations of human rights violations and release all individuals arbitrarily deprived of their liberty in Xinjiang. Despite

government claims that internment camps they called “training” or “education” centres had been closed, many thousands of men and women were still believed to be arbitrarily detained in internment camps, prisons or other facilities where political indoctrination, physical and psychological torture and other forms of ill-treatment were widely reported.

Chinese authorities continued to target Uyghurs and other Xinjiang residents who spent time overseas and continued to pressure other governments to return Uyghurs living abroad back to China.

In June, authorities informed the family of 25-year-old Uyghur student Zulyar Yasin that he would be sentenced to up to five years’ imprisonment for “separatism”. Zulyar Yasin, who had spent two years in Türkiye studying finance at Istanbul University, was detained in December 2021 and was scheduled to go on trial on 28 June, although this was postponed on two occasions due to Covid-19 lockdowns and eventually rescheduled for early 2023.<sup>7</sup>

Four Uyghurs faced deportation from Saudi Arabia to China where they were at risk of serious human rights violations. Saudi authorities detained Buheliqiemu Abula and her 13-year-old daughter on 31 March. Buheliqiemu Abula’s former husband Nuermaimaiti Ruze and religious scholar Aimidoula Waili had been detained without charge since November 2020. Aimidoula Waili was previously imprisoned in China from 2013 to 2016, and told Amnesty International he was repeatedly tortured while in detention.<sup>8</sup>

Idris Hasan, a Uyghur computer designer who was arrested in Morocco in July 2021, remained in detention and at risk of forcible return to China. This was despite Interpol’s cancellation of the “red notice”, which formed the basis for his arrest, and appeals to the Moroccan authorities by the UN Committee against Torture and other special procedures not to extradite him.<sup>9</sup>

### TIBET

Ethnic Tibetans continued to face discrimination and restrictions on their rights to freedom of religion and belief, expression,

association and peaceful assembly. Protests against Chinese government repression nevertheless continued.

In September, the Kardze Intermediate People's Court in Sichuan sentenced six Tibetan writers and activists to prison terms of between four and 14 years for "inciting separatism" and "endangering state security". Gangkye Drupa Kyab, Seynam, Gangbu Yudrum, Tsering Dolma and Samdup were detained in March or April 2021. Pema Rinchen was detained in late 2020 and held incommunicado until his trial. All six had been arbitrarily detained in the past in connection with their writings or protests against the Chinese authorities and several suffered from health complications as a result of beatings, poor detention conditions and other ill-treatment experienced at the time.

Tibetan monk Rinchen Tsultrim continued to be denied any contact with his family and access to lawyers despite repeated requests by his family to visit him since his detention in August 2019. He was sentenced to four-and-a-half years' imprisonment in November 2020 following an unfair trial.

## **DEATH PENALTY**

China remained the world's leading executioner, although the government continued to classify statistics for executions and death sentences as "state secrets". The death penalty remained applicable for 46 offences, including non-lethal offences that do not meet the threshold of the "most serious crimes" under international law and standards.

## **WOMEN'S RIGHTS**

On 30 October, the country's top legislature adopted the amended Law on the Protection of Women's Rights and Interests. Due to take effect on 1 January 2023, the revised law includes new provisions to strengthen protection for women in the workplace including requirements on employers to eliminate gender discrimination in hiring processes and to prevent sexual harassment in the workplace.

Violence against women including sexual violence and sexual harassment remained widespread, and authorities censored public discussion around it.

Authorities quickly censored discussions about, and banned social media sites from sharing footage of an incident in June that was caught on CCTV of a group of men physically assaulting several women in a restaurant in Tangshan, Hebei province. Twenty-eight people were sentenced to prison terms for their role in the attack. Mao Huibin, a journalist who posted the footage and an article about the incident, was arrested in July and faced up to five years in prison for "picking quarrels and provoking trouble".

In August, Haidian District People's Court dismissed an appeal by Zhou Xiaoxuan against a court ruling rejecting her request for an apology and damages against a well-known state TV host, Zhu Jun, for groping and forcibly kissing her when she was an intern at the TV station in 2014. Zhou Xiaoxuan's public stance against sexual harassment resulted in her being the target of online bullying and state censorship.

In January, a video showing a woman in poor mental and physical health chained in an outhouse in Xuzhou in Jiangsu province went viral, sparking public outrage in China. At least four activists were arrested for investigating and publicizing the case and for supporting the woman who they suspected was a victim of human trafficking, but which local authorities initially denied. One, Wu Yi, was known to have been tried in secret for "picking quarrels and provoking trouble" but details of her sentence and whereabouts were unknown. According to media reports in February, 17 local officials had been punished or were being investigated in relation to the case. In March, the Ministry of Public Security announced a one-year campaign to investigate trafficking of women and children.

## **LGBTI PEOPLE'S RIGHTS**

Both off- and online LGBTI activism was severely restricted. Dozens of social media accounts of LGBTI groups remained closed

due to pervasive censorship. The authorities also censored TV programmes and films, removing LGBTI-related content.

In July, Tsinghua University in Beijing issued official warning letters to two students for “distributing unauthorized promotional materials” after they were tracked by surveillance cameras leaving rainbow flags on the campus. In November, the Beijing Municipal Education Commission endorsed the university’s action against the students. Authorities censored online discussions of the incident.

## **FAILURE TO TACKLE CLIMATE CRISIS**

Under its NDC submitted in 2021, China committed to reduce CO2 emission intensity by over 65% before 2030 from 2005 levels, to reach peak carbon emissions by 2030 and achieve carbon neutrality “before 2060”. In November, China’s targets, policies and actions were given a rating of “highly insufficient” by the Climate Action Tracker, a consortium providing global scientific analysis, because they were not consistent with limiting warming to the 1.5°C temperature limit.

In March, the government published a new policy document on the Belt and Road Initiative (BRI), an infrastructure project covering 72 countries. The document reaffirmed that no new coal power plants would be built under the BRI and that it would “proceed with caution” on coal power projects already underway.

New domestic renewable targets were issued in 2022 which aimed to increase electricity generation from renewable sources by approximately 35% by 2025 from 2020 levels. However, domestic production of coal increased despite commitments to control coal consumption until 2025 and start to gradually phase it down thereafter.

## **HONG KONG SPECIAL ADMINISTRATIVE REGION**

The Hong Kong authorities continued their crackdown against pro-democracy activists, journalists, human rights defenders and others. The 2020 National Security Law

(NSL) and other repressive laws were widely used to target people exercising their rights to freedom of expression, peaceful assembly and association. The UN Human Rights Committee urged the Hong Kong government to repeal the NSL and sedition provisions of the Crime Ordinance, and in the meantime to refrain from applying them.

In July, John Lee, former Hong Kong security chief who oversaw the police crackdown on the 2019 protests and the implementation of the NSL, took over as Chief Executive of Hong Kong, having been selected by the central government in Beijing as the sole candidate in the May elections.

### **FREEDOM OF EXPRESSION AND ASSEMBLY**

At least 11 people were sentenced to terms of imprisonment during the year under colonial-era sedition laws for exercising their right to peaceful expression.

In September, five speech therapists were sentenced to 19 months’ imprisonment each after being found guilty of sedition for publishing children’s books depicting the government’s crackdown on 2019 pro-democracy protests and other issues.<sup>10</sup>

In October, radio show host and public affairs commentator Edmund Wan (known as Giggs) was sentenced to 32 months in prison for “sedition” and “money laundering” for criticizing the government and raising funds for school fees for young Hong Kong activists who had fled to Taiwan after the 2019 protests. Giggs, who was detained for 19 months prior to his conviction, was released on 18 November but was required to hand over fundraising proceeds to the government.

Political activists, journalists, human rights defenders and others charged under the NSL were held for prolonged pretrial detention. As of 31 October, at least 230 people had been arrested under the NSL since its enactment in 2020.

The space for peaceful protest remained highly restricted and those who participated in demonstrations or encouraged others to do so risked prosecution. In January, Chow Hang-tung was convicted of “inciting others to take part in an unauthorized assembly” and sentenced to 15 months’ imprisonment

after publishing a social media post in 2021 encouraging people to commemorate the 1989 Tiananmen Square crackdown. In December, Chow Hang-tung won her appeal against that conviction, but remained in prison awaiting trial on similar charges under the NSL for which she faced up to 10 years' imprisonment.

### **FREEDOM OF ASSOCIATION**

Authorities continued to criminalize or otherwise prevent legitimate civil society activities. Repressive legislation, including the NSL and Societies Ordinance, which gave excessive powers to the police to refuse, cancel the registration of or prohibit a society, were used with chilling effects on civil society organizations. More than 100 civil society organizations had been forced to disband or relocate since the enactment of the NSL in July 2020.

Restrictions were imposed on smaller, more informal groups. In June, police reportedly delivered letters to at least five representatives of small civil society groups, including informal Facebook groups and religious networks, warning them to register or risk violating the Societies Ordinance.

Five former trustees of the 612 Humanitarian Relief Support Fund, set up to assist participants in the 2019 protests with legal fees and other costs but which closed in 2021, were arrested in May, as well as the former secretary in November, for "colluding with foreign forces" under the NSL. They faced up to 10 years' imprisonment. In December, all six were found guilty of failing to register the fund under the Societies Ordinance and fined between HKD 2,500 and 4,000 each (approximately USD 321-513).

Attacks on groups operating outside Hong Kong also expanded. In March, the National Security Police sent a letter to the Chief Executive of a UK-based organization, Hong Kong Watch, accusing the group of "jeopardizing national security" by "lobbying foreign countries to impose sanctions" and engaging in "other hostile activities". The group was accused of violating Article 29 of the NSL which criminalizes "collusion with

foreign forces" and asserts extraterritorial jurisdiction. Police also blocked Hong Kong Watch's website in Hong Kong.

Civil society organizations exercised self-censorship in order to be able to operate and raise funds. Local payment and crowdfunding platforms suspended the fundraising accounts of two groups. One of the platforms told a group that it had taken this action because of the "excessive risks involved" in hosting the account. In a separate case, three activists who had sued the Hong Kong police for ill-treatment during a land rights protest in 2014 reported that their account on an international crowdfunding platform had been removed because it was considered too high risk for the company.

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

The Hong Kong government made no progress towards drafting a gender-recognition law despite having established an inter-departmental working group on gender recognition in 2014 and carrying out a consultation in 2017.

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1. "China: Lawyer Yu Wensheng must be granted true freedom after unjust imprisonment", 28 February
  2. "China: Covid-19 journalist still needs medical attention: Zhang Zhan", 3 March
  3. "China: No access to family and proper medical care: Huang Qi", 29 April
  4. "China: Unfair trials of prominent activists an attack of freedom of association", 21 June
  5. "China: Activists charged with subversion: Sophia Huang Xueqin and Wang Jianbing", 19 May
  6. "China: Xinjiang vote failure betrays core mission of UN Human Rights Council", 6 October
  7. "China: Uyghur student facing trial highlights government push to jail Muslims", 27 June
  8. "Saudi Arabia: Uyghur teenage girl and mother detained: Buheliqemu Abula, Nuermaimaiti Ruze, Aimidoula Waili", 6 April
  9. "Morocco and Western Sahara: Ethnic Uyghur at risk of extradition to China: Idris Hasan", 2 March
  10. "Hong Kong: Conviction of children's book publishers an absurd example of unrelenting repression", 7 September



# COLOMBIA

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## Republic of Colombia

Head of state and government: **Gustavo Petro**  
(replaced Iván Duque Márquez in August)

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**Human rights defenders continued to face attacks, threats and harassment because of their work; defenders of the land, territory and environment were particularly at risk. Killings and threats targeting former Revolutionary Armed Forces of Colombia – Army of the People (FARC-EP) combatants persisted. Attacks on media workers and outlets continued, threatening freedom of expression. Excessive and unnecessary use of force by state officials was reported. Indigenous leaders and defenders were attacked and killed and, in areas where armed opposition groups continued to operate, Indigenous and Afro-descendant communities were forcibly displaced and some faced humanitarian crises. A final report by the Truth and Reconciliation Commission acknowledged that violations of reproductive rights had been committed during the decades-long armed conflict (1964-2016). Several former army members, civilians and former FARC-EP commanders were charged with crimes against humanity and war crimes committed during the conflict before the Special Jurisdiction for Peace (JEP). Abortion was decriminalized. Attacks on LGBTI people continued. Gender-based violence persisted and survivors faced ongoing barriers to accessing justice, truth and reparation. Venezuelan refugee women faced violence and discrimination on grounds of nationality and gender.**

## BACKGROUND

Parliamentary elections were held on 13 March. Some seats in parliament were reserved for former FARC-EP combatants and for victims of the armed conflict, as stipulated in the 2016 Peace Agreement.

In June, the Colombian Truth Commission released its final report, highlighting the need

to address historic inequalities, discrimination, racism, gender-based violence, violence against Indigenous peoples and Afro-descendants and to guarantee the rights to truth, justice and reparation of victims of the armed conflict.

Gustavo Petro, former mayor of Bogotá and former M-19 guerrilla fighter, won the presidential election and began his four-year term in August. He was accompanied by Francia Márquez, environmental defender and the country's first Black woman vice president.

In August, authorities recognized the competence of the UN Committee on Enforced Disappearances to receive and examine individual complaints regarding victims of enforced disappearance. In September, Colombia also ratified the Inter-American Convention on the Protection of Human Rights of Older Persons. In October, Congress approved the Escazú Agreement.

President Petro restored diplomatic relations with Venezuela and in September some border operations between the two countries were re-established.

In October, President Petro reinstated and reinitiated meetings of the National Commission for Security Guarantees, established by the Peace Agreement to create a public policy for dismantling armed groups.

In October, the Colombian government and the National Liberation Army (ELN) recommenced peace talks and proposed a “multilateral ceasefire”. The government also explored negotiations with other armed actors in the context of a “total peace” policy.

Colombia is one of the South American countries with the highest recurrence of extreme weather events. Approximately 84% of its population is exposed to multiple environmental hazards. According to the Institute of Hydrology, Meteorology and Environmental Studies of Colombia (IDEAM), coastal and insular areas are most sensitive to climate change, as well as high mountain ecosystems.

## **RIGHTS TO TRUTH, JUSTICE AND REPARATION**

In January, the Constitutional Court declared an unconstitutional state of affairs due to the constant and massive violations of fundamental rights to life, physical integrity and security of former FARC-EP combatants. The Institute of Studies for Development and Peace (INDEPAZ), a civil society organization, reported 42 killings of former combatants during the year. The UN Security Council stressed its concern regarding the persistent threats, attacks and killings targeting former FARC-EP combatants who had signed the Peace Agreement.

According to the Kroc Institute, compliance with the 2016 Peace Agreement between FARC-EP and the Colombian state remained slow, particularly regarding the implementation of ethnic and gender-based approaches. The Institute reported that 37% of the Agreement's provisions had been minimally implemented and 15% uninitiated.

From January to December, the Unit for the Search for Persons Deemed as Missing (UBPD) recovered 185 bodies of people reported missing in the context of the armed conflict, in regions such as Antioquia, Santander and Sucre. In June, the UBPD also reported it had handed the remains of 167 victims back to their families and loved ones since its creation in 2017.

## **FREEDOM OF EXPRESSION**

In May, the Foundation for Press Freedom (FLIP) expressed alarm at the arbitrary detention of journalists Luis Ángel and Luna Mendoza, who were covering the high-profile murder of Paraguayan prosecutor Marcelo Pecci near the city of Cartagena.

In May, media outlets in Antioquia and Córdoba departments received death threats in the context of an armed strike declared by the paramilitary group the Gaitanista Self-Defence Forces of Colombia (AGC – also known as the Gulf Clan).

In July, the Colombian Council of State declared the state responsible for psychological torture, threats, persecution, exile and illegal interception in the case of

journalist Claudia Julieta Duque and her family between 2001 and 2010.

In August, journalists Leiner Montero and Dilia Contreras were killed in Magdalena department. According to FLIP, the killings were related to their journalistic work.

In September, FLIP reported threats against Telemundo journalists covering the Darien Gap migration route.

As of September, FLIP had reported 595 violations of freedom of expression against journalists, including two cases of sexual violence. In the first five months of the year, FLIP reported a 59% increase in threats against media workers covering the electoral process compared with 2018.

## **EXCESSIVE AND UNNECESSARY USE OF FORCE**

In May, Indigenous leader Luis Tombé was shot dead in the context of an environmental protest in the town of Miranda, Cauca department, when members of the Mobile Anti-Riot Squad (ESMAD) opened fire on protesters calling for the release of fellow demonstrators held by police.

In June, civil society platform Campaña Defensor la Libertad criticized ESMAD's excessive use of force against protesters, which resulted in one person sustaining eye trauma at Distrital University in Bogotá. Protesters were calling for more resources and improved infrastructure for the university.

## **ARBITRARY DETENTION**

According to Campaña Defensor la Libertad, arbitrary detentions by state security forces increased between March and June, in the context of the upcoming elections.

## **INDIGENOUS PEOPLES' RIGHTS**

Killings and threats targeting Indigenous leaders and defenders continued.

In January, the Totoroez Indigenous people reported the killing of Albeiro Camayo, a member of the Indigenous Guard, by FARC-EP dissidents in Cauca department.

In February, the National Indigenous Organization of Colombia (ONIC) reported the killing of Julio César Bravo, a human rights

defender and leader of the Pastos people in Nariño department.

ELN combatants in Chocó department killed Luis Chamapuro, a member of the Wounan people, in February.

Also in February, Dilson Arbey Borja, an Indigenous leader, human rights defender and member of the Indigenous Guard, was killed in the city of Turbo, Antioquia department.

The OHCHR condemned the killing of Miller Correa in March, in the context of constant threats against his community and its leaders. Miller Correa was a human rights defender and member of the Nasa people in Cauca department.

In September, two Wayuu Indigenous infants died of malnutrition in the northern region of La Guajira, taking the death toll among young children there to 39 since January. On 6 September, the Ombudsperson's Office issued a public warning asking the government to take action to address the humanitarian situation in the region.

In June, at least 100 Indigenous people from Alto Andagueda reserve in Chocó were forcibly displaced following clashes between state security forces and illegal armed groups.

Indigenous organizations in Chocó highlighted the risk of displacement faced by Emberá Indigenous families due to the presence of illegal armed groups in Chocó in the Jurubida Chori Alto Baudó reserve.

In September, Awá peoples highlighted the continuing humanitarian crisis and violence affecting them because of the presence of illegal armed actors on Indigenous reserves in Nariño and Putumayo departments.

## **GENDER-BASED VIOLENCE**

In July, the Special Jurisdiction for Peace (JEP) announced the opening of Case 11, relating to sexual violence, grave violations of reproductive rights and violence motivated by the sexual orientation and/or gender identity of the victims in the context of the armed conflict.

The Femicides Observatory reported that there were 557 feminicides in 2022.

Victims of gender-based violence, including sexual violence, by state officials in the context of the 2021 national strike faced continuing obstacles in accessing justice and repairation.<sup>1</sup>

## **SEXUAL AND REPRODUCTIVE RIGHTS**

A ruling by the Constitutional Court in February decriminalized abortion up to the 24th week of pregnancy. The historic decision came in response to a lawsuit filed by the Causa Justa movement.

The Truth Commission's final report recognized that grave violations of reproductive rights, including forced abortions, forced sterilizations and forced contraception, had occurred in the context of the armed conflict. The report recommended that the state avoid restarting aerial fumigation programmes to eradicate illicit crops using the herbicide glyphosate as it has negative effects on people's reproductive health.

## **LGBTI PEOPLE'S RIGHTS**

According to the NGO Caribe Afirmativo, between January and July, 15 gay men were killed and LGBTI people faced heightened risks in the city of Medellín.

The JEP opened an investigation (Case 7) into sexual crimes and discrimination against forcibly recruited LGBTI children and adolescents during the armed conflict.

The Constitutional Court recognized a non-binary gender marker for ID registration, establishing legal precedent for gender diversity.

In March, lesbian rights defender Paola Andrea Jaraba Martínez faced violence and threats, allegedly related to her sexual orientation and work in Córdoba department.

According to the NGO Trans Action and Support Group (GAAT), between January and August, 16 trans women were killed in Colombia.

## HUMAN RIGHTS DEFENDERS

Human rights defenders continued to face attacks, threats and harassment because of their work. Defenders of the land, territory and environment were particularly at risk.

In February, several human rights defenders in the Magdalena Medio region were targeted in a pamphlet circulated by an armed group calling itself the United Self-defence Forces of Colombia. The pamphlet referred to human rights defenders as military targets and gave them and their families 48 hours to leave the area or face the consequences. Targeted defenders included Carolina Agón Ramón Abril. Ten days later, Yuvelis Natalia Morales, a 21-year-old environmental defender, was forced to flee Colombia after her home was broken into.

In May, unidentified people shot at four environmental defenders belonging to the Federation of Santander Fishers for Tourism and Environment (FEDESPAN), an environmental organization which operates in the city of Barrancabermeja, and assesses possible environmental damage in the Magdalena Medio region.

In July, Yuli Velásquez, president of FEDEPESAN, was the victim of an armed attack in which her bodyguard was injured.<sup>2</sup>

In August, the minister of the interior installed the first Unified Command Point for Life in Caldono municipality, Cauca department. The aim of this space, and similar spaces that followed in other regions, was to listen to the demands and concerns of communities and protect the lives of social leaders, human rights defenders and others at risk.

According to the NGO Programa Somos Defensores, between January and September there were 621 attacks targeting human rights defenders.

INDEPAZ recorded the killings of 189 social leaders and human rights defenders in 2022.

## FORCED DISPLACEMENT

OCHA reported that from January to July, there were 220 humanitarian emergencies relating to confinement (meaning people were forced to stay in their territories because

of the armed conflict and had limited access to food, drinking water and basic services) and forced displacement, affecting at least 249,106 people, mainly in the Pacific region and near the Venezuela-Colombia border.

In January, clashes broke out between FARC-EP dissidents and the ELN in Arauca, forcibly displacing 3,860 people.

In May, 7,989 people were prevented by non-state armed groups from leaving their homes or moving freely in the zones of Nóvita and San José del Palmar in Chocó.

## VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW

Between January and June, the ICRC recorded 377 victims of explosive hazards, including anti-personnel mines and explosive remnants of war, in 16 departments. Cauca, Antioquia, Arauca, Norte de Santander and Meta were the most affected departments.

According to the human rights NGO Attorneys Collective José Alvear Restrepo (CAJAR), on 28 March, 11 people were extrajudicially executed during a military incursion in the Puerto Leguizamo municipality, Putumayo department.

The National Ombudsperson issued an alert over the presence of the paramilitary group Border Command in Caquetá region and the grave risk to the lives and physical integrity of civil society leaders and former FARC-EP combatants.

On 5 May, the AGC imposed a four-day curfew across 10 departments in northern Colombia, following the announcement of the decision to extradite its commander “Otoniel” to the USA. During this so-called armed strike, at least 127 acts of violence were reported in 73 municipalities, including four killings, five death threats, 36 cases of restriction of movement and one case of torture and another of kidnapping.

In May, Afro-descendant communities reported armed clashes in Istmina, Sipí, Nóvita, Medio San Juan and Litoral del San Juan in Chocó department, resulting in collective forced displacements and the confinement of several Black communities. In June, unidentified armed actors killed

Jesusita Moreno and Rómulo Angulo López, members of Malagueta Afro-descendant collective territory, in Bajo San Juan, Chocó department.

As of 1 December, INDEPAZ reported that 91 massacres (that is, killings of three or more people at the same time and place and by the same alleged perpetrator) had resulted in the deaths of 289 people.

## IMPUNITY

On 18 February, the JEP announced the opening of new cases on the responsibility of FARC-EP combatants for sexual violence, forced displacement and enforced disappearances and other crimes committed by state security forces and officials in coordination with paramilitary groups; and crimes against ethnic communities and territories.

By the end of the year, the JEP had charged 79 former army members (including officials), four civilians and one former intelligence agent with crimes against humanity and war crimes in relation to extrajudicial killings and enforced disappearances in Norte de Santander, the Caribbean Coast, Casanare and Antioquia departments. The JEP also charged eight former high-ranking FARC-EP commanders with crimes against humanity and war crimes in the context of a policy of kidnapping and hostage-taking, among other crimes.

In September, former FARC-EP combatants accepted responsibility for homicides, forced displacement, forced recruitment and other crimes against civilians in Northern Cauca.

## REFUGEES' AND MIGRANTS' RIGHTS

In June, UNICEF declared that the number of children crossing the Darién Gap between Colombia and Panama had reached more than 5,000 since the beginning of 2022, twice the number recorded for the same period in 2021.

Authorities stated that 2,477,000 Venezuelans were living in Colombia in July, 96% of whom had applied for Temporary Protection Status.

Gender-based violence against Venezuelan refugee women persisted and Colombian authorities failed to guarantee Venezuelan women's rights to a life free from violence and discrimination.<sup>3</sup>

1. *Colombia: The Police Does Not Care for Me: Sexual Violence and Other Gender-Based Violence in the 2021 National Strike*, 1 December
2. "Colombia: Protect environmental defender at risk", 15 July
3. *Americas: Unprotected: Gender-based Violence against Venezuelan Refugee Women in Colombia and Peru*, 12 July

# CONGO

## Republic of the Congo

Head of state: **Denis Sassou Nguesso**

Head of government: **Anatole Collinet Makosso**

**Freedom of assembly was restricted, and security forces beat up people in detention. The country passed a law on gender-based violence; however, discrimination against women was still widespread. Obstacles remained to the availability and accessibility of healthcare, and there were reports of environmental degradation.**

## BACKGROUND

In July, the ruling party won 111 of 151 seats in the parliamentary elections more than one year after President Denis Sassou Nguesso was re-elected as head of state, serving his fourth consecutive term in office after 36 years in power. The results were confirmed by the Constitutional Court in August, rejecting 30 annulment appeals filed by several candidates. On 21 January, the International Monetary Fund granted an extended credit facility of USD 455 million to the Congolese state, accompanied by the requirement that the country carries out reforms to improve the governance of public funds. Several members of the family of the president were still under investigation before the French justice system over allegations of corruption.

## **FREEDOM OF EXPRESSION AND ASSEMBLY**

Congolese activists tried to organize a demonstration in the capital, Brazzaville, on 8 April to protest against the poor quality of services provided by the national electricity company. The announcement was made online and an authorization was requested from the prefecture beforehand. On 6 April the prefect of the department banned the demonstration on grounds of public order. In defiance of this ban, on 8 April the organizer went to the demonstration site, where he was arrested by police and held for several hours before being released. He reported that he had been beaten while in detention.

## **ARBITRARY DETENTION, TORTURE AND OTHER ILL-TREATMENT**

Jean-Marie Michel Mokoko, a candidate in the 2016 presidential election, was still in detention, despite the UN Working Group on Arbitrary Detention considering his detention as arbitrary. He was sentenced in 2018 to 20 years' imprisonment for "undermining the internal security of the state" and "illegal possession of weapons and munitions of war".

According to the Centre of Development Actions (CAD) and the Congolese Human Rights Observatory, the Congolese police beat up three people in Brazzaville in early January, causing the death of one of them. After the publication of the video of the incident on social networks, four police officers were sentenced to 10 years in prison on 9 February for deliberate assault and battery causing death and the state was ordered to pay damages.

## **WOMEN'S RIGHTS**

In March, Congo passed the "Mouébara law" on combating violence against women, including domestic violence. It included provisions on prevention; protection of victims; medical, psychological, social and legal support to victims; and penalties for perpetrators of up to 20 years in prison. The law notably included specific provisions to protect widows' rights in inheritance.

The report *Women, Business and the Law 2022* produced by the World Bank, which assesses laws that can have an impact on economic opportunities for women, indicated that the legal framework in Congo is detrimental to women's economic rights. The report highlighted many areas in need of improvement, including gender inequality in property and inheritance.

## **RIGHT TO HEALTH**

In early 2022, a measles epidemic took hold in Congo. According to a statement by the minister of health in April, the department of Pointe-Noire was the epicentre of the epidemic with 5,488 notified cases, including 112 deaths. A national vaccination plan against measles and yellow fever was launched on 15 August.

According to a statement by the minister of health in March, maternal, neonatal and infant death rates increased due to the coronavirus pandemic and delays in measles vaccination. In 2021, maternal mortality deaths rose to 445 per 100,000 births, up from 378 per 100,000 births in 2020.

According to the local NGO CAD, the health situation in Congo remained fragile; the organization highlighted the lack of beds in several health centres and accessibility problems in certain areas due to the remoteness of some communities, lack of transport and/or poor road conditions.

## **ENVIRONMENTAL DEGRADATION**

According to a statement by the Departmental Directorate of the Environment in June, the Loubi lagoon in Pointe-Noire department had been cleaned up in accordance with Congolese standards. This followed a complaint filed in 2016 by the local association Youth for Life in Kouilou against an oil company, denouncing two crude oil spills into the Loubi lagoon in 2004 and 2011. In March 2019, the Pointe-Noire court of justice ordered the company to resume clean-up operations in the lagoon and pay XAF 50 million (approximately USD 77,600) for "moral damage" to Youth for Life in Kouilou and XAF 150 million

(approximately USD 232,800) for environmental damage. The company appealed against the decision.

The residents of the Vindoulou neighbourhood in the Loango sub-prefecture continued to complain to the authorities about environmental damage caused by a metal and battery recycling company operating near homes and schools in their area since 2012. They claimed that the factory caused major air pollution and discharged massive quantities of oil into the streets. The Prefect of Kouilou had ordered the closure of the factory in August 2020 for a period of three months for non-compliance with environmental legislation. The company resumed its activities in November 2020 following an agreement by the Ministry of the Environment, Sustainable Development and the Congo Basin but without carrying out the necessary improvements according to the residents. Medical samples were taken during the same period by the Departmental Health Directorate, but the results were not published.

## CÔTE D'IVOIRE

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### Republic of Côte d'Ivoire

Head of state: **Alassane Dramane Ouattara**

Head of government: **Patrick Achi**

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**Modifications to two laws adopted by the senate threatened to curtail the right to freedom of expression. Political parties and civil society organizations released a report recommending a process to provide reparation for victims of electoral violence. Survivors of sexual and gender-based violence continued to face obstacles in their search for justice. There were several incidents of badly constructed buildings collapsing, causing deaths. The government took measures to ensure the rights to health and food. Activists and local people continued to criticize deforestation, and the authorities took measures to fight environmental degradation.**

## BACKGROUND

The year was marked by the rising cost of living; an influx of refugees fleeing armed conflict in Burkina Faso; and the continuing “political dialogue” between the ruling party, opposition parties and civil society organizations. The objective of the political dialogue was to agree on necessary measures to achieve “political appeasement” and “strengthen democratic culture” to end decades of political crisis.

A diplomatic crisis erupted with Mali after the latter arrested 49 Ivorian soldiers, labelled as mercenaries, in July. In August, activist Pulchérie Edith Gbalet was arrested after returning from Mali and publishing a video which criticized the Ivorian government for its handling of the crisis.

## FREEDOM OF EXPRESSION AND ASSEMBLY

In December, the senate adopted two bills modifying the laws on the press and on audiovisual communication in order to combat the publication of false information; and ensure that individuals active online, specifically bloggers, activists and influencers, are subject to regulations by the relevant authorities. During the year, activists had warned that, if enacted, the laws could be used to repress the right to freedom of expression online and target critics of the authorities.

In April, student protesters in Bouaké were injured when the police used tear gas to disperse them. More than twenty students were arrested and released the following month. They had been calling for better conditions to allow them to study.

In December, 46 academics were arrested in Abidjan while marching to deliver a memorandum to the prime minister demanding employment in the civil service. After being detained for a week, one was acquitted while 45 were each given a four-month suspended sentence for disturbing the peace.

## **RIGHT TO TRUTH, JUSTICE AND REPARATION**

The March report of the fifth round of the political dialogue recommended measures to ensure peaceful elections and a mechanism to provide reparations for victims of violence during the 2020 elections. According to official numbers, 85 people were killed and hundreds injured during demonstrations and clashes between the ruling party and opposition supporters in 2020.

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

In March, the International Federation for Human Rights published a report highlighting the obstacles faced by survivors of sexual and gender-based violence. They included pressure to settle their cases out of court, and lack of social service resources and legal and judicial assistance.

## **RIGHT TO HOUSING**

A lack of sufficient government oversight led to people living in unsafe or inadequate housing. Badly erected buildings, which lacked authorization for construction, collapsed, causing deaths. In Abidjan, there were two such incidents in 30 days. In February, a building under construction collapsed on houses in Treichville, causing at least five deaths and more than 20 injuries. In March, a residential building collapsed in Cocody, resulting in seven deaths and the hospitalization of 13 people. On 9 March, the government announced measures to address this phenomenon, including by imposing administrative sanctions against officials who allow constructions to go ahead without prior authorization; and establishing a joint control brigade to oversee the implementation of the regulations which, according to the government, includes representatives of city halls, district authorities and the Department of Urban Sanitation and Drainage.

## **RIGHT TO HEALTH**

The Covid-19 vaccination campaign continued, with vaccinations more than doubling from December 2021 to March

2022. In March, vaccination was extended to teenagers.

In September, a decree adopted by the Council of Ministers made membership of the universal healthcare coverage mandatory for everyone. It is intended to cover 70% of health costs and make healthcare more affordable.

## **RIGHT TO FOOD**

In March, the government announced a list of measures to address the rising cost of living, including increased monitoring to ensure that prices of certain food products were controlled. In August, the president announced new measures to protect purchasing power, including enhanced job benefits for public officials.

In July, the National Council Against the High Cost of Living, created to combat inflation, sanctioned about 2,000 merchants who had not respected price controls on protected products.

## **ENVIRONMENTAL DEGRADATION**

The Coffee-Cocoa Council, in charge of regularizing, stabilizing and developing the industries of cocoa and coffee production, announced the launch of a system starting in April to trace cocoa production from the plantation to the ports of export, in order to combat child labour and deforestation.

In May, the state minister of agriculture and rural development, and the minister of the environment and sustainable development signed a memorandum of understanding (MOU) with Genesis, a French agency specializing in environmental impact assessments. Under the MOU, the agency would evaluate the impact of soil restoration projects financed by the governmental Initiative d'Abidjan to fight deforestation and foster restoration of forests. In the same month, the prime minister announced that the government had replanted 38 million trees in less than three years.

In parallel, villagers from Bébou demanded that the government help them fight illegal cocoa plantations, which are destroying forests, including the protected Bossématié



Forest Reserve. In June, activists started a petition calling on the government to renounce a project which would destroy hectares of land in a wildlife park, to make way for a hotel in Bingerville.

# CROATIA

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## Republic of Croatia

Head of state: **Zoran Milanović**

Head of government: **Andrej Plenković**

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**Pushbacks and collective expulsions continued. Defamation lawsuits threatened the work of journalists and the media. Access to abortion remained severely restricted. Same-sex couples were granted the right to adopt children. Roma faced widespread discrimination. Domestic violence increased.**

## REFUGEES' AND MIGRANTS' RIGHTS

The number of people trying to enter through neighbouring Bosnia and Herzegovina (BiH) increased in comparison with 2021, and aid organizations documented continued pushbacks and collective expulsions by the Croatian authorities. Civil society groups called for a proper investigation into systemic violations on the country's borders.

In February, the European Ombudsman found that the European Commission failed to ensure that fundamental human rights were respected in EU-funded border operations by Croatian authorities.<sup>1</sup>

Police officers caught on camera beating asylum seekers in 2021 were found to be in minor breach of duty and returned to work in January.

In July, the EU-funded Croatian Independent Border Monitoring Mechanism found no major irregularities in border operations, but said that border police unlawfully returned potential asylum seekers to BiH when they found them in the border areas suspected of being mined. Civil society and rights organizations repeated concerns that the mechanism lacked independence, a

strong mandate and adequate access to the border area.

In April, the European Court of Human Rights, rejecting Croatia's appeal, made final the 2021 ruling that Croatia violated the European Convention on Human Rights when it forcibly returned an Afghan family to Serbia, resulting in six-year-old Madina Hussiny's death. The authorities proposed an action plan to execute the judgment, but civil society organizations questioned the quality of the proposed measures.

In December, the Council of the EU decided to admit Croatia into the Schengen area. Human rights organizations criticized EU institutions for having "turned a blind eye" to overwhelming evidence of human rights violations by the authorities.<sup>2</sup>

The authorities granted temporary protection status to over 22,000 Ukrainians fleeing the war and provided those in need with accommodation and integration assistance. In contrast, recognition rates of asylum seekers from non-European countries remained low, with only 16 people granted international protection by October.

In May, the authorities arrested Aysoltan Niyazova, an activist and member of the band Pussy Riot, when she was in Croatia on an anti-war tour and threatened to extradite her to Turkmenistan. She was released following condemnation by human rights groups.<sup>3</sup>

## FREEDOM OF EXPRESSION AND ASSOCIATION

Journalists and media reporting on organized crime and corruption continued to face threats, harassment and physical attacks. Politicians and businesses frequently sued journalists for defamation, which remained a criminal offence. The Croatian Journalists' Association documented over 1,000 active Strategic Lawsuits against Public Participation (SLAPPs) demanding over €10 million in damages, calling them a "judicial terror". In March, the Coalition against SLAPPs in Europe named Croatia as one of the countries in the EU where lawsuits to

silence journalists and activists are used the most.

## SEXUAL AND REPRODUCTIVE RIGHTS

Access to sexual and reproductive services continued to be limited due to the widespread refusal of individual doctors and some clinics to perform abortions on grounds of conscience. In May, the case of a woman denied an abortion by four different clinics even though her fetus was diagnosed with an aggressive brain tumour, sparked protests and divided public opinion. The procedure was finally carried out after the intervention of the Ministry of Health. The Ombudsperson for human rights said that doctors' individual right to conscience-based refusal could not be an obstacle to access to adequate healthcare.

## ECONOMIC, SOCIAL AND CULTURAL RIGHTS

In September, the government passed measures to alleviate the effects of the rapid rise in prices and the cost of living. The measures included caps on the cost of electricity, gas and essential food items, as well as a temporary increase in social assistance for economically vulnerable people.

## DISCRIMINATION

### LGBTI PEOPLE

In a final ruling in May, the High Administrative Court confirmed that same-sex couples should be able to apply for child adoption under the same conditions as heterosexual couples.

### ROMA

Despite some progress, Roma continued to face widespread discrimination in all walks of life. Roma children were considerably more likely not to complete primary or secondary education, and girls were particularly affected by early marriage practices and were frequently victims of trafficking. According to the authorities, 50% of Roma girls gave birth to their first child while under age. The UN Committee on the Rights of the Child urged the authorities to ensure better integration of

Roma children into mainstream education and remove barriers that hinder their access to education, healthcare and social services.

## VIOLENCE AGAINST WOMEN AND GIRLS

The authorities reported a sharp increase in domestic and gender-based violence in comparison with 2021. Civil society organizations warned that the penalties for perpetrators remained inadequate.

The government announced a package of measures, including stronger penalties for perpetrators and enhanced protection for the victims of domestic violence, such as a standard protocol for risk assessments in all cases and alternatives to the existing temporary measures, which were seen as ineffective. The Ombudsperson for gender equality noted that law enforcement continued to fail victims and called for comprehensive reform, including effective prevention, resocialization and education programmes.

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1. [“EU: Ombudsman finds Commission failed to ensure rights at Croatian border”, 24 February](#)
  2. [“EU admits Croatia to Schengen without regard to abuses at the border”, 8 December](#)
  3. [“Croatia: Dissident and Pussy Riot member must not be extradited to Turkmenistan”, 1 June](#)

## CUBA

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### Republic of Cuba

Head of state: **Miguel Díaz-Canel**

Head of government: **Manuel Marrero Cruz**

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**Food shortages and electricity outages were frequent throughout the year. Hundreds of people remained in prison following a crackdown on protesters in July 2021. In the wake of Hurricane Ian, authorities deployed military cadets to repress widespread protests over electricity outages and interrupted the internet. Three prisoners of conscience remained in prison, representing only a tiny fraction of the total number of people feared detained for the peaceful exercise of their human rights.**

## BACKGROUND

In September, following a referendum, Cuba approved a new Family Code which legalizes same-sex marriage and, among other things, allows same-sex couples to adopt.

According to US official statistics, between October 2021 and September 2022 more than 224,000 Cubans made their way to the USA, a significant increase compared with the same period in 2020-2021, when just over 39,000 Cubans arrived in the USA. Many made dangerous journeys through the Darien Gap, a jungle that connects Panama and Colombia, while others risked travelling by boat.

## ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Throughout the year, food shortages forced people to queue for hours for basic goods, and parts of the island were frequently left without electricity. The authorities placed the blame for the economic situation almost entirely on the US economic embargo, ignoring their obligation to fulfil economic, social and cultural rights.

## REPRESSION OF DISSENT

By the end of the year, hundreds of people remained in detention following a crackdown on protesters in July 2021,<sup>1</sup> according to the NGO Cubalex.

In March, Amnesty International called for access to the country to monitor the trials of those detained, but the authorities failed to grant access to any international observers. That same month, in an unusual move in a context where defence lawyers are tightly controlled by the state and access to court documents is rare, Cuban authorities made public at least six judgments relating to approximately 129 people, including some teenagers, who had been charged with more severe offences for participating in the July 2021 protests. They were mainly accused of throwing rocks or bottles at law enforcement officials. Some were given 30-year prison sentences.<sup>2</sup>

In September and October, in the wake of Hurricane Ian, people protested across the

island following widespread power outages. According to reports received, the authorities responded by deploying military cadets to repress the protests and there were reports of arbitrary detentions. The authorities also appeared to have intentionally shut down internet access, an increasingly common tactic to limit communication in Cuba in moments of political sensitivity. The internet interruptions lasted at least two consecutive nights, which made it hard for families to communicate following the storm. Journalists at 14 y medio, an independent online newspaper, also had no internet, impacting their ability to report.<sup>3</sup>

On 2 October, President Díaz-Canel downplayed the widespread nature of the protests and suggested that a minority of “counter-revolutionaries” with connections outside Cuba had carried out “acts of vandalism such as blocking roads or throwing rocks.” He said they would be dealt with using the “force of the law”.

In December, a new Penal Code came into force, which risked entrenching long-standing limitations on freedom of expression and assembly and is a chilling prospect for independent journalists, activists and anyone critical of the authorities.<sup>4</sup>

## WOMEN'S AND GIRLS' RIGHTS

Women human rights activists were central to resisting repression of dissent. Mothers of people, including young people, detained in the context of the July 2021 protests were vocal in advocating for their release.

Lawmakers failed to include femicide as a crime in the new Penal Code, despite proposals from women advocates.

## HUMAN RIGHTS DEFENDERS

At the end of the year, prisoners of conscience Luis Manuel Otero Alcántara, Maykel Castillo Pérez and José Daniel Ferrer García – all of whom were detained in the context of the crackdown on dissent in July 2021 – remained in prison.

In June, the Popular Municipal Court of Central Havana sentenced artist Luis Manuel Otero Alcántara and musician Maykel Castillo

Pérez to five and nine years in prison, respectively, for a range of charges historically used to silence dissent including “public disorder”, “contempt” and “insulting national symbols”.<sup>5</sup>

Months previously, in January, the UN Working Group on Arbitrary Detention had concluded that Castillo Pérez – one of the writers of the song “*Motherland and Life*” (“*Patria y Vida*”), which is critical of the government and was adopted as a popular protest anthem – had been arbitrarily detained and called on the Cuban government to release him immediately.

In July, the family of José Daniel Ferrer García, leader of the unofficial political opposition group the Patriotic Union of Cuba, reported that he was being held incommunicado, putting him at risk of torture and other ill-treatment.<sup>6</sup> In October, his family reported that he was being held in solitary confinement, segregated from other prisoners and with very limited access to the outside world.<sup>7</sup>

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1. “Five things you should know a year on from Cuba’s 11 July protests”, 11 July
  2. “Cuba: Amnesty International calls for access to country to monitor trials of 11J protesters”, 24 March
  3. “Cuba: Tactics of repression must not be repeated”, 5 October
  4. “Cuba: New criminal code is a chilling prospect for 2023 and beyond”, 2 December
  5. “Cuba: Amnesty International condemns sentences of Luis Manuel Otero Alcántara and Maykel Osorbo Castillo”, 24 June
  6. “Cuba: Political leader held incommunicado”, 12 July
  7. “Cuba: Prisoner of conscience at risk”, 19 October

## CYPRUS

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### Republic of Cyprus

Head of state and government: **Nicos Anastasiades**

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**Refugees and asylum seekers reported being subjected to pushbacks to Lebanon. Cyprus’s Supreme Court overturned the 2019 conviction of a British student for an alleged false report of rape.**

## BACKGROUND

No progress was made towards the resumption of full negotiations between Greek Cypriot and Turkish Cypriot leaders on the Cyprus issue (the continuing dispute over the administration of the island).

## REFUGEES’ AND MIGRANTS’ RIGHTS

The NGO KISA reported instances of violence and advocacy to hatred during two anti-migrant demonstrations held in January against Syrian refugees living in a residential complex in the village of Chlorakas, and a subsequent failure of the police to intervene. KISA also reported threats and racial slurs against KISA member Doros Polykarpou during the second demonstration. The outcome of an investigation into the incidents by the independent police complaints authority was not known at year’s end.

In June, the UN Committee on the Rights of the Child (CRC) expressed concerns in relation to refugee, asylum-seeking and migrant children, including substandard living conditions in reception facilities and insufficient access to education and to healthcare. The CRC also expressed concerns about pushbacks and forced returns.

In August, human rights organizations denounced two new pushbacks to Lebanon, including that of 52 shipwreck survivors in July. Survivors reported that Cypriot authorities kept them in inhumane conditions and ill-treated them prior to returning them. In a case pending before the European Court of Human rights, two Syrian nationals reported several violations by the Cypriot authorities, including their summary return to Lebanon, with a risk of chain refoulement to Syria.

As of September, there were over 27,000 asylum applications pending at first instance compared to 16,994 at the end of 2021.

## IMPUNITY

In September, a report submitted to Cyprus’s Attorney General found that the 2005 death of army conscript Athanasios Nikolaou was murder and identified serious flaws in the

police investigation. In October, a new police investigation was ordered into the case. Athanasios Nikolaou's family expressed concerns that they were not given sufficient access to the report's findings or concerns about the progress of the new investigation. In 2020, Cyprus was found in breach of the European Convention on Human Rights for failing to effectively investigate the case.

## **VIOLENCE AGAINST WOMEN AND GIRLS**

In January, Cyprus's Supreme Court overturned the 2019 conviction of a British student for an alleged false report of rape and found serious shortcomings in the investigation of the initial rape complaint by the prosecuting authorities. After the Attorney General rejected a request to reopen the investigation, a complaint was filed with the European Court of Human Rights.

## **ENFORCED DISAPPEARANCES**

Between 2006 and December 2022, the remains of 1,028 missing individuals – 736 Greek Cypriots and 292 Turkish Cypriots – were identified by the Committee on Missing Persons in Cyprus in its mission to establish the fate and whereabouts of people who were subjected to enforced disappearance 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**

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**The Czech Republic hosted the third highest number of registered Ukrainian refugees in the EU and the highest number per capita. Hundreds of Roma refugees from Ukraine were subjected to discriminatory treatment. There were concerns over discriminatory remarks by the Public Defender of Rights. Thousands of Roma women unlawfully sterilized in the past had still not been fully compensated.**

**Sterilization was still a requirement for legal recognition of gender change. Concerns remained over a deal to end a long-running dispute over expansion of the Turów coalmine near the Czech/Polish border.**

## **BACKGROUND**

There was no progress towards ratifying the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention).

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

As of 31 October, the Czech Republic had granted temporary protection to 453,725 refugees from Ukraine. The country continued to register new arrivals, but the number fell considerably from March onwards. Of the refugees entering the Czech Republic 47% were women and 33% children. The country had the world's highest number of displaced Ukrainians per capita. However, thousands of people who received temporary protection status subsequently returned to Ukraine. The Czech Republic, in line with the decision of the EU, extended temporary protection for Ukrainian refugees until March 2023, but reduced financial aid.

Ukrainian Roma faced both systemic and individual racism on arrival in the Czech Republic. Ukrainian Roma were forced to wait much longer than other applicants before being assigned temporary protection. Hundreds were stranded for several days at train stations after their arrival in Prague and Brno in April and May as they were not recognized as refugees. They were denied help from the authorities for several weeks.

## **DISCRIMINATION**

The Public Defender of Rights, Stanislav Křeček, continued to make discriminatory remarks against Roma. He blamed the problems of socially excluded neighbourhoods and informal settlements on their inhabitants, claiming they had not tried to change their situation. He said that his duty was not to defend human rights but to protect citizens from unfair decisions by the Czech authorities. In August, in an

unprecedented move, he removed all portfolio responsibilities from his deputy, who subsequently resigned.

## SEXUAL AND REPRODUCTIVE RIGHTS

Roma women who had previously been forced or coerced into sterilization were still awaiting reparations following the August 2021 passing of a law, based on the recommendations of the previous UPR, that women sterilized between 1 July 1966 and 31 March 2012 without their consent were entitled to a one-off compensation of CZK 300,000 (around EUR 12,000). Only 30 of 260 applicants received compensation.

## LGBTI PEOPLE'S RIGHTS

Attacks on LGBTI people were rarely recognized as hate crimes. Legislation did not recognize hate crimes against LGBTI people.

The stipulation under Czech law that anyone seeking legal recognition for gender change must first undergo sterilization remained unchanged.

Although civil partnerships were an option for same-sex couples, they were still not allowed to marry. A bill to recognize equal marriage, which failed a vote in parliament in 2018, was reintroduced in the new parliament in 2022 but had not yet been debated by the end of the year.

## CHILDREN'S RIGHTS

Corporal punishment for children remained legal, contrary to calls by the UN and the Council of Europe to ban it, and the government did little to combat its use or to promote alternatives and non-violent parenting practices.

In September, the European Court of Human Rights published the details of a settlement between the Czech government and a Roma man who filed a school segregation application, having been enrolled in a special school as a child due to his ethnicity rather than his abilities. The government agreed to pay him EUR 4,000 compensation.

## IRRESPONSIBLE ARMS TRANSFERS

The Czech Republic continued to supply Saudi Arabia and the United Arab Emirates with arms, which were likely being used to commit or facilitate serious violations of international human rights and humanitarian law in Yemen.

## ENVIRONMENTAL DEGRADATION

The Czech and Polish governments agreed in February to end a long-running dispute over expansion of the Turów open-pit coal mine on the Polish side of the border, which had reached the EU Court of Justice in 2021. The court ordered Poland to halt mining because it contributed to an increase in CO<sup>2</sup> pollution, and polluted water in villages in the Czech Republic located close to the Polish border. The government deal was heavily criticized by environmental groups for lack of transparency, and local people were still fearful about lack of access to clean water.

# DEMOCRATIC REPUBLIC OF THE CONGO

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### Democratic Republic of the Congo

Head of state: **Félix-Antoine Tshisekedi Tshilombo**

Head of government: **Jean-Michel Sama Lukonde Kyenge**

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**The Democratic Republic of the Congo (DRC) continued to experience serious human rights violations, including mass killings in the context of armed conflict and inter-communal violence, a crackdown on dissent and ill-treatment of detainees. People from regions affected by armed conflict, including eastern DRC, were particularly affected amid mass displacement and a deepening humanitarian crisis. The authorities continued to show a lack of political will to hold the perpetrators of human rights**

**violations to account. The right to education was violated.**

## **BACKGROUND**

Armed conflicts continued in several parts of the DRC's territory, including in the provinces of Nord-Kivu, Sud-Kivu, Ituri, Tanganyika, Kasai-Oriental, Kasai Central, Kasai and Mai-Ndombe. The resurgence of the rebel group, March 23 Movement (M23), in Nord-Kivu province aggravated the security and humanitarian crisis in eastern DRC, while reigniting military and political tensions between the DRC and Rwanda. Tensions between the two countries sparked a new wave of anti-Rwanda and anti-UN protests.

There were new spikes of inter-communal violence in the central and western regions. Inter-communal violence between the Teke and Yaka tribal groups erupted in August in Kwamouth territory in the western province of Mai-Ndombe, amid unresolved land and customary power disputes. As of September, the violence had resulted in at least 150 deaths, hundreds of people injured, and more than 11,000 forcibly displaced. Hundreds of homes were burned down and property was looted, while violence spread to the neighbouring provinces of Kwilu and Kwango.

Uncertainty about the government's ability or willingness to implement constitutional provisions for the 2023 general elections continued to fuel political tensions, while the government's crackdown on dissenting voices intensified. Corruption and squandering of public resources persisted and remained largely unpunished, hindering the realization of President Tshisekedi's pledges to improve people's economic and social conditions, including his commitment to ensure universal access to basic education and healthcare.

## **ABUSES BY ARMED GROUPS**

Attacks on civilians in eastern DRC intensified. Military interventions by UN forces and East African Community armies such as Uganda and Burundi did not lead to a decrease in attacks against civilians by armed groups.

Armed groups unlawfully killed more than 1,800 civilians and injured thousands in the eastern provinces of Ituri, Nord-Kivu and Sud-Kivu, according to the UN.

In Ituri, the Cooperative for the Development of the Congo (CODECO), an armed group composed mainly of members of the Lendu ethnic group, intensified indiscriminate attacks on the Aluur and Hema ethnic groups. In one of their deadliest attacks, on 8 May, they killed at least 52 unarmed people including children and older people in the gold mining village of Kablangete, according to the Kivu Security Tracker. They also raped at least six women.

A preliminary UN investigation into attacks on 29-30 November found that M23 rebels killed at least 131 civilians and raped at least 22 women in the Kishishe and Bambo villages, Nord-Kivu province, in retaliation for clashes between M23 and rival armed groups.

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

An additional 600,000 people were forced to flee their homes in 2022 according to UNHCR, the UN refugee agency, bringing the number of internally displaced people nationwide to nearly 6 million, more than in any other African country, and up from 5.5 million in 2021.

Armed groups continued their targeted attacks against internally displaced people in eastern DRC, killing hundreds of people and injuring many others, while further displacing tens of thousands. In Nord-Kivu alone, fighting between the Congolese army and the M23 rebels forced more than 200,000 people to flee their homes.

Data collected by the UN showed that at least 250 internally displaced people were killed during the year as a result of deliberate attacks against their camps in the east, with 180 killed in Ituri alone. On 1 February, CODECO fighters attacked the Plaine Savo camp in Ituri, killing at least 62 civilians and injuring dozens of others, according to the UN. The camp was home to more than 24,000 people who fled violence in Djugu

territory in 2019. In June, armed men attacked the Rujagati camp in Nord-Kivu, killing seven civilians. In Sud-Kivu province, at least 10 members of the Banyamulenge community were killed between May and October during attacks against their internally displaced people camps around the towns of Minembwe and Fizi. On several occasions, the Congolese security forces and the UN Organization Stabilization Mission in the DRC – whose primary mandate is the protection of civilians – failed to prevent or stop these attacks, including when they had been warned through existing community alert mechanisms.

## **UNLAWFUL KILLINGS**

In western DRC, in response to the inter-communal violence, members of the Congolese army and police, deployed as reinforcements from the capital, Kinshasa, were accused by local human rights groups of committing serious human rights violations, including summary executions, rape, arbitrary arrests and looting of property. In December, the Bandundu military garrison tribunal sentenced three Congolese army officers to death and prison terms of between one and nine years for several crimes, including killing three civilians in the towns of Fadiaka and Bagata in November. A further 28 soldiers were awaiting trial at the end of the year, in connection with similar crimes in the region.

## **DENIAL OF HUMANITARIAN ACCESS**

More than 64% of the DRC's population lived on less than USD 2.15 a day, according to the World Bank, while 27 million people, including 3.4 million children, faced food insecurity according to the World Food Programme.

In addition to physical constraints such as the poor condition of roads, relentless attacks by armed groups and military operations made humanitarian access increasingly difficult. This was particularly the case in the eastern provinces, which host the majority of internally displaced people. In Nord-Kivu, particularly in the city of Beni, the increased

use of explosive devices posed a threat to humanitarian workers and other civilians. Suspected combatants of the Allied Democratic Forces (a Ugandan rebel group considered a terrorist entity by the Congolese and Ugandan governments) carried out multiple attacks on the Beni-Kasindi road, an important trade route between the DRC and Uganda, limiting humanitarian access. In Rutshuru territory, areas controlled by the M23 rebel group were almost completely cut off from humanitarian access, including essential healthcare services, from May onwards. Widespread checkpoints manned by armed groups, and other deliberate movement restrictions imposed by both government forces and armed groups in Ituri, Sud-Kivu and Nord-Kivu, prevented communities from accessing vital assistance such as food, water and healthcare.

## **ATTACKS AGAINST AID WORKERS**

Attacks against local and international aid workers continued, especially in the eastern provinces, resulting in at least four people being killed, several wounded, and 10 abducted during the first half of the year alone. On 7 January, the NGO, Concern Worldwide, said three of its employees were abducted by armed men wearing masks, who attacked their convoy in the town of Kahumba in Masisi territory. They were released a week later. In May, another two humanitarian workers were abducted in the same area and freed after eight days, according to OCHA.

In some areas, recurrent attacks forced several humanitarian organizations to suspend their activities or even leave entire districts permanently. In March, for example, seven humanitarian organizations suspended their activities in the Kamango health zone, leaving more than 300,000 people without humanitarian assistance in northern Nord-Kivu, according to OCHA.

## **RIGHT TO TRUTH, JUSTICE AND REPARATIONS**

No substantial progress was made towards systematically and appropriately addressing



widespread impunity for crimes under international law and other serious human rights violations committed in the DRC since the 1990s. Nevertheless, additional steps towards a “transitional justice” agenda were made, although the government continued to emphasize reconciliation and reparations as opposed to accountability. In March, it launched public consultations on transitional justice across the country, with the stated aim of collecting people’s opinions on appropriate justice mechanisms. In October, with the UN Joint Human Rights Office’s support, the government set up a commission composed of Congolese experts, with the mission of developing a “national transitional justice strategy.” In December, a bill setting out “basic principles for protection and reparation for victims of conflict-related sexual violence and victims of crimes against the peace and security of mankind”, was enacted. The bill was prepared by a commission established under the First Lady’s leadership.

In February, the International Court of Justice delivered its long-awaited judgment, determining reparations due to the DRC from Uganda as a result of the latter’s breach of international humanitarian law during its armed activities on DRC territory between 1998 and 2003. The court ordered Uganda to pay the DRC USD 325 million in five annual instalments of USD 65 million, starting on 1 September 2022. The amount awarded included USD 225 million for damage to people, USD 40 million for damage to property and USD 60 million for damage relating to natural resources. In September, the government confirmed receipt of the first instalment in line with the court’s order. It did not make public how the reparations to people would be allocated.

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

Authorities intensified their crackdown on the rights to freedom of expression, association and peaceful assembly. They continued to use the Covid-19 pandemic and the extended “state of siege” (a form of martial

law) in Ituri and Nord-Kivu as pretexts to ban or suppress public meetings and demonstrations by individuals and groups considered to be critical of the government.

Military authorities, appointed under the “state of siege”, continued to arbitrarily arrest and detain critics, and to ban and suppress demonstrations, with impunity.

Demonstrations considered favourable to the authorities were allowed to go ahead while those deemed critical were banned or violently suppressed.<sup>1</sup> Civil society and opposition activists were arbitrarily arrested and detained, often without trial, for criticizing the “state of siege” or the government, or otherwise exercising their human rights. In April, a military court in Beni city, sentenced 12 activists from the civil society movement, *Lutte pour le Changement*, to 24 months in prison for “inciting the public to disobey the laws”. The activists had been arrested in November 2021 for staging a peaceful sit-in at the city hall to protest against the extension of the “state of siege” without a proper assessment of its impact on the security situation. They were eventually released in August after the Court of Appeal of Nord-Kivu quashed the military court’s decision.

Across the DRC, the right to freedom of peaceful assembly remained the exception rather than the rule. Administrative authorities in Kinshasa, as well as the cities of Lubumbashi, Matadi, Kisangani, Kolwezi, Kananga, Tshikapa, Mbuji-Mayi, Bukavu, Kalemie, Kindu, Lisala and Gbadolite, unlawfully and systematically banned all demonstrations deemed critical of President Tshisekedi or his government.

In July, UN soldiers and Congolese police officers in the eastern cities of Goma, Butembo, Beni and Uvira responded disproportionately to violent demonstrations against the prolonged UN presence in the DRC and its failure to ensure civilian protection. At least 36 people were killed, including 29 demonstrators and bystanders and seven UN personnel, according to the government. The outcomes of investigations into these incidents promised by the

Congolese and UN authorities remained unknown and nobody was held accountable.

On 21 September, a peaceful demonstration organized by the National Union of Doctors in Kinshasa was unlawfully banned by the city's governor and subsequently suppressed by the police with brutality, resulting in several demonstrators being arrested and others injured. Although the minister for human rights denounced this particular incident, no concrete steps were taken to rescind the governor's arbitrary ban, to hold both the governor and the Kinshasa police commander to account, or to provide the victims with access to justice and effective remedies.

## INHUMANE DETENTION CONDITIONS

As a result of severely limited holding capacity and dilapidation of prisons, as well as the widespread use of arbitrary arrests and prolonged pretrial detention, the state of prisons nationwide continued to deteriorate at an alarming rate; thousands of detainees were held in inhumane conditions.

Most prisons remained overcrowded, with some, like Goma prison, holding up to 1,000% above their intended capacity. The abusive use of pretrial detention – around 75% of inmates were pretrial detainees – and the challenges faced by prosecutors and courts in dealing with the backlog of cases, made the situation worse.

Overcrowding, security and safety deficiencies, and lack of access to basic goods and services such as clean water, electricity and medicine resulted in thousands of inmates experiencing starvation, and physical and mental ill health, among other consequences. According to the UN, at least 120 inmates nationwide died of starvation or from ill-treatment.

Mass prison escapes were frequent, with four such cases recorded in 2022. In August, more than 800 inmates escaped from Butembo prison in Nord-Kivu, following an attack on the prison by suspected combatants of the Allied Democratic Forces.

## RIGHT TO EDUCATION

The government's free education scheme continued for the third year. The government said the scheme allowed thousands of children from low-income families to access primary education. Nevertheless, an increasing number of parents, teachers' unions and students denounced serious shortcomings in the scheme's implementation. They highlighted the inequality of resources which favoured urban over rural schools, inadequate school infrastructure and furniture, overcrowded classrooms, and insufficient and irregular salary payments to teachers, among other challenges. According to UNESCO, more than 2 million school-aged children remained out of school, despite some progress recorded in recent years, and the quality of education remained poor.

In areas affected by armed conflict and inter-communal violence, frequent attacks on schools continued, and many schools were used as internally displaced people's shelters. UNICEF said that more than 420 schools and 180,000 children were affected by the attacks on, or occupation of, schools due to the conflict in eastern and western DRC.

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1. *Democratic Republic of the Congo: Justice and Freedoms Under Siege in North-Kivu and Ituri, 10 May*

## DENMARK

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**Kingdom of Denmark**

Head of state: **Margrethe II**

Head of government: **Mette Frederiksen**

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**Legislation on rape, including in cases where perpetrators falsely represent themselves as someone else, was amended. Special legislation was passed to grant people displaced from Ukraine temporary protection. The authorities revoked residence permits of several Syrian and Afghan refugees and placed them in return centres. The Supreme Court absolved the Ministry of Defence of responsibility for the**

**torture of Iraqi civilians during a joint operation in Iraq in 2004.**

## **WOMEN'S RIGHTS**

There was broad political agreement on revision of Article 221 of the Penal Code, scheduled to enter into force on 1 January 2023, so that non-consensual sex by perpetrators falsely representing themselves as someone else will no longer be penalized more leniently than rape.

## **DISCRIMINATION**

In January 2020, a housing company evicted 96 families from the Nøjsomhed area in Elsinore under the much criticized Law "L38", which uses "non-Western background" as one criteria to designate areas as "ghettos". In September 2022, seven of the families evicted were granted the right to appeal to the Supreme Court. In November, 12 people similarly evicted had their case against the Ministry of the Interior and Housing referred to the EU Court of Justice to determine whether the categories of "non-Western" and their "descendants" fall under the EU law's definition of ethnicity.

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

In February, the Refugee Appeals Board started reassessing cases of rejected Afghan asylum seekers; cases had been on hold since December 2021 in view of the Taliban's seizure of power in Afghanistan. By 30 November, the Return Agency listed eight Afghan refugees as having had their residence permits revoked. Also, by the same date, 16 Syrian refugees were listed as having had their residency permits revoked, with reference to changes in the situation in their country of origin. Both groups were ordered to move to return centres. In December, the Refugee Appeals Board announced a more lenient assessment of evidence in asylum cases involving Afghan girls and women.

Special legislation was passed in March, offering two-year residence permits and basic rights for people displaced from Ukraine. The

legislation did not offer the same benefits to non-Ukrainian nationals fleeing Ukraine. The two-year residence permit was granted to 33,048 people out of the 37,162 who applied.

## **RIGHT TO PRIVACY**

In March, parliament passed legislation concerning indiscriminate telecommunications data retention, which violated both EU and international law. In April, the EU Court of Justice clarified that EU law prohibits the indiscriminate retention of data for the purposes of combating crime. The Ministry of Justice temporarily modified its data retention practices to conform with EU law.

## **RIGHT TO TRUTH, JUSTICE AND REPARATION**

In May, the Supreme Court overturned a previous decision by the Eastern High Court and ruled that Iraqi war prisoners tortured during operation Green Desert in 2004 were not entitled to compensation from the Danish Ministry of Defence.

# **DOMINICAN REPUBLIC**

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## **Dominican Republic**

Head of state and government: **Luis Rodolfo Abinader Corona**

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**Lawmakers again failed to table a revised Criminal Code that would decriminalize abortion and provide protections for LGBTI people. President Abinader committed to police reform. Reports of discrimination against Haitians and Dominicans of Haitian descent continued as construction of a wall along the Haitian border commenced.**

## **BACKGROUND**

A report by NGO Participación Ciudadana and Transparency International found that the public viewed criminality, unemployment and corruption as priority social problems.

In September, at the UN General Assembly, Dominican authorities called on the international community for more support to address the deepening human rights and humanitarian crises in Haiti. That same month, Hurricane Fiona hit the Dominican Republic, displacing hundreds of people and resulting in power cuts.

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

Congress again failed to table a revised Criminal Code that decriminalizes abortion and provides protections against torture, violence and discrimination on the grounds of sexual orientation and gender identity.

## **EXCESSIVE USE OF FORCE**

In May, the beating and subsequent death of a man in police custody reignited calls for police reform to address consistent complaints of excessive use of force by law enforcement. Police later recommended the dismissal of five officers in relation to the death, according to media reports.

In August, President Abinader stated that his government would do “whatever it takes” to reform the police and committed to specialized and ongoing capacity building of tens of thousands of police. This announcement followed over a decade of evidence collected on routine torture and other ill-treatment by police of young men, sex workers and others in marginalized communities.

## **DISCRIMINATION**

In February, construction began of a wall along the Haitian border, which Dominican authorities argued will reduce organized crime and irregular immigration. Human rights organizations indicated it will only exacerbate xenophobia and historically entrenched discrimination. It also stands to limit safe routes for Haitians seeking international protection in the Dominican Republic.

In May, some 20 civil society organizations protested against what they described as the authorities’ racist treatment of Haitian

migrants and asylum seekers and Dominicans of Haitian descent, especially during detentions and deportations.

In December, a number of civil society organizations condemned the collective expulsions of people, including children, adolescents and pregnant women, to Haiti by the Dominican Republic, amid ongoing complaints of racial profiling and discrimination against Dominicans of Haitian origin and Dominicans who are presumed to be Haitian because of their skin colour.

## **ARBITRARY DEPRIVATION OF NATIONALITY**

In September, on the ninth anniversary of a 2013 ruling by the Constitutional Court, which retroactively and arbitrarily deprived thousands of Dominicans of Haitian descent of their nationality, human rights organizations called on the Dominican authorities to address the continuing problem of stateless people.

Despite a 2014 law that aimed to provide documents for people made stateless by the 2013 ruling, tens of thousands remained without documents, limiting their access to education and healthcare.

# **ECUADOR**

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### **Republic of Ecuador**

Head of state and government: **Guillermo Alberto Santiago Lasso Mendoza**

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**Organizations reported dozens of human rights violations during mass protests in June across the country. Security forces killed a protester in Puyo. At least 146 prisoners were killed amid a crisis in the prison system. Authorities failed to provide truth, justice and reparations to Indigenous communities affected by oil spills. Abortion in cases of rape was decriminalized.**

## **BACKGROUND**

President Lasso, whose approval rating dropped below 20% during the year, announced states of emergency seven times

during the year, giving a variety of reasons for doing so, including security risks from organized criminal groups, but also alleged violence in the context of national strikes. Mass protests continued to erupt across the country during the year.

## **FREEDOM OF EXPRESSION AND ASSEMBLY**

Ecuadorian organizations reported that the response of the authorities to protests by Indigenous peoples over socio-environmental issues that began in June resulted in a wide range of human rights violations. These included arbitrary detentions, excessive use of force, criminalization and attacks on journalists and human rights defenders. At least six people died in the context of the protests.

## **INDIGENOUS PEOPLES' RIGHTS**

In January, the Constitutional Court ruled in favour of the A'i Cofán Indigenous community of Sinangoe, confirming that the state had violated the community's rights to prior consultation, to nature, to water, to a healthy environment, to culture and to territory by granting 20 mining concessions without their consent and processing 32 others that affected their territory. The Court also recognized the A'i Cofán's right to organize their own guard to protect their land and ordered comprehensive reparation measures for the community.<sup>1</sup> By the end of the year, the authorities had not complied with the ruling.

On 28 January, an oil pipe owned by OCP Ecuador, a private company, broke, spilling approximately 1 million litres of oil into the Coca River basin in the Amazon and affecting Indigenous peoples and their environment. By the end of the year, Indigenous peoples affected by this and a prior spill in April 2020 in the Amazon had still not received truth, justice and reparations.<sup>2</sup>

On 14 June, security forces arrested Leonidas Iza, President of the Confederation of Indigenous Nationalities of Ecuador (CONAIE), in Cotopaxi province. He was detained incommunicado and charged with

“paralysing a public service” before being released that night. Human rights organizations considered his detention arbitrary and that the criminal proceedings against him could constitute the criminalization of protest. The UN Special Rapporteur on the independence of judges and lawyers stated that his right to defence may also have been affected.

## **EXCESSIVE USE OF FORCE**

On 21 June, security forces repressing a demonstration in Puyo, the capital of Pastaza province, fired a tear gas grenade directly and at close range at B.G., a Kichwa Indigenous man. He later died of his injuries.<sup>3</sup>

In June, the UN Committee on the Rights of the Child expressed concern at the use of violence against children by security forces during protests. It criticized the authorization to use potentially lethal ammunition, such as pellets, in addition to the indiscriminate and disproportionate use of tear gas.

By the end of the year, the Prosecutor's Office had failed to charge or prosecute law enforcement officials for human rights violations committed during protests in October 2019 and June 2022.

In November, the Constitutional Court ruled that President Lasso's proposed Constitutional reform to allow the armed forces to engage in joint operations with the National Police to combat organized crime, on a permanent and complementary basis, should be referred to the National Assembly for approval.

## **DETAINEES' RIGHTS**

In February, President Lasso issued Decree 355 granting pardons to 3,000 prisoners to reduce overcrowding, promising that 1,400 more guards would be hired and that USD 125 million would be invested in the prison system by 2025.

On 9 May, 44 prisoners were killed and 10 others injured at the Santo Domingo de los Tsáchilas prison, amid a protracted crisis. At least 146 people were killed in Ecuador's prisons in 2022, according to the Permanent

Committee for the Defence of Human Rights.<sup>4</sup>

## WOMEN'S RIGHTS

In April, the president signed into law a bill decriminalizing abortion in cases of rape. The law includes restrictive conditions, including allowing abortion only up to the 12th week of pregnancy. In July, the Constitutional Court modified the law to no longer require the permission of legal guardians or third parties for girls and adolescents who are victims of rape and want to access abortion.

Authorities failed to guarantee access to justice and protection services for refugee women survivors of gender-based violence, in particular those from Venezuela.

In September, the body was found of lawyer María Belén Bernal. A victim of femicide, she disappeared after visiting the Police College in the capital, Quito, earlier that month.

## HUMAN RIGHTS DEFENDERS

By the end of the year, authorities still had not designed and implemented a national policy for the protection of human rights defenders at risk.

## FAILURE TO TACKLE CLIMATE CRISIS

The government had not announced a new NDC since 2019.

1. "Ecuador: Constitutional Court ruling to protect Indigenous peoples from mining projects affecting their human rights", 10 February
2. *Ecuador: Amazon at Risk: Submission to the 41st Session of the UPR Working Group*, 5 April
3. "Ecuador: Evidence confirms that security forces killed Indigenous protester in Puyo", 24 June (Spanish only)
4. "Ecuador: In light of new prison massacre, authorities must address structural causes", 10 May

# EGYPT

Arab Republic of Egypt

Head of state: **Abdel Fattah al-Sisi**

Head of government: **Moustafa Madbouly**

**Authorities severely repressed the rights to freedom of expression, association and peaceful assembly. In the lead-up to the UN Climate Change Conference (COP27) in November, authorities released 895 prisoners held for political reasons but arrested nearly triple that number, including hundreds linked to calls for protests during COP27. Thousands of actual or perceived government critics or opponents remained arbitrarily detained and/or unjustly prosecuted. No adequate investigations were carried out into at least 50 suspicious deaths in custody involving reports of denial of adequate healthcare or torture. Death sentences were handed down after grossly unfair trials and executions were carried out. Sexual and gender-based violence remained prevalent, amid the authorities' failure to adequately prevent and punish it. Authorities repressed workers' right to strike, and failed to protect them from unfair dismissal by companies. Residents of informal settlements were forcibly evicted and detained for protesting against home demolitions. Authorities prosecuted Christians demanding their right to worship and others espousing religious beliefs not sanctioned by the state. Refugees and migrants were arbitrarily detained for irregularly entering or staying in Egypt, and dozens were forcibly returned to their home country.**

## BACKGROUND

In October, Egypt reached a deal with the International Monetary Fund (IMF) on a USD 3 billion loan after it agreed to float the Egyptian pound, amid a deepening financial and economic crisis that had devastating effects on people's economic rights. Nearly a third of June's national budget was allocated to debt repayment, and the budget failed to

meet the minimum constitutionally mandated allocation of 3% and 6% of GDP to health and education, respectively.

In April, the president announced a “national dialogue” with the opposition. Egypt’s human rights record came under increased international scrutiny during COP27, which took place in Sharm El-Sheikh city in November.

Sporadic attacks by armed groups in North Sinai continued, albeit at a reduced rate compared to previous years. Tribal militias played an increasing role in military operations, successfully uprooting the Province of Sinai armed group, an affiliate of the armed group Islamic State, from several villages around Rafah and Sheikh Zuwayed. State media reported dozens of deaths and injuries by explosive devices planted by the armed group. In October, emergency measures granting the defence minister exceptional powers to impose curfews, close schools and evacuate residents in “some areas of the Sinai Peninsula” were extended by six months.

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

Authorities continued to crush all forms of peaceful dissent and stifle civic space.

Security forces arbitrarily arrested at least 11 journalists for their work or critical views. At least 26 journalists remained arbitrarily detained following convictions or pending investigations into accusations of “spreading false news”, “misusing social media” and/or “terrorism”.

At least 600 news, human rights and other websites remained blocked, according to rights groups.

Authorities arbitrarily detained at least eight human rights defenders, and subjected those at liberty to surveillance, unlawful summoning and coercive questioning.

Fifteen human rights defenders and NGO staff were still subjected to investigation, travel bans and asset freezes in relation to the decade-long criminal investigation into the legitimate work of civil society organizations known as Case 173. In April,

the government required all NGOs to register under the draconian 2019 NGO law by April 2023 or face closure.

Political opponents were also targeted through arbitrary detention, unfair prosecution and other harassment. In May, an emergency court sentenced former presidential candidate and founder of Masr al-Qawia party Abdelmoniem Aboufotouh, and its deputy head Mohamed al-Kassas, to 15 years and 10 years in prison, respectively, for disseminating “false news”, “membership of a terrorist group” and other bogus charges.

Authorities added 620 people, including detained journalists and opposition politicians, to their “list of terrorists” without due process, effectively banning them from engaging in civic or political work or travelling abroad for five years.

In the lead-up to COP27, security forces arrested hundreds of people in connection with protests planned during the conference. Among them was Abdelsalam Abdelghany, arrested in September at his home in the capital, Cairo, after he supported calls for protests during COP27 on social media. He remained detained pending investigations on charges of “spreading false news” and “joining a terrorist group”.

During COP27, security forces subjected participants to interrogations, surveillance and other forms of harassment, and denied entry to Egypt during COP27 to Italian national Giorgio Caracciolo of the anti-torture group DIGNITY.

On 6 November, British-Egyptian activist Alaa Abdel Fattah, who had been on hunger strike in protest at his arbitrary detention and denial of consular visits since April, also stopped drinking water. On 11 November, he was fed intravenously after he lost consciousness. He remained arbitrarily detained and in poor health at the end of the year.

## **ARBITRARY DETENTION AND UNFAIR TRIALS**

After the president announced the reactivation of the Presidential Pardons Committee (PPC) in April, authorities ordered

the release of 895 people held for political reasons and dozens of others for failure to pay debts.<sup>1</sup> Security forces refused to release at least 33 of them, unlawfully summoned others for questioning and threatened to re-arrest them for speaking out. Activist Sherif al-Rouby was released in May and re-arrested in September after he publicly complained about hardships facing former prisoners. Security forces arbitrarily banned from travelling human rights lawyer Mahinour el-Masry, researcher Ahmed Samir Santawy and others released in 2022.

From the reactivation of the PPC in April to the end of the year, 2,562 suspected critics or opponents of the government were arrested and interrogated by the Supreme State Security Prosecution, while thousands remained detained arbitrarily for exercising their human rights. Lawyer Youssef Mansour remained arbitrarily detained since his arrest in March for criticizing abuses against a client.

Prosecutors and judges routinely renewed the pretrial detention of thousands of people held on unfounded terrorism or security-related charges. A new online system for detention-renewal hearings in Badr 3 prison violated detainees' right to adequate defence and to challenge the legality of their detention.

Defendants' rights to a fair trial were routinely flouted, with security forces preventing private meetings with lawyers. Convictions and trials of government opponents and human rights defenders by inherently unfair emergency courts continued despite the lifting of the state of emergency in October 2021.

## **ENFORCED DISAPPEARANCES, TORTURE AND OTHER ILL-TREATMENT**

Prosecutors routinely failed to order investigations into complaints of enforced disappearances, torture and other ill-treatment.

Security forces subjected hundreds of detainees to enforced disappearance, some for months. National Security Agency (NSA) officers arrested Abdel Rahman al-Saeed on

23 March at his home after he posted a video on social media criticizing the rising cost of living. He remained forcibly disappeared until 19 April.

Torture remained rampant in prisons, police stations and NSA-run facilities. After videos depicting police abuse at Al-Salam First police station in Cairo were leaked in January, authorities convicted and sentenced 21 men, a woman and a boy to between five years and life in prison and added them to the "list of terrorists". Authorities did not open impartial and effective investigations into the police abuse.

In the second half of the year, authorities moved hundreds of prisoners held for political reasons from the Tora prison complex south of Cairo to the new Wadi al-Natrun prison complex north of Cairo and Badr prison complex, north-east of Cairo. There and elsewhere conditions were cruel and inhuman, with prisoners reporting overcrowding, poor ventilation, lack of hygiene, and inadequate food, drinking water, fresh air and exercise. Authorities denied prisoners access to adequate healthcare and imposed undue restrictions or barred contact with the outside world, in some cases deliberately to punish dissent. Authorities imposed on all detainees in Badr 3 prison a blanket ban on family and lawyer visits and written correspondence.

## **DEATH PENALTY**

The courts, including terrorism-circuits of criminal courts and emergency courts, handed down death sentences after unfair mass trials.

In June, a terrorism-circuit of the Cairo Criminal Court sentenced 10 men to death for "terrorism" and murder after a grossly unfair trial. Many had been forcibly disappeared and tortured, denied access to their lawyers, and held in cruel and inhuman conditions amounting to torture.<sup>2</sup>

While the rate of executions dropped from previous years, the execution of individuals convicted after grossly unfair trials continued.



## **EXTRAJUDICIAL EXECUTIONS AND UNLAWFUL KILLINGS**

Four videos, which appeared online between July and August, depicted the apparent extrajudicial execution of three unarmed men in custody by the military and affiliated tribal militias in North Sinai. In one video, a visibly injured young man, possibly under the age of 18, can be seen being questioned before being shot dead by an individual in military fatigues and boots.

Prosecutors failed to carry out independent and effective investigations into the causes and circumstances of at least 50 deaths in custody following reports about denial of adequate healthcare or about torture.

The Public Prosecution closed investigations into the suspicious death in custody of the economist Ayman Hadhoud on 18 April, ignoring evidence that the authorities forcibly disappeared him on 5 February and then subjected him to torture and other ill-treatment, and denied him access to timely and adequate healthcare.<sup>3</sup>

In July, an Italian court halted the prosecution of Egyptian security officers for the torture and murder of Italian student Giulio Regeni in 2016 amid the refusal of Egyptian authorities to cooperate and disclose the suspects' locations.

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

Authorities failed to adequately prevent and redress widespread sexual and gender-based violence by state and non-state actors.

Between June and October, four young women were killed by men whose advances they rejected. Police did not act on complaints of harassment lodged by Nayera Ashraf against another student at the University of Mansoura two months before he stabbed her to death.

Authorities prosecuted activists speaking out against sexual violence. In January, the Court of Cassation upheld the conviction against activist Amal Fathy for criticizing the authorities' failure to protect women from sexual harassment, and sentenced her to one year's imprisonment.

In August, an economic court convicted journalist Rasha Azab of "insult" and "defamation" and fined her EGP 10,000 (USD 522) for expressing solidarity online with survivors of sexual violence who published anonymous testimonies accusing film director Islam Azazi of sexual assaults.<sup>4</sup>

Authorities prosecuted women social media influencers for their conduct on social media. At least seven women remained imprisoned on morality-related or other bogus charges.

Authorities continued to target individuals based on their real or perceived sexual orientation or gender identity. In April, security forces arrested four men and two transgender women at a mall in Cairo and briefly detained them solely on the grounds of their gender identity and their actual or perceived sexual orientation. They reported being verbally and physically abused. One of the transgender women said she was sexually harassed and forced to strip naked and remove her hijab.

## **WORKERS' RIGHTS**

Authorities arrested workers and trade unionists for staging peaceful strikes and protests or seeking justice, and failed to protect private sector workers from unfair dismissal and other reprisals for seeking better working conditions.

In February, security forces used police dogs and tear gas to disperse a peaceful sit-in by thousands of workers at the Universal Group for Home Appliances, a private company, and briefly detained three workers. The Ministry of Manpower failed to address the unfair dismissals of at least 65 workers in May for their involvement in the strike.

Trade unionist Shady Mohamed was detained in October pending investigations on the charge of "joining a terrorist group". Prior to his arrest, he had filed a lawsuit against his former employer challenging his unfair dismissal.

In February, the upper house of parliament approved a draft labour law that facilitates unfair dismissals without adequate compensation.

Authorities failed to act against private companies that did not comply with the minimum monthly wage after it came into force in July.

## RIGHT TO HOUSING

The authorities continued to carry out forced evictions in informal settlements and arbitrarily arrested dozens of people for protesting against demolition of their homes.

In August, security forces used unlawful force against residents of Warraq Island protesting against plans to evict them and transform the island into a commercial centre. Security forces used tear gas, beat protesters with batons, and briefly detained dozens. Subsequently, security forces harassed residents at checkpoints and suspended hospital and other services, in what residents saw as attempts to drive them out.

## FAILURE TO TACKLE CLIMATE CRISIS AND ENVIRONMENTAL DEGRADATION

In June, Egypt issued an updated NDC, with targets to cut emissions by 33%, 65% and 7% in the electricity, oil and gas, and transport sectors, respectively, from business-as-usual projections by 2030. Experts pointed to concerns over the lack of transparency in the NDC, failure to include an overall emissions target and clear baselines, and the conditioning of modest targets on international financial support. Experts deemed the pledges to be highly insufficient to keep the rise of global temperatures below 1.5°C.

Also in June, Egypt authorized Rosatom, the Russian state-owned nuclear energy corporation, to build a nuclear plant in Dabaa town, Matrouh governorate. Egypt's National Climate Change Strategy cited nuclear energy as an alternative source to fossil fuels despite its harmful environmental impact and its high financial cost relative to natural gas plants, wind farms or photovoltaic solar plants of the same capacity, according to analysis by the Egyptian Initiative for Personal Rights (EIPR), a human rights NGO.

## FREEDOM OF RELIGION AND BELIEF

Authorities continued to discriminate against Christians in law and practice, and prosecuted Christians demanding their right to worship.

The right to build or repair churches remained restricted by a 2016 law requiring approval from security agencies and other state bodies. According to the EIPR, only 45% of applicants had been granted preliminary approval to build or repair churches since the enactment of the law.

In January, security forces arbitrarily arrested nine residents of Ezbet Farag Allah village in el-Minya governorate and detained them for three months pending investigation over accusations of “participating in a gathering” and “committing a terrorist act” for peacefully protesting against the authorities’ refusal to rebuild the only church in their village.<sup>5</sup> The nine were released without trial.

Members of religious minorities, atheists and others not espousing state-sanctioned religious beliefs were prosecuted and imprisoned on “defamation of religion” and other bogus charges. On 10 February, the Court of Cassation upheld the three-year prison sentence against blogger Anas Hassan who was arrested in 2019 for running the “Egyptian Atheists” Facebook page.

## REFUGEES’ AND MIGRANTS’ RIGHTS

Authorities continued to arbitrarily arrest and detain refugees and migrants for irregularly entering or staying in Egypt.

In March, authorities forcibly returned 31 Eritrean nationals to Eritrea, including women and children, following prolonged arbitrary detention in harsh conditions without allowing them to challenge their detention or access asylum procedures.<sup>6</sup>

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1. “Egypt: Exclude security agencies from reviewing releases of jailed critics”, 31 May
  2. “Egypt: Quash death sentences in torture-tainted grossly unfair mass trial”, 28 June
  3. “Egypt: Investigate the suspicious death in custody of economist Ayman Hadhoud following his enforced disappearance”, 14 April

4. "Egypt: End prosecution of rights defender for speaking out against sexual violence", 12 March
5. "Egypt: Release nine Coptic Christians detained for attempting to rebuild church", 30 March
6. "Egypt: Eritreans at imminent risk of deportation", 25 March

# EL SALVADOR

## Republic of El Salvador

Head of state and government: **Nayib Armando Bukele Ortez**

**Authorities declared a state of emergency resulting in massive human rights violations, weakening of the rule of law, as well as a continuous and serious deterioration in access to public information. Attacks against human rights defenders and journalists remained entrenched. Authorities failed to pass a law guaranteeing the rights of victims of crimes under international law committed during the armed conflict (1980-1992). The absolute prohibition of abortion remained in force.**

## BACKGROUND

In March, following a proposal by President Bukele, the Legislative Assembly decreed and then extended a state of emergency for nine months, which remained in effect at the end of the year, and amended numerous laws, in response to a spike in homicides allegedly committed by gangs.

In September, the president announced his intention to seek re-election, despite criticisms from experts and organizations that the constitution prohibits consecutive re-election.

## ARBITRARY DETENTIONS AND UNFAIR TRIALS

Most of the more than 60,000 arrests made during the state of emergency were allegedly arbitrary because they did not comply with legal requirements, namely that an arrest warrant must be issued or the person caught red-handed committing a crime. Some of the arrests were based solely on individuals

having tattoos or a prior criminal record or the fact that they were living in an area controlled by a gang.<sup>1</sup>

Thousands of people were indiscriminately prosecuted, most of whom were denied contact with their legal representatives, access to the case file, information on the reasons for their detention or the right to be heard at the indictment hearing. According to local organizations and lawyers, hearings, which were rushed, sometimes dealt with hundreds of defendants at a time.

At the end of the year, President Bukele announced the imposition of a military siege on some areas and cities as a complementary measure to the state of emergency. In December alone, the military and police encircled three of the most populous and poorest cities, arresting hundreds of people on suspicion of being gang members. The Legislative Assembly approved criminal and procedural amendments contrary to international law. These included holding hearings and issuing sentences without the accused being present and withholding the identity of the judges, as well as abolishing maximum periods of pretrial detention.

According to local organizations, as of August, 89% of the habeas corpus writs filed in defence of people detained during the state of emergency had not been resolved.

Both the minister of security and the chairman of the ruling party announced their intention to extend the state of emergency throughout 2023.

## RIGHT TO LIFE AND SECURITY OF THE PERSON

During the state of emergency, El Salvador had the highest rate of people deprived of liberty of any country in the world, with 1,927 people imprisoned per 100,000 inhabitants. By the end of the year, there were more than 94,000 people detained in the country, despite the fact that the holding capacity of the country's prisons, as of February 2021, was 30,864, according to official data obtained by local organizations.

Extreme overcrowding resulted in violations of the right to life and physical integrity and caused serious sanitation problems and shortages of food and basic hygiene supplies, seriously affecting the health of detainees.

Cases were documented where prisoners were ill-treated by prison guards, as well as cases of torture by gang members, including beatings, lynchings and constant threats, which prison officials did not attempt to prevent.

At least 90 men were reported to have died in state custody as of November. Civil society organizations reported that numerous death certificates documented signs of torture. In a large number of cases, organizations reported that the authorities did not officially inform the families of the deaths. There was no publicly available evidence that these events were being diligently investigated.

## **FREEDOM OF EXPRESSION**

At the beginning of 2022, the organizations Access Now, CitizenLab and Amnesty International confirmed that the mobile phones of several journalists and members of civil society organizations had been infected with Pegasus spyware. At the end of the year, there was no information that this was being diligently investigated.

In February, the Legislative Assembly approved amendments to the criminal law allowing the use of “digital undercover agents”, which would permit police to implement “necessary” digital undercover operations. The Association of Journalists of El Salvador (APES) warned that vagueness and inconsistencies in the law risked leading to the legalization of abusive surveillance.

In April, the Penal Code was modified to provide for prison sentences of between 10 and 15 years for those who generate “anxiety” or “panic” by reporting on gangs, in an attempt to silence the press. APES registered 125 attacks against journalists and reported that 11 had fled the country during 2022 in a context of threats on social media and public accusations by government figures.

National organizations highlighted the deterioration of access to public information and transparency.

## **HUMAN RIGHTS DEFENDERS**

During the state of emergency, the president adopted a confrontational public discourse that stigmatized and attacked human rights defenders, international organizations and the independent media.

In the first half of 2022, 61 attacks were recorded against human rights defenders, according to the human rights organization Mesa por el Derecho a Defender Derechos.

## **SEXUAL AND REPRODUCTIVE RIGHTS**

A total ban on abortion remained in force. At least two women remained imprisoned and six faced legal proceedings on charges relating to obstetric emergencies. In July, a young woman was sentenced to 50 years in prison for an obstetric emergency, the first time the maximum prison term had been applied.

## **RIGHT TO TRUTH, JUSTICE AND REPARATION**

The authorities continued to fail to adopt adequate legislation to fully guarantee the rights of victims of crimes under international law committed during the armed conflict (1980-1992).

There was little progress in investigating and bringing to justice those suspected of criminal responsibility for the crimes committed during the armed conflict.

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1. [“El Salvador: President Bukele engulfs the country in a human rights crisis after three years in government”, 2 June](#)

# EQUATORIAL GUINEA

## Republic of Equatorial Guinea

Head of state and government: **Teodoro Obiang Nguema Mbasogo**

**The authorities conducted arbitrary arrests and detentions, torture and other ill-treatment and enforced disappearances, including in the context of the presidential election and the so-called “Cleaning Operation” against criminal gangs. Impunity for sexual violence continued. Pregnant girls remained banned from attending school. Undocumented migrants were deported amid a lack of due process. LGBTI people continued to face multiple forms of discrimination. The death penalty was abolished in the Penal Code but remained in the Code of Military Justice.**

## BACKGROUND

Staff of the International Monetary Fund visited Equatorial Guinea in May and warned of the urgent need to mitigate the impact of rising food and fuel prices on people living in poverty.

In September the ruling party nominated President Teodoro Obiang Nguema Mbasogo, in power for 43 years, to be its candidate for the November presidential elections. He was re-elected with 94.9% of the vote.

## ARBITRARY ARRESTS AND DETENTIONS

In May, in response to an alleged increase in crime, Vice-President Nguema Obiang Mangue launched a national so-called “Cleaning Operation” to counter gang crime. During a single week in May, more than 400 young males were arrested by security forces. Three months after the start of the operation, thousands more had reportedly been arrested across the country. Judges granted parole to some of those arrested due to a lack of evidence. In many cases, individuals were ill-treated by the security forces during their arrest and detention; at least four died in

prison. The whereabouts of many others remained unknown, and their families often had little or no news.<sup>1</sup>

Former minister of justice Ruben Maye Nsue Mangue was arrested on 7 August after criticizing the president on social networks. Civil society organizations had no news of his whereabouts for many days. He remained in detention at Mongomo prison at the end of the year.

On 29 September, police arrested the leader of the opposition party Citizens for Innovation, Gabriel Nse Obiang Obono, and more than 150 of his supporters who were gathered at the party’s headquarters in Malabo.

According to the authorities, four activists died from tear gas inhalation during the arrests, while Citizens for Innovation issued a list of nine fatalities. A police officer also reportedly died. On 6 October, 119 of the supporters were released without charge. Citizens for Innovation had been dissolved by the authorities in 2018. Gabriel Nse Obiang Obono had previously refused to respond to a judicial summons. A few days before the arrests, he threatened that there might be demonstrations if he was not allowed to run in the presidential elections. He was still detained at the end of the year.

## WOMEN’S AND GIRLS’ RIGHTS

On 28 July, a 16-year-old girl was raped by an alleged member of the army forces deployed on Annobón Island. A complaint was filed but no information was available on any follow-up. Some inhabitants of the island reported to the authorities that other cases of sexual violence by members of the defence and security forces had been committed previously with impunity. There were no investigations into these allegations and some of the accused were simply transferred elsewhere in the country.

Pregnant girls continued to be banned from attending school following an order issued by the Ministry of Education in 2016. However, in its 2022 intermediate UPR report, the government mentioned the adoption of measures to reintegrate pregnant girls into the education system after they give birth.

## REFUGEES' AND MIGRANTS' RIGHTS

Between January and March, dozens of irregular migrants were deported to their home countries without due process and without access to a lawyer prior to deportation orders being carried out.

According to local organizations, more than 500 people – mainly nationals of Cameroon, Nigeria, Senegal, Côte d'Ivoire, Central African Republic, Chad and Mali – had been arrested during a government campaign against irregular migrants accompanied by immigration raids that took place between 30 October 2021 and early December 2021 in major cities. Other people detained in the context of this campaign were released weeks after their arrest but did not receive any explanation for their detention and were never charged. Others, including Abdoulay Ndom and Mouamed Kalouare from Mali, Toba Mammed from Guinea, and Lamin Sisoko from Côte d'Ivoire, were detained for almost six months before being released in May 2022. Along with the vast majority of detained individuals, they did not receive any legal assistance, nor were they given access to appropriate legal procedures and due process relating to their detention.<sup>2</sup>

Following criticism from migrants' countries of origin, the government extended the period for undocumented migrants to regularize their status until the end of August. It then resumed its campaign against irregular migrants.

## LGBTI PEOPLES' RIGHTS

LGBTI people continued to face multiple forms of discrimination in aspects of their lives including work, education and leisure. In its intermediate UPR report, the authorities reported that draft legislation regulating sex work and the rights of LGBTI people was still being prepared. The draft legislation reportedly included prevention of “exhibitionism” and homosexual “propaganda” and a provision to safeguard the “moral integrity of the social majority”, implicitly perpetuating discrimination, stigma and violence against LGBTI people.

## DEATH PENALTY

On 19 September the president promulgated the new penal code which abolished the death penalty. However, death penalty provisions remained in the Code of Military Justice.

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1. “Equatorial Guinea: ‘Cleaning Operation’ tramples on human rights, not crime”, 18 August
  2. “Equatorial Guinea: Illegally detained irregular migrants must be released”, 29 April

## ERITREA

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### State of Eritrea

Head of state and government: **Isaias Afwerki**

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**The authorities continued to subject journalists, political dissidents, leaders and members of religious congregations to arbitrary detention, in some cases amounting to enforced disappearance. Conscripts to mandatory national service were forced to serve for indefinite periods. Allegations of sexual violence by military commanders against conscripts in the Sawa training camp persisted. Eritrea did not provide information about its Covid-19 vaccination programme.**

## BACKGROUND

Despite being a member of the UN Human Rights Council, Eritrea persistently failed to engage with international human rights mechanisms. It did not respond to requests for country visits from the UN Special Rapporteur on the situation of human rights in Eritrea, a mandate established in 2012, or legislate for the protection of human rights in line with the human rights treaties it had ratified.

Eritrean forces deployed in northern Ethiopia, mainly in Western Tigray Zone, since 2020, were complicit in the ethnic cleansing campaign against Tigrayan residents, carrying out extrajudicial executions, arbitrary detentions, rapes and other forms of sexual violence, and forced displacement (see Ethiopia entry).

## ENFORCED DISAPPEARANCES

The authorities continued to subject journalists, political dissidents, leaders and members of religious congregations to arbitrary detention amounting to enforced disappearance. The fate and whereabouts of 11 members of the G-15 remained unknown since their arrest by security forces in September 2001. The G-15 are a group of 15 veteran politicians who oppose President Afwerki. The 11 members were arrested after writing an open letter to the president demanding that he implement the draft constitution and hold open elections. The whereabouts and fate of a Swedish journalist, Dawit Isaak, and another 16 individuals who were assumed to have worked with the G-15 also remained unknown.

Ciham Ali and Berhane Abrehe disappeared after being arrested in 2012 and 2018, respectively. Ciham Ali, an Eritrean/US national, was arrested when she was 15 at the Sudan border in 2012 as she tried to flee Eritrea after her father Ali Abdu, then a minister of information, had defected and gone into exile. Berhane Abrehe, a former minister of finance, was arrested in September 2018, a few days after publishing a book called *My Country Eritrea* which criticized the government. Shortly before the book's publication, he had challenged the president to a televised debate.

## ARBITRARY ARRESTS AND DETENTIONS

Thousands of people were arbitrarily detained. Abune Antonios, the Patriarch of the Eritrean Orthodox Church, died in February aged 94. He had been held under unlawful house arrest since 2006, after the authorities removed him from his position in the church for openly criticizing government policies. He was never charged with or convicted of a recognizable criminal offence. A day after his funeral on 10 February, the authorities arrested 11 people who had attended his funeral; they were released without charge after four days.

In October, security forces arrested three high-ranking Catholic clergymen. On 11 October, two priests – Abba Mihretab

Stefanos, from Saint Michael's Church parish in Segeneity, a southern town, and Abba Abreham, from the western town of Teseney – were arrested. On 15 October, Bishop Abune Fikremariam Hagos, also from Segeneity, was arrested at Asmara International Airport after arriving from Europe. According to multiple sources, they were detained without charge in Adi-Abieto prison. Bishop Fikremariam and Abba Mihretab were released from detention on 28 December.

## FORCED LABOUR

The government continued to conscript high-school students to the mandatory national military service programme. Conscripts served indefinite periods of service beyond the legal limit of 18 months.

Government forces conducted multiple raids known in Tigrinya as *giffa* in which they rounded up youths from the streets for military service. Government officials allegedly forced parents to bring children who had evaded conscription to register for national service. In July, they transported thousands of high-school students, many of them under 18, to attend their final year at Warsai-Yikealo school in Sawa Military Training Centre. After sitting their school-leaving exams, students continued to be forced into military training at the Sawa training centre. Students accused of minor infractions at Warsai-Yikealo school and conscripts at the training centre were commonly subjected to physical punishments amounting to torture and other ill-treatment. Allegations of sexual violence by military commanders at the centre were also common. The authorities did not allow for conscientious objection to military service.

## RIGHT TO HEALTH

Eritrea remained the only country in Africa, and one of the few countries in the world, not to report on its administration of the Covid-19 vaccine. It did not access vaccines through COVAX, a global risk-sharing mechanism for pooled procurement and equitable distribution of Covid-19 vaccines.

# ESTONIA

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## Republic of Estonia

Head of state: **Alar Karis**

Head of government: **Kaja Kallas**

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**The lack of comprehensive anti-discrimination legislation persisted. The definition of rape was still not based on consent. Parliament adopted amendments to the State Borders Act which violate the European Convention on Human Rights and the UN Refugee Convention. Same-sex couples faced discrimination under the Names Act.**

## DISCRIMINATION

In May, the CERD Committee raised concerns about Estonia's continued lack of comprehensive anti-discrimination legislation. The committee recommended adopting a national plan to end statelessness and address the persistently high number of people with undetermined citizenship. It also recommended that Estonia end its "punitive approach" to the promotion of the official language, in particular regarding access to employment.

## WOMEN'S AND GIRLS' RIGHTS

In its first evaluation report based on a visit in February, the Group of Experts monitoring the implementation of the Council of Europe Convention on preventing and combating violence against women and domestic violence (GREVIO) welcomed the efforts taken towards implementing the Convention but noted that measures did not yet address all forms of violence against women in a holistic and comprehensive manner, as well as the lack of a consent-based definition of rape in the criminal code.

## REFUGEES' AND MIGRANTS' RIGHTS

In July, the government fast-tracked amendments to the State Borders Act to allow border guards to summarily and forcibly return migrants and asylum seekers without an individual decision and to refuse

applications for international protection if the claim is not made at a designated border crossing. Both UNHCR, the UN refugee agency, and the Council of Europe Commissioner for Human Rights had raised concerns previously and urged the Estonian parliament to refrain from such provisions, which violate the European Convention on Human Rights and the UN Refugee Convention. They reminded the parliament that protection against forced returns is a non-derogable right and thus should not be denied because a country faces an emergency situation or because people arrive in an irregular manner.

## LGBTI PEOPLE'S RIGHTS

Despite several Supreme Court rulings that the fundamental right to the family also extends to same-sex couples who live in a registered partnership, it was still not possible to have a common surname under the Names Act without being married, effectively preventing same-sex couples from sharing a surname.

# ESWATINI

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## Kingdom of Eswatini

Head of state: **Mswati III**

Head of government: **Cleopas Dlamini**

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**Fundamental freedoms were suppressed. Political activists were arrested, subjected to torture and other ill-treatment and their homes were raided by security forces. Peaceful protests were violently dispersed, and the government denied human rights concerns raised by UN Special Rapporteurs. Hundreds remained at risk of forced eviction. LGBTI people faced discrimination, harassment and exclusion. Women's rights organizations continued to raise concerns about gender-based violence.**

## TORTURE AND OTHER ILL-TREATMENT

Security forces continued to intimidate and harass dissenters. On 31 January, Colani Maseko, president of the Swaziland National



Union of Students, was abducted by plain-clothes Criminal Investigation Department officers under the guise of “questioning”. He was released on bail on 4 February after being charged with sedition and damage to property.<sup>1</sup> In May, he was again abducted outside the University of Eswatini by soldiers who beat him and then took him to Matsapha police station from where he was later taken to hospital. Another student union leader, Sakhile Nxumalo, was abducted by police officers on 1 February, assaulted, including by being electrocuted, and released the same day without charge.

Police targeted Tibusiso Mdluli and Nontsetselelo Nkumbule of the People’s United Democratic Movement (PUDEMO) for wearing their party regalia during a protest in Mbabane city on 23 March. They were put in a police vehicle, stripped, insulted and brutally beaten by over 40 police officers, mostly men, and dumped in Mvutshini township.

In August, the king publicly praised the police and encouraged officers to take an “eye for an eye”.

## **FREEDOM OF EXPRESSION AND ASSEMBLY**

The authorities continued to use the 1938 Sedition and Subversive Activities Act and the 2008 Suppression of Terrorism Act (STA) to silence critics.

In June, Zweli Martin Dlamini, editor of Swaziland News, one of the country’s few independent online newspapers, was declared a terrorist under the STA.

In July, three UN Special Rapporteurs and other UN representatives raised concerns about the “severe restrictions of fundamental freedoms” in relation to the repression of mass protests, among other violations. The government denied responsibility for the violations.

On 1 September, the government banned South African national Sicelo Mngomezulu from entering the country following his remarks about the Annual Reed Dance (a cultural event). However, the ban may have arisen from his being a member of MPs

Mduduzi Bacede Mabuza and Mthandeni Dube’s legal team. The MPs were detained in 2021 on trumped-up charges under the STA, and for contravening Covid-19 regulations. They were brutally assaulted by correctional services officers in the early hours of 22 September and denied medical care for over 24 hours until their lawyer filed an application at the court.

On 20 September, the home of PUDEMO’s president, Mlungisi Makhaya, was bombed, reportedly by state agents. He and his family were out and no one was injured.

## **FORCED EVICTIONS**

In April, a landowner enforced an eviction order against more than eight homesteads in KaMbhoke village in the Shiselweni region. The homes of over 30 people were destroyed, while violent protests by youths in the community prevented some demolitions. No alternative housing was provided.

In July, a landowner notified the Gege community in Mbondzela farm, of his court application to have them evicted from the land which they farm. Meanwhile, the residents were told to stop farming the land, putting them at risk of food insecurity. The move affected about 45 homesteads.

The Farm Dwellers Control Amendment Bill, which aims to regulate relations between farm dwellers and farm owners, remained pending at the senate.

## **LGBTI PEOPLE’S RIGHTS**

LGBTI people continued to face discrimination, harassment and exclusion. In April, the High Court upheld the Registrar of Companies’ refusal to register the Eswatini Sexual and Gender Minorities advocacy group as an organization. In September, a mob harassed a gay couple in Mbabane, mocking them for “pretending to be women”.

## **GENDER-BASED VIOLENCE**

Gender-based violence was widespread. On 11 February, a woman was killed in Nhlngano by her former partner who stabbed her approximately 40 times. The perpetrator later died in hospital after being

attacked by a mob. Women's rights organizations intensified calls for the declaration of a national emergency, signing up to the Eswatini Gender Based Violence Charter to end such crimes. Described as a "people's initiative", the charter was championed by the American Bar Association in partnership with civil society groups and the government.

1. "Eswatini: Student activist arbitrarily detained, facing malicious charges must be released immediately", 1 February

## ETHIOPIA

**Federal Democratic Republic of Ethiopia**

Head of state: **Sahle-Work Zewde**

Head of government: **Abiy Ahmed Ali**

**The federal government continued to impose restrictions on humanitarian aid to Tigray and halted all deliveries in August until November. Thousands of Tigrayan detainees were held arbitrarily in dire conditions, often in unofficial places of detention without access to lawyers. Opposition leaders were held in violation of court orders for their release. Government security forces and armed groups were responsible for the unlawful killings of civilians, which in some cases may have amounted to war crimes. Promises to investigate these crimes remained unfulfilled. Multiple incidents of conflict-related rape and other sexual violence were committed by Tigrayan forces in the Afar region. The right to freedom of expression was significantly eroded.**

### BACKGROUND

The conflict in Tigray spread to other regions of the country, primarily Amhara and Afar. Armed conflict and violence in the Somali, Southern, Gambela, Oromia, Amhara and Benishangul-Gumuz regions killed thousands of civilians and displaced communities. Conflict and climate change-related drought in Afar, Amhara, Oromia, Somali and other

regions left millions in need of humanitarian assistance.

### DENIAL OF HUMANITARIAN ACCESS

Since the start of the conflict in November 2020, the government had imposed restrictions on humanitarian aid to Tigray. In March 2022, it declared a humanitarian truce that allowed the number of aid convoys to the region to increase significantly but delivery was stopped completely in August until November, following the resumption of fighting. The government's closure of banking and communications services in Tigray compounded the humanitarian crisis. In November, however, the cessation of hostilities (Pretoria) agreement was signed and deliveries, phone communication and passenger flights to Tigray partially resumed. According to the UN International Commission of Human Rights Experts on Ethiopia, the government used starvation as a method of warfare.

### ARBITRARY ARRESTS AND DETENTIONS

The government's mass detentions, targeting ethnic Tigrayans in many parts of the country including Western Tigray, Afar, Addis Ababa and Amhara, could have amounted to war crimes. Thousands of detainees were held in official and unofficial places of detention without judicial oversight of their detention and without access to lawyers. Detention conditions in Western Tigray were particularly dire because the authorities did not provide food and water for the detainees. Local communities provided some food and water, but it was insufficient.

In January, security forces forcibly transferred thousands of Tigrayan residents from Afar to a detention camp near Semera city, where they remained for months. The forced transfer of civilians, when not justified for their protection, and their subsequent arbitrary detention may amount to a war crime. Tens of thousands of the Tigrayan residents of Addis Ababa and other cities, who had been detained since the state of emergency was declared in November 2021,

were released without charge after it was lifted in February.

The government continued to unlawfully detain Oromo Liberation Front (OLF) senior leaders Michael Boran, Kenesa Ayana, Geda Aoljira, Dawit Abdeta, Lemi Benya, Geda Gebisa and Abdi Regassa. They had been in detention since 2020, despite multiple court orders for their release. Following an order by the Federal Supreme Court in May, the police released Colonel Gemechu Ayana, another senior OLF official, who had been detained for nearly two years on terrorism charges. Dawud Ibsa, the OLF chair, was released from house arrest in March after the National Election Board of Ethiopia demanded his release. He had been under house arrest since May 2021.

In March and April, police arrested at least 30 members and leaders of the Balderas for True Democracy, an opposition political party, while they were celebrating public holidays in Addis Ababa. They were released without charge days later. In June, Sintayehu Chekol, a senior leader of Balderas, was arrested in Bahir Dar. The court ordered his release on bail, but the police moved him to Addis Ababa, where he was kept in detention and repeatedly moved to different police stations until his release in November.

## **UNLAWFUL ATTACKS AND KILLINGS**

Security forces and armed groups carried out multiple unlawful killings, targeting civilians in the Oromia, Benishangul-Gumuz, Amhara, Tigray and Gambela regions, many of which may have amounted to war crimes. In March, the Ethiopian Government Communications Service promised to conduct investigations and prosecute those responsible for the killings, but by the end of the year there was no public information on the progress of those investigations or prosecutions.

In March, a video was circulated on social media showing security forces burning three people alive. In June, a video of a mass killing in Oromo Special Zone in Amhara region was widely circulated. It showed Amhara militias shooting and killing dozens

of people after forcing them from the back of a truck.

Also in June, at least 400 Amhara civilians, mainly women and children, were summarily killed during a five-hour attack in the Tole locality of West Wellega Zone, allegedly by Oromo Liberation Army (OLA) forces. Security forces near the area and local authorities failed to intervene to stop the attack. In July, similar attacks on Amhara residents in Qelem Wellega Zone, allegedly by OLA forces who targeted hundreds of ethnic Amhara residents, were also reported.

In August and September, Amhara Fano militias and OLA forces killed hundreds of ethnic Amhara and Oromo civilians in an attack in the Horo Guduru Wellega Zone of Oromia. On 30 and 31 August, Amhara Fano forces attacked Agamsa, a town in Horo Guduru, killing at least 60 Oromo civilians. In September, hundreds of Oromo and Amhara civilians of three districts in Horo Guduru were killed, allegedly in retaliatory attacks, again by Amhara Fano militias and OLA forces.

In January, in Abala, a town in Afar region which borders Tigray, hundreds of civilians were killed by Tigrayan forces and Afar police and militias. During the fight for control of Abala, Afar forces killed Tigrayan civilians in the town and the Tigrayan forces shelled it with artillery, indiscriminately killing dozens more, which amounted to war crimes.

Multiple air strikes in Tigray killed hundreds of civilians. According to the UN, air strikes in January, allegedly carried out by government forces, killed more than 100 civilians in Dedebit. Following the resumption of hostilities between the federal army and the Tigrayan forces in August, air strikes on Mekelle and Adi Daero in August and September killed hundreds of civilians, including children. One air strike on a kindergarten in Mekelle on 26 August killed at least nine civilians, including children.

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

Multiple incidents of conflict-related rape and other sexual violence were carried out by Tigrayan forces in Afar region. Four survivors

reported that they were raped and abused by members of the Tigrayan forces. One survivor said she was raped with her teenage daughter, who became pregnant as a result. Survivors faced health and psycho-social complications as a result of their ordeals, including abandonment by their husbands and social stigma. Many survivors felt unable to report their experiences due to the potential risks to their livelihoods and families.

## FREEDOM OF EXPRESSION

The right to freedom of expression was significantly eroded, with authorities arresting at least 29 journalists and media workers in Tigray, Addis Ababa, Amhara and Oromia. The Tigrayan authorities charged five journalists with “collaboration with the enemy”; elsewhere, detained journalists and media workers were rarely formally charged. When detained journalists were granted bail, the police delayed their release by appealing against bail decisions.

In May, the police arrested Temesgen Dessalegn, editor of Feteḥ magazine, and subsequently charged him with disclosing military secrets and spreading false rumours. He was released on bail of ETB 30,000 (about USD 560) in November. Journalists including Gobeze Sisay, Meskerem Abera and Yayesew Shimelis were arrested by security forces in May; Yayesew Shimelis was re-arrested on 28 June, a week after his release. They were held for days without access to family or lawyers, before being released. In May, the authorities also expelled Tom Gardner, a journalist working for The Economist newspaper based in Addis Ababa, after he experienced online harassment by government supporters for his reporting on Ethiopia. Meskerem Abera remained in detention after being re-arrested in December by the federal police on allegations including incitement to violence and defamation of the national defence forces.

On 30 December, police arrested musician Tewodros Assefa and held him for a day for lyrics that criticized corruption by local authorities in Addis Ababa.

In September, Alemu Sime, a senior government official, called a meeting of civil society organizations and gave 35 of them an official warning for publicly calling for a ceasefire and peace talks to end the conflicts ahead of the Ethiopian New Year. Days before, security forces had prohibited a media conference organized by civil society organizations and individuals to publicize their joint call for peace.

## FII

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### Republic of Fiji

Head of state: **Wiliame Maivalili Katonivere**

Head of government: **Sitiveni Ligamamada Rabuka**  
(replaced Frank Bainimarama in December)

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**Repressive laws and defamation suits were used to silence government critics. A new electoral law discriminated against married women. Members of the security forces were held accountable for past incidents of ill-treatment, but police use of unnecessary or excessive force against suspects continued to be reported.**

## BACKGROUND

Fiji's elections, held on 14 December, resulted in the first change of government since the 2006 coup, with former Prime Minister Rabuka gaining support of the majority of seats in parliament. In one of his first acts as head of government, he officially reversed the politically motivated travel bans against the Vice Chancellor and President of the University of the South Pacific (Pal Ahluwalia) and a Fijian academic (Padma Lal).

Heads of governments at the Fiji-hosted Pacific Islands Leaders Forum Meeting in July agreed to seek an Advisory Opinion from the International Court of Justice on the obligations of states under international law to protect the rights of present and future generations against the adverse impacts of climate change.

## FREEDOM OF EXPRESSION

Freedom of expression remained restricted under the Public Order Act (as amended in 2012) and the Media Industry Development Act (2010), while defamation suits and other politically motivated proceedings were used against political opponents and other government critics.

In November, lawyer Richard Naidu was convicted of contempt of court for highlighting on social media a spelling mistake in a court judgment. He planned to appeal against the conviction, which Amnesty International and other legal and non-governmental organizations have called on the authorities to drop.<sup>1</sup>

In August, lawyer and politician Aman Ravindra Singh was sentenced in his absence to 10 months in prison for contempt of court in relation to non-payment of a fine in a defamation case filed against him in 2018 by the then-Prime Minister and Attorney General for posting messages on Facebook that were critical of them.

Concerns were raised about restrictions on media coverage of a visit to Fiji in February by China's foreign minister.

## GENDER-BASED VIOLENCE AND DISCRIMINATION

A study published in May by the University of the South Pacific found 80% of women journalists in Fiji experienced sexual harassment in the workplace.

The High Court did not rule on a legal challenge to a new electoral law which discriminated against women prior to the closure of voter registration for the December parliamentary elections. There were concerns that the law, which required women who wished to vote under their married name to apply for their name to be changed on their birth certificate, created obstacles to women's participation in the political process.

## TORTURE AND OTHER ILL-TREATMENT

In May, a police officer was suspended from duty after video footage emerged of him violently assaulting a bus driver during an arrest in the town of Labasa.

In August, two military and three police officers were sentenced to four years' imprisonment each for sexually assaulting an escaped prisoner, Iowane Benedito, in 2012. In the case of two of the officers, who were already serving prison sentences for the rape in 2014 of Vilikesa Soko (who died as a result of his injuries) and another man, Senijeli Boila, the new sentence was given as concurrent, meaning that their expected time in prison remained unchanged.

## CORPORATE ACCOUNTABILITY

In April, the Suva High Court fined a property development company linked in media reports to China FJD 1 million (approximately USD 433,000) for destroying mangroves and a coral reef during a tourism development project on Malolo Island.

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1. "Fiji: contempt proceedings over highlighting spelling mistake inject climate of fear", 9 August

# FINLAND

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### Republic of Finland

Head of state: **Sauli Niinistö**

Head of government: **Sanna Marin**

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**Protests blocking streets were regularly dispersed. Climate action was insufficient. A new law on sexual violence was enacted and reform of the law on legal gender recognition was presented to parliament. Legislation allowing the hindrance of the right to seek asylum was adopted. A bill protecting the rights of the Sámi people was introduced.**

## FREEDOM OF ASSEMBLY

Police regularly dispersed demonstrations blocking streets and disrupting traffic, failing to recognize that these acts of civil disobedience should not be dispersed purely because they caused disruption. There was a lack of training and guidance about policing protests. In August, Stockholm police detained and deported six Finnish climate activists on their way to join a peaceful

climate action, allegedly based on vague information from the Finnish police.<sup>1</sup>

## FAILURE TO TACKLE CLIMATE CRISIS

In July, Finland amended the Climate Change Act, setting a target to achieve carbon neutrality by 2035. Concerns were raised about the adequacy of planned measures and resources for their implementation.<sup>2</sup>

## VIOLENCE AGAINST WOMEN AND GIRLS

In June, new legislation amended the definition of rape to align with human rights standards, based on lack of consent assessed in the surrounding circumstances. In certain cases, when there is abuse of a position of authority, the crime continues to be defined as sexual abuse not rape.

New sexual assault support centres were established, bringing the total to 21.<sup>3</sup>

## LGBTI PEOPLE'S RIGHTS

In September, the government introduced a bill to make legal gender recognition available to adults upon written application. While the new law would abolish the requirements of forced infertility and psychiatric diagnosis, it would introduce a mandatory period of reflection for applicants and would not include a gender recognition system for minors.

## REFUGEES' AND MIGRANTS' RIGHTS

In July, amendments to the Border Guard Act enabled the reception of asylum applications to be centralized at a separately designated crossing point, meaning that the eastern border with Russia could be closed to asylum seekers. The amendments included the possibility of building barriers in the border zone and the government started building a fence along parts of the eastern border. This could impede asylum seekers' access to territory to apply for international protection and result in forced returns in violation of the principle of non-refoulement. In June, the government presented a bill introducing border procedures that included holding asylum seekers in supervised facilities at the border, from which they would not be allowed

to leave. This would severely limit their freedom of movement, amounting to de facto detention.

During the year, over 45,000 temporary protection permits were granted to people fleeing conflict in Ukraine. Protection was granted to all Ukrainians irrespective of their time of arrival.

## INDIGENOUS PEOPLE'S RIGHTS

In November, the government introduced a bill to reform the Act on the Sámi Parliament to enhance the protection of the rights of Sámi people.

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1. "Open letter to the Stockholm Police by Amnesty International Finnish and Swedish sections", 31 August (Finnish and Swedish only)
  2. *Finland: Time to Address Remaining Gaps in Human Rights Protection: Amnesty International Submission for the 41st Session of the UPR Working Group, 7-18 November 2022*, 31 March
  3. *Finland: Submission to the UN Committee on the Elimination of Discrimination against Women: 83rd session, 10-28 October 2022*, 27 September

# FRANCE

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## French Republic

Head of state: **Emmanuel Macron**

Head of government: **Élisabeth Borne (replaced Jean Castex in May)**

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**Racial and religious discrimination persisted, especially targeting Muslim individuals and associations. Excessive use of force by police continued without accountability. The law on "republican values" restricted freedom of association. The European Court of Human Rights found that France violated the rights of Chechen refugees and destitute asylum seekers. France failed to comply with air quality standards. A former Liberian rebel commander was sentenced for wartime atrocities in Liberia. A criminal complaint was filed against three French arms companies for possible complicity in war crimes and crimes against humanity committed in Yemen. Severe overcrowding**

**in prisons resulted in inhumane and degrading detention conditions.**

## **DISCRIMINATION**

### **MUSLIM WOMEN'S RIGHTS**

A collective of women footballers, Les Hijabeuses, was unlawfully prevented from holding a protest during a parliamentary debate on a proposal to ban the wearing of religious clothing in competitive sport. Tabled as an amendment to the Democratizing Sports bill, the proposal would have reinforced an existing discriminatory ban preventing Muslim women from participating in competitive football if they chose to wear a headscarf. An administrative tribunal overruled the protest ban, albeit after the protest itself had been abandoned. Although the amendment was not adopted, parliamentary debates on the subject were marred by discriminatory rhetoric.<sup>1</sup>

At year's end, France's highest administrative court, the Council of State (Conseil d'État), was yet to rule on a complaint brought by Les Hijabeuses in November 2021 against the French Football Federation's discriminatory policy prohibiting women who wear headscarves from participating in competitive football matches.

In June, the Council of State upheld a lower court ruling banning the use of full-body swimwear – so-called “burkinis” – in public swimming pools in Grenoble. The court concluded that Grenoble's proposed authorization of use of the “burkini” would “undermine equal treatment” for other users of public services. It cited the 2021 law on “republican values”, which critics had feared would lead to human rights violations and, particularly, discrimination against Muslim individuals and associations.

### **ANTISEMITISM**

In June, a mural was painted in Avignon using overtly antisemitic imagery, symbolism and tropes to depict a political adviser controlling President Macron. Calls for its removal were refused by local authorities on the ground of freedom of expression. It was eventually defaced by members of the public.

## **RACIAL DISCRIMINATION**

In December, the CERD Committee urged France to redouble its efforts to effectively prevent and combat racist hate speech due to “persistent and widespread racist and discriminatory discourse... by political leaders against certain ethnic minorities, in particular Roma, Travellers, Africans, people of African descent, people of Arab origin and non-citizens”. The committee was also concerned about law enforcement's persistent use of racial profiling.

A class action lawsuit filed in 2021 by a coalition of organizations with the Council of State, arguing that the government had failed to take measures to prevent racial profiling and that systemic racial discrimination by police was ongoing, was pending at the end of the year.

## **IMPUNITY**

The public prosecutor decided to close the case of a young man who lost his hand during a police operation at a party near Redon when kinetic impact projectiles as well as stun and tear gas grenades were used inappropriately and in a dangerous manner, at night with low visibility. The prosecutor claimed the use of force was necessary and proportionate, in direct contradiction to the findings of a 2021 report by Amnesty International.

There was no progress towards securing justice, truth and reparation for the death of Algerian national Zineb Redouane, who died after she was struck in the face by a tear gas canister fired by police during a protest outside her apartment in December 2018. Despite media reports in 2021 that the inspectorate for the National Police had recommended an administrative sanction against the police officer who fired the canister, the director of the national police refused to apply any sanction and the case appeared to be stalled with the investigating judge.

## FREEDOM OF ASSOCIATION AND EXPRESSION

Civil society organizations faced restrictions, including through the 2021 law on “republican values”, and its subsequent Implementing Decree in force since 1 January. Ahead of its introduction, NGOs had warned that the law allowed for disproportionate restrictions of the rights to freedom of association and expression. Several organizations were also threatened with administrative dissolution based on other laws.

In May, the Council of State suspended the dissolution of an anti-fascist organization and two pro-Palestinian organizations, holding that they did not incite “discrimination, hatred or violence, or behaviour likely to provoke acts of terrorism”.

The dissolution of independent media outlet Nantes Révoltée was announced by the minister of the interior in January but no proceedings were initiated. In September, the prefect of the Vienne department urged public authorities in the Poitiers area to withdraw their funding to a festival organized by Alternatiba, a grassroots movement fighting against climate change and social inequalities, because the programme included civil disobedience workshops, which would allegedly breach the “contract of republican commitment”.

## REFUGEES’ AND MIGRANTS’ RIGHTS

In August, the European Court of Human Rights (ECtHR) ruled in two decisions, *R v. France* and *W v. France*, that the government violated the prohibition of torture and inhuman or degrading treatment (Article 3) by inadequately assessing the human rights risks in its deportations to Russia of Chechens whose refugee status in France had been revoked. In December, the ECtHR ruled in *M.K. and Others v. France*, that the government had violated the right of access to a court (Article 6) for destitute asylum seekers, by failing to enforce orders to provide emergency accommodation issued by the urgent applications judge of the Administrative Court.

Border police continued to summarily return people to Italy, including unaccompanied minors, without due process or examination of their individual circumstances. Law enforcement carried out racial profiling against people boarding or inside trains or crossing the border by foot or car. People crossing the border at night were detained outside of any legal framework before being handed over to the Italian police in the morning. Dozens of people died while attempting increasingly dangerous crossings.

Thousands of people continued to attempt to cross the English Channel in small boats due to a lack of safe and legal pathways to the UK.<sup>2</sup>

According to UNHCR, the UN refugee agency, 118,994 refugees had arrived in France from Ukraine up to the end of October.

## CRUEL, INHUMAN OR DEGRADING TREATMENT

On 24 February, the UN Committee on the Rights of the Child condemned France’s failure to repatriate French children enduring life-threatening conditions in Syrian detention camps for Islamic State (ISIS) suspects and their families, violating their rights to life and freedom from inhuman and degrading treatment.

In July, France repatriated 35 children, seven of whom were unaccompanied minors, and 16 mothers who were detained in camps in north-east Syria. In September, the ECtHR condemned France in its *H.F. and Others v. France* decision for refusing to repatriate two women citizens held in the camps whose partners were suspected ISIS fighters.

France continued to operate a case-by-case approach to repatriation while dozens of other nationals, including children, women and men, remained held in dangerous, overcrowded conditions.

## FAILURE TO TACKLE CLIMATE CRISIS

In September, the Council of State reaffirmed the right to live in a healthy environment as a fundamental right.

In October, the Council of State fined the government EUR 20 million for two six-month



periods from July 2021 to July 2022 in which it failed to meet its legal commitment to comply with European standards on air quality. The fines were made payable to environmental campaign groups. By the end of the year, the state had failed to take adequate air quality improvement measures to ensure that pollution targets were met “in the shortest time possible”.

Also in October, the cities of Paris, New York and Poitiers as well as Amnesty International France, joined an ongoing lawsuit brought by a civil society coalition against TotalEnergies in 2017. The grounds for the lawsuit were the company’s failure to meet the objectives of the Paris Agreement and to exercise meaningful due diligence with regard to the climate crisis – as required by the French Duty of Vigilance law.

## RIGHT TO TRUTH, JUSTICE AND REPARATION

In November, the Paris Criminal Court delivered a historic judgment convicting a former Liberian rebel commander, Kunti Kamara, for war crimes committed in Liberia between 1989 and 1996, including complicity in crimes against humanity and as a direct perpetrator of torture and “barbaric acts”.

Concerns remained regarding the interpretation of universal jurisdiction in French law. The interpretation, one of the most restrictive in the world, continued to render the exercise of universal jurisdiction effectively void for most crimes under international law.

## IRRESPONSIBLE ARMS TRANSFERS

In June, a coalition of NGOs filed a criminal complaint to the Paris judicial court against French arms companies Dassault Aviation, Thales Group and MBDA France, citing their possible complicity in war crimes and crimes against humanity as a result of transfers of arms to Saudi Arabia and the United Arab Emirates for use in Yemen. The government, and parliament, made no progress towards reaching an agreement to establish a

parliamentary oversight mechanism on arms transfers.

## INHUMANE DETENTION CONDITIONS

In June, the French section of the International Prison Observatory and Amnesty International called for a national action plan to urgently address overcrowding and inhumane conditions in French prisons, as highlighted by an ECtHR judgment in 2020.

1. *France: Prefecture of Police Tries to Suppress Women Footballers’ Protest against Lawmakers’ Latest Attempt to Undermine Muslim Women in Sport*, 10 February
2. *France: Rights under pressure: Amnesty International Submission to the 43rd Session of the UPR Working Group, 1 May 2023, 26 October*

# GAMBIA

Republic of the Gambia

Head of state and government: **Adama Barrow**

**The government agreed to implement most of the recommendations of the Truth, Reconciliation and Reparations Commission, including the prosecution of former president Yahya Jammeh for human right violations during his presidency. Freedom of expression for critics of the government was under threat. The police used excessive force on protesters. Women continued to be under-represented in politics as well as in the media. Prisons remained overcrowded and people were kept in pretrial detention for long periods of time. At least five people were sentenced to death.**

## BACKGROUND

Adama Barrow started his second term as president in January. Legislative elections were held in April.

## RIGHT TO TRUTH, JUSTICE AND REPARATION

In January, three former Junglers (members of a paramilitary death squad under Yahya Jammeh’s presidency), including the former

state guard commander, were arrested upon arriving in the country from Equatorial Guinea. As no charges were pressed against them, the High Court ordered their release a month later. In March, the Truth, Reconciliation and Reparations Commission (TRRC), whose aim is to create an impartial record of human rights violations and abuses committed during the 22-year rule of former president Yahya Jammeh, recommended an amnesty for former Armed Forces Provisional Ruling Council vice-chairman Sanna Sabally, who admitted responsibility for the extrajudicial killings of soldiers. Victims-led organizations condemned the procedure by which the amnesties were recommended – without their input – and asked the government to ignore the TRRC’s recommendation for Sanna Sabally’s amnesty.

In May, the government published a white paper and accepted 263 out of the TRRC’s 265 recommendations, including suspension of current officials who were accused of human rights violations in the TRRC report, and the prosecution of former president Yahya Jammeh. The government rejected the TRRC’s recommendation for an amnesty for Sanna Sabally. In June, the attorney general and minister of justice disclosed that the government did not have enough budget to start implementing the TRRC’s recommendations in 2022.

In November, the minister of justice stated that the government had started discussions with ECOWAS to set up a hybrid court in order to prosecute crimes committed under Yahya Jammeh’s rule.

## **FREEDOM OF EXPRESSION**

During his annual meeting with the Banjul Muslim Elders in May, the president verbally attacked activist Madi Jobarteh after he had called for the removal of a minister due to alleged mismanagement of public lands. The president called him a “troublemaker” and accused him of wanting to burn the country. He also criticized the media for giving him a platform and warned that it would not be tolerated.

## **EXCESSIVE USE OF FORCE**

On 10 March, clashes between supporters of the opposition United Democratic Party (UDP) and the Police Intervention Unit occurred in Brikama after the electoral body rejected the nomination of a UDP candidate for the Busumbala constituency. Shortly after the clashes a video of police officers kicking and beating an unarmed UDP supporter with batons started circulating online. The video was verified by Amnesty International. Both the Gambia Centre for Victims of Human Rights Violations and the National Human Rights Commission (NHRC) condemned the excessive use of force by the police, and the NHRC urged the Inspector General of Police to ensure the implementation of the African Commission on Human and Peoples’ Rights Guidelines for the Policing of Assemblies by Law Enforcement Officials in Africa.

## **DISCRIMINATION**

### **WOMEN’S RIGHTS**

In March, the EU Election Observer Mission noted in its report that women’s participation in politics was very low: women comprised only five out of 58 members in the National Assembly and only four out of 23 ministers. A month before, a bill aimed at reserving seats at the National Assembly for women and people with disabilities was debated in the national assembly, but failed to pass.

In March, the president of the Gambia Press Union (GPU) expressed concerns over pervasive sexual harassment and discrimination against women in the media, with most influential positions on editorial boards and newsrooms held by men. He called for media houses to adopt the GPU policy on sexual harassment and appoint more women to influential positions.

In October, the NHRC chairman asked the CEDAW Committee to recommend that Gambia criminalize marital rape. The Sexual Offences Act does not specify marital rape as an offence.

### **DETAINEES’ RIGHTS**

Several media houses reported that the TRRC report characterized the State Central

Prison (Mile II) living conditions as degrading and unfit for humans. During a briefing at the UN Peacebuilding Commission in October, the minister of justice stated that prisons in the country were “grossly overcrowded”, with 25 inmates kept in cells intended for five in Mile II.

In September, after a fact-finding mission in the detention facility, the National Assembly Human Rights Committee stated that they would lobby the Chief Justice to look into the case of an inmate whose trial lasted 10 years. The minister of justice announced an investigation into the case and stated that his office was currently compiling a list of all those in pretrial detention, with the aim of reducing the time they would have to spend awaiting trial.

## DEATH PENALTY

In July, the former director of the National Intelligence Agency under the presidency of Yahya Jammeh and four others were sentenced to death by the High Court in Banjul for the murder of the UDP’s youth leader.

# GEORGIA

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## Georgia

Head of state: **Salome Zurbashvili**

Head of government: **Irakli Garibashvili**

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**Freedom of expression was further restricted. Selective justice and politically motivated prosecution of government opponents persisted. New laws increased the government’s surveillance powers and further eroded independence of the judiciary and official watchdogs. Women and girls continued to suffer discrimination and high levels of violence. Failure to effectively investigate torture and other ill-treatment remained a concern in government-controlled and breakaway territories.**

## BACKGROUND

Georgia continued to experience a protracted political crisis. Amidst such concerns, in June the European Commission deferred granting Georgia EU candidate member status, making it conditional on addressing 12 priority areas including democratic governance, judicial reform and respect for human rights.

The soaring remittances from Russia and the influx of more than 100,000 people from Russia following its full-scale invasion of Ukraine aided economic growth but apparently contributed to an increased cost of living and economic inequality. Dire labour market opportunities for youth drove high levels of emigration.

In March the European Committee of Social Rights expressed concern over Georgia’s insufficient measures to overcome environmental pollution and ensure access to safe drinking water, as well as the failure to guarantee social security to all workers and their dependents.

## FREEDOM OF EXPRESSION

Increasingly aggressive rhetoric from the authorities and defamation suits against critical journalists had a chilling effect on freedom of expression, as did the failure to effectively investigate crimes against journalists. In May the NGO Reporters Without Borders downgraded Georgia in its World Press Freedom Index, in part due to interference by public officials undermining freedom of expression and increasing threats against journalistic work, trends which continued throughout the year.

On 4 April, Tbilisi City Court sentenced six people to five years’ imprisonment each for the violent attacks against journalists at the Tbilisi Pride march in July 2021, which resulted in the death of camera operator Lekso Lashkarava. The alleged organizers of the violent mob, however, were not prosecuted.

In July a former senior security services official published a letter from pretrial detention alleging that the kidnapping and rendition of Azerbaijani journalist Afgan

Mukhtarli from Georgia to Azerbaijan in 2017 was carried out by Georgian security officials. Afgan Mukhtarli told Georgian-critical TV Pirveli in October that he recognized a senior Georgian security official from photos as one of his kidnappers. His kidnapping was not effectively investigated and no charges had been brought by year's end.

## **RIGHT TO PRIVACY**

On 6 September parliament overrode a presidential veto and adopted controversial amendments giving law enforcement authorities increased powers to conduct covert surveillance. The new law extended the scope and duration of covert investigative activities and permitted an individual to be surveilled indefinitely without their knowledge.

Covert surveillance continued to be used against members of the opposition, critical media and NGOs. In July, pro-government media published a secretly obtained audio recording of employees of the critical Mtavari TV channel, discussing editorial matters. In September other leaked material, including audio and photos detailing information about their private lives, showed journalists, opposition party members and activists being allegedly spied on by the security services. An investigation into a potential “unauthorized recording and eavesdropping on a private communication” was opened by the newly created Special Investigation Service but no results were made public by the end of the year.

## **UNFAIR TRIALS**

Growing government influence over the judiciary, the use of selective justice and the politically motivated prosecution of political opponents and critical media remained ongoing concerns.

In January Mamuka Khazaradze and Badri Japaridze, leaders of the Lelo opposition party, together with Avtandil Tsereteli, founder of TV Pirveli, were each sentenced to seven years' imprisonment on politically motivated fraud charges, but were allowed to walk free as the statute of limitations had passed at the

time of the ruling. Badri Japaridze was stripped of his parliamentary mandate as a result of his conviction.

The trial of Georgia's former president Mikheil Saakashvili continued as his health deteriorated. Despite medical reports pointing to possible “heavy metal poisoning” and a “significant increased risk of mortality”, by the end of the year a court in Tbilisi had not deferred serving his prison sentence on medical grounds. In March, the European Court of Human Rights admitted for review complaints over violations of the former president's fair trial rights. In May Nika Gvaramia, director of Mtavari TV, was sentenced to 42 months' imprisonment on unfounded charges of abuse of authority. The Court of Appeals upheld the sentence in November.<sup>1</sup>

In June the Council of Europe's Venice Commission noted that the speed and scope of 2021 amendments to the law on Common Courts may create a “chilling effect on judges' freedom of expression and internal judicial independence” with a perceived aim to “control and silence” them. In April, five judges challenged the new law at the Constitutional Court over violations of the constitutional protection of freedom of expression.

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

On 12 January the State Inspector's Service tasked with investigating human rights violations by the police was abolished and replaced with two new agencies. The moves were criticized by civil society as leading to less effective and less independent agencies, negatively impacting on the state's ability to effectively investigate human rights violations by police, including allegations of torture and other ill-treatment and deaths in custody, or to ensure justice for these crimes.

## **RIGHTS OF WOMEN AND GIRLS**

Between January and September, 14 cases of murder and 23 cases of attempted murder of women were reported in the media, prompting concerns that femicide and other forms of gender-based violence continued to

be on the rise. Measures to reduce infant and maternal mortality remained insufficient. Economic inequalities also remained alarming: in March the World Bank estimated that 50% of women were kept out of the labour force due to domestic tasks compared to only 5% of men, while women continued to earn roughly 16% less than men.

## **ABKHAZIA AND SOUTH OSSETIA/ TSKHINVALI REGION**

The human rights records of Georgia's two breakaway regions continued to deteriorate in several areas, including the right to freedom of expression. Impunity for past abuses persisted.

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

Gennady Kulayev, a resident of South Ossetia/Tskhinvali Region, died on 31 August from injuries sustained as a result of beating and other ill-treatment in detention in 2020. His case, and that of Inal Dzhabiev who died in custody in 2020 as a result of torture, remained without effective investigation.

The death of Anri Ateiba in custody in Abkhazia in 2021 also remained without effective investigation. Irakli Bebuva, imprisoned for burning the Abkhaz flag in 2020, was reportedly denied access to adequate care for his chronic illnesses.

1. "Georgia: Sentencing of pro-opposition media owner Nika Gvaramia a political motivated silencing of dissenting voice", 17 May

# **GERMANY**

## **Federal Republic of Germany**

Head of state: **Frank-Walter Steinmeier**

Head of government: **Olaf Scholz**

**Inadequate investigations into allegations of racial profiling violated the right to non-discrimination. Justice, truth and reparation for discriminatory abuses by police continued to be hampered by the lack of an independent complaints mechanism. A court ruling held that permanent protest camps were protected by the right to freedom of assembly. Some protests were**

**disproportionately restricted. The government launched a humanitarian admission programme for vulnerable Afghans and their families. A court ruling found the German Telecommunications Act incompatible with the right to privacy. Section 219a of the Criminal Code on "advertising abortion" was repealed. Germany supported the establishment of an international financial facility for climate-related loss and damage.**

## **DISCRIMINATION**

In May, the Federal Ministry of the Interior reported significant increases in hate crimes related to antisemitism (28.8%), sexual orientation (50.5%), gender (66.7%) and disability (81.5%) compared with the previous year, although xenophobic hate crimes remained the most common in absolute terms.

An action plan against right-wing extremism presented by the minister of the interior in March did not recognize or address institutional and systemic racism. In May, the National Discrimination and Racism Monitor found that racism was part of everyday life in Germany.

In August, a 16-year-old Senegalese refugee was killed by several shots from a machine gun in a disproportionate police operation. Criminal investigations against five police officers were ongoing at the end of the year.

In October, the European Court of Human Rights ruled that Germany's inadequate investigations into allegations of racial profiling had violated the right to non-discrimination (*Basu v. Germany*). The lack of an independent complaints mechanism at federal and state levels continued to hamper investigations into allegations of ill-treatment by police. Police at federal level as well as in six federal states were still not required to wear identification badges, despite a coalition agreement to introduce this for federal police.

### **LGBTI PEOPLE**

In June, the Ministries of Family Affairs and Justice presented plans for a Self-Determination Act, which would enable transgender, non-binary and intersex people

to obtain legal recognition of their gender and change their name by making a simple declaration at a registry office. The new law would replace the 1980 Transsexuals Act, which obliged transgender people to undergo discriminatory psychological assessments and a court procedure to obtain legal gender recognition.

## **FREEDOM OF ASSEMBLY**

A new law in the federal state of North Rhine-Westphalia, in force since January, disproportionately restricted the right to freedom of peaceful assembly by extending state control and intervention powers. Changes made to the law following strong criticism were insufficient to address critical provisions, including criminal penalties for protest organizers who failed to submit prior notification.

In May, the Federal Administrative Court confirmed in a landmark ruling that protest camps, including necessary infrastructure, were comprehensively protected under Article 8 of the Constitution on the right to freedom of assembly.

Often denounced as a “danger to public security” by the authorities, some protests were disproportionately restricted. In June, only 50 protesters were allowed on the site of the G7 summit hosted by Germany.

## **RIGHT TO TRUTH, JUSTICE AND REPARATION**

In January, under the principle of universal jurisdiction, the Koblenz Higher Regional Court convicted the main defendant in the first criminal trial to address crimes under international law by officials of the Syrian General Intelligence Directorate. The former intelligence officer was sentenced to life imprisonment for crimes against humanity. A second trial for crimes against humanity and torture against a Syrian doctor at the Frankfurt Higher Regional Court was pending at the end of the year.

## **REFUGEES’ AND MIGRANTS’ RIGHTS**

More than 27,000 of 40,000 people deemed at particular risk due to their employment or

other factors following the 2021 Taliban seizure of power in Afghanistan had arrived in Germany by the end of the year. In October, the government launched a humanitarian admission programme aiming to approve admission for 1,000 such at-risk people and their family members per month. People at risk who had already left Afghanistan for neighbouring countries were excluded from the programme. The government outsourced to NGOs the time-consuming task of proposing and registering individual cases and commissioned an automated algorithm system to score and select people for admission, prompting concerns over fairness and transparency.

Some 1,021,700 Ukrainian refugees received temporary protection in Germany under the provisions of the EU Temporary Protection Directive.

In December, the ministers of the interior of the federal states agreed to temporarily halt deportations to Iran, except for individuals convicted of crimes or considered so-called “potential attackers”.

## **RIGHT TO PRIVACY**

In April, the Federal Constitutional Court found multiple provisions of the Bavarian Constitution Protection Act to be unconstitutional. The court held that government surveillance powers, such as the screening of devices and blanket data retention, were neither sufficiently specific nor proportionate and violated German constitutional rights to information, self-determination, the privacy of telecommunications and the inviolability of the home.

In September, the European Court of Justice ruled that the German Telecommunications Act, which required general and indiscriminate retention of customers’ traffic and location data by internet service providers, was incompatible with EU law, including the right to privacy. The German Ministry of Justice announced that it would reform the law.

## CORPORATE ACCOUNTABILITY

In May, the Federal Ministry for Economic Affairs and Climate Action denied investment guarantees for Volkswagen's business in China due to human rights concerns.

## IRRESPONSIBLE ARMS TRANSFERS

In October, the Federal Ministry for Economic Affairs and Climate Action announced key elements of a future arms export control law. The proposal envisaged binding criteria for the approval of arms exports, including a human rights assessment with a focus on women, girls and marginalized groups in the recipient state.

## SEXUAL AND REPRODUCTIVE RIGHTS

In July, Section 219a of the Criminal Code, which had resulted in doctors being criminalized for "advertising abortion", was repealed, allowing doctors to provide detailed information on options for terminating a pregnancy without fear of criminal prosecution. Judgments issued under the Section 219a provision were to be repealed.

However, Section 218 – regulating abortion within the criminal law – remained in place and no commission began work to fully decriminalize abortion, contrary to such plans set out in the coalition agreement.

## FAILURE TO TACKLE CLIMATE CRISIS

The German Environment Agency predicted that Germany would fail to meet its self-imposed targets to reduce emissions from their 1990 levels by at least 65% by 2030 and 88% by 2040. The government accelerated domestic climate action, in particular the expansion of renewable energy, but approved investments in liquid natural gas import infrastructure as well as a temporary tax reduction on petrol and diesel.

Germany maintained its contribution to climate finance but failed to deliver on its pledge to increase funding to EUR 6 billion. Germany supported the establishment of an international financial fund to support countries incurring climate-related loss and damage at COP27. Germany also launched

the Global Shield against Climate Risks and committed additional funding in this area.

# GHANA

## Republic of Ghana

Head of state and government: **Nana Addo Dankwa Akufo-Addo**

**There were several violations of the right to freedom of expression and police use of excessive force. Forced evictions continued. Two bills to abolish the death penalty were introduced to parliament. A bill further criminalizing LGBTI people remained pending. Women continued to experience discrimination. Child labour was reported.**

## FREEDOM OF EXPRESSION

The 2022 Reporters Without Borders World Press Freedom Index noted a regression in freedom of expression in Ghana.

In February, radio host Oheneba Boamah Bennie was sentenced to two weeks in prison and fined GHS 3,000 (USD 243) for contempt of court after he published a video alleging that President Akufo-Addo conspired with judges to influence the 2020 presidential elections.

In August the Kumasi Traditional Council in the Ashanti Region ordered the suspension of radio station Oyerepa FM after it broadcast an interview with an opposition party leader who accused the traditional authority of ignoring illegal mining activities in the region and said he would organize a protest. Three days later, the station was allowed to resume operations after its management apologized.

## EXCESSIVE USE OF FORCE

Various incidents were reported of police officers using excessive force.

On 3 February a group of plain-clothes security officers assaulted a radio presenter, reportedly damaging his eardrum, when he refused to surrender his phone. The presenter had filmed the officers escorting handcuffed suspects in Takoradi.

On 17 May protesters attacked a police station during a violent protest in Nkoranza, Bono East Region. The police fired shots, killing a bystander. At least five protesters sustained injuries including gunshot wounds.

On 13 June the media reported that police used tear gas and fired warning shots into the air to disperse a student protest in the Ashanti Region. At least 25 students were treated for respiratory issues and other injuries. The government denied that any live shots were fired at the students. An investigation was opened and three police officers were disciplined as a result.

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

In February, social activist Oliver Barker-Vormawor was charged with treason after he threatened to stage a coup if parliament passed the electronic levy bill. He alleged that, during his arrest and two-month detention, he was beaten for more than three hours by security officials, occasionally held in solitary confinement and that the police threatened to subject him to enforced disappearance. His case was still pending at the end of the year.

In March, investigative journalist Michael Aidoo was reportedly assaulted and tortured by soldiers of the Afari Military Hospital for filming an office belonging to the ruling party on the hospital grounds. They allegedly hit him repeatedly and forced him to do push-ups, including with a block of cement around his waist.

In December, Human Rights Watch reported that chaining of people with actual or perceived mental health conditions in traditional healing or faith-based facilities persisted, despite such practices being banned. The organization visited five facilities and observed more than 60 people being held in chains or cages, including children.

## **FORCED EVICTIONS**

Incidents of forced evictions continued.

In June the Greater Accra Regional Security Council, directed by the regional minister, demolished hundreds of homes in an informal settlement in Frafraha, in the capital,

Accra, located on land belonging to the Council for Scientific and Industrial Research. The residents were given 48 hours' notice and were not relocated, therefore being made homeless.

## **DEATH PENALTY**

In April the Armed Forces (Amendment) Bill 2022 and the Criminal Offences (Amendment) Bill were introduced to parliament to replace the death penalty with life imprisonment for military and ordinary crimes. At the end of the year, the bills were still under consideration in parliament. The amendments would not abolish the death penalty for high treason, which is provided for by the Constitution.

## **LGBTI PEOPLE'S RIGHTS**

Discrimination against LGBTI people continued. The Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill 2021 was pending in parliament at the end of the year. The bill further criminalized LGBTI people and introduced prison sentences for anyone expressing support or "sympathy" towards LGBTI people.

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

The Affirmative Action Bill remained pending at the end of the year. The bill was an effort to address gender imbalance in the private and public sectors.

Hundreds of women accused of being witches remained banished to six "witch" camps. In August, seven people were arrested and charged over the deaths of a man and a woman who were forced to drink a concoction made by a priest after they were accused of being witches. At the end of the year, a draft bill remained pending to amend the Criminal and Other Offences Act 1960 (Act 29). The bill would prohibit declaring, accusing, naming or labelling someone as a witch or employing another person to do so.

## **CHILDREN'S RIGHTS**

Child labour persisted, especially in agriculture. In April, a documentary by the UK-based Channel 4 television station



showed footage of children as young as 10 working with machetes in cocoa farms. In August, 60 Ghanaian children between the ages of five and 17 accused a cocoa producer of violating child labour laws. The children's lawyers claimed that they suffered physical injuries and reptile bites, were exposed to toxic pesticides and fertilizers, and often missed school.

## GREECE

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### Hellenic Republic

Head of state: **Katerina Sakellaropoulou**

Head of government: **Kyriakos Mitsotakis**

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**Reports of unlawful use of force against peaceful protesters persisted. Pushbacks of refugees and migrants persisted. The authorities' crackdown on NGOs working to help refugees and migrants continued. A controversial bill that lacked effective safeguards for individuals subjected to surveillance became law. Violations of the rights of conscientious objectors to military service persisted. A collective complaint filed with the European Committee of Social Rights detailed the devastating health impacts of austerity measures.**

### EXCESSIVE USE OF FORCE

Reports of unnecessary and excessive use of force by law enforcement officials during the policing of demonstrations persisted. In May, student Yiannis Dousakis sustained serious injuries to his mouth and jaw after riot police reportedly used unlawful force including stun grenades to disperse students peacefully protesting at Thessaloniki University.

In November, a court rejected the authorities' appeal against a first instance decision that found the Greek state responsible for the serious injury of journalist Manolis Kypreos by police in 2011.

### RIGHT TO LIFE

In May, a court found two men guilty of lethal bodily harm in connection with the death of LGBTI activist Zak Kostopoulos in 2018. Four

police officers also charged in connection with Zak Kostopoulos's death were acquitted, raising concerns around impunity.

In September, a prosecutor proposed that seven police officers be referred for trial on charges of homicide with possible intent in relation to the killing of Nikos Sambanis, an unarmed 18-year-old Roma man who died following a fatal shooting by police in October 2021.

In December, Kostas Frangoulis, a 16-year-old Roma was shot in the head during a police chase and died in hospital eight days later. A police officer was charged with homicide with possible intent and illegally firing his weapon and was released on conditional bail.

### REFUGEES' AND MIGRANTS' RIGHTS

Over 18,000 refugees and migrants arrived by sea and land, compared with some 9,000 in 2021. The mortality rate increased dramatically, with 326 estimated dead and missing people, compared to 115 in 2021. As tragic shipwrecks in October and November led to dozens of deaths and missing people, UNHCR, the UN refugee agency, and the International Organization for Migration called for safe pathways.

On Samos, authorities continued to illegally detain some of the asylum seekers residing in the EU-funded "closed-controlled island facility", by preventing them from exiting.

### PUSHBACKS

NGOs and journalists continued to report pushbacks and other abuses against refugees and migrants on land and at sea. In several instances, groups were stranded in harrowing conditions on islets in the Evros river. In some cases, despite the European Court of Human Rights (ECtHR) ordering interim measures in favour of the individuals and asking Greece not to remove them, rescue operations by the authorities were reportedly late, or people were pushed back.

In March, the National Transparency Authority (NTA), a body tasked by the government to investigate pushbacks, announced the conclusion of an investigation which found no irregularities in the conduct

of the Greek authorities. NGOs requested that the NTA release the full report, called for accountability and transparency and restated that the NTA could not be considered constitutionally independent.

The ECtHR delivered a milestone ruling in July concerning the sinking of a migrant boat off the island of Farmakonisi in 2014, when 11 of the 27 passengers died. The applicants argued that the boat had capsized because the Greek coastguard used dangerous manoeuvres to push them towards Türkiye. The ECtHR found Greece responsible for several violations, including of the right to life, due to shortcomings in Greece's rescue operations and investigation of the incident. Several pushback cases remained pending before the ECtHR and the UN Human Rights Committee at the end of the year.

In October, news outlets leaked a report by OLAF, the EU's anti-fraud agency, which examined serious allegations against the EU Border and Coast Guard Agency (Frontex), including the "possible involvement in and/or cover-up of illegal pushbacks" in Greece. The report found serious faults in Frontex's handling of incidents, which raised fundamental rights issues.

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

In February the authorities announced the termination of the EU-funded ESTIA urban housing scheme for asylum seekers in vulnerable situations and reduced accommodation places. NGOs expressed concerns that those affected were transferred from apartments, with little notice, to camps in isolated locations, with negative implications for their access to essential services.

NGOs reported that recognized refugees returned to Greece under the EU's Dublin Regulation faced obstacles, including in receiving identification documents, which affected their access to healthcare, housing and other services.

### **HUMAN RIGHTS DEFENDERS**

In June, the UN Special Rapporteur on the situation of human rights defenders denounced the criminalization of humanitarian assistance and the onerous

registration requirements imposed on organizations working in this field.

Criminal proceedings against human rights defenders Sarah Mardini and Séan Binder arising from their work rescuing and assisting refugees and migrants remained open.

In December, the founder of the NGO Greek Helsinki Monitor, Panayote Dimitras, under criminal investigation for his work on the rights of refugees and migrants, was summoned to appear before a judge for felonies related to his work with asylum seekers and risked house arrest and a ban on his work for the NGO.

## **RIGHT TO PRIVACY**

In April, media reports revealed that the phone of Greek journalist Thanasis Koukakis had been infected by the spyware Predator between July and September 2021 and had also been wiretapped by the Greek National Intelligence Service (NIS) in 2020. The leader of the PASOK-KINAL opposition party and member of the European parliament Nikos Androulakis, and Christos Spirtzis, a former minister of the SYRIZA opposition party, were also targeted with Predator. The phone of Nikos Androulakis was additionally wiretapped by the NIS. A judicial investigation began in April into the spyware allegations, and in November another judicial inquiry was initiated after a newspaper published a list of high-profile individuals allegedly under state surveillance and/or targeted with Predator. In December, parliament passed a controversial bill that lacked effective safeguards for individuals subjected to surveillance, and legalized the use of spyware technology by the authorities.

## **FREEDOM OF EXPRESSION**

In February, human rights defenders Panayote Dimitras and Andrea Gilbert were convicted of "false accusation" after they had submitted a complaint about what they deemed an antisemitic and discriminatory statement made by a senior bishop of the Greek Orthodox Church in 2017.

In May, a court in Athens heard a lawsuit against journalist Stavroula Poulimeni and the

independent media cooperative Alterthess for allegedly breaching data protection laws by reporting on the conviction of a gold mining company's senior executive for environmental damage.

## **FREEDOM OF ASSEMBLY**

In September, the president of the Federation of Greek Hospital Doctors' Associations was referred to trial after being charged under a controversial law on public outdoor assemblies for alleged insubordination and obstruction of traffic during a health workers' protest in September 2020.

Concerns arose about the prosecution of two Amnesty International activists indicted on several misdemeanor charges following their arrest by police after a protest in November.

## **DISCRIMINATION**

In April, the Racist Violence Recording Network reported 72 incidents of racist violence in 2021.

The appeal trial in the case of the far-right Golden Dawn party commenced in June. In a landmark verdict in October 2020, the first instance court found, among other things, that the party's political leadership had been guilty of running a criminal organization whose members had committed a series of violent crimes including against migrants and refugees.

## **CONSCIENTIOUS OBJECTORS' RIGHTS**

Serious violations of the rights of conscientious objectors to military service continued, including trials and repeated sentencing by military courts. According to official data, revealed in 2022, in 2021 the percentage of recognition for conscientious objectors who invoke non-religious grounds had fallen to 0%. Several appeals to the Supreme Administrative Court against the discriminatory rejection of applications for conscientious objector status were pending at the end of the year. In December, a retrogressive proposed legal amendment sought to increase the number of military members of the committee examining such

applications. Greece has not implemented the 2021 UN Human Rights Committee decision in the case of conscientious objector Lazaros Petromelidis, which found multiple violations of the ICCPR.

## **VIOLENCE AGAINST WOMEN AND GIRLS**

During the year, 17 women were killed by their partners or former partners.

In October, a 19-year-old woman reported being raped by two police officers in Ormōnia police station in Athens. The two officers were charged with group rape and released on conditional bail. A third officer was charged as an accessory. The investigation was ongoing at year's end.

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

In November, Amnesty International filed a Collective Complaint with the Council of Europe's European Committee of Social Rights. This documented how the Greek authorities breached the rights to health and non-discrimination because of the impact of austerity measures introduced following the economic crisis of 2009-2010 and how this continued to affect the health system's ability to respond to the Covid-19 pandemic.

## **DETAINEES' RIGHTS**

In October, civil society expressed concerns that new legislation reforming the Correctional Code would further limit prisoners' rights, including that of temporary release, and contribute to the persistent overcrowding in Greek prisons.

# **GUATEMALA**

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## **Republic of Guatemala**

Head of state and government: **Alejandro Giammattei Falla**

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**Civic space shrank as judges and prosecutors, human rights defenders and protesters faced unfounded criminal proceedings. Authorities failed to protect the right to health and the rights of LGBTI**

**people. Thousands were forced to leave the country because of high levels of violence, impunity, poverty and inequality.**

## **HUMAN RIGHTS DEFENDERS AND JOURNALISTS**

Authorities failed to protect human rights defenders from attack and actively participated in their criminalization. The Unit for the Protection of Human Rights Defenders in Guatemala (UDEFEQUA) recorded 2,273 attacks on human rights defenders and those working in the administration of justice between January and October.

In March, a judge granted human rights defender Bernardo Caal release on parole; he had spent more than four years in jail. However, he reported that he was still subject to another unfounded criminal proceeding that had not been completed at the end of the year.

Journalists reporting on corruption and impunity often faced unfounded criminal complaints and smear campaigns.

## **FREEDOM OF ASSEMBLY**

According to local organizations, the Public Prosecutor's Office lodged an appeal against the closure of the case against two people accused of defacing cultural property by daubing paint on the Congress building during the November 2020 protests, despite the lack of evidence against them.

Other activists and human rights defenders were informed of alleged criminal investigations against them for organizing or participating in the November 2020 protests. However, they were not allowed to see the criminal files on them, which remained under restricted access.

## **IMPUNITY**

International human rights bodies and experts expressed multiple concerns over new attacks on the independence of judges, prosecutors and lawyers involved in key cases of crimes under international law, human rights violations and corruption. Authorities failed to protect them from

constant intimidation, surveillance, threats and smear campaigns on social media and in the media designed to discredit their work. Authorities often used unfounded criminal proceedings against them. As a consequence, more of those involved in the administration of justice were forced to leave the country, among them judges Erika Aifan and Miguel Ángel Gálvez. Others were dismissed, suspended or imprisoned, including former prosecutor Virginia Laparra who was sentenced in December to a four-year jail sentence, despite the fact that there was no evidence against her.

Amid strong criticism from civil society organizations, the Prosecutor's Office closed cases against people accused in large-scale corruption cases.

## **RIGHT TO TRUTH, JUSTICE AND REPARATION**

Some progress was made in the investigations into crimes under international law and human rights violations perpetrated during the internal armed conflict (1960-1996), although the majority remained stalled.

A judge indicted at least nine retired military and police officers in the "Diario Militar" case. They were suspected of involvement in enforced disappearances, extrajudicial executions and other crimes under international law between 1983 and 1985 against at least 183 people considered political opponents.

## **RIGHT TO HEALTH**

Health services were overwhelmed and unable to cover the basic needs of the population. Guatemala was one of the countries in the region that invested the least in public health as a percentage of GDP (2.2%), less than half the 6% recommended by the WHO.<sup>1</sup>

Covid-19 vaccination rates remained very low compared to the rest of region, particularly in rural and Indigenous areas, due to authorities' failure to develop a comprehensive strategy that included

providing information to Indigenous leaders and communities.

## SEXUAL AND REPRODUCTIVE RIGHTS

Abortion remained criminalized except when the pregnancy endangered the life of the pregnant person. Decree 18-2022, shelved in March by Congress, sought to amend the Penal Code to prosecute people who have miscarriages and impose prison sentences on anyone who “promotes or facilitates means for carrying out the abortion”.<sup>2</sup>

## VIOLENCE AGAINST WOMEN AND GIRLS

Levels of violence against women and sexual violence against girls remained high.

Proceedings remained stalled against some of those accused in connection with the deaths in 2017 of 41 girls in a fire at the state-run Hogar Seguro Virgen de la Asunción shelter.

## LGBTI PEOPLE’S RIGHTS

According to the National Observatory for LGBTIQ+ Rights, at least 29 people were killed because of their sexual orientation or gender identity in 2022.

Same-sex marriage was not recognized. In March, following national and international pressure, Congress shelved Decree 18-2022, which expressly prohibited same-sex marriage and the teaching of sexual diversity and gender equality in schools. However, Bill 5940, which sought to prohibit the dissemination of information on transgender identities and non-heterosexual relationships in school sexuality education programmes, was in the final stage of approval at the end of the year.

## FAILURE TO TACKLE THE CLIMATE CRISIS AND ENVIRONMENTAL DEGRADATION

In May, the government announced a new NDC, committing to reduce by 11.2% its greenhouse gas emissions with its own resources and up to 22.6% of its total greenhouse gas emissions by 2030, compared to 2016 levels, with technical and financial support from the international

community. In its NDC, Guatemala also committed to combat deforestation. However, human rights defenders and Indigenous experts reported that illegal logging, the destruction of natural areas, the expansion of monocultures and the contamination of watersheds continued, as well as attacks against environmental defenders and Indigenous communities.

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1. *Americas: Unequal and Lethal*, 27 April
  2. “Guatemala: Discriminatory law puts lives and rights at risk”, 11 March

# GUINEA

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## Republic of Guinea

Head of state: **Mamadi Doumbouya**

Head of government: **Bernard Goumou (replaced Mohamed Béavogui in July)**

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**The rights to freedom of expression, association and peaceful assembly were violated. Members of civil society who expressed criticism over the political transitional period were arbitrarily arrested and detained. Protesters were killed during protests by members of the defence and security forces. The trial about the 28 September 2009 massacre opened, 13 years after the events. Victims of sexual violence continued to be denied appropriate medical and psychological care and faced obstacles to justice.**

## BACKGROUND

In October, the National Committee of the Rally for Development (CNRD) – which took power in a coup on 5 September 2021 – agreed with ECOWAS a two-year transition for the restoration of the constitutional order. However, the start date of this transition was subject to debate.

## FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

The authorities violated the rights to freedom of expression, association and peaceful assembly. On 13 May the CNRD announced

a ban on “all demonstrations on the public highway likely to compromise social peace and the proper execution of the activities contained in the timetable... for the time being until the election campaign periods”.<sup>1</sup>

On 8 August, the transitional authorities dissolved the National Front for the Defence of the Constitution (FNDC), a coalition of civil society organizations and political parties demanding the return to constitutional order. On 15 August, the UN High Commissioner for Human Rights stated that “such a measure constitutes a serious infringement of the rights to freedom of association and peaceful assembly” and asked the authorities to reverse this decision.

## **ARBITRARY ARRESTS AND DETENTIONS**

On 5 July, three FNDC leaders, Oumar Sylla, Mamadou Billo Bah and Djanii Alfa, were arrested by the police while holding a press conference at their headquarters in the capital, Conakry. After being accused of “public insults, contempt of court, and disturbance of public order and public security” and detained in Conakry prison, they were released without charge on 8 July.

On 29 July, legal proceedings were launched against the organizers and participants of a banned march on 28 July during which violence erupted and five people were killed. The following day, FNDC leaders Oumar Sylla and Ibrahima Diallo, and the secretary general of the Union of Republican Forces, Saïkou Yaya Barry, were arrested, then charged on 1 August for “alleged acts of unlawful demonstration, destruction of public and private buildings, provoking a mob, assault and battery, criminal association, obstruction of freedom of movement and complicity”. Saïkou Yaya Barry was provisionally released on 12 October after his health deteriorated while Oumar Sylla and Ibrahima Diallo remained in detention at Conakry prison at the end of the year. Both started a hunger strike in November to demand a trial.

## **UNLAWFUL KILLINGS**

On 1 June, 19-year-old Thierno Mamadou Diallo was killed by security forces in Conakry during a protest against fuel price increases. The public prosecutor’s office announced on 13 June the indictment and detention of a police officer for alleged murder and the indictment of four other members of the defence and security forces for alleged “criminal abstention”.

In July, August and October, 13 people were shot dead by alleged members of the defence and security forces during protests to call for the return to constitutional order, according to reports from civil society and human rights organizations. Following announcements by the Ministry of Justice of the opening of investigations into these facts, no new information was available as of December.

On 6 September in Kondiaran, Kankan region, two people were shot dead during violent protests against a mining company accused of not doing enough to improve local living conditions. The Ministry of Justice again announced an investigation into this event, with no new information available as of December.

On 17 September, the minister of justice and human rights ordered legal proceedings for “voluntary manslaughter” against a police commander, and for “complicity in voluntary manslaughter” against 10 other police officers, after a shopkeeper in the Kipé district in Conakry was shot dead on 17 September during an anti-drug operation.

## **DETAINEES’ RIGHTS**

In a memo to the heads of courts and prosecution offices on 24 June, the minister of justice and human rights deplored “horrible realities, particularly within the courts and prisons”, constituting violations of the UN Nelson Mandela Rules on the treatment of prisoners. Among other things, he highlighted “29 cases of severe malnutrition and nine mental illnesses” in one prison, insufficient and poor-quality food and water, and “skeletal, paralysed or even dying” prisoners.

## RIGHT TO TRUTH, JUSTICE AND REPARATION

On 4 May the General Prosecutor of the Conakry Court of Appeal announced legal proceedings against former president Alpha Condé and 26 other people who held power during his presidency, for various alleged acts including “wilful attacks on human life, in particular murder, assassination and complicity in murder and assassination”, committed in the context of the referendum and presidential elections in 2020.

On 28 September, the trial of those accused of the 28 September 2009 massacre, during which more than 150 demonstrators were killed and more than 100 women were victims of sexual violence, finally opened. As a consequence, the Prosecutor of the ICC closed its 13-year preliminary examination into Guinea.

## VIOLENCE AGAINST WOMEN AND GIRLS

Victims of rape continued to experience lack of protection, access to and availability of medical care, sexual and reproductive health services, psychological support and legal and social support. Despite frequent awareness-raising campaigns, the government failed to prevent the crime, while “socio-cultural pressures” continued to weigh heavily on victims and their families, who were often forced into silence, extrajudicial settlements in cases of rape or stigmatization.<sup>2</sup>

## ENVIRONMENTAL DEGRADATION

The Guinean authorities and NGOs reported serious pollution and risks of environmental damage and human rights violations as a result of mining activities in several regions.

On 31 January, Prime Minister Béavogui visited the town of Fria, Kindia region, to assess the socio-economic situation of workers and the reported pollution in the town, where the Russian bauxite mining company Rusal was operating. Following the visit, the prime minister instructed Rusal’s management to comply with international pollution control standards by 1 May.

1. “Guinea: Ban on demonstrations ‘until election campaign periods’”, 18 May (French only)
2. *Guinea: Shame Must Change Sides: Ensuring Rights and Justice for Victims of Sexual Violence in Guinea*, 27 September

# HAITI

## Republic of Haiti

Head of state and government: **Ariel Henry (acting)**

**Some 4.5 million Haitians did not have enough to eat as fuel prices rose, and gang violence displaced thousands. Impunity remained entrenched for massacres, kidnappings and sexual violence. Haitians continued to flee to countries in Latin America and the USA in search of safety but received limited access to international protection and faced anti-Black discrimination, in some cases amounting to race-based torture.**

## BACKGROUND

Gang violence caused widespread insecurity, led to a kidnapping crisis and left thousands internally displaced.

In September, the UN ordered the evacuation of non-essential staff from Haiti.

In October, after gangs were reported to be blocking access to fuel, the UN Security Council approved sanctions targeting gang leaders, including an assets freeze, travel ban and arms embargo against those deemed to be engaging in or supporting criminal activity and violence.

## ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Thousands of people protested over food scarcity and fuel shortages throughout the year, with protests escalating in September after the prime minister announced fuel price hikes.

By September, 4.5 million people, more than 40% of the population, were facing crisis or emergency hunger levels, according to the World Food Programme.

By late October, after several years with no reported cases, 1,700 suspected cases of

cholera, a disease which killed many thousands of Haitians following the 2010 earthquake, were detected, half among children, according to UNICEF.

## IMPUNITY AND VIOLENCE

Impunity for massacres, kidnappings and sexual violence remained chronic.

From January to the end of June, the UN human rights office, OHCHR, documented 934 killings, 684 injuries and 680 kidnappings across the capital, Port-au-Prince. In just five days in July, at least 234 people were killed or injured in gang-related violence in the city's Cité Soleil area, also according to OHCHR.

In late April, a territorial dispute between gangs left 188 people dead in Port-au-Prince. According to OHCHR, the battle involved extreme forms of violence including "beheadings, chopping and burning of bodies, [and] the killing of minors accused of being informants for a rival gang", as well as the use of sexual violence, including gang rape of children as young as 10, to "terrorize and punish people living in areas controlled by rival gangs."

Human rights defenders and journalists also remained at risk. In early September, two journalists reporting in Cité Soleil were killed and their bodies burned, according to the Committee to Protect Journalists.

In October, OHCHR issued a report on the use of rape and other forms of sexual violence as a weapon by gangs to instil fear and expand their area of influence. It concluded: "Women, girls, boys, and men have been affected. LGBTI+ persons, traditionally marginalized and rejected within the Haitian society, have also been particularly targeted".

## REFUGEES' AND MIGRANTS' RIGHTS

As the human rights and humanitarian situation continued to deteriorate rapidly, Haitian asylum seekers resorted to fleeing the island by boat, leading to drownings at sea.

Between September 2021 and May 2022, the USA expelled more than 25,000 Haitians, making significant use of Title 42, an order

that allows authorities to summarily expel migrants and asylum seekers to their home country or most recent transit country, in violation of national and international law.

The US authorities subjected Haitian asylum seekers to arbitrary detention and discriminatory and humiliating ill-treatment that amounted to race-based torture.<sup>1</sup>

The ill-treatment Haitians experienced in US detention facilities included lack of access to sufficient food, healthcare, information, interpreters and lawyers. Haitian asylum seekers also reported that they were returned to Haiti by plane in handcuffs and shackles, causing severe psychological pain and suffering due to its association with slavery and criminality, in violation of international human rights law which absolutely prohibits torture and other ill-treatment.

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1. USA: "They Did Not Treat Us Like People": Race and Migration-related Torture and Other Ill-treatment of Haitians Seeking Safety in the USA, 22 September

# HONDURAS

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## Republic of Honduras

Head of state and government: **Xiomara Castro**  
(replaced **Juan Orlando Hernández** in January)

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**Human rights defenders faced high levels of violence. Authorities failed to provide sufficient funding for public health. Illegal logging continued to threaten the environment. Authorities failed to bring to justice members of the security forces suspected of criminal responsibility for excessive use of force against protesters in 2017.**

## BACKGROUND

Thousands left the country due to violence, impunity, climate change, poverty and inequality. Former president Juan Orlando Hernández was extradited to the USA on drug trafficking charges in April.

Congress derogated the law on Employment and Economic Development Zones (ZEDE),



which had caused concerns over possible risks to human rights in such zones.

## HUMAN RIGHTS DEFENDERS

Human rights defenders faced high levels of violence and most attacks against them remained unpunished.

In June, a tribunal sentenced David Castillo to 22 years' imprisonment for his role in the 2016 killing of Indigenous Lenca and environmental defender Berta Cáceres. However, no progress was made in bringing to justice those who planned the killing.

Following a Supreme Court ruling citing violations of the right to due process, eight defenders of the Guapinol River case were released in February.<sup>1</sup> They had been arbitrarily detained for more than two years. In a separate decision, this court annulled similarly unfounded criminal proceedings against another five Guapinol defenders.

Members of the Black Fraternal Organization of Honduras (OFRANEH) and its coordinator, Miriam Miranda, reported that they were subjected to attacks and several new unfounded criminal prosecutions during the year.

By the end of the year, Honduras had not signed the Escazú Agreement.

## ENVIRONMENTAL DEGRADATION

There was concern at the failure to ensure the free, prior and informed consent of Indigenous peoples to the implementation of proposed projects in line with the EU's Forest Law Enforcement, Governance and Trade initiative to address the country's extensive problem of illegal logging.

## FREEDOM OF ASSEMBLY AND IMPUNITY

No member of security forces who used excessive force against protesters during the 2017 crackdown was brought to justice during 2022.

In February, Congress passed a law providing for a broad amnesty, including for people criminalized for participating in protests since the 2009 coup and for defending territories and the environment. However, there were concerns that the

amnesty also covered people accused of corruption.

## RIGHT TO HEALTH

Health services remained under serious strain. Honduras continued to invest far less in public health than the 6% of GDP recommended by the WHO.<sup>2</sup>

Abortion remained banned in all circumstances. In December, authorities authorized the use of emergency contraception for survivors of sexual violence.

## SEXUAL AND GENDER-BASED DISCRIMINATION AND VIOLENCE

Same-sex marriage was not allowed by law and levels of violence against LGBTI people remained high.

In May, in line with a 2021 ruling by the Inter-American Court of Human Rights, authorities recognized their responsibility for human rights violations against trans sex worker and rights defender Vicky Hernández, who was killed in 2009.

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1. "Honduras: Further information: Prisoners of conscience released", 10 March
  2. *Americas: Unequal and Lethal*, 27 April

# HUNGARY

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## Hungary

Head of state: **Katalin Novák** (replaced **János Áder** in May)

Head of government: **Viktor Orbán**

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**Discrimination against LGBTI and Roma people persisted. Women's sexual and reproductive rights suffered significant rollback. Teachers were denied the right to strike. Pushbacks of refugees and migrants continued in violation of EU law. The European Court of Human Rights ruled that Hungary had violated the ban on collective expulsions. Other judgments from the Court were not fully implemented.**

## BACKGROUND

In early April, incumbent Prime Minister Viktor Orbán secured a majority of seats in the new parliament and began his fourth consecutive term in office. The first woman president, Katalin Novák, took office in May.

In late April, the European Commission notified Hungary that it had activated the conditionality mechanism, which allows the EU to cut off funding to a member state if it breaches principles underpinning the rule of law.

In December, the European Commission recommended the implementation of more rule of law and anti-corruption measures to protect the suspended EU funds.

The war in Ukraine was used as a pretext to amend the Constitution (known as the “Fundamental Law”) in May, for the 10th time, providing the government with powers to declare a state of emergency in the event of armed conflict, war or humanitarian disaster in a neighbouring country.

The European Parliament declared in September that Hungary could not be considered a full democracy. It adopted a report which found that, since the triggering of the EU’s Article 7 procedure against the country in 2018, fundamental rights had further deteriorated due to the “deliberate and systematic efforts of the Hungarian government”.

Hungary was placed under the full monitoring procedure by the Parliamentary Assembly of the Council of Europe (PACE) in October. PACE expressed concerns over the government’s approach to the rule of law, women’s and LGBTI rights, the electoral framework and the use of the “special legal order” power since 2020 to trigger states of emergency.

The war-related special legal order was extended to the end of May 2023.

## DISCRIMINATION

The Office of the Commissioner for Fundamental Rights (the Ombudsman) was downgraded in status by the Global Alliance of National Human Rights Institutions due to failures to adequately address a range of

human rights concerns, including violations against ethnic minorities, LGBTI people, refugees and migrants.

### LGBTI PEOPLE’S RIGHTS

A nationwide referendum in April on “protecting minors”, based on the 2021 anti-LGBTI law, was invalidated following a successful campaign by NGOs including Amnesty International Hungary and the Háttér Society, the country’s oldest LGBTI organization. Valid votes were received from less than 50% of the electorate after 1.7 million people (nearly 21% of voters) deliberately spoiled their votes by declining to answer the four referendum questions, while many others abstained. The National Election Commission found the NGOs in violation of the law and issued fines, but the Kúria, the country’s highest court, overturned some of the decisions on appeal.

### WOMEN’S RIGHTS

Hungary had still not ratified the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention).

In September, protests took place against a new regulation requiring pregnant women seeking an abortion to first demonstrate – by providing a clinician’s report – that they had listened to the “fetal heartbeat”. On this basis, abortion remained legal up to 12 weeks of pregnancy.

A report titled “Is pink education occurring in Hungary?” published in July by the State Audit Office, warned that “over-representation” of women in higher education could cause “demographic problems”, making it harder for women to find a partner and potentially leading to a reduction in childbearing. Several academics and NGOs criticized the analysis, expressing concern over the stereotyping of women.

### ROMA

In May, the European Court of Human Rights (ECtHR) ruled that Hungary violated the right to privacy of a Roma man when local authorities conducted unlawful inspections of homes in the town of Gyöngyöspata in 2011.

The ECtHR held in July that Hungary violated the prohibition of inhuman and

degrading treatment in 2014 when police handcuffed and beat a Roma man in the town of Encs. The judgment required the state to pay EUR 19,500 compensation to the victim.

## **FREEDOM OF ASSOCIATION AND ASSEMBLY**

Teachers' unions applied to the ECtHR in September to challenge the government's unlawful restrictions on their right to strike. Thousands of people protested throughout the year in solidarity with teachers demanding the right to strike and reform of public education. Teachers were unfairly dismissed from several schools for taking part in the demonstrations.

## **RIGHT TO PRIVACY**

In September, the ECtHR reiterated its former judgment that no independent external control existed over secret surveillance in Hungary and no remedies had been provided for the victims of related human rights violations. The ECtHR also found that the Data Protection Authority lacked the competencies to be an effective check on the secret services.

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

More than 2,000,000 people who had fled Ukraine through Hungary since the start of the war received first assistance there. Some 33,168 people had applied for temporary asylum by end of December.

Pushbacks of refugees and migrants at the southern border continued, reaching 157,879 cases by the end of December. Frontex (the EU Border and Coast Guard Agency), having suspended its operations in Hungary in January 2021, declared in September that it would provide support for the repatriation of third-country nationals only if Hungary complied with EU rules.

The ECtHR ruled in September that Hungary violated the ban on collective expulsions when in 2016 an Iranian asylum seeker was part of a group pushed back to Serbia and was abused by the Hungarian police.

The ECtHR issued three judgments against Hungary, in February, June and August, concerning the illegal and arbitrary detention of asylum seekers in the transit zone between Serbia and Hungary.

The Committee of Ministers of the Council of Europe expressed profound concern in September that – almost three years after the ECtHR judgment in *Ilias and Ahmed v. Hungary* found that authorities failed to meet their obligation to assess the risks of ill-treatment before removing asylum seekers to Serbia – a reassessment of the legislative presumption of “safe third country” in respect of Serbia had not been carried out.

In September, the European Court of Justice ruled against Hungarian legislation allowing authorities to deny international protection for asylum seekers based on “non-reasoned” security concerns and without providing applicants with reasons for their decision.

## **RIGHT TO A FAIR TRIAL**

The Committee of Ministers of the Council of Europe issued an interim resolution in March noting that the *Baka* judgment of 2016 against the “undue and premature” dismissal of Chief Justice András Baka had still not been implemented. The Committee expressed concerns about lack of progress in ensuring effective oversight by an independent judicial body in cases involving the potential removal of a judge from office. The Committee also noted the “chilling effect” of violations affecting judges' freedom of expression.

# **ICELAND**

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### **Republic of Iceland**

Head of state: **Guðni Th. Jóhannesson**

Head of government: **Katrín Jakobsdóttir**

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**Solitary confinement in pretrial detention was used excessively and existing safeguards were insufficient. There were serious concerns about the application of solitary confinement to children,**

neurodiverse people or those who have mental health conditions.

## TORTURE AND OTHER ILL-TREATMENT

In April, the 4th periodic review of the UN Committee Against Torture raised a series of concerns about the legal framework for solitary confinement in pretrial detention and its use for prolonged periods and on children and people with disabilities.<sup>1</sup> The Committee cast doubt on Iceland's account of the safeguards used to ensure it was only used when necessary. It also criticized the government for failing to ensure that the legislation defined torture as a specific crime consistent with the UN Convention against Torture. In response, the government stated that it would revise its legislative and procedural framework.

Official data indicated the widespread application of solitary confinement during pretrial detention; initial court orders for solitary confinement were issued to 61% of pretrial detainees in 2021. Despite some overall reduction in this number over the past decade, the reduction was insufficient and inconsistent. Ten of the 825 people held in pretrial solitary confinement between 2012 and 2021 were aged between 15 and 17 years. These figures suggest that the application of solitary confinement is being used much more widely than only in exceptional cases as a last resort, as required by UN Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules). According to the Prison and Probation Administration, the longest period of pretrial solitary confinement was 57 days in 2013 and 37 days in 2021.

The legal framework in Iceland does not prevent the imposition of solitary confinement on individuals at particular risk of severe harm such as children, neurodiverse people and those with mental health conditions or disabilities.

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1. "Iceland: Submission to the UN Committee Against Torture, 73rd Session, 19 April-13 May 2022". 31 March

# INDIA

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Republic of India

Head of state: **Droupadi Murmu (replaced Ram Nath Kovind in July)**

Head of government: **Narendra Modi**

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**Laws and policies that were passed without adequate public and legislative consultation eroded the rights of human rights defenders and religious minorities. The government selectively and viciously cracked down on religious minorities, and explicit advocacy of hatred by political leaders and public officials towards them was commonplace and went unpunished. Punitive demolitions of Muslim family homes and businesses were carried out with impunity. Peaceful protesters defending minority rights were presented and treated as a threat to public order. Repressive laws including counterterrorism legislation were used rampantly to silence dissent. Authorities intimidated human rights defenders using digital technologies, including unlawful surveillance. Adivasis and marginalized communities including Dalits continued to face violence and entrenched discrimination.**

## FREEDOM OF EXPRESSION AND ASSOCIATION

In a welcome step, on 11 May the Supreme Court suspended the enforcement of Section 124a of the Penal Code, a 152-year-old provision that penalizes sedition, until the government re-examines it.

In a continuing pattern of harassment and intimidation, unlawful and politically motivated restrictions were placed on civil society organizations and human rights defenders including activists, journalists, students and academics.

On 14 July the lower house of parliament banned a number of ordinary words from being spoken during parliamentary debates including, among others, "corrupt", "sexual harassment", "criminal", "eyewash", "incompetent" and "hypocrisy". The ban was

an attempt to police the speeches of opposition members of parliament.

On 7 September the Income Tax Department conducted coordinated raids – presented as “surveys” – on the offices of NGOs including Oxfam, the Independent and Public-Spirited Media Foundation and the Centre for Policy Research, for alleged contraventions of the Foreign Contribution (Regulation) Act.

On 27 and 28 September, mass raids were carried out against the NGO Popular Front of India (PFI) and its affiliates across India. More than 300 of PFI’s senior leaders and members were arrested. Subsequently, the Ministry of Home Affairs declared PFI to be an “unlawful association” under the Unlawful (Activities) Prevention Act (UAPA), a counterterrorism law, for its alleged involvement in the “funding of terrorism and terrorist activities”, despite there being no charges brought against those arrested and no trials conducted.

On 27 July the Supreme Court upheld provisions of the Prevention of Money Laundering Act (2002) relating to the powers of arrest, confiscation of property and search and seizure conferred on the Enforcement Directorate, India’s primary agency for investigating financial crimes. These powers have been repeatedly abused to repress civil society and limit dissent.

Throughout the year the authorities routinely used international travel bans to stifle independent voices including the human rights activist and former head of Amnesty International India, Aakar Patel, journalist Rana Ayyub and at least two Kashmiri journalists who were scheduled to speak abroad on India’s human rights situation.

## **ARBITRARY ARRESTS AND DETENTIONS**

### **ARBITRARY ARRESTS**

The government cracked down on critics by resorting to arbitrary arrests, including without following due process, under draconian and repressive laws.

On 25 April, Jignesh Mevani, an independent Dalit member of the Gujarat Legislative Assembly, was re-arrested

immediately after he was granted bail by a court in the state of Assam. His first arrest came after he posted on Twitter calling on Prime Minister Narendra Modi to maintain peace in the state of Gujarat, which was witnessing religious violence.

On 25 June, prominent human rights defender Teesta Setalvad and former police officials Sanjeev Bhatt and RB Sreekumar were arrested and detained by the authorities for charges including committing forgery and fabricating evidence. The charges appeared to be in reprisal for their work with victims of the 2002 Gujarat riots.

On 28 June, Mohammed Zubair, co-founder of the independent fact-checking website ALT News, was arrested by police in the capital, New Delhi, for allegedly “hurting religious sentiments” and “promoting enmity” on Twitter for denouncing discrimination against minorities and criticizing increased censorship.

On 10 June, police detained human rights activist Javed Mohammed, his wife and their daughter, along with many others, for allegedly being the “key conspirators” of communal violence that erupted in Prayagraj, Uttar Pradesh state.

### **PROLONGED DETENTION**

Eleven human rights activists continued to be detained without trial in Maharashtra state under the UAPA. They were academics Shoma Sen and Hany Babu; tribal rights activist Mahesh Raut; poet Sudhir Dhawale; lawyer Surendra Gadling; civil rights activists Rona Wilson, Arun Ferreira and Vernon Gonsalves; and three members of the cultural group Kabir Kala Manch – Ramesh Gaichor, Jyoti Jagtap and Sagar Gorkhe. They were arrested between 2018 and 2020 by the National Investigation Agency, India’s main counterterror agency, for their alleged involvement in violence during the Bhima Koregaon celebrations near the city of Pune in 2018.

At least eight Muslim students, councillors and human rights activists continued to be detained without trial under the UAPA for allegedly orchestrating religious violence in

Delhi in February 2020 that killed at least 53 people, mostly Muslims.

Journalist Siddique Kappan and three others remained detained under laws on sedition and the UAPA. At the time of his arrest in October 2020, Siddique Kappan was on his way to Hathras District in Uttar Pradesh to report on the gang rape and murder of a young Dalit woman.

## UNLAWFUL ATTACKS AND KILLINGS

Between April and June, communal violence broke out in Gujarat, Madhya Pradesh, Jharkhand, Delhi, Rajasthan and West Bengal during the festivals of Ram Navami and Ramzan. Shortly after the violence, various political leaders and public officials in Madhya Pradesh made statements threatening the demolition of protesters' properties. They included the deputy inspector general of police of Khargone and the commissioner of police and the home minister of Madhya Pradesh. The latter was quoted as saying: "Whichever houses were involved in stone pelting, we will ensure they are turned into piles of stones themselves". These statements were followed by the authorities' unlawful demolition of private property of people suspected of rioting, reportedly without notice or other due process requirements, in Madhya Pradesh, Gujarat, Delhi and Uttar Pradesh. Most of the demolished properties were owned by economically disadvantaged Muslims.

On 10 June the media reported an incident in which police personnel used batons against protesters, threw stones and shot bystanders during protests in Ranchi, Jharkhand state. One bystander was shot six times by the police while returning from the market. Two protesters, including a 15-year-old boy, were fatally shot in the head by the police.

## FREEDOM OF ASSEMBLY

### RESTRICTIONS ON THE RIGHT TO PROTEST

The authorities imposed new restrictions on freedom of expression and peaceful assembly. On 3 March the High Court of Karnataka upheld a state order restricting all

protests to a designated area in the state capital, Bengaluru.

On 26 September the Gujarat state police detained human rights activist Sandeep Pandey along with seven others who were due to participate in a march demanding a public apology to gang-rape survivor Bilkis Bano. Those convicted of raping Bilkis Bano had been released from prison by the Gujarat government.

### EXCESSIVE USE OF FORCE

The police used unlawful force and committed other human rights violations, including abusing laws to intimidate people and silence dissent.

On 10 June, in a video reported by multiple media outlets, police officers repeatedly hit detained male protesters with batons in Saharanpur, Uttar Pradesh. One protester complained of a fractured arm. Instead of criticizing the use of force, it was celebrated by former police officers and politicians of the ruling Bharatiya Janata Party on social media.

On 4 October, Gujarat state police tied nine men to a pole in Kheda city for allegedly throwing stones at a Hindu festival celebration and publicly flogged them with *lathis* (batons) while spectators cheered.

## FREEDOM OF RELIGION

Criminal laws were used disproportionately against religious minorities, particularly Muslims. The police routinely arrested Muslims for allegedly "promoting enmity between groups" and "outraging religious feelings" for acts including offering *namaz* (prayers), conducting legitimate business transactions, consensually marrying Hindu women and eating beef.

In May, July and August, scores of Muslims were either charged in criminal cases or with administrative penalties for offering *namaz* in public spaces and private homes.

In the states of Haryana, Uttar Pradesh, Madhya Pradesh, Kerala and Gujarat, public calls were made by some Hindu groups for the economic boycott of Muslim businesses. On 23 March the minister of law, parliamentary affairs and legislation in

Karnataka state said that non-Hindus cannot engage in any kind of trade near Hindu temples and institutions. Calls were also made in Karnataka to boycott meat shops owned by Muslims during the Hindu festival of Dussehra. On 4 April the mayor of South Delhi ordered the closure of all meat shops, which were predominantly owned by Muslims, during the Hindu festival of Navratri.

Explicit incitement to violence against Muslims, including to rape and murder Muslim women, were made with impunity by Hindu priests in Uttar Pradesh and Delhi.

On 17 May, Karnataka state government passed a law, without public or legislative consultation, criminalizing marriages where there is an allegation of forced religious conversion by relatives or colleagues of the alleged victim. The law made these conversions punishable by up to 10 years' imprisonment. On 11 November, five people were arrested in Karnataka on allegations of forced conversion. Uttar Pradesh, where a similar law was passed in 2021, witnessed attacks and violence against Christians on allegations of forced conversion.

## **DISCRIMINATION**

### **HATE CRIMES BASED ON CASTE**

Hate crimes including violence against Dalits and Adivasis were committed with impunity. More than 50,000 suspected crimes against members of Scheduled Castes and more than 9,000 crimes against Adivasi people were reported in 2021. More than three-quarters of India's prison population were in pretrial detention, with Dalits, Adivasis and members of other disadvantaged groups being disproportionately represented.

Throughout the year, media reports demonstrated that the Dalit community, including Dalit children, faced increasing oppression and violence from members of dominant castes, including loss of life for exercising their basic rights such as drinking water from a common well.

Despite a formal ban on manual scavenging, at least 19 sanitation workers suffocated to death after being forced to

clean sewers and septic tanks by private businesses, political leaders and the police. Almost three-quarters of sanitation workers across India belonged to Scheduled Castes.

## **INDIGENOUS PEOPLES' RIGHTS**

On 28 June the Ministry of Environment, Forest and Climate Change passed the Forest Conservation Rules, permitting private businesses to cut down forest without obtaining free, prior and informed consent from forest-dwellers, including Adivasi peoples, who self-identify as Indigenous.

On 17 July, independent journalist Rupesh Kumar Singh was arbitrarily detained by Jharkhand police in retaliation for his extensive reporting on the rights of Adivasi peoples in Giridih district, Jharkhand state.

More than 60 forest dwellers, environmental human rights defenders and Adivasi people were arrested during the year for protesting against a steel project by Jindal Steel Works in the village of Dhinkia, Odisha state, which was approved by the government based on a fraudulent environmental impact assessment.

## **JAMMU AND KASHMIR**

### **FREEDOM OF EXPRESSION**

Several Kashmiri journalists were arrested, including Fahad Shah, Aasif Sultan and Sajad Gul. After being granted bail by local courts, they were re-arrested almost immediately under the UAPA. In a continuing crackdown on freedom of expression and movement, journalists Aakash Hassan and Sanna Irshad Mattoo were prevented from travelling abroad by the immigration authorities without a court order, warrant or even a written explanation. Human rights defender Khurram Parvez remained detained under the UAPA without trial since November 2021.

### **UNLAWFUL KILLINGS**

According to official data, Jammu and Kashmir accounted for the highest proportion of deaths involving the police in India between April 2020 and March 2022. Media reports suggested that at least 19 civilians were killed by armed groups during 2022, of

which seven belonged to the regional Hindu minority community.

## RIGHT TO PRIVACY

On 6 April, parliament passed the Criminal Procedure (Identification) Act (2022) allowing police officers to collect signatures, handwriting samples, and biological samples including blood, semen, hair, swabs and DNA analyses of all convicts and arrested people including those under administrative detention. Under the Act, these could be stored for up to 75 years in a central database without a data protection framework in place.

On 25 August the Supreme Court refused to make public an investigatory report it had commissioned into allegations of unlawful surveillance of the mobile devices of journalists, politicians, scientists and human rights activists by government authorities using Pegasus spyware.

## WOMEN'S RIGHTS

Perpetrators continued to commit sexual and domestic violence with impunity.

The government of the state of Karnataka imposed a ban on women and girls wearing headscarves (hijab) in public schools. The ban was upheld by the High Court of Karnataka in March. In October, the Supreme Court issued a split verdict and referred the case to a larger panel of judges. Meanwhile the ban remained in place, resulting in ongoing harassment of Muslim women and girls.

There was some progress on women's rights. On 26 May the Supreme Court upheld the right of sex workers and their children to live with dignity and ordered police officers to not abuse them verbally or physically. On 29 September the Supreme Court progressively interpreted the 1971 Medical Termination of Pregnancy (MTP) Act and granted the right to abortion to all women, notwithstanding their marital status. The Indian government had previously refused to criminalize marital rape and the judgment's recognition of it under the MTP Act was a step forward in

recognizing marital rape as a form of violence against women.

## FAILURE TO TACKLE CLIMATE CRISIS

In August, India updated its NDC, strengthening its target to reduce greenhouse gas emissions by 2030. However, the Climate Action Tracker rated India's climate target and policies as "highly insufficient".

## ENVIRONMENTAL DEGRADATION

The government lacked adequate disaster preparedness policies and failed to effectively respond to floods and air pollution. The north-eastern state of Assam remained vulnerable to intense floods which affected more than 4.8 million people in July. From April onwards, India faced average temperatures of up to 4.5°C above the normal range, particularly affecting people living in poverty and those in certain professions such as daily wage labourers, farmers and street vendors. From October onwards, air quality seriously deteriorated in Delhi, largely due to stubble burning, the use of firecrackers during the Diwali festival and vehicle emissions, violating the human rights to life and health.

# INDONESIA

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## Republic of Indonesia

Head of state and government: **Joko Widodo**

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**Authorities repeatedly used excessive force to break up protests, including by local communities protesting against mining operations. The crackdown on political dissent in Papua and West Papua provinces continued. Dozens of Indigenous Papuans were arrested and some faced charges carrying lengthy prison terms. Freedom of expression continued to be curtailed as human rights defenders, journalists and others were subjected to physical and online attacks, and were arrested and prosecuted under repressive laws. A new law was adopted criminalizing various crimes related to sexual violence, but rape**



**victims were denied effective access to justice. The judicial punishment of flogging was used in Aceh province. Security forces committed unlawful killings, including in Papua and West Papua, largely with impunity.**

## **BACKGROUND**

In June, parliament passed legislation creating three new provinces that divided the existing provinces of Papua and West Papua into smaller administrative areas. The government said that this would accelerate development and improve public service delivery, but fears that it would lead to an increased military presence sparked renewed protests in a region where there was already a long-standing, pro-independence movement.

In December, parliament adopted a new criminal code that violated rights to freedom of expression, peaceful assembly and association, privacy and sexual and reproductive rights standards, and discriminated against women, LGBTI people and minorities. The new law, that will supersede the previous criminal code over a three-year period, reinstated prison sentences for insulting the president, vice president, the government and other state institutions and banned unauthorized demonstrations. It also made consensual sexual relations outside marriage a criminal offence, thereby permitting state intrusion into private decisions of individuals and families and could potentially be misused to criminalize victims of sexual assault or target members of the LGBTI community.

## **FREEDOM OF ASSOCIATION AND ASSEMBLY**

Authorities arrested, detained and used excessive force against protesters, including those defending land rights and the environment. On 8 February, security forces assaulted people in Wadas village, Central Java province, who were protesting against the environmental and social impacts of planned rock quarrying. The arrival of hundreds of military and police officers in the

village to secure land for the quarry led to clashes with local residents. Sixty-seven people were arrested during the confrontation but released without charge. The police refuted claims that excessive force was used against protesters.

On 12 February, a 21-year-old man, Erfaldi, was shot dead during a protest against a gold-mining operation in Parigi Moutong Regency, Central Sulawesi province. Members of the Police Mobile Brigade reportedly used tear gas and fired live ammunition to disperse hundreds of people who were blocking the Trans-Sulawesi highway after the provincial governor failed to attend a meeting to discuss community concerns about the impact of the mine on local livelihoods.<sup>1</sup> The trial of a police officer charged with Erfaldi's death was ongoing at year's end.

### **PAPUA AND WEST PAPUA**

Protests in Papua and West Papua provinces were met with disproportionate force and dozens of protesters were arrested during the year. On 10 May, police arrested seven political activists following a protest in Jayapura, the capital of Papua province, against the planned division of Papua and West Papua provinces. All were released without charge. The same day, police kicked and used rubber batons and wooden clubs to beat protesters as they prepared to march to the district parliament in the town of Abepura, Papua province. One student who had been negotiating with the police had a gun held against his head and was beaten until he lost consciousness. At least 36 other protesters also sustained injuries.<sup>2</sup>

In November, police forcibly broke up a vigil at Jayapura University of Technology and Science to commemorate the 21st anniversary of the abduction and killing of pro-independence leader Theys Eluay. According to reports, police fired tear gas to disperse the students who had raised the Morning Star flag – a symbol of Papuan independence. Fifteen people were arrested, three of whom were subsequently charged with treason and six with offences relating to violence against police officers. The three

students charged with treason remained in detention at year's end, while the others were released on bail.

## **FREEDOM OF EXPRESSION**

The Electronic Information and Transaction (EIT) law and other restrictive laws were used to prosecute and intimidate human rights defenders, activists, journalists, academics and others. Police launched investigations under the EIT law into three of the 67 people arrested in Wadas village on 8 February in connection with sharing videos on social media of the day's events. None were charged, but their mobile phones were confiscated. Subsequently, the official Twitter accounts of the Wadas anti-mining protest and the personal accounts of at least seven activists involved in the protests were suspended.<sup>3</sup>

On 6 April, the Ciamis District Court in West Java sentenced Muhammad Kosman to 10 years' imprisonment for "spreading false news". He was arrested in August 2021 under EIT law provisions on "advocacy of hatred" and law No. 1/1946 on misinformation after uploading a video on YouTube in which he allegedly insulted Islam and the Prophet Muhammad.<sup>4</sup>

In May, police launched a criminal investigation into protests by lecturers and other staff at a university in West Java province following a complaint of defamation under the EIT law against them by a former dean of the law faculty. The complaint related to their criticism of faculty policies and practices and calls for the dismissal of the dean. At least 14 lecturers and other staff members involved in the protests were questioned, but no one had been charged by year's end.

In March, police formally charged Haris Azhar and Fatia Maulidiyanti with defamation under the EIT law. The two human rights activists were accused in 2021 of "spreading false information" in connection with a YouTube video in which they reported allegations that a minister and members of the military were involved in the mining

industry in Papua. The two faced up to four years in prison if convicted.

## **JOURNALISTS**

At least 53 cases of physical assault, digital and other attacks targeting at least 63 journalists or media institutions were reported during the year. According to media reports, police slapped and choked a journalist who was covering a student demonstration in Kendari, Southeast Sulawesi province, in April. The journalist's mobile phone was seized and videos he had taken of police beating a demonstrator were deleted against his will.

Between 23 and 30 September the devices and social media accounts of at least 38 journalists and other media workers from the online media outlet Narasi were the targets of a coordinated hacking attack.<sup>5</sup> At the same time, Narasi's website was temporarily disabled following a cyberattack. Narasi is known for its coverage of corruption, crimes involving public officials and other controversial issues.

## **HUMAN RIGHTS DEFENDERS**

At least 35 cases of physical and digital attacks targeting 150 human rights defenders or organizations were reported during the year. There were concerns that an arson attack at the premises of the Papua Legal Aid Institute (LBH Papua) in Jayapura on 9 May, in which a motorbike was destroyed, was related to the NGO's work in defence of human rights in Papua. LBH Papua filed a report with the police but those responsible were not identified.

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

On 12 April, the House of Representatives adopted the Sexual Violence Crime Bill into law. The law, first proposed by women's rights activists in 2012, criminalized nine forms of sexual violence including, for the first time, forced marriage and physical, non-physical and cyber sexual harassment.

On 24 October, the independent news website Konde.co was temporarily disabled by a digital attack hours after publishing a report about the failure of the authorities to

investigate the rape of a woman in 2019, allegedly involving employees of the Ministry of Cooperatives and Small and Medium Enterprises. According to the report the survivor was forced to marry one of the alleged perpetrators, apparently as a form of “restorative justice”, which resulted in police investigations being halted and the release of all suspects in the case.<sup>6</sup> Konde.co, which reports on women’s issues and on marginalized groups, had experienced previous cyberattacks for its reporting.

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

At least 168 people were subjected to flogging in Aceh, the only Indonesian province to implement this form of punishment. In January, a woman collapsed twice while being flogged 100 times for sexual relations outside marriage. Her male partner received 15 lashes. Three other men received 100 lashes each on the same day for adultery or “facilitating adultery”.<sup>7</sup>

## **UNLAWFUL KILLINGS**

Thirty-six incidents of suspected unlawful killings by security forces, involving 41 victims, were recorded during the year. Five of these incidents, involving nine victims, took place in Papua province, bringing the total number of victims of suspected unlawful killings in Papua and West Papua since February 2018 to 105.

### **PAPUA AND WEST PAPUA**

On 15 March, police shot dead two people and injured three others when they opened fire on protesters in Yahukimo Regency who were demonstrating against the division of Papua and West Papua.

Police detained 10 people, including six members of the Indonesian military, in connection with the killing and dismemberment of four Papuan men in Mimika Regency in August. An Indonesian Army Strategic Reserve commander told journalists that these constituted murders as a criminal matter, but not human rights violations.<sup>8</sup> On 29 August, security forces detained and tortured three men in Bade village, Mappi Regency, resulting in the death

of Bruno Kimko and serious injury to the two others.<sup>9</sup> Eighteen members of Yonif Raider 600/Modang military unit were arrested but had not been charged by year’s end.

In March, UN experts raised concern about the deteriorating human rights situation in Papua and West Papua provinces and called for full and independent investigations, including into unlawful killings.

On 8 December, the Human Rights Court in Makassar, South Sulawesi province, acquitted a former military commander of the unlawful killing of four Papuan high school students in Paniai Regency in 2014. The trial was marred by concerns about its credibility, including because only one suspect was charged in the case and all of the witnesses except two were former members of the security forces. Previous investigations by Indonesia’s National Human Rights Commission, known as Komnas HAM, found that members of the XVII/Cenderawasih military unit had opened fire on a crowd of Indigenous Papuans who were protesting against the alleged beating of Papuan children by military personnel, resulting in the deaths of four boys and injuries to 21 others. According to Komnas HAM, the incident constituted a systematic and widespread attack against civilians.

## **EXCESSIVE USE OF FORCE**

Two separate investigations found that excessive use of force by police against football supporters at Kanjuruhan Stadium in Malang, East Java, on 1 October was the primary cause of a disaster that left 135 dead and another 433 injured. A fact-finding team established by the president and parallel investigations by Komnas HAM found that the use of tear gas had led to panic and a subsequent stampede in which supporters were crushed to death. According to Komnas HAM, police fired a total of 45 tear gas canisters into the crowd.<sup>10</sup> Seven people, including three police officers and one member of the Indonesian army, were named as suspects and faced criminal charges.

## FAILURE TO TACKLE CLIMATE CRISIS

Indonesia updated its NDC in September, bringing forward its target for reaching net zero by 10 years to 2060 and improving its unconditional target from 29% to 32% below its “business-as-usual” (BAU) scenario, and its conditional target from 41% to 43% below BAU. Both targets have been rated “critically insufficient” by independent analysts, and Indonesia’s over-reliance on coal and inadequate policies to support its replacement with renewables was criticized.

1. “Indonesia: Investigate alleged shooting towards protester in Parigi Moutong, Central Sulawesi”, 13 February (Indonesian only)
2. *Indonesia: Silencing voices, suppressing criticism: The decline in Indonesia’s civil liberties*, 7 October
3. “Indonesia: Investigate attacks and intimidation against Wadas residents and activists”, 16 February (Indonesian only)
4. “Indonesia: Stop criminalizing the right to freedom of expression”, 14 April
5. “Indonesia: Attacks against Narasi journalists are a form of silencing”, 26 September (Indonesian only)
6. “Indonesia: KKK denounces efforts to silence press freedom through digital attacks against Konde.co”, 25 October (Indonesian only)
7. “Indonesia: Woman collapses twice while publicly flogged 100 times for adultery in Aceh”, 27 January
8. “Indonesia: Mutilation case comments show state’s knee-jerk response to allegations of violence involving security forces in Papua”, 16 September
9. “Indonesia: Open Letter to Commander of the Indonesian National Armed Forces to investigate alleged abuse and unlawful killings by military officers”, 5 September (Indonesian only)
10. “Indonesia: Security forces must be held accountable for human rights violations of the Kanjuruhan tragedy”, 3 November (Indonesian only)

## IRAN

### Islamic Republic of Iran

Head of state: **Ali Khamenei (Supreme Leader)**

Head of government: **Ebrahim Raisi (President)**

**Iran was rocked by an unprecedented popular uprising against the Islamic Republic system. Security forces unlawfully fired live ammunition and metal pellets to crush protests, killing hundreds of men, women and children and injuring thousands. Thousands of people were**

**arbitrarily detained and/or unfairly prosecuted solely for peacefully exercising their human rights. Women, LGBTI people, and ethnic and religious minorities suffered intensified discrimination and violence. Enforced disappearances, torture and other ill-treatment, including through the deliberate denial of medical care, were widespread and systematic. Cruel and inhuman punishments, including flogging, amputation and blinding, were imposed and/or carried out. The use of the death penalty increased and public executions resumed. Trials remained systematically unfair. Systemic impunity prevailed for past and ongoing crimes against humanity relating to prison massacres in 1988 and other crimes under international law.**

## BACKGROUND

An unprecedented popular uprising rocked Iran from September, with people calling for an end to the Islamic Republic system. Protests were ongoing at the end of the year.

In March, the UN Human Rights Council renewed the mandate of the Special Rapporteur on Iran. In November, the same body established a fact-finding mission to investigate human rights violations relating to the uprising.

All independent UN experts and international monitors other than the Special Rapporteur on the negative impact of the unilateral coercive measures on the enjoyment of human rights were denied entry to Iran.

In March, Iran signed a bilateral treaty with Belgium – the Transfer of Sentenced Persons – raising concerns about its potential use to grant impunity for Iranian state agents arrested and convicted abroad of serious human rights violations. In December, the Constitutional Court of Belgium partially suspended implementation of the treaty and was due to rule on its annulment in early 2023.

Iran continued to provide military support to government forces in the armed conflict in Syria (see Syria entry).

Iran supported the Russian government's invasion of Ukraine by providing Shahed 136 drones, which were used to target and destroy civilian infrastructure.

In September/October, the Revolutionary Guards attacked Kurdish opposition groups inside the Kurdistan Region of Iraq, resulting in the deaths of more than a dozen people, including a pregnant woman.

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

The authorities ramped up already suffocating levels of repression, leaving no space for peaceful dissent.

### **FREEDOM OF EXPRESSION AND ASSOCIATION**

The authorities censored media, jammed satellite television channels and, from September, added Instagram and WhatsApp to the list of blocked and/or filtered mobile apps and social media platforms, which included Facebook, Signal, Telegram, Twitter and YouTube.

The authorities repeatedly shut off or disrupted internet and mobile phone networks during protests to suppress mobilization and hide the scale of violations by security forces.

The Internet User Protection Bill, which would further erode online freedoms and access to the global internet, remained pending. In September, an executive directive was issued further limiting access to online content.

The authorities banned all independent political parties, civil society organizations and independent trade unions, and subjected striking workers to reprisals.

### **FREEDOM OF ASSEMBLY**

The authorities systematically adopted a militarized response to localized and nationwide protests.

In May, security forces in Khuzestan province, as well as Chaharmahal and Bakhtiari province, unlawfully used live ammunition, birdshot, tear gas and water cannon to crush largely peaceful protests over soaring food prices and a deadly building collapse in Abadan, Khuzestan province. At least four people were killed.

Scores of others, including children, sustained injuries from birdshot, the use of which violates the prohibition of torture and other ill-treatment.<sup>1</sup>

The death in custody of Mahsa (Zina) Amini at the hands of Iran's "morality" police on 16 September sparked a nationwide uprising that continued the rest of the year. The authorities extensively and unlawfully fired live ammunition, metal pellets and tear gas and subjected protesters to severe beatings. Amnesty International recorded the names of hundreds of protesters and bystanders unlawfully killed by security forces, including dozens of children.<sup>2</sup> Hundreds were blinded or sustained other serious eye injuries due to security forces firing metal pellets. Thousands more sustained injuries for which many did not seek medical care due to fear of arrest.

More than half of those killed belonged to the oppressed Baluchi minority in Sistan and Baluchestan province and the oppressed Kurdish minority in the provinces of Kurdistan, Kermanshah and West Azerbaijan.

Peacefully protesting university students and schoolchildren were expelled and subjected to violent raids, beatings and other ill-treatment.

## **ARBITRARY DETENTION AND UNFAIR TRIALS**

Thousands of people were arbitrarily detained and/or unfairly prosecuted throughout the year for peacefully exercising their human rights; many remained unjustly imprisoned.

According to a leaked audio-recorded official statement, between 15,000 and 16,000 people were detained during the first weeks of the uprising. The authorities continued mass arbitrary arrests until the end of the year and subjected many to unjust prosecutions and unfair trials.

Two young men were arbitrarily executed in relation to the nationwide uprising after sham trials and without advance notice to their families, while scores of others were under the sentence of death or remained on trial for overly broad capital charges including

“enmity against God” (*moharebeh*) and “corruption on earth” (*efsad-e fel-arz*).

The authorities further suppressed civil society, subjecting hundreds of human rights defenders, lawyers, journalists, political dissidents, activists, conservationists, writers, artists, musicians, university students and schoolchildren, to arbitrary detention and/or unjust prosecution.

Hundreds of workers, including teachers, faced arbitrary detention for going on strike, taking part in International Workers’ Day rallies, and/or otherwise raising concerns about workers’ rights.

The practice of arbitrarily detaining foreign and dual nationals for leverage continued and, in some cases, constituted the crime of hostage-taking.<sup>3</sup>

The arbitrary house arrest of dissidents Mehdi Karroubi, Mir Hossein Mousavi and Zahra Rahnavard entered its 12th year.

The judiciary lacked independence and oversaw a repressive apparatus replete with systematic due process violations, including denial of access to a lawyer at the investigation stage, enforced disappearance, incommunicado detention, admission of torture-tainted “confessions” as evidence, and summary and secret sham trials bearing no resemblance to judicial proceedings, resulting in imprisonment, flogging and death sentences.

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

Torture and other ill-treatment, including through prolonged solitary confinement and deliberate denial of medical care, remained widespread and systematic. Forced “confessions” obtained under torture and other ill-treatment were broadcast on state television.

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.

Dozens of people died in custody in suspicious circumstances involving credible reports of physical torture and/or denial of

medical care. No investigations were conducted in line with international standards.

The Penal Code retained punishments violating the prohibition of torture and other ill-treatment, including flogging, blinding, amputation, crucifixion and stoning.

Between May and September, the authorities amputated the fingers of at least five men convicted of theft: four in Evin prison, Tehran province, and one in Raja’i Shahr prison, Alborz province.<sup>4</sup>

In October, the cases of two men and a woman were sent to the Office for Implementation of Sentences in Tehran to carry out their sentences of blinding under the principle of *qesas* (retribution-in-kind). No public information emerged on their implementation by the end of the year.

Courts issued at least 178 flogging sentences, according to Abdorrahman Boroumand Center.

## **DISCRIMINATION**

### **ETHNIC MINORITIES**

Ethnic minorities, including Ahwazi Arabs, Azerbaijani Turks, Baluchis, Kurds and Turkmen, faced widespread discrimination, curtailing their access to education, employment, adequate housing and political office. Continued under-investment in minority-populated regions exacerbated poverty and marginalization.

Persian remained the sole language of instruction in primary and secondary education, despite repeated calls for linguistic diversity.

Security forces unlawfully killed scores of unarmed Kurdish cross-border couriers (*kulbars*) between the Kurdistan regions of Iran and Iraq and Baluchi fuel porters (*soukhtbar*) in Sistan and Baluchestan province. Authorities failed to investigate the killings and hold those responsible accountable.

### **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. Hundreds were arbitrarily detained, unjustly prosecuted, tortured or ill-treated and/or subjected to other forms of harassment for professing or practising their faith. People born to parents classified as Muslim by the authorities risked arbitrary detention, torture or the death penalty for “apostasy” if they adopted other religions or atheism.

Members of the Baha’i minority were subjected to widespread and systematic violations for practising their faith, including arbitrary detention, interrogation, torture and other ill-treatment, and enforced disappearance. Authorities forcibly closed Baha’i businesses, confiscated dozens of Baha’i properties, demolished their homes and cemeteries, and banned Baha’is from higher education. In June, an appeal court upheld a verdict authorizing the confiscation of 18 Baha’i properties in Semnan province. In August, the authorities bulldozed six Baha’i houses and confiscated more than 20 hectares of land in a village in Mazandaran province, resulting in loss of livelihood.<sup>5</sup>

Authorities raided house churches and subjected Christian converts to arbitrary arrest, confiscation of personal property, prosecution on national security charges, and punishments such as imprisonment, fines and internal “exile”.

Several Gonabadi Dervishes remained unjustly imprisoned.

### **LGBTI PEOPLE**

LGBTI people suffered systemic discrimination and violence. Consensual same-sex sexual relations remained criminalized with punishments ranging from flogging to the death penalty. State-endorsed “conversion therapies” amounting to torture or other ill-treatment remained prevalent, including against children. Hormone therapy and surgical procedures including sterilization were mandatory for legal gender changes. Gender non-conforming individuals risked criminalization and denial of access to education and employment.

In August, LGBTI rights defender Zahra Sedighi-Hamadani, known as Sareh, and another woman, Elham Choubdar, were sentenced to death for “corruption on earth” by a Revolutionary Court in Urumieh, West Azerbaijan province, due to their real or perceived sexual orientation and/or gender identity and their social media activities in support of LGBTI communities.<sup>6</sup> The Supreme Court quashed their conviction and sentence in December and sent their case for retrial.

### **WOMEN AND GIRLS**

The authorities continued to treat women as second-class citizens, including in relation to marriage, divorce, child custody, employment, inheritance and political office.

The legal age of marriage for girls remained at 13, and fathers could obtain judicial permission for their daughters to be married at a younger age.

Women and girls were at the forefront of the popular uprising, challenging decades of gender-based discrimination and violence, and defying discriminatory and degrading compulsory veiling laws that result in them facing daily harassment and violence by state and non-state actors, arbitrary detention, torture and other ill-treatment, and denial of access to education, employment and public spaces.

There was a stricter enforcement of these laws in mid-2022, culminating in the death in custody of Mahsa (Zhina) Amini in September, days after she was violently arrested by Iran’s “morality” police amid credible reports of torture and other ill-treatment.

Authorities failed to provide adequate gender-specific healthcare to women prisoners.

The “Defending dignity and protecting women against violence” bill, introduced over a decade earlier, stalled in parliament. Lawmakers failed to revise the bill 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.

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

Security forces unlawfully fired live ammunition at Afghan men, women and children attempting to cross the Afghanistan/Iran border, resulting in unlawful killings. Afghans who managed to enter Iran were arbitrarily detained and subjected to torture and other ill-treatment before being unlawfully and forcibly returned.

## **DEATH PENALTY**

Executions increased from the previous year and public executions resumed after a two-year hiatus.

The authorities used the death penalty as a tool of political repression against protesters, dissidents and ethnic minorities.

The oppressed Baluchi minority made up a disproportionate number of those executed.

The death penalty was imposed after grossly unfair trials, including for offences not meeting the threshold of the “most serious crimes” such as drug trafficking, financial corruption, vandalism and for acts protected under international human rights law, including the peaceful exercise of the right to freedom of expression.

Several people were executed for offences that occurred when they were children; scores of others who were below 18 years of age at the time of the crime remained on death row.

## **IMPUNITY**

No public official was investigated or held accountable for extrajudicial executions and other unlawful killings, torture, enforced disappearance and other grave human rights violations committed in 2022 or previous years.

The authorities covered up the real number of those killed by security forces during protests by blaming deaths on “rioters” or, in some cases, including those of children killed, claiming their deaths resulted from suicide or accidents. They dismissed complaints by victims’ families and threatened to kill or harm them or their children if they spoke out.

No independent investigation was carried out into Mahsa (Zhin) Amini’s death in custody. The authorities denied responsibility, concealed vital evidence, and threatened her family and others disputing the official narrative and calling for truth and justice.<sup>7</sup>

Relatives seeking truth and justice and witnesses from the November 2019 protests who testified at the International People’s Tribunal on Iran’s Atrocities in London, UK, faced arbitrary detention and other forms of harassment.<sup>8</sup>

No independent investigations took place into the use of unlawful force against prisoners in Evin prison in October or into the circumstances surrounding the deaths of at least eight prisoners.<sup>9</sup>

The authorities continued to conceal the truth surrounding the January 2020 missile strike against Ukraine International Airlines Flight 752, which killed 176 people. In August, the judiciary announced the return of the case of 10 low-ranking officials tried before a military court for their involvement in the missile strike to the prosecutor’s office due to a “flawed investigation”.

Impunity prevailed for ongoing crimes against humanity relating to the mass extrajudicial executions and enforced disappearances of 1988, with many of those involved holding top positions, including the president. High concrete walls were erected around the Khavaran mass graves where the remains of several hundred victims are believed to be buried, raising concerns about the security of the site.<sup>10</sup> In July, a Swedish court sentenced former Iranian official Hamid Nouri to life in prison over crimes relating to the 1988 prison massacres, following an historic trial under the principle of universal jurisdiction.

## **FAILURE TO PREVENT CLIMATE CHANGE AND ENVIRONMENTAL DEGRADATION**

Environmental experts criticized the authorities’ failure to address Iran’s environmental crisis, marked by loss of lakes, rivers and wetlands; deforestation; air pollution; water pollution caused by the



discharge of wastewater into urban water sources; and land subsidence.

In July, Iran was one of only eight countries to abstain from a UN General Assembly resolution, adopted with 161 states in favour, which declared access to a clean, healthy and sustainable environment a universal human right.

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1. *Iran: They are Shooting Brazenly: Iran's Militarized Response to May 2022 Protests*, 3 August
  2. *Iran: Leaked Official Documents Ordering Deadly Crackdown Highlight Need for International Action*, 30 September
  3. *Iran: The Crime of Holding Nazanin Zaghari-Ratcliffe Hostage Must Not Go Unpunished*, 1 June
  4. "Iran: Finger amputation risk for eight prisoners", 16 June
  5. "Iran: Intensified assault on Iran's Baha'i minority", 23 August
  6. "Iran: Iranian LGBTI defender sentenced to death: Zahra Sedighi-Hamadani & Elham Choubdar", 15 September
  7. *Iran: Urgent International Action Needed to Ensure Accountability for Mahsa Amini's Death in Custody*, 27 September
  8. *Iran: Authorities Violating Absolute Prohibition of Torture Through Harassment of Witnesses Involved in Iran Atrocities Tribunal*, 7 April
  9. "Iran: Tortured prisoners at Evin prison are in urgent need of international protection", 18 October
  10. "Iran: Walls erected around graves of massacre victims show urgent need for international investigation," 13 September

## IRAQ

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### Republic of Iraq

Head of state: **Abdul-Latif Rashid (replaced Barham Ahmed Salih in October)**

Head of government: **Mohammed Shia' Al-Sudani (replaced Mustafa Al-Kadhimi in October)**

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**Amid continuing political instability and sporadic clashes between armed actors, dozens of people were killed and thousands more joined the 1.2 million people already internally displaced. Kurdistan Regional Government security forces repressed freedom of expression and peaceful assembly. Impunity continued to prevail for past unlawful killings as well as for torture and other ill-treatment. Reports of gender-based violence increased while state-provided paths to protection remained minimal in both the Kurdistan Region of**

**Iraq and central Iraq. Proposed legislation further threatened LGBTI people's rights. Hundreds of thousands of internally displaced people continued to face obstacles in accessing vital services and dignified, safe return to their areas of origin. Courts continued to hand down death sentences following unfair trials. The authorities failed to provide adequate support to marginalized communities most affected by droughts, heatwaves and prolonged sandstorms.**

## BACKGROUND

A new government was formed in October more than a year after parliamentary elections. The delay was caused by disputes between political parties allied to the Popular Mobilization Units (PMU), which are affiliated to Iraq's central authorities and were designated as part of the Iraqi armed forces in 2016, and the "Sadr Bloc" of parliamentarians supporting popular cleric Muqtada Al-Sadr, which won the majority of seats. The political impasse occasionally spilled over into armed clashes between rivals. After Muqtada Al-Sadr called on "Sadr Bloc" parliamentarians to resign in August, his supporters and members of the affiliated Saraya al-Salam militia stormed parliament in the Green Zone and clashed with PMU fighters using rockets, mortars and rocket-propelled grenades, leading to tens of deaths and hundreds of injuries. Clashes between Muqtada Al-Sadr's followers and PMU factions perceived as aligned with Iran spread to Basra city between late August and early September and led to at least four deaths.

Türkiye continued to carry out air strikes and shelling as part of its ongoing military operation targeting members of the Kurdistan Workers Party (PKK) based in northern areas of the Kurdistan Region of Iraq (KR-I). The Iranian Revolutionary Guards claimed responsibility for attacks targeting locations of Kurdish Iranian opposition parties in Erbil governorate. Such attacks led to deaths and displacement.

Sporadic attacks by the armed group Islamic State, which targeted security forces' barracks and checkpoints, continued in Anbar, Kirkuk and other governorates previously controlled by Islamic State. Media reported Islamic State abductions of at least 10 residents of Kirkuk and Diyala governorates, who were freed after their families paid ransoms.

## **FREEDOM OF EXPRESSION AND ASSEMBLY**

Kurdistan Regional Government (KRG) security forces continued to repress the right to freedom of expression and assembly.

KRG security forces arbitrarily arrested, prosecuted and imprisoned journalists, activists and perceived critics. Two journalists and three political activists, detained since August 2020 and convicted in February 2021 on national security-related charges, went on three hunger strikes during 2022 in protest at their continued detention, despite a decree issued in February by the KRG president Nechirvan Barzani to reduce their sentence from five to two years.

On 6 August, KRG security forces used tear gas and rubber bullets to disperse peaceful protests in the cities of Erbil and Sulaimaniya in the KR-I against delayed payment of government wages and lack of employment opportunities, resulting in several injuries. Asayish forces, the KRG's primary security and intelligence agency, briefly detained at least 20 journalists in connection with protest coverage. The New Generation Party, an opposition party that called for protests, reported that Asayish forces arrested dozens of its members at their homes or during the protests in Erbil and Sulaimaniya. After several days in detention, they were released on bail without being informed of any charges.

In September, Asayish forces arrested a journalist working for a media outlet aligned with the opposition during his coverage of a Turkish drone attack targeting PKK fighters in Erbil governorate. He was released the next day without charge after signing a pledge to no longer cover similar incidents. In October,

Asayish forces arrested two journalists near Erbil under the vaguely worded 2008 Law to Combat the Misuse of Electronic Devices, used in the past to prosecute individuals for posting content deemed critical of officials. They were released by the end of the month.

The prevailing climate of impunity for armed actors targeting protesters, activists and journalists undermined the right to freedom of expression in central Iraq. In October, armed supporters of Muqtada al-Sadr stormed and destroyed al-Rabaa TV channel offices in the capital Baghdad after a media host reported the destruction of state buildings by Muqtada Al-Sadr's followers and criticized his former militia known as the Mahdi Army. Iraqi authorities condemned the attack and announced an investigation, but no further measures to protect media workers or hold perpetrators accountable were announced.

On 5 December, a court in Baghdad sentenced activist Hayder Hamid al-Zaidi to three years in prison under article 226 of the Penal Code for a tweet deemed to mock a deceased PMU leader. Hayder Hamid al-Zaidi had been arrested in June and released two weeks later on bail. On 7 December, security forces opened fire on protests in the southern city of Nasiriyah to denounce the sentence, killing at least two and injuring at least 17.

## **IMPUNITY**

Impunity prevailed for hundreds of unlawful killings during the October 2019 protests with little progress in investigating suspected perpetrators. The Iraqi authorities failed to announce the results of investigations by committees established in the aftermath of protests to investigate protest violence as well as the targeted killings and attempted killings of tens of activists between 2019 and 2021. Armed actors continued to threaten to kill or disappear activists as well as relatives of dead or disappeared protesters and activists, prompting them to go into hiding or flee abroad.

In February, an investigative court in Nasiriyah city, Thi Qar governorate, launched

an investigation into the role of a senior military officer in the crackdown against October 2019 protesters in the governorate; no further information was made available.

Also in February, Ali Al-Bayati, a former member of the Iraqi High Commission for Human Rights – a national institution – was questioned in a Baghdad investigative court on charges of defamation because he raised torture concerns in a media interview in 2020 and officials lodged a complaint against him.

In September, Iraqi authorities announced an investigation into the fatal shooting of Zainab Essam Majed al-Khazali, a 15-year-old girl, during live-fire drills at a US military base near Baghdad International Airport. US authorities stationed in Iraq did not acknowledge the incident. No further developments were made public.

In October, a court in Diwaniya, al-Qadisiya governorate sentenced Kifah al-Kuraiti, a former member of Muqtada Al-Sadr's Saraya al-Salam, to death for the murder of prominent activist Thaer Al-Tayeb in December 2019.

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

In its concluding observations published on 15 June, the UN Committee Against Torture expressed concerns about the widespread use of torture, especially during investigative stages, in official and unofficial places of detention throughout Iraq, and the lack of impartiality of judicial authorities mandated to investigate torture complaints.

Conditions of detention for prisoners on death row in Nasiriyah prison, Thi Qar governorate, violated the absolute prohibition of torture and other ill-treatment. Sources reported that prisoners were subjected to frequent beatings; kept in overcrowded and filthy cells; and denied adequate healthcare, sufficient food and drinking water unless they paid for it, and regular family visits.

## **UNFAIR TRIALS**

Proceedings against hundreds of suspected Islamic State members and supporters, among them boys, continued in Iraq, including in the KR-I, amid serious concerns

over their fair trial rights, including the right to adequate defence. Long prison terms and death sentences were imposed following convictions based primarily on torture-tainted “confessions”.

Over 200 Iraqi boys were detained in Baghdad after their transfer from northern Syria. They remained held without charge or trial on suspicion of belonging to Islamic State.

## **VIOLENCE AGAINST WOMEN AND GIRLS**

The Iraqi parliament continued to fail to criminalize domestic violence despite an increase in “honour killings” and other forms of gender-based violence documented by national NGOs.

Effective state-provided paths to protection from gender-based violence remained severely limited in the KR-I and central Iraq. A limited number of shelters overseen by the KRG's Ministry of Labour and Social Affairs operated in KR-I cities, but national NGOs noted the inadequacy of rehabilitation services for survivors. Only one shelter, able to accommodate some 100 survivors, operated in central Iraq with the backing of the UN Population Fund. NGOs in Baghdad continued to be harassed for running unofficial women's shelters, including by being summoned for questioning following complaints by parliamentarians from conservative parties.

The KR-I witnessed an increase in reports of women and girls killed by male relatives, including for converting to a different religion and for identifying as transgender women. A coalition of women's organizations documented the killings of at least 16 women and one girl, aged 15, by male relatives between January and March alone; the actual number is believed to be much higher. Authorities failed to carry out independent and impartial investigations into most of these killings amid a social climate of victim-blaming, including on social media, and apathy of legislators.

In September, Iraq's Ministry of Interior announced that the “community police” – a force established in 2016 under the Ministry

of Interior with a broad mandate to support local police in a range of tasks – received over 1,100 calls from survivors of domestic violence. According to women’s rights NGOs, this force merely operated as a “hotline” and took no effective action to protect survivors or investigate reports of domestic violence.

## **LGBTI PEOPLE’S RIGHTS**

In July, a number of parliamentarians in central Iraq announced an initiative for a draft bill to criminalize homosexuality. In September, a bill was introduced in the KR-I parliament to criminalize overt support for LGBTI rights.

## **INTERNALLY DISPLACED PEOPLE’S RIGHTS**

At least 1.2 million people remained internally displaced, according to the International Organization for Migration (IOM). After the central Iraqi authorities’ closure of camps in 2021, some 75% of internally displaced people were left to fend for themselves. Around 15% were housed in 14 camps that remained open in the KR-I and parts of Ninewa governorate controlled by the KRG. The remaining 10% were able to return to their areas of origin.

Thousands of internally displaced people faced obstacles to their dignified and safe return to their areas of origin in Anbar, Diyala, Ninewa and Salah Al-Din governorates due to risks of arbitrary arrest and other harassment by armed actors and security forces, as well as lack of livelihood opportunities and access to services. Previously displaced children across Anbar, Diyala, Dohuk, Kirkuk, Ninewa and Salah Al-Din governorates faced major obstacles to accessing formal education due to the lack of identity documents for children born in territories under Islamic State control. Since 2016, Iraqi civil and security apparatuses have subjected thousands to collective punishment for their perceived affiliation to Islamic State, denying them civil status documents necessary to access essential services and move about freely.

Hundreds of families returned to Iraq from Syria after they fled there in the context of the

conflict involving Islamic State. Most remained in limbo in poorly equipped “reception centres” in Ninewa governorate. The government failed to devise any plans for their safe and dignified return to their areas of origin and reintegration.

In May, clashes between Iraqi forces and a Yezidi faction of the PMU displaced at least 3,000 individuals from Sinjar district, Nineveh governorate, to private settings in Duhok governorate and camps in the KR-I.

## **FAILURE TO TACKLE CLIMATE CRISIS AND ENVIRONMENTAL DEGRADATION**

The effect of climate change, including droughts, heatwaves and sandstorms, impacted the lives of millions of people across Iraq. The IOM reported that by September over 10,000 families remained displaced because of drought, land degradation and increased salinity in rivers across 10 governorates.

Iraq’s healthcare infrastructure, already on the brink of collapse due to the Covid-19 pandemic and years of neglect and corruption, failed to meet the needs of people impacted by heavy and protracted sandstorms.

Day labourers were disproportionately affected by the closure of public institutions during particularly heavy sandstorms between April and June due to their loss of livelihoods in the absence of any social security system.

### **RIGHT TO WATER**

In October, Iraq’s Water Sources Ministry said that 2022 was the driest year since 1930. Water shortages resulting from drought, failure of desalination plants blamed on corruption, and the drying out of river beds and marshlands had devastating human rights impacts, particularly on the rights to health, work, water and sanitation of millions of Iraqis. Iraqi authorities failed to provide adequate support to those most affected and to marginalized rural communities, including inhabitants of marshlands whose threatened livelihoods led thousands to relocate to urban areas.

## NDC

Iraq committed to voluntarily cut 1-2% of overall emissions by 2030 from their 2021 level, when it became a party to the Paris Agreement, and indicated its aim to raise its commitment to 15% conditional on international financial and technical support.

## DEATH PENALTY

Courts in Iraq imposed death sentences for murder, rape of children and “terrorism”-related acts, frequently following trials that failed to meet international fair trial standards. There was a notable decrease in the number of executions, but thousands remained on death row.

# IRELAND

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## Ireland

Head of state: **Michael D. Higgins**

Head of government: **Leo Varadkar (replaced Micheál Martin in December)**

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**Criminalization of aspects of sex work put sex workers at higher risk of violence. The UN Human Rights Committee (HRC) found inadequacies in redress schemes for women and children who had resided or been confined in state-funded institutions, and for women subjected to surgical procedures during childbirth without their informed consent. Concerns continued over access to adequate housing, including for Ukrainians and other refugees. Objections were raised over plans to introduce facial recognition technology in policing public spaces.**

## WORKERS' RIGHTS

Research published in January found that Ireland's criminalization of aspects of sex work placed sex workers at higher risk of abuse and violence, including rape.<sup>1</sup> It showed that 2017 legislation criminalizing the purchase of sex forced sex workers to take more risks to earn an income and that retaining the offence of “brothel keeping” prevented their working together in the same premises for safety. It further found that sex

workers' mistrust of the police and social stigma were reinforced by the criminal law. Sex workers reported a fear of police harassment and violence and of landlords being targeted, leading to potential eviction and homelessness.

These findings were echoed in further research published in August, which revealed that street-based sex workers faced discriminatory behaviour from the police, including sexual exploitation and abuse of power by some officers. The research was based on interviews with sex workers by a team of researchers and peer-researchers, in a collaboration between the University of Limerick and Gender, Orientation, Sexual Health, HIV (GOSHH).

The report of a three-year review of the 2017 law by the Department of Justice had not been published by the end of 2022.

## RIGHT TO TRUTH, JUSTICE AND REPARATION

In its observations on Ireland's fifth periodic report, the UN HRC raised concern at gaps in the state's response to past abuse of women and children who resided or were confined in state-funded institutions operated until the late 1990s by religious orders. These institutions included “mother and baby homes” for unmarried women to give birth, “Magdalene Laundries” where women and girls were forced to live and work, and institutional homes for children. The HRC criticized deficits in the state redress system offered to survivors. It called for a transitional justice mechanism to establish the truth of what happened in these institutions and to ensure effective remedies, including compensation.

The HRC also called for a prompt, independent and thorough criminal investigation into the past medical practice of symphysiotomy, a surgical procedure involving partial cutting of pubic bones to facilitate vaginal childbirth, without women's knowledge or informed consent. It recommended adequate redress for all women affected including through the

removal of barriers to accessing the state's compensation scheme.

## SEXUAL AND REPRODUCTIVE RIGHTS

A bill was introduced in October to provide “safe access zones” to protect the safety and privacy of women entering medical facilities to access abortion care.

## RIGHT TO HOUSING

Concerns over the availability and affordability of housing intensified, as record numbers of people experienced homelessness. The government established a Housing Commission to review policy and manage a public consultation on a possible constitutional right to housing.

## REFUGEES' AND MIGRANTS' RIGHTS

In February, the government waived visa requirements for people fleeing the war in Ukraine.

In March, it activated the EU Temporary Protection Directive, allowing Ukrainian refugees to access social protection, employment, healthcare and education, as well as free temporary accommodation, where needed. However, due to a lack of available housing, the government stated in October that accommodation could no longer be guaranteed.

## MASS SURVEILLANCE

NGOs and experts raised concerns at draft legislation proposing to introduce facial recognition technology for police law enforcement, including in public spaces.

## FREEDOM OF ASSOCIATION AND ASSEMBLY

The Electoral Reform Act passed in July did not amend provisions in the Electoral Act that severely impact civil society organizations' rights to freedom of association and expression, as NGOs had hoped. These provisions continued to impose a blanket ban on overseas, and severe limits on domestic, donations to campaigning work for broadly defined “political purposes”. Such restrictions continued to affect the general

advocacy work of many human rights and other organizations, including outside of election or referendum periods.

The HRC raised concern at reports of excessive use of force by police during Covid-19 protests and disproportionate pandemic restrictions on freedom of movement and peaceful assembly. It called on the government to conduct a full human rights review of its Covid-19 response.

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1. *Ireland: “We Live Within a Violent System”: Structural Violence Against Sex Workers in Ireland*, 25 January

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# ISRAEL AND THE OCCUPIED PALESTINIAN TERRITORIES

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## State of Israel

Head of state: **Isaac Herzog**

Head of government: **Benjamin Netanyahu (replaced Yair Lapid in December, who replaced Naftali Bennett in July)**

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**Israel's continuing oppressive and discriminatory system of governing Palestinians in Israel and the Occupied Palestinian Territories (OPT) constituted a system of apartheid, and Israeli officials committed the crime of apartheid under international law. Israeli forces launched a three-day offensive on the occupied Gaza Strip in August during which they committed apparent war crimes. This compounded the impact of a 15-year ongoing Israeli blockade that amounts to illegal collective punishment and further fragments Palestinian territory. Israel escalated its crackdown on Palestinians' freedom of association. It also imposed arbitrary restrictions on freedom of movement and closures that amounted to collective punishment, mainly in the northern West Bank, ostensibly in response**

**to armed attacks by Palestinians on Israeli soldiers and settlers. The year saw a rise in the number of Palestinians unlawfully killed and seriously injured by Israeli forces during raids in the West Bank.**

**Administrative detentions of Palestinians hit a 14-year high, and torture and other ill-treatment continued. Israeli forces demolished al-Araqib village in the Negev/Naqab for the 211th time. A further 35 Palestinian-Bedouin towns in Israel were still denied formal recognition and residents faced possible forcible transfer. Authorities failed to process asylum claims for thousands of asylum seekers, and imposed restrictions on their right to work.**

## **BACKGROUND**

In March, the UN Special Rapporteur on the human rights situation in the OPT determined that the “political system of entrenched rule” in the occupied West Bank and Gaza Strip “satisfies the prevailing evidentiary standard for the existence of apartheid”. In November, the UN Special Rapporteur on the right to adequate housing reached the same conclusion in relation to Israel’s policies of home demolitions. Some states, including South Africa, condemned Israeli apartheid, echoing statements by Palestinian, Israeli and international human rights organizations. Despite this growing recognition, Israel continued to enjoy impunity thanks to the support of its key allies.

In October, the United Nations Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and in Israel, concluded that the occupation of the OPT is unlawful due to its permanence and Israel’s measures to annex Palestinian land in law and in practice. In 2022, such measures included retroactive authorization of settlement outposts, including by the Israeli Supreme Court.

In November, Israel held its fifth elections in three years after the collapse of an ideologically diverse coalition government, which continued to discriminate against Palestinians on both sides of the Green Line.

The vote was polarized between those supporting and opposing former prime minister Benjamin Netanyahu, while consensus on maintaining Israel’s occupation of Palestinian and Syrian territories remained. The right-wing bloc, led by Benjamin Netanyahu and a religious-nationalist coalition, secured a majority of seats and formed a government in December.

## **APARTHEID**

In February, Amnesty International released a 280-page report showing how Israel was imposing an institutionalized regime of oppression and domination against the Palestinian people wherever it exercised control over their rights, fragmenting and segregating Palestinian citizens of Israel, residents of the OPT and Palestinian refugees denied the right of return. Through massive seizures of land and property, unlawful killings, infliction of serious injuries, forcible transfers, arbitrary restrictions on freedom of movement, and denial of nationality, among other inhuman or inhumane acts, Israeli officials would be responsible for the crime against humanity of apartheid, which falls under the jurisdiction of the ICC.<sup>1</sup>

In March, Israeli authorities re-enacted the Citizenship and Entry into Israel Law (temporary order) that imposes sweeping restrictions on Palestinian family unification between Israeli citizens or residents and their spouses from the OPT to maintain a Jewish demographic majority.

In July, the Israeli Supreme Court upheld a law authorizing the interior minister to strip citizens of their citizenship if convicted of acts that amount to “breach of allegiance to the state”. Since its enactment in 2008, application of the law has only been considered against Palestinian citizens. On 20 September, the Israeli Appeals Tribunal approved the revocation of stay or temporary residency permits of 10 Palestinians – four children, three women and three men – living in Jerusalem because they are distant relatives of a Palestinian assailant. On 18 December, Israel deported French-Palestinian human rights defender Salah

Hammouri following the revocation of his East Jerusalem residency.<sup>2</sup>

## **UNLAWFUL ATTACKS AND KILLINGS**

### **ARMED CONFLICT BETWEEN ISRAEL AND PALESTINIAN ARMED GROUPS IN GAZA**

On 5 August, Israel launched an offensive on the Gaza Strip targeting the Palestinian Islamic Jihad and its armed wing, destroying or damaging some 1,700 Palestinian homes and displacing hundreds of civilians. The Israeli army and Palestinian armed groups committed apparent war crimes during the three days of fighting. (See State of Palestine entry.)<sup>3</sup>

According to the UN, 49 Palestinians were killed, including 31 civilians. Amnesty International established that Israeli forces killed 17 of the civilians, including eight children. Seven civilians, including four children, were killed by a rocket that misfired apparently launched by a Palestinian armed group. On 7 August, an Israeli missile, apparently fired by a drone, hit Al-Falluja cemetery in Jabalia refugee camp, killing five children and injuring one, in an apparent direct attack on civilians or indiscriminate attack.

### **WEST BANK**

Israeli forces killed 151 Palestinians in the occupied West Bank, including East Jerusalem, and injured 9,875, according to OCHA-OPT, amid a surge of military incursions that involved excessive use of force, including unlawful killings and apparent extrajudicial executions.<sup>4</sup> Defense for Children International-Palestine reported that Israeli forces or settlers killed 36 children across the West Bank and East Jerusalem.

On 11 May, Israeli soldiers killed Shirin Abu Akleh, a Palestinian-US Al Jazeera correspondent, and injured her colleague, while they were covering an Israeli army raid in Jenin Camp. In September, the Israeli authorities admitted that an Israeli soldier “likely” killed the journalist but concluded that no criminal offence had been committed.

## **RIGHT TO TRUTH, JUSTICE AND REPARATION**

Israeli authorities continued to refuse to cooperate with the investigation by the ICC Office of the Prosecutor, despite a 2021 decision by the ICC to initiate an investigation into the situation in Palestine. The authorities also failed to adequately investigate violations and crimes under international law.

## **FREEDOM OF MOVEMENT**

In the West Bank, 175 permanent checkpoints and other roadblocks, as well as scores of temporary irregular barriers and a draconian permit regime, supported by a repressive biometric surveillance system, continued to control and fragment Palestinian communities.

In October, Israeli authorities placed additional restrictions on freedom of movement in the occupied West Bank reportedly in response to Palestinian attacks on Israeli soldiers and civilians, through sweeping and arbitrary closures that severely disrupted everyday life and amounted to unlawful collective punishment. In April, the Israeli army closed checkpoints into Jenin in a move that appeared designed to stifle Jenin’s businesses and trade with Palestinian citizens of Israel. In October, Israeli forces re-imposed a closure on Jenin and closed off Nablus for three weeks, and Shufat refugee camp in occupied East Jerusalem for over a week, gravely affecting the freedom of movement of hundreds of thousands of Palestinian civilians living in those areas and restricting access to medical aid and other essential services.

According to COGAT, a unit of the defence ministry, Israel revoked the permits to work in Israel of 2,500 Palestinians as a means of collective punishment.

A new procedure issued by the Israeli military authorities came into effect in October, restricting the ability of foreign passport holders to live with their Palestinian spouses in the West Bank by limiting their visas to a maximum of six months, requiring couples to request permanent residency



status in the West Bank, which is subject to Israeli approval.

In Gaza, the illegal Israeli blockade entered its 16th year. According to Gaza-based human rights organization Al-Mezan, nine patients, including three children, died while waiting for Israeli permits to receive life-saving treatment outside of the Gaza Strip, amid a complex bureaucratic entanglement between Israel, the Palestinian Authority and the Hamas administration.

The only power plant in Gaza was forced to shut for two days in August because of a week-long Israeli closure of all crossings, which prevented the delivery of fuel.

## **FORCED EVICTIONS**

Tens of thousands of Palestinians remained at risk of forced evictions in Israel and the OPT, including some 5,000 living in shepherding communities in the Jordan Valley and South Hebron Hills. Israeli authorities demolished 952 Palestinian structures across the West Bank, including East Jerusalem, displacing 1,031 Palestinians, and affecting the livelihoods of thousands of others.

On 4 May, the Israeli Supreme Court upheld a decision to forcibly transfer over 1,000 residents of Masafer Yatta in the South Hebron Hills from their ancestral land, which Israel had designated as “firing zone 918”, a military training zone closed to Palestinian access.

In July, the Israeli Supreme Court legalized the settlement outpost of Mitzpe Kramim, built on private Palestinian land in the occupied West Bank, claiming that it was “purchased in good faith”. This reversed its 2020 decision that ordered the government to evacuate the outpost.

According to OCHA, 2022 was the sixth consecutive year that saw an increase in state-backed settler violence against Palestinians in East Jerusalem and the West Bank, reaching a peak in October during the olive harvest season. The Israeli army and police continued to fail to investigate complaints by Palestinians about such violence.

In Israel, the authorities continued to deny official recognition to 35 Palestinian villages in the Negev/Naqab, depriving them of essential services. In January, the Israeli Land Authority and the Jewish National Fund began planting trees on lands belonging to the village of Saawa al-Atrash in the Negev/Naqab to forcibly transfer its Palestinian population.

In December, Israeli authorities demolished tents and structures in al-Araqib for the 211th time since 2010.

## **ARBITRARY DETENTION**

Israeli authorities increased their use of administrative detention, prompting a mass boycott of Israeli military courts by hundreds of detainees including Salah Hammouri, who went on hunger strike together with 29 others in protest at their detention without charge or trial. By 31 December, 866 individuals, all but two of them Palestinians, were administratively detained, the highest number in 14 years.

On 15 April, Israeli police arrested more than 400 Palestinians, including children, journalists and worshippers, during a raid on the al-Aqsa mosque compound in the Old City of Jerusalem. According to the Palestinian Red Crescent, at least 152 Palestinians were injured by rubber bullets, live ammunition and stun grenades, and were beaten. Most were released after several hours.

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

Israeli forces continued to subject Palestinian detainees to torture and other ill-treatment. As in previous years, the internal investigation unit of the police, Mahash, failed to properly investigate complaints of torture. On 24 November, the Beersheba District Court extended, by four months, the solitary confinement of Ahmad Manasra, imprisoned as a 13-year-old in 2015 and held in solitary confinement since November 2021, an act that amounts to torture. The same court had rejected in September his appeal for early release on medical grounds despite his severe mental health condition.

## **FREEDOM OF ASSOCIATION AND EXPRESSION**

On 18 August, Israeli soldiers raided the offices of seven Palestinian civil society organizations in Ramallah, vandalizing equipment, seizing files, and issuing closure orders based on the 1945 Defense (Emergency) Regulations.<sup>5</sup>

On 29 September, the Israeli Central Elections Committee disqualified the Palestinian party Balad from running in Israeli parliamentary elections because it called for a “state for all of its citizens”, in violation of Israel’s Basic Law. The Israeli Supreme Court reversed the decision in October.

On 24 November, the Israeli military renewed by 45 days and for the fourth time the detention of four Jewish Israeli teenagers – Einat Gerlitz, Evyatar Moshe Rubin, Nave Shabtay and Shahar Schwartz – who were first imprisoned in September for refusing, on grounds of conscience, to enrol in compulsory military service.

## **FAILURE TO TACKLE CLIMATE CRISIS AND ENVIRONMENTAL DEGRADATION**

On 28 June, the government introduced a climate bill, which proposed to reduce Israel’s greenhouse gas emissions by 27% by 2030. The bill remained pending. Meanwhile, Israel’s military industrial complex, including its August offensive in Gaza, exacerbated environmental damage caused in previous attacks that Israel continued to disregard.

In March, Israeli planes resumed aerial spraying of herbicides on the buffer zone in the Gaza Strip, damaging Palestinian farmland.

## **LGBTI PEOPLE’S RIGHTS**

On 14 February, Israel’s health ministry published a circular banning medical practitioners from conducting medical “conversion therapy” to change the sexual orientation of gay and lesbian individuals, but failed to grant it legislative status.

## **WOMEN’S RIGHTS**

In Israel, marriage and divorce remained under the exclusive jurisdiction of religious courts, leading to systematic discrimination against women in personal status matters.

Despite legal protections against domestic violence, 24 women were killed by partners or relatives according to the Israeli police. Some 69 women were killed between January 2020 and August 2022. Of the 40 femicides against Palestinian women in Israel during that period, 58% were not resolved by the police while all 29 femicides of Jewish-Israeli women in the same period were resolved.

## **REFUGEES’ AND MIGRANTS’ RIGHTS**

Israel welcomed tens of thousands of people fleeing Ukraine and allowed thousands of Jewish Ukrainians to settle under the 1950 Law of Return, while continuing to deny Palestinian refugees their right of return.

Israel continued to reject asylum applications of nearly 30,000 African asylum seekers, primarily from Eritrea and Sudan. Following a 2021 court decision, over 2,000 Sudanese asylum seekers from Darfur, Blue Nile and the Nuba mountains were given temporary residence permits, including access to national health insurance and other benefits.

In October, a commission appointed by Israel’s minister of interior concluded that asylum seekers from Darfur and the Nuba mountains were no longer at risk of persecution on ethnic grounds and could be returned safely to Sudan’s capital Khartoum, amid concerns of a possible reversal of Israel’s general non-deportation policy.

Government regulations banning some 20,000 asylum seekers from work in 17 Israeli cities unless they seek employment in construction, agriculture, hospitality and institutional nursing, came into effect in October.

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1. *Israel’s Apartheid against Palestinians: a cruel system of domination and a crime against humanity*, 1 February

2. "Israel and the Occupied Palestinian Territories: A perfect storm of apartheid policies led to Salah Hammouri's deportation", 21 December
3. "They Were Just Kids: Evidence of War Crimes During Israel's August 2022 Gaza Offensive", 25 October
4. *Israel/OPT: Continuing patterns of unlawful killings and other crimes further entrench apartheid*, 11 May
5. "Israel/OPT: The stifling of Palestinian civil society organizations must end", 18 August

# ITALY

## Republic of Italy

Head of state: **Sergio Mattarella**

Head of government: **Giorgia Meloni (replaced Mario Draghi in October)**

**Concerns about torture persisted. Police used excessive force against demonstrators. Restrictive measures against unauthorized musical gatherings risked undermining freedom of assembly. High levels of violence against women persisted. People rescued at sea were left stranded for many days before being allowed to disembark. The government approved new rules to restrict rescue operations by NGO ships. Cooperation with Libya on migration was extended, despite abuses. Access to abortion was not guaranteed in some parts of the country. Poverty levels rose, gravely affecting children and non-nationals. Parliament failed to extend protection against hate crimes to LGBTI people, women and people with disabilities. Whistle-blowers were not adequately protected in law. Mandatory vaccination against Covid-19 ended for medical staff working in hospitals and care homes.**

## BACKGROUND

In July, Mario Draghi resigned. Parliamentary elections in September delivered a strong majority for the far-right coalition, including the Brothers of Italy party, led by Giorgia Meloni, who became prime minister in October. During the electoral campaign and in her first speech to the parliament, Giorgia Meloni condemned racism and antisemitism, but her party continued to use language and

symbols reminiscent of Benito Mussolini's fascist regime.

## TORTURE AND OTHER ILL-TREATMENT

In November, 105 prison officers and other officials went on trial accused of multiple offences, including torture, for the violent suppression of a protest in the Santa Maria Capua Vetere prison in April 2020.

In December, a police officer was placed under house arrest, accused of torture in the case of Hasib Omerovic, a Roma man with a disability. He had fallen from the window of his home outside the capital, Rome, in still unclarified circumstances during an unauthorized police inspection in July. Four other police officers were suspended, accused of making false statements.

## FREEDOM OF EXPRESSION AND ASSEMBLY

Police used excessive force against protesters on several occasions. In January, anti-riot police in Turin used batons to beat students who were demonstrating against the work-related death of an 18-year-old boy. About 20 people were injured, one seriously.

In December, parliament approved the introduction of a new offence that punishes trespassing aimed at organizing a musical or other entertainment gathering deemed dangerous for public health and safety. Organizers of such gatherings could face up to six years' imprisonment and a fine of up to EUR 10,000. There was concern that the new legislation could infringe on freedom of assembly and expression.

## VIOLENCE AGAINST WOMEN AND GIRLS

There were 100 killings of women in domestic violence incidents, with 59 killed by their partners or former partners, a slight decrease from 2021.

Parliament failed to adopt a bill introduced in 2021 to strengthen safeguards to combat violence against women.

## REFUGEES' AND MIGRANTS' RIGHTS

Over 160,000 people fleeing from Ukraine requested temporary protection in Italy under

the EU Temporary Protection Directive. The authorities granted them priority access to residence permits and a subsistence allowance.

On other routes, 1,373 people went missing at sea trying to reach safety in Italy. Many had departed from Libya. There were 105,140 people who arrived irregularly by sea, up from 67,477 in 2021, with many requiring rescue at sea. Over 12,000 were unaccompanied children. In June, 21 European countries agreed a voluntary solidarity mechanism for the relocation of up to 10,000 asylum seekers from Italy and other countries in the Mediterranean.

The government refused to assign a place of safety for disembarkation to hundreds of rescued people on board NGO rescue ships and then attempted to introduce a selection process for disembarkation. The French government authorized the disembarkation in France of a group of people refused by Italy, but then retaliated by suspending transfers from Italy to France under the relocation mechanism. In December, the government approved a law with immediate effect to restrict NGOs' life-saving activities at sea. NGO crews must now request a port for disembarkation and make their way there after each rescue, limiting the possibility of saving more people in one operation; they are also expected to determine, while still at sea, whether rescued people intend to seek asylum. Violation of the new rules carries administrative penalties ranging from fines to the temporary or permanent seizure of the ship.

In December, the Tribunal of Rome found one Italian Navy official and one Coastguard official guilty of refusing to authorize a rescue, which contributed to the deaths of about 268 people, including dozens of children, when a refugee boat was shipwrecked in October 2013. However, the officials could not be sentenced due to the statute of limitations.

Reports of labour exploitation of migrant workers continued, with agriculture one of the sectors where people were most frequently underpaid and made to live in

substandard and dangerous accommodation. In November, five people were arrested for exploiting workers employed to pick tomatoes near Foggia, Apulia.

#### **COOPERATION WITH LIBYA**

Italy's support to Libya to contain people there continued despite persistent grave violations by Libyan authorities and militias. During the year, the Libyan authorities intercepted over 24,000 people at sea and returned them to Libya, with Italy's logistical and material support.

In July, parliament approved the extension for another year of military missions providing assistance to Libyan authorities intercepting refugees and migrants at sea and returning them to Libya. In November, the Memorandum of Understanding with Libya on migration and border control was tacitly renewed for a further three years.

#### **CRIMINALIZATION OF SOLIDARITY**

Court cases continued based on the offence of "facilitation of irregular entry", although in some cases courts recognized that acts of solidarity could not constitute offences. In May, the Court of Cassation annulled the conviction of four Eritrean nationals accused of facilitating irregular migration for offering hospitality to other Eritreans in a case that began in 2014. They spent 18 months in pretrial detention.

The preliminary hearing continued in Trapani, Sicily, in the case against the crews of the *Luventa* and other NGO rescue ships for alleged facilitation of irregular migration in connection with rescue operations in 2016 and 2017. In December, the government joined the proceedings as a complainant.

#### **SEXUAL AND REPRODUCTIVE RIGHTS**

Access to abortion remained difficult in many areas of the country due to the high number of doctors and other healthcare providers who refused to deliver abortion care. Their number reached 100% of competent medical staff in some regions.

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

In October, the UN Committee on Economic, Social and Cultural Rights (CESCR) expressed concern about rising levels of poverty, including child poverty, and the disproportionately high level of absolute poverty among non-nationals. The committee also highlighted the inhumane living and working conditions endured by workers in the informal economy.

## **DISCRIMINATION**

Parliament again failed to pass legislation extending to LGBTI people, women and people with disabilities the same protections available to other victims of hate speech and hate crimes based on racist, religious, ethnic and nationalist motives.

Parliament also failed to adopt a bill, decades in the making, to ensure effective access to citizenship for the children of foreign nationals who were born and/or grew up in Italy. Over 1.5 million children continued to face discrimination and challenges in accessing their rights.

## **WORKERS' RIGHTS**

Parliament failed to meet the 31 December 2021 deadline to transpose EU directive 1937/2019 on whistle-blower protection. This lack of safeguards contributed to the challenges faced by health and care workers who raised concerns about working conditions in care homes during the Covid-19 pandemic.

## **RIGHT TO HEALTH**

Continuing disproportionate limitations on visits to older care home residents to stem the spread of Covid-19 infringed their right to a private and family life.

## **FAILURE TO TACKLE CLIMATE CRISIS**

In July, a part of the Marmolada glacier in the Alps collapsed, causing the deaths of 11 people. Experts attributed the detachment of the ice block to rising global temperatures.

In October, the CESCR expressed concern that current emission-reducing policies may

not be sufficient for Italy to meet its obligations to combat climate change.

# **JAPAN**

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## **Japan**

Head of government: **Fumio Kishida**

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**The authorities' response to the climate crisis was insufficient. Long-standing discrimination against women, migrants, asylum seekers, ethnic Korean people and LGBTI people remained ongoing. Prolonged detention and inhumane treatment of foreign nationals in immigration detention facilities continued to be reported.**

## **BACKGROUND**

Former Prime Minister Shinzo Abe died in hospital after being shot at a political campaign event in July. In November, Minister of Justice Yasuhiro Hanashi resigned after making a joke about the death penalty, in which he stated that the justice minister can only make the news headlines by signing off execution warrants.

## **FAILURE TO TACKLE CLIMATE CRISIS**

Japan continued to be the world's biggest public financier of oil, gas and coal projects and one of the largest users of coal in electricity generation, policies which undermined the objectives of the Paris Agreement.

The Sixth Basic Energy Plan, approved by Prime Minister Fumio Kishida's cabinet in October 2021, remained in place. The plan aimed to decarbonize Japan's economy by 2050 and to achieve a 46% greenhouse gas reduction (on the base year of 2013) by 2030; targets which did not reach the level needed to achieve the 1.5°C average warming goal of the Paris Agreement. The plan also retained 19% of coal-fired power generation, inconsistent with the almost total phase-out of coal needed by 2030. A total of 166 coal-fired power plants were in operation, delaying the transition to renewable energy sources. Japan continued

to plan for the construction of new coal-fired power plants.

## **DISCRIMINATION**

Online advocacy of hatred directed towards ethnic Korean people continued to proliferate. Disinformation was circulated on social media, erroneously claiming that ethnic Korean residents of Japan were behind the assassination of former Prime Minister Shinzo Abe. In August, a man was sentenced to four years in prison for burning down seven buildings in Kyoto's ethnic Korean district of Uji. The perpetrator was allegedly influenced by anti-Korean comments on social medial platforms and admitted that the purpose of the attack was to make Koreans afraid to live in Japan.

## **LGBTI PEOPLE'S RIGHTS**

The National Diet (parliament) again failed to pass a bill to eliminate discrimination based on sexual orientation, gender identity and expression, and sex characteristics. In June, Osaka District Court rejected the claims of three same-sex couples – two male and one female – who argued that Japan's ban on same-sex marriage was unconstitutional.<sup>1</sup>

Also in June, the Tokyo metropolitan government adopted legislation recognizing same-sex partnerships, extending some rights that already applied to married heterosexual couples. It began issuing partnership certificates from November, but this fell short of allowing same-sex unions as legal marriages. Tokyo District Court upheld the Japanese government's ban on same-sex marriage but acknowledged that the absence of any legal route for same-sex couples to have families was an infringement of their human rights.<sup>2</sup>

## **WOMEN'S RIGHTS**

Japan ranked 116th in a survey of 146 nations conducted by the World Economic Forum which measured progress towards gender equality based on economic and political participation, education, health and other opportunities for women. Women were severely under-represented in politics

nationwide, accounting for just 10.6% of all prefectural assembly members.

In July, the Supreme Court upheld a High Court ruling which ordered Noriyuki Yamaguchi to pay journalist Shiori Ito around JPY 3.32 million (USD 24,000) in damages. The High Court had previously ruled that he had raped Shiori Ito at a hotel while she was unconscious. Shiori Ito continued to speak out about her experience, influencing the #MeToo movement in Japan and prompting other people to speak publicly about their experiences of sexual harassment and violence.

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

Foreign nationals continued to be subjected to prolonged detention and inhumane treatment in immigration control facilities. The government decided not to resubmit a controversial bill revising the Immigration Control and Refugee Recognition Act, days after demonstrations against the revisions were held across Japan. The bill maintained the presumption of detention, and the 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. Protesters in central Nagoya included the family of Ratnayake Liyanage Wishma Sandamali, a Sri Lankan woman who died during detention at the Nagoya Regional Immigration Services Bureau in March 2021.

In January, two asylum seekers sued the government, claiming that arbitrary detentions by the country's immigration authorities violate international law. The two men, from Iran and Türkiye, were each detained at Japanese immigration facilities for more than 1,350 days between 2016 and 2020. Both were designated for deportation and had been repeatedly detained, and received provisional release status for more than 10 years.

## **DEATH PENALTY**

In July, Tomohiro Kato was executed by hanging while in the process of requesting a retrial. He had been convicted of killing seven

people in 2008. This marked the second execution carried out since Prime Minister Fumio Kishida assumed office in October 2021.

1. "Japan: 'Discriminatory' ruling on same-sex marriage a crushing blow to equality", 20 June
2. "Japan: Tokyo ruling on same-sex marriage a sign of hope", 30 November

## JORDAN

### Hashemite Kingdom of Jordan

Head of state: **Abdullah II bin al-Hussein**

Head of government: **Bisher Al-Khasawneh**

**The authorities continued to restrict freedom of assembly, expression and association for journalists, political activists and workers through arbitrary detention and the use of repressive laws. Human rights defenders and journalists were targeted with surveillance. Women and girls continued to face discrimination in law and practice. Refugees faced challenges in accessing essential services due to cuts in international aid.**

### BACKGROUND

The state of emergency declared at the start of the Covid-19 pandemic in 2020 remained in force despite a statement by King Abdullah in May that it would be lifted in the next few months.

The king restricted freedom of movement and contact with the outside world for former crown prince Hamzah bin Hussein, who was placed under house arrest in 2021 for allegedly planning a coup, an accusation he denied.

In September, parliament adopted the Children's Rights Law.

### ARBITRARY DETENTION

Local governors continued to use the Law of Crime Prevention to administratively detain anyone considered "a danger to the people", without charge or the ability to challenge their detention before a competent judicial

authority. In March, the authorities used this law to arrest at least 150 activists, journalists, teachers and others in an apparent effort to stop them from organizing multiple protests, including one to commemorate youth-led anti-government protests that took place in March 2011. The authorities released all of them shortly after their arrest.

### FREEDOM OF EXPRESSION

The authorities continued to use the Cybercrime Prevention Law and criminal defamation provisions under the Penal Code to suppress free speech.

In February, the authorities arrested 11 political activists without a warrant and interrogated them in connection with "spreading false information" and "inciting sectarian and racial strife" under the Cybercrime Prevention Law and the Penal Code.

Journalists Taghreed Rishq and Daoud Kuttab were detained on their entry to Jordan and interrogated at Amman's international airport on 6 and 8 March, respectively, under the Cybercrime Prevention Law about their writing. Taghreed Rishq was released on bail the same day while Daoud Kuttab was released but ordered to appear before a court in Amman, the capital, where the judge ordered a temporary suspension of his arrest order. The same month, according to Reporters Without Borders, the authorities arrested and charged three journalists for "spreading fake news" in relation to their coverage of the Pandora Papers, which included leaked documents exposing the names of offshore companies, secret bank accounts and luxurious items belonging to business people, politicians and others, including King Abdullah.

On 15 August, the authorities arrested Adnan al-Rousan, a writer and political activist, and charged him with "slandering an official body" and "spreading false and exaggerated news that undermines the prestige of the state".

## **RIGHT TO PRIVACY**

In January, a Front Line Defenders investigation found that the phone of Hala Ahed Deeb, a Jordanian lawyer and a women's human rights defender, had been infected with the Pegasus spyware. In June, Front Line Defenders and the University of Toronto's Citizen Lab revealed that the phones of four other human rights defenders and journalists in Jordan had been hacked with Pegasus spyware between August 2019 and December 2021. According to their investigation, agencies of the Jordanian government were likely to be responsible.

## **FREEDOM OF ASSOCIATION**

The authorities reversed a decision to amend the Law on Associations, which arbitrarily restricts the activities of NGOs and allows the government to interfere in their work. NGOs continued to struggle to obtain government approval to access grants from foreign donors. In early 2022, the government opted to continue using a mechanism established in 2019 under the prime minister's office to ease the processing of requests for foreign funding by NGOs. In September, the Community Media Network submitted a complaint to the National Centre for Human Rights over the authorities' rejection of a USD 35,200 grant from the German development agency GIZ to produce a campaign on recycling.

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

The authorities failed to conduct prompt, impartial and independent investigations into allegations of torture.

On 6 September, the family of Zaid Sudqi Ali Dabash received a call from prison authorities in Marka, in the suburbs of Amman, informing them of his death. According to the family's lawyer, the body of Zaid Sudqi Ali Dabash showed signs of torture, including bruises on his arms, legs, back, stomach and ears. The lawyer added that the coroner's office failed to provide the family with a forensic report. The case was transferred to the military justice system for investigation, rather than the civilian justice

system, in violation of human rights standards.

## **WORKERS' RIGHTS**

Jordan continued to struggle with a high unemployment rate, especially among women and youth, according to the World Bank.

On 27 March, members of the Unemployed Movement were arrested after they staged a 43-day sit-in in front of a government building in al-Tafilah, a town 300km south of Amman, protesting against the lack of employment opportunities. They were all released the following day.

On 29 March, 163 teachers from the Jordanian Teachers' Syndicate (JTS) were arrested while protesting in front of the education ministry in Amman against the dissolution of the syndicate in 2020. All were released.

On 26 June, the court of first instance in Amman upheld an appeal to end the prosecution of JTS members arrested in 2020 for "illegal assembly and inciting hatred" but also upheld the decision to dissolve the syndicate.

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

In February, the senate amended Article 6 of the constitution to state that Jordanian men and women shall be equal before the law and banned "discrimination between them as regards to their rights and duties on grounds of race, language or religion". However, no steps were taken to amend legislation or regulations to reflect the constitutional amendment. For example, women continued to require the permission of a male guardian to marry or travel abroad with their children and risked arrest if they fled their homes.

Women and girls continued to be subjected to gender-based violence, and authorities failed to adequately investigate such crimes or strengthen protection against them. A local organization reported the murder of 11 women and girls, including five killed by family members. The Law on Protection from Domestic Violence of 2008 fails to include a definition of gender-based violence or



criminalize marital rape and other forms of violence such as economic and psychological abuse, and it excludes former spouses and unmarried partners from the definition of “family members”.

## REFUGEES’ AND MIGRANTS’ RIGHTS

As of 30 September, according to UNHCR, the UN refugee agency, Jordan was hosting 676,606 Syrian, 65,818 Iraqi, 12,957 Yemeni, 5,522 Sudanese and 650 Somali refugees. It was also hosting 2 million Palestinian refugees registered with the UN Relief and Works Agency.

All refugees in Jordan had limited access to essential services such as water and sanitation, education and healthcare due to insufficient funding for the UN and its implementing partners and international organizations, as well as limited national resources. Organizations trying to obtain approval for aid projects targeting Yemeni, Iraqi, Sudanese or Somali refugees faced even greater obstacles.

In January, UNHCR announced that the authorities had granted 62,000 work permits to Syrian refugees, the highest number issued since 2016 when work permits for Syrian refugees were introduced.

## FAILURE TO TACKLE CLIMATE CRISIS

The government did not announce a new NDC; in 2021, it had raised its macroeconomic greenhouse gas emission reduction target from 14% to 31% by 2030.

# KAZAKHSTAN

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Republic of Kazakhstan

Head of state: **Kassym-Jomart Tokayev**

Head of government: **Alikhan Smailov (replaced Askar Mamin in January)**

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**The rights to freedom of expression, assembly and association were unduly restricted, including in the context of mass protests in January. Security forces used excessive force against peaceful protesters, injuring and killing scores. Demonstrators**

**were arbitrarily arrested and faced torture in detention. Law enforcement officers generally enjoyed impunity for attacking and ill-treating protesters. Journalists who reported on the protests were targeted and some were detained. Kazakhstan abolished the death penalty for all crimes.**

## BACKGROUND

In January, protests erupted across Kazakhstan after fuel subsidies were abolished. More than 200 civilians were killed as a result of clashes and the use of deadly force by the authorities.

On 5 January, President Tokayev dissolved the cabinet and sacked several top officials believed to be close to the former president, Nursultan Nazarbayev, who, in turn, was removed from the chairmanship of the Security Council and of the ruling Nur Otan party.

Two sets of constitutional amendments were enacted, on 8 June and 17 September. They restricted presidential powers, limited the presidency to one seven-year term, created a human rights ombudsman, changed the structure of the government and renamed the country’s capital back to Astana, from Nur-Sultan.

On 20 November, President Tokayev claimed 81% of the votes in a snap presidential election. Observers from the OSCE criticized the election as “lacking competitiveness” and noted that restrictions on the rights to freedom of expression and access to information “limited voters’ ability to make an informed choice”.

## FREEDOM OF ASSEMBLY

Mass protests started on 2 January after a sharp fuel price increase and demands soon broadened from economic to political and anti-corruption calls. In particular, many protesters demanded the removal from power of former president Nursultan Nazarbayev, who retained significant political and economic influence despite his formal resignation in 2019.

The majority of protesters were peaceful, but many committed acts of violence in a

number of cities, including Almaty. Authorities responded with mass arbitrary arrests and excessive use of force, including rubber bullets and live ammunition. On 5 January, President Tokayev introduced a nationwide state of emergency and night-time curfew, called the protesters “terrorists” and deployed the army to disperse them. More than 10,000 demonstrators were arrested and many were beaten, otherwise ill-treated and held in inhumane conditions. More than 3,000 were placed under administrative detention for up to 15 days. Around 1,600 faced criminal prosecution, mostly for “participation in mass riots, accompanied by violence” and other violent crimes.

On 27 October, parliament passed an amnesty law for those prosecuted in relation to the January protests. According to officials, 1,071 individuals had been covered by the law, which excluded those accused of terrorism, extremism, organizing mass riots, corruption or torture.

Legislation governing peaceful assemblies remained unduly restrictive. It allowed the authorities to arbitrarily ban unwanted protests on vague or technical pretexts, which they routinely did. According to Kazakhstani human rights groups, the authorities denied permits for at least 154 peaceful protests in 2022. Law enforcement agencies frequently conducted so-called “preventative arrests” of prospective protesters, which were often arbitrary.

## **EXCESSIVE USE OF FORCE**

In January, security forces used rubber bullets and firearms indiscriminately and unlawfully against peaceful protesters and violent mobs, looters and bystanders. On 7 January, President Tokayev effectively endorsed this practice when he publicly stated that he had ordered the law enforcement agencies and army to shoot without warning.<sup>1</sup> According to official figures, at least 219 civilians and 19 law enforcement officers were killed during these events.

The army was deployed to police the protests despite having no appropriate training or equipment. There were multiple

reports of armed men shooting at pedestrians and cars during the curfew. At least some of the attacks appeared to have been committed by government forces. Most of these incidents remained without investigation at the end of the year. The amnesty declared on 27 October may allow officers who committed these killings to avoid criminal prosecution.

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

Many of those arrested for participation in the January protests faced torture or other ill-treatment by law enforcement personnel. Detainees were often held in irregular places of detention, such as sports halls, or in overcrowded cells, forced to stand in uncomfortable positions, made to sleep on the floor, provided with little or no food and water and denied medical care, among other violations of their rights. Officers, often wearing black uniforms without insignia, frequently beat detainees on arrival at detention centres and throughout their detention.

Local human rights groups reported that hundreds of detainees were subjected to torture or other ill-treatment to extract confessions or to punish specific individuals. The practices included beatings, electric shocks, burning with steam irons, putting a plastic bag over detainees’ heads and inserting needles under their fingernails. Officials admitted that six individuals died in detention in January as a result of “unlawful interrogation methods”.

The authorities did not conduct effective, impartial and thorough investigations into allegations of torture and other ill-treatment, including those resulting in death. Even where investigations nominally began, they rarely led to prosecution. According to officials, more than 300 cases of torture were being investigated, but only 49 law enforcement officers had been prosecuted as of October on various charges relating to the January events. In a rare exception, five police officers were put on trial in the city of Taldykorgan for torturing 24 detainees, including two children.

On 12 January, authorities arrested Raigul Sadyrbaeva, a human rights defender who had been monitoring the protests in the city of Semey, and falsely charged her with participating in a mass riot. She was held incommunicado for two weeks, ill-treated, subjected to a mock execution, threatened with rape and denied medical care to pressure her into incriminating herself. She remained in pretrial detention until 14 March, when she was moved to house arrest. She was released in September, but banned from travelling; her prosecution was continuing at the end of the year. In October, the authorities reportedly refused to investigate her torture allegations, citing lack of evidence of criminal wrongdoing.

## **FREEDOM OF EXPRESSION**

Law enforcement officials arbitrarily arrested journalists covering the January protests. Some were placed under administrative detention for “participating in unlawful peaceful assemblies”.

Media restrictions continued throughout the year. On 3 July, law enforcement officers arrested independent journalist Makhambet Abzhan on accusations of extorting money from a local businessman. There were concerns that he was targeted for his criticism of the authorities. He remained in detention at the end of the year.

## **FREEDOM OF ASSOCIATION**

Participation in organizations arbitrarily designated “extremist” remained a criminal offence under Article 405 of the Criminal Code, punishable by up to six years’ imprisonment. Sixteen individuals were prosecuted for this offence between January and October, compared to 66 in the same period in 2021.

On 25 February, police arrested Zhanbolat Mamay, leader of the opposition Democratic Party. He was initially placed under “administrative arrest” for organizing a peaceful vigil for those killed in the January events. On 14 March, he was moved to pretrial detention on criminal charges and on 2 November moved to house arrest where he

remained at the end of the year. Zhanbolat Mamay stood accused of “disseminating knowingly false information”, “insulting an official” and “violating regulations governing peaceful assemblies”. All the accusations related to his exercise of his human rights.

## **REFUGEES’ AND MIGRANTS’ RIGHTS**

Following Russia’s full-scale invasion of Ukraine on 24 February, thousands of Russians fled to Kazakhstan, which allowed Russian citizens to enter and stay in the country for up to 90 days using their domestic passports. About 20,000 Russian citizens arrived in Kazakhstan before 21 September, when mobilization began in Russia, and up to 200,000 after, although many subsequently returned or moved on to other countries.

Kazakhstani authorities promised assistance and generally sought to accommodate those arriving from Russia, including by opening additional facilities for registration of foreign citizens and creating temporary shelters. In October, the authorities proposed that Russian citizens may have to provide their international passports – documents issued by Russian authorities for citizens travelling abroad that only a minority of Russian citizens have – to register for residence. Such amendments, if passed, could force many to return to Russia or to apply for asylum through procedures that remained lengthy and ineffective.

## **DEATH PENALTY**

Amendments to the Criminal Code which removed all references to the death penalty came into force on 8 January, after being adopted the previous month.

On 8 June, constitutional amendments entered into force that enshrined the abolition of the death penalty in the Constitution.

On 24 June, Kazakhstan’s ratification of the Second Optional Protocol to the ICCPR, aiming at the abolition of the death penalty, entered into force.

## FAILURE TO TACKLE CLIMATE CRISIS

Kazakhstan's energy sector remained almost entirely dependent on fossil fuels. The government had not updated its NDC to reduce greenhouse gas emissions since 2016.

1. "Kazakhstan: Ordering security forces to 'fire without warning' a recipe for disaster", 7 January

# KENYA

## Republic of Kenya

Head of state and government: **William Samoei Ruto**  
(replaced Uhuru Muigai Kenyatta in September)

**The police used excessive and sometimes lethal force to break up protests. The right to life continued to be violated. Over 100 people were unlawfully killed; the incoming president disbanded a police unit he said was responsible for such killings. Millions suffered hunger due to prolonged drought. The government continued to struggle to protect social and economic rights, including to housing and health. Steps were made towards the realization of women's and girls' rights. The High Court directed parliament to enact legislation allowing abortion in some circumstances.**

## BACKGROUND

The Supreme Court confirmed William Ruto as the president following a contested election. He was sworn in on 13 September.

## FREEDOM OF EXPRESSION AND ASSEMBLY

On 9 April, activists Anthony Kanyiri, Minoi Kyaa, Nahashon Kamau and Clinton Ojiambo were arrested in Kasarani for protesting against high living costs. They were charged with unlawful assembly and resisting arrest and were later released on cash bail.

## EXCESSIVE USE OF FORCE

On 2 June, General Service Unit officers killed four protesters and injured seven others in Masimba, Kajjado County.<sup>1</sup> They

had been demonstrating against the Kenya Wildlife Service's inaction in dealing with elephants after Felix Kilapae Moloma, a 27-year-old teacher, was killed by an elephant. The police officers opened fire on the demonstrators on the Nairobi-Mombasa highway. They said they were responding to protesters throwing stones at them. The cabinet secretary for the Interior and Coordination of National Government ordered the Inspector General of Police to investigate the killings, but no further information was provided by the end of the year.

## RIGHT TO LIFE AND SECURITY OF THE PERSON

Elizabeth Ekaru, a human rights defender and a member of the Isiolo Gender Watch Community Group, was killed in Isiolo County on 3 January following a suspected land dispute. A suspect was arrested and charged. The case was ongoing at the end of the year.

Sheila Lumumba was found dead in her house in Karatina, Nyeri County, on 17 April. The pathologist's report showed signs of rape, broken limbs and multiple stab wounds to the neck and chest areas. Two suspects were arrested, and one of them was standing trial. During the presidential election period, Wafula Chebukati, chairperson of the Independent Electoral and Boundaries Commission (IEBC) complained of intimidation, profiling, abduction and harassment of electoral officials by security agencies. The Embakasi East Constituency returning officer, Daniel Mbolu Musyoka, disappeared on 11 August and was found dead four days later.<sup>2</sup> The Director of Public Prosecutions directed the Inspector General of Police to investigate the disappearance and killing within seven days. On 19 October, four people were arrested in connection to the killing and arraigned. A woman who was in possession of the official's phone agreed to testify in court.

## EXTRAJUDICIAL EXECUTIONS

According to Missing Voices, a coalition of human rights organizations, including

Amnesty International Kenya, 128 people were extrajudicially executed by the police in 2022. In January, 37 bodies were recovered from the River Yala in western Kenya. The bodies bore injuries, including deep cuts and severed fingers, and some appeared to have been suffocated by having their heads covered by polythene bags; most of the bodies were decomposed beyond recognition.<sup>3</sup> Officers of the Special Service Unit (SSU), a branch of the National Police Service (NPS), were suspected of having questioned some of the victims before their deaths or were seen accompanying them. Some of the victims were suspects in criminal matters, some had won cases against the NPS and others had no record of criminal cases. At the time the bodies were discovered, no information was made public about any impending or ongoing national security threats.

On 16 October, the president disbanded the SSU, noting that it was responsible for extrajudicial executions in Kenya. He further noted that the police unit had resorted to killing people to restore security instead of protecting them. Following this, nine suspects were arrested in connection with the bodies found in the River Yala. The case was ongoing at the end of the year.

On 22 July, the High Court found police officers Fredrick Leliman, Stephen Cheburet and Sylvia Wanjiku, and police informer Peter Ngugi, guilty of murdering Willy Kimani, his client Josephat Mwenda and their taxi driver Joseph Muiruri on 23 June 2016. Willy Kimani was a human rights lawyer working with the International Justice Mission. The men were killed on their way from the Mavoko law courts in Machakos County.

## **FORCED EVICTIONS**

The government failed to resettle 18,988 households forcibly evicted in Mukuru Kwa Njenga, an informal settlement in the capital, Nairobi. In January, then President Kenyatta apologized for the demolition of their houses in November 2021, which had been carried out to make way for the construction of a

highway leading to Jomo Kenyatta International Airport.

To mitigate the ongoing housing shortage in Kenya, President Ruto's new administration committed to increasing the supply of new housing to 250,000 units each year and the percentage of affordable housing from 2% to 50%. On 8 December, the construction of 5,300 units in Mavoko, Machakos County, began. The president promised to enhance partnerships with local authorities and private investors to create more affordable housing.

## **RIGHT TO FOOD**

In February, Kenyans protested on social media against the increased cost of food and high cost of living. By December, inflation had reached 9.5%, driven by the rise in the price of food. The war in Ukraine affected food prices because, according to the Agriculture and Food Authority, 90% of wheat consumed in Kenya had been imported from Russia and Ukraine before the war there. The cost of fertilizers had also risen by 70% since 2021, attributed to supply chain disruptions caused by the Covid-19 pandemic.

Climate change is known to have led to extreme weather conditions such as those experienced in northern Kenya, which did not have rain for the third consecutive year. It was considered the worst drought in the Horn of Africa in 40 years.<sup>4</sup> Nearly 652,960 children under the age of five and 96,480 pregnant and lactating women were acutely malnourished, according to official figures from June. On 8 September, then President Kenyatta declared the drought in northern Kenya a national disaster, with 4 million people continuing to suffer from hunger among which 3.1 million faced acute food insecurity.

## **RIGHT TO HEALTH**

Only 9.35 million Kenyans had been fully vaccinated against Covid-19 despite a government commitment to vaccinate 19 million adults by the end of June and the entire adult population of 27 million people by December. The shortfall was partly due to vaccines expiring after the government

delayed in administering 840,000 doses donated to Kenya.

On 21 June, President Kenyatta signed into law the Mental Health (Amendment) Act 2022. The Act aimed to ensure that everyone with mental health needs receives the highest attainable standard of care in line with the constitution.

## WOMEN'S RIGHTS

In the August elections, seven women were elected as governors, three as senators, and 26 as members of the national assembly. One hundred others were elected as members of county assemblies. Additionally, President Ruto appointed seven women to cabinet secretary posts and three to cabinet-level roles, increasing their representation by three women. However, the number of appointments was less than half the 22 female cabinet secretaries he had promised under the women's charter prior to his election.

## SEXUAL AND REPRODUCTIVE RIGHTS

On 24 March, the High Court in Malindi found that the police had violated the rights of a minor (known as PAK) to privacy and doctor-patient confidentiality after she was arrested and charged under penal code provisions with "procuring abortion". In 2019, a doctor had examined PAK at a health centre in Malindi and concluded that she had suffered a "spontaneous abortion" (miscarriage). He performed a manual vacuum evacuation after which plain-clothes police stormed the medical facility, arresting PAK and the doctor. She took her case to the High Court, challenging the interpretation of penal code provisions that criminalize abortion, based on her right to life as recognized in the constitution, and on grounds that she should enjoy access to the highest health standards, freedom from torture and from inhuman treatment, and the right to privacy.

The court ruled that the right to abortion is enshrined in the constitution while noting that penal code provisions criminalize abortion and do not recognize any permissible

grounds for it. The court directed parliament to enact a law and public policy framework that provides for abortion in some cases, in line with the right to life.

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1. "Kenya: Killing of four protestors by police in Masimba, Kajiado County", 3 June
  2. "Kenya: Intimidation of IEBC officials and the murder of Daniel Musyoka", 18 August
  3. "Kenya: Statement on the discovery of over 30 bodies in the Yala River, Siaya County", 22 January
  4. *Kenya: Missed Opportunities: A Human Rights Scorecard on the Jubilee Administration and Lessons for the Next Government*, 13 July

# KOSOVO

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## Republic of Kosovo

Head of state: **Vjosa Osmani**

Head of government: **Albin Kurti**

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**Proceedings continued at the Kosovo Specialist Chambers established in The Hague in 2016. The Kosovo Assembly failed to pass the Civil Code due to a provision which would have paved the way for legalization of same-sex unions. Thousands of protesters demanded justice for an 11-year-old girl who was raped by five men in Pristina.**

## RIGHT TO TRUTH, JUSTICE AND REPARATION

In March, the Supreme Court of Kosovo upheld the guilty verdict of Zoran Djokić, sentenced to 12 years' imprisonment in 2021 for war crimes committed in 1999 against ethnic Albanians in Peja. In May, the Kosovo Specialist Chambers convicted leaders of the Kosovo Liberation Army Veterans Organization, Hysni Gucati and Nasim Haradinaj, for obstruction of justice, intimidation during criminal proceedings and violation of the secrecy of proceedings. They were each sentenced to four-and-a-half years' imprisonment.

In September, Pristina Basic Court sentenced Kosovo Serb Svetomir Bacević to five years' imprisonment for war crimes committed during the Kosovo war of

1998-1999. In December, Salih Mustafa – a Kosovo Liberation Army unit commander – was sentenced to 26 years’ imprisonment for arbitrary detention, cruel treatment, torture and murder.

## ENFORCED DISAPPEARANCES

More than 1,600 people remained missing. The Humanitarian Law Center called on the governments of Kosovo and Serbia to offer full access to state archives and seek more effective cooperation to discover the fate of missing persons.

## WARTIME SEXUAL VIOLENCE

As of October, a government commission established in 2018 had granted the status of survivor of wartime sexual violence to 1,373 of 1,808 applicants, granting them a small pension, but many did not apply, fearing stigmatization or family disapproval.

## VIOLENCE AGAINST WOMEN AND GIRLS

Reports of domestic violence increased compared to 2021. In January, Lirije Qerimaj reported her husband’s domestic violence to police in Laushë. Following orders from the prosecutor, Stojanka Kosalović, the police interviewed but then released Skender Qerimaj, who shot and killed Lirije Qerimaj five days later. The Basic Court in Mitrovica sentenced Skender Qerimaj to 24 years’ imprisonment. The prosecutor was held responsible for prosecutorial misconduct and received a public written reprimand.

In July, an EU Rule of Law Mission report revealed that, in 2020-2021, 85% of sexual violence survivors were girls. Over 50% of guilty verdicts resulted in sentences below the legal minimum due to “exceptionally mitigating” circumstances. Disciplinary proceedings found judge Florije Zatriqi responsible for unlawfully sentencing the rapist of a 15-year-old girl to a prison term below the legal minimum, at only eight months and eight days. Florije Zatriqi was permanently transferred to the Basic Court of Peja, Division for Minor Offences.

In August, five men raped an 11-year-old girl in a public park in Pristina, resulting in

five arrests and sparking a protest by thousands of demonstrators. Following the protest, police arrested a further six men suspected of sexually abusing and trafficking the same girl in June.

## FREEDOM OF EXPRESSION

In December, six attacks against journalists covering the tensions with Serbia took place in the north of Kosovo. The Association of Journalists of Kosovo and the European and International Federation of Journalists called on the authorities to take appropriate measures to ensure the safety of journalists.

## LGBTI PEOPLE’S RIGHTS

In March, the parliament failed to adopt the Civil Code due to a provision that would have paved the way for legalization of same-sex unions. Some MPs opposing the measure employed discriminatory and derogatory language. Protesters demanded the legalization of same-sex marriage and denounced the MPs’ anti-LGBTI comments.

## DISCRIMINATION

### ROMA, ASHKALI AND EGYPTIAN PEOPLE

In June, the Court of Appeals confirmed a decision by the Basic Court in Gjakova awarding damages to three children. It found that, in 2012-2013, the municipal Directorate of Education racially discriminated against them by segregating them in separate classes for Roma, Ashkali and Egyptian people, thereby violating their right to education.

## KUWAIT

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### State of Kuwait

Head of state: **Nawaf al-Ahmad al-Jaber al-Sabah**

Head of government: **Ahmad Nawaf al-Ahmad al-Sabah (replaced Sabah al-Khaled al-Hamad al-Sabah in July)**

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**The government restricted criticism of its actions and took steps to repress freedom of assembly by arresting protesters in June and August. The Bidun, native stateless Kuwaitis, faced discrimination in access to**

**education and healthcare. There were positive steps, however, in a constitutional decision overturning the law against “imitating the opposite sex” and in government efforts to hire more women in the public sector.**

## **BACKGROUND**

In April, the prime minister and cabinet resigned under parliamentary pressure. In June, Crown Prince Mishal al-Ahmad al-Jaber Al Sabah announced that he would dissolve the parliament elected in 2020 and convene new elections under Article 107 of the constitution. The ruling family appointed a new prime minister in July and a new cabinet in August. Elections for the new parliament were held in September.

## **FREEDOM OF EXPRESSION**

Authorities detained and prosecuted at least two people for exercising their right to freedom of expression.

In January, authorities prosecuted Safaa Zaman, a computer expert, for “harming the reputation of the state and endangering relations with friendly countries” because she said in a television interview that storage of civil service records on servers in other countries posed a data security risk. However, the trial and appellate courts acquitted Safaa Zaman in March and September, respectively.

In March, prosecutors interrogated lawyer AbdulAziz al-Mutawwa for days without a lawyer on the charge that he had “insulted” members of the ruling family on social media and subsequently indicted him. The trial court acquitted him.

In July, the Ministry of Information announced that it had ordered the closure of 50 social media accounts previously licensed as “electronic newspapers” in some cases because the Law on Electronic Media only allows Kuwaiti nationals with “a clean record and good reputation” to electronically publish content described as news or journalism.

## **FREEDOM OF ASSEMBLY**

The government outlawed and threatened to prosecute most protests, although in one case it did not follow through with prosecutions.

Kuwait’s Law on Public Meetings and Assemblies bans all unlicensed demonstrations and all demonstrations by non-Kuwaitis. On 24 May, the Ministry of Interior issued a warning that it had not licensed a demonstration called for the following day to protest against political gridlock in parliament, stating that it would hold anyone who attended legally accountable. However, the demonstration proceeded and no one was arrested.

In June, the government deported over a dozen Indian, Pakistani and Bangladeshi migrant workers because they had held a spontaneous, peaceful street protest in al-Fahaheel neighbourhood against Indian government statements that the workers considered insulting to Islam.

Beginning on 30 August, the authorities investigated 21 people – some Kuwaiti nationals and some Bidun – for their participation in a pro-Bidun peaceful demonstration in the Taima area of al-Jahra governorate on 26 August. Authorities held those summoned for between four and 15 days, releasing all 21 on bail by 15 September, but referred them to trial on charges of participating in an unlicensed demonstration.<sup>1</sup>

## **DISCRIMINATION**

From June to September, the government stepped up its exclusion of the Bidun from many government services provided free to recognized nationals.

From June through the start of the new school year in September, the government barred Bidun families without a currently valid card from the Central System for the Remedy of the Situation of Illegal Residents from registering their children at any school. On 27 September, after public criticism, it rescinded this decision. The rescinded policy caused children from these families to miss the beginning of the school year.



The government continued to exclude Bidun children who did not have either Kuwaiti mothers or fathers who worked in government from the free public school system provided for children recognized as Kuwaiti nationals.

From June through to September, the government ordered the Ministry of Health not to provide free healthcare to Bidun Kuwaitis without a currently valid Central System card. On 27 September, the government rescinded this decision, again allowing the Ministry of Health to provide primary healthcare for Bidun whose cards had expired. Bidun without any Central System card at all could not receive government healthcare and faced difficulties finding private treatment.<sup>2</sup>

## WOMEN'S AND GIRLS' RIGHTS

Kuwait's laws continued to discriminate against women, including in the transmission of nationality to children and custody of children.

The government took positive steps to increase women's representation in public employment and leadership roles by hiring more women in the Ministry of Health and the judicial system. The number of women appointed to the upper managerial level in the Ministry of Justice rose from 48 to 70, and in August the Ministry of Health reported that 60% of its new hires of medical professionals for government hospitals were women.

In August, the Ministry of Interior announced a new policy under which all Kuwaiti nationals aged 21 and over are automatically registered as voters, which benefits women by ensuring that they are not prevented from registering due to duties at home or pressure from male family members.

However, the government failed to adequately protect women victims of domestic violence as, for the third consecutive year, it did not open a women's shelter as called for by Kuwait's 2020 Law on Protection from Family Violence.

## MIGRANTS' RIGHTS

Kuwait established new financial and administrative barriers to family unity for migrant workers, and continued to use the *kafala* (sponsorship) system for employment of migrant labour, which puts migrants at heightened risk of exploitation.

In January, the government set a new annual fee of KWD 250 (over USD 800) for migrants aged over 60 to remain in the country, placing a significant financial burden on older migrant workers whose employers will not pay for their residency, and on migrant families supporting older members resident in Kuwait.

In June, the government indefinitely suspended visitor visas for family members of migrant workers, and in August it indefinitely suspended issuance of migrant family residency visas.

## LGBTI PEOPLE'S RIGHTS

In a welcome move, in February the Constitutional Court ruled that the law criminalizing "imitation of the opposite sex", which had been used to prosecute transgender people, violates the constitution's guarantee of personal freedom. Other laws still use vague language criminalizing consensual same-sex relations.<sup>3</sup>

## FAILURE TO TACKLE CLIMATE CRISIS

Kuwait did not update its NDC to carbon reduction in 2022 and remained one of the top five highest carbon emitting countries per capita, according to World Bank data.

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1. "Kuwait: Authorities must stop targeting pro-Bidun protesters as elections loom", 1 September
  2. *Kuwait: Submission to the UN Committee on the Rights of the Child, 91st Session, 29 August-23 September 2022*, 16 August
  3. "Kuwait: Overturning law that criminalized 'imitation of the opposite sex' a breakthrough for transgender rights", 16 February

# KYRGYZSTAN

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## Kyrgyz Republic

Head of state: **Sadyr Japarov**

Head of government: **Akylbek Japarov**

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**Peaceful demonstrators faced serious restrictions. New forms of reporting were introduced for NGOs receiving foreign funding. Journalists and activists critical of the government faced attacks on social media and baseless prosecutions. Various laws were used to restrict the right to freedom of expression and prevent criticism of public figures by journalists and the media. Gender-based violence remained systemic and under-reported; perpetrators of such violence were seldom prosecuted. Conditions of detention failed to meet minimum human rights standards, in some cases leading to deaths in custody.**

## BACKGROUND

In September, clashes involving residents and border guards on both sides of the border with Tajikistan left at least 15 Kyrgyzstani civilians dead and dozens injured.

## FREEDOM OF ASSEMBLY

In March, the mayor's office in the capital, Bishkek, restricted the locations where public assemblies could be held, banning the use of popular sites including the areas surrounding the parliament, the presidential administration and the Russian embassy. Later that month, authorities banned all assemblies in central Bishkek, apart from in one small park. Initially, the restriction was justified as temporary and necessary "to prevent and suppress possible mass riots on inter-ethnic basis" in the context of Russia's invasion of Ukraine. It was later extended until 31 December and applied to any public civil actions and gatherings.

Despite the restrictions, repeated protests in support of Ukraine were held in Bishkek. During peaceful meetings and pickets on 5 and 17 March, several activists and human

rights defenders were detained for expressing solidarity with Ukraine and protesting against unlawful restrictions on the right to freedom of peaceful assembly. Four people were fined for "disobeying lawful police orders". In contrast, on 7 March, a meeting in support of Russia was allowed to go ahead in front of the Russian embassy; no participants were detained. Police continued to arbitrarily detain peaceful protesters, including in the designated park in Bishkek, during April. On 2 April alone, police detained 28 protesters and filed administrative charges against 26 of them. A court ruled, however, that they had committed no offence.

In October, the authorities reported progress in agreeing border delimitation with Uzbekistan, although the details provoked strong public discontent. Activists called a *kurultai* (traditional public assembly) in the town of Uzgen and formed a committee to oppose the agreement and demand transparency. Protests were also held elsewhere. The authorities responded by arresting 26 activists on baseless charges of "preparing mass disorders". Twenty-four remained in pretrial detention and two under house arrest at the end of the year.

## FREEDOM OF ASSOCIATION

On 22 March, the tax authorities approved new rules for reporting on the use of foreign funds by not-for-profit organizations. NGOs were given one week to submit their reports, which had to include information on their assets, sources of funding and spending.

## FREEDOM OF EXPRESSION

Freedom of expression was progressively restricted over the year, in particular for media workers and human rights defenders. In September, the government published a new draft bill that would authorize media restrictions in times of war and emergency, increase media registration requirements and extend them to online resources, and compel all media to re-register within two months of the law's adoption. The draft was still pending adoption at the end of the year.

The 2021 Law on Protection from False Information was used to further restrict media outlets. In July, the Ministry of Culture blocked the website of the newspaper Res Publica after it published information alleging smuggling at an airport. Access to its website remained blocked at the end of the year. On 26 October, the Ministry of Culture blocked access to the websites of Azattyk Media and the online TV channel, Current Time. On 27 October, Azattyk Media's bank accounts were frozen.

The authorities also used criminal charges of inciting hatred, disobedience, riots or violence to suppress freedom of expression, including by targeting media workers and preventing criticism of public figures by journalists and the media.

On 23 January, journalist Bolot Temirov, a dual Russian and Kyrgyzstani national, was arrested, searched and accused of possessing illegal drugs. On 20 April he was additionally accused of document forgery and illegal border crossing. In May, he was stripped of his Kyrgyzstani citizenship. His YouTube channel had previously published an investigation alleging corruption in the export of oil fuel. In September, he was acquitted of all charges except forgery, for which the statute of limitations had expired. Nonetheless, on 24 November he was deported to Russia.

On 3 March, the director of Next TV, Taalaibek Duishenbiev, was detained for sharing a former security official's social media post alleging that Kyrgyzstan had promised military support to Russia in its war against Ukraine. In September Taalaibek Duishenbiev was given a non-custodial sentence.

On 14 August, Yrys Zhekshenaliev was detained for criticizing on Facebook government plans to develop the Zhetim-Too metal ore deposit. He was charged with calling for active disobedience to the lawful demands of government officials and mass riots. On 26 October, he was transferred to house arrest. His trial began on 7 December and was ongoing at the end of the year.

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

Gender-based violence remained systemic and under-reported. Statistics on domestic violence continued to present aggregated data, thus obscuring the scale of violence against specific groups, including women and girls with disabilities.

In August, a court sentenced two police officers and a third man to 10, 15 and eight years in prison, respectively, for repeatedly raping a 13-year-old girl over a period of almost six months. They were also obliged to pay compensation of KGS 100,000 (USD 1,000) each. The case was widely reported and led to protests across Kyrgyzstan. Reactions from senior officials were mixed and included sympathy for the survivor, regret that the case was harming tourism and criticism of the media for giving the case prominence.

In July, 27 women's rights organizations wrote an open letter to the president demanding effective measures on violence against women and highlighting systemic problems in the criminal justice and law enforcement systems. Their request for an urgent meeting was not granted.

In September, the government signed off the National Strategy for Achieving Gender Equality until 2030 and an accompanying National Action Plan for 2022-2024.

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

In October, the National Centre for the Prevention of Torture (NCPT), the national body entrusted with a role in implementing the UN Convention against Torture, raised concerns over the high number of deaths in penitentiary institutions. It noted that one third of pretrial detention centres were located in damp, dark and poorly ventilated basements. In the absence of pretrial detention facilities in some regions, people under investigation were sent to temporary facilities.

In June, OHCHR, the UN human rights office, expressed concern over government plans to dissolve the NCPT, weakening torture prevention in Kyrgyzstan.

# LAOS

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## Lao People's Democratic Republic

Head of state: Thongloun Sisoulith

Head of government: **Sonexay Siphandone (replaced Phankham Viphavanh in December)**

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**Prominent human rights defenders remained imprisoned. There was no progress in the investigation of various cases of enforced disappearance of activists and members of ethnic minorities.**

**Members of the ChaoFa Hmong ethnic minority were continually blocked from adequate access to food, water, sanitation and healthcare. Trans-boundary hydropower projects and other business activities raised serious human rights concerns, including forced eviction, ill-treatment and human trafficking.**

## BACKGROUND

In August the UN Committee on the Rights of Persons with Disabilities made 94 recommendations to Laos, including increasing the participation of people with disabilities in organizations mandated to implement and monitor their rights and guaranteeing inclusive education for students with disabilities.

Inflation reached 34% in September, leading to significant increases in the cost of food, consumer goods and fuel. External debts adversely impacted the national economy. Laos continued to take loans from foreign creditors, especially China, to fund trans-boundary infrastructure and development projects.

## FREEDOM OF ASSEMBLY

Three Laotian human rights defenders – Lodkham Thammavong, Soukane Chaithad and Somphone Phimmasone – entered their sixth year in detention. They were arrested and tried when they returned to Laos after participating in a protest in front of the Lao embassy in Bangkok, Thailand, in 2016 where they expressed concerns about human rights, corruption and deforestation in Laos.

The government took no action to address a UN expert's call from April 2021 to release them immediately.

## FREEDOM OF EXPRESSION

Civil society organizations continued to call for the release of human rights defender Houayheang Xayabouly from prison. She was found guilty of “conducting propaganda activities against the state” under Article 117 of the Criminal Code for comments she made on Facebook about the government's ineffective management of disastrous floods in southern Laos in 2019. The UN Working Group on Arbitrary Detention confirmed in 2021 that she was arbitrarily detained for the peaceful exercise of her right to freedom of expression. She had reportedly been detained at Champassak Provincial Prison since 12 September 2019.

## ENFORCED DISAPPEARANCES

As 15 December marked the tenth anniversary of the disappearance of civil society leader Sombath Somphone, Amnesty International joined calls with 65 other civil society organizations and individuals around the world calling for Lao authorities to determine his fate and whereabouts and deliver justice, truth, and reparation to his family members.

In August, the UN Working Group on Enforced or Involuntary Disappearances reported on six outstanding cases of enforced disappearance in Laos. They included Lao and Thai activists, as well as four members of the minority ChaoFa Hmong ethnic group, including two girls. The UN Secretary-General reported in September that relatives of the disappeared from the ChaoFa Hmong community faced intimidation by the Lao army after reporting the disappearances to the UN in 2020.

In September, the UN Secretary-General published details of the disappearance of Od Sayavong, a Laotian refugee living in Thailand who was last seen on 26 August 2019 after he engaged with the UN Special Rapporteur on extreme poverty and human rights. Thai

authorities closed the investigation into his disappearance, citing a lack of evidence.

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

The ChaoFa Hmong community, a faction of the Hmong ethnic minority groups that fled state violence and persecution by Lao authorities in the 1980s, continued to hide in remote mountainous areas, including in the jungle of Phou Bia region, Xienkhouang province. The Lao military continually destroyed their shelters, solar charging panels, cooking stations and food sources, thus severely impacting their access to food and adequate housing. Community members also had limited access to safe drinking water, sanitation services and facilities and healthcare. The government did not respond to letters of concern on these issues that were submitted by UN experts in August 2020 and April 2021. According to the UN Secretary-General, as of 2022, independent observers, humanitarian actors and international organizations were denied access to this area by the state authorities.

## **CORPORATE ACCOUNTABILITY**

UN experts submitted letters to the government of Laos as well as other governments and companies involved in the collapse of an auxiliary dam in Laos's Attapeu province on 23 July 2018. The letters addressed the prolonged human rights impacts of the incident, including the death or disappearance of at least 71 people and the destruction of livestock, agricultural land and infrastructure. The UN experts indicated that the authorities had failed to promptly provide long-term accommodation and transparent compensation schemes to affected communities and individuals, and raised concerns about human rights defenders facing retaliation for advocating for the rights of survivors.

## **HUMAN TRAFFICKING**

Throughout the year, the authorities found hundreds of foreign nationals who had been trafficked and were being held captive in the

Golden Triangle Special Economic Zones (GTSEZ) in northern Laos. The victims came from many countries including Malaysia, India, Kenya and Pakistan and were put to work conducting online scams from casinos and resorts run by Chinese businesses. The victims were reportedly ill-treated by their employers.

Procedures for identifying and referring victims of trafficking were not applied consistently, there was low capacity and awareness among border officials to prevent human trafficking, and victim protection services for male and LGBTI victims of trafficking were lacking.

## **FAILURE TO TACKLE CLIMATE CRISIS**

Key legal and policy instruments for tackling climate change, including Laos's 2021 NDC, the 2019 Decree on Climate Change and the 2012 Environmental Protection Law, did not include provisions regarding gender equality or consider gender-related vulnerabilities to climate change impacts. Only the 2019 Decree on Environmental Impact Assessment required participatory consultations and assessments with gender and ethnic inclusion.

# **LATVIA**

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**Republic of Latvia**

Head of state: **Egils Levits**

Head of government: **Arturs Krišjānis Kariņš**

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**Refugees and migrants continued to face violent pushbacks to Belarus. Various groups faced discrimination. Over 43,000 people fleeing Ukraine were granted protection.**

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

The state of emergency introduced in August 2021 at the border with Belarus was renewed repeatedly, allowing unlawful pushbacks of refugees and migrants and preventing NGOs' oversight of the area. Although asylum was effectively suspended at border areas, from April onwards people could file applications

at the Daugavpils detention centre and at border crossing points. During the year, Latvia admitted 200 people on humanitarian grounds and reported over 5,000 “prevented” border crossings – effectively summary returns. Most people transferred from the border, including children, were detained arbitrarily.

In October, research was published documenting violent pushbacks to Belarus, arbitrary detention in undisclosed areas of the border, possibly constituting enforced disappearances, ill-treatment sometimes amounting to torture, and the use of force and deception to return people to their country of origin.<sup>1</sup> Latvian border guards, working with unidentified officers, were described as the main perpetrators.

In December, NGOs documented new incidents of people who had gone “missing” at the border and pushbacks. An Afghan citizen died of hypothermia as a result of the cold temperatures at the border.

In May, the European Court of Human Rights communicated a case against Latvia brought by a group of Iraqi nationals (*H.M.M. and Others v. Latvia*) concerning pushbacks to Belarus and detention.

#### **UKRAINE CONFLICT**

Over 43,000 people fleeing Ukraine were granted temporary protection status. In March, a law was passed to ensure their access to residency, employment and broader support.

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

The European Committee of Social Rights reported failings in the areas of health and safety at work, and rights to health, social security and social assistance.

#### **DISCRIMINATION**

There was no progress on the UN’s recommendations to introduce comprehensive anti-discrimination legislation. The Council of Europe recommended measures to address the gender pay gap.

A restitution law was passed in February, granting compensation to the Jewish

community for properties seized during the Nazi and Soviet occupations.

The number of people with “non-citizen” status decreased but remained significant. “Non-citizens” continued to face restrictions, including on their right to vote and gaining employment in the public sector.

#### **WOMEN’S RIGHTS**

The country made no progress towards ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention).

#### **LGBTI PEOPLE’S RIGHTS**

Following a Supreme Court decision, administrative courts started recognizing the status of same-sex couples in order to implement the Constitutional Court’s rulings, given the parliament’s failure to approve a law on civil unions. In December, the parliament discontinued its work on this legislation.

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1. *Latvia: Return Home or Never Leave the Woods, 12 October*

## **LEBANON**

#### **Republic of Lebanon**

Head of state: **Vacant (Michel Aoun until October)**

Head of government: **Najib Mikati (as caretaker from May)**

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**The authorities failed to address key economic and social rights affected by the country’s economic crisis, leaving residents without adequate access to healthcare and water. Impunity continued to protect perpetrators of torture and other crimes. Defamation laws were used against critics of the authorities. Migrant workers, particularly women domestic workers, continued to face abuse under the discriminatory *kafala* (sponsorship) system. Women still faced discrimination in law and in practice. Authorities stepped up their deportation of Syrian refugees to Syria despite risks of egregious human rights abuses there. The authorities banned public LGBTI events during Pride month.**

## BACKGROUND

The authorities failed to address the economic crisis due to a political stalemate. In November, food cost inflation stood at 171.2%, according to the Central Administration of Statistics, placing the country's food insecurity in second place worldwide, according to the World Bank. Power shortages meant people only had state electricity one to two hours per day.

On 7 April, the International Monetary Fund announced an Extended Fund Agreement of around USD 3 billion contingent on government implementation of eight reforms. Only one of the reforms was accomplished by the end of year, with the passing of the 2022 Budget Law that came into effect on 15 November.

After parliamentary elections on 15 May, in which independent candidates supportive of the 2019 protests won 13 out of 128 seats, the new parliament named Najib Mikati as prime minister. However, he had failed to form a government by the end of the year.

On 31 October, the presidential term of Michel Aoun ended. Parliament held 10 electoral sessions in November and December but failed to elect a new president.

## RIGHT TO HEALTH

Medication, including for cancer and other chronic diseases, remained unavailable and unaffordable to most of the population since the government failed to establish an adequate emergency social security plan to replace the subsidies that were lifted in November 2021. The number of patients seeking free or low-cost medication and treatment at public healthcare centres had increased by 62% since the beginning of the economic crisis in 2019. However, the authorities failed to increase funding to meet those needs.

Health workers protested throughout the year against low wages and lack of hospital funding, and cancer patients protested against shortages of medication.

The authorities failed to provide adequate medical care for prisoners, forcing their families to cover all their medical costs,

including for hospitalization. At least three prisoners died between August and September after delays in transferring them to hospitals in a timely manner. The authorities announced an investigation into two of the deaths.

## RIGHT TO WATER

The authorities failed to ensure adequate access to clean public water. Throughout the year, water supplies remained irregular due to power cuts, forcing people to buy increasingly expensive water from private, unsupervised entities, at prices six times higher than in 2019 and beyond the reach of most.

The government's failure to adequately maintain water infrastructure resulted in drinking water being mixed with sewage in some areas. Hundreds of new cases of hepatitis A were reported in June, and in October contaminated water led to at least 913 cases of cholera.

## IMPUNITY

Impunity continued to protect officials and security and military personnel from accountability for human rights violations.

The investigation into the 2020 Beirut port explosion remained frozen since December 2021 because of challenges filed against the investigative judge by politicians he had summoned for interrogation. Two of the politicians, Ghazi Zeaiter and Ali Hassan Khalil, were elected in June to the parliamentary Committee for Administration and Justice.<sup>1</sup>

On 23 April, a boat carrying around 80 Lebanese, Syrian and Palestinian migrants trying to reach Cyprus sank off the coast of the Lebanese port city of Tripoli. The authorities accused smugglers of deliberately overloading the boat, but survivors said Lebanese naval forces had caused the sinking by ramming the boat. Survivors and families filed complaints with the Office of the Public Prosecutor against one officer and 12 naval personnel on grounds of intentionally causing death. Despite this, prosecutors transferred the complaint to the military

prosecution, where it remained frozen at the end of the year. The Army Intelligence Directorate announced in April that it had opened an internal investigation and found no wrongdoing by the naval personnel.<sup>2</sup>

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

Judicial authorities failed to investigate at least 21 complaints, citing the 2017 anti-torture law, filed against different security and military personnel, according to the Tripoli Bar Association.

In May, the UN Subcommittee on Prevention of Torture visited Lebanon and found little progress in torture prevention since its initial visit in 2010.

On 30 August, security forces arrested Syrian refugee Bashar Abed Al-Saud at his home in Beirut, the capital. The family received a call four days later asking them to collect his body from State Security in southern Lebanon. Shortly afterwards, a newspaper leaked pictures and videos showing bruises and gashes on Bashar Abed Al-Saud's body, causing a public outcry. State Security issued a statement saying that he had "confessed" to being a member of the Islamic State armed group before he died. In September, the military justice system launched an investigation and ordered the detention of five State Security officers, but denied the family lawyer access to the case documents. The first court session was held in December.<sup>3</sup>

## **FREEDOM OF EXPRESSION**

Defamation laws continued to provide grounds for security and military apparatuses to control expression critical of the authorities, with at least three summonses and investigations taking place in 2022.

On 24 June, the military court convicted comedian Shaden Fakih of "insulting" and "harming the reputation" of the Internal Security Forces and fined her LBP 1,858,000 (USD 50-70 at the market rate). The Office of Cybercrime first interrogated her in May 2021 following a complaint by the Internal Security Forces about a satirical call she made to their

hotline during the Covid-19 lockdown, asking them to deliver sanitary pads to her house.

## **WOMEN'S RIGHTS**

Women continued to face discrimination in law and practice, including in the right to equal custody of children. On 4 August, Liliane Cheaito, a mother who was injured in Beirut's Port explosion and remained hospitalized ever since, saw her two-year-old son for the first time since 2020, following an order from the Shi'ite religious court after a two-year hearing. Her husband had barred her from seeing their son, saying he did not want the baby to see his mother injured in the hospital, so her family filed a complaint before the court.

In the parliamentary General Assembly on 27 July, a number of MPs including the speaker verbally harassed three independent women MPs who were newly elected to parliament and critical of the authorities. One of the three, MP Cynthia Zarazir, said that parliament had not taken any action after she filed a formal complaint of harassment.

## **MIGRANTS' RIGHTS**

Unlike previous years, the minister of labour did not engage in discussions to reform the *kafala* system, which increases the risk of labour exploitation of migrant workers and leaves women with little prospect of obtaining redress.

On 4 August, the authorities attempted to deport a Kenyan migrant domestic worker to Kenya without informing her lawyer, even though she had applied for refugee status at UNHCR, the UN Refugee Agency. The General Security Office (GSO) had arrested her on 4 April and the investigation against her was closed on 21 April; yet she remained in detention. The Anti-Racism Movement, a local NGO, intervened at the airport to stop the deportation, and the woman was returned to the detention centre. On 7 October, following calls by local and international organizations, the GSO released her after she had spent six months in arbitrary detention.



## REFUGEES' RIGHTS

Lebanon continued to host the largest number of refugees per capita globally, with an estimated 1.5 million Syrian refugees. According to UNHCR in April, Lebanon's economic crisis and Covid-19 had left 88% of Syrian refugees living in extreme poverty.

In September, in what amounts to "constructive refolement", the prime minister charged the director of the GSO to resume the plan of returning Syrian refugees to Syria, treating all regions in Syria as safe for returns, despite the documented risk of serious persecution upon return. On 26 October, the GSO organized the first transportation back to Syria in 2022, involving 551 refugees who had registered their names on the GSO lists for return and had been accepted by the Syrian government.

## LGBTI PEOPLE'S RIGHTS

The authorities continued to restrict public events of LGBTI people and organizations supporting their rights.

On 24 June, the minister of interior banned all gatherings during Pride month that it said aimed to promote "sexual perversion". Two days later, LGBTI organizations and individuals called for a protest, but various religious groups called for a counter protest and threatened violence. The authorities did not offer protection to the peaceful marches, nor did they take action against those inciting violence, and the LGBTI groups cancelled their protest as a result. In August, local organizations Legal Agenda and Helem challenged the minister's ban before the Shura Council, the country's top administrative court, arguing that it incited violence and hatred against marginalized groups and violated LGBTI people's constitutional rights to equality, free expression and free assembly. On 1 November, the Shura Council accepted the appeal and froze the minister's decision.

## FAILURE TO TACKLE CLIMATE CRISIS

Even though the government had committed in March 2021 to a conditional emissions

reduction target of 31% by 2030 and increased its unconditional emissions reduction target to 20%, it did not announce a new NDC in 2022.

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1. "Lebanon: Authorities should lift immunity and allow interrogation of MPs into the Beirut port explosion", 8 June
  2. "Lebanon: Joint letter calling on the Lebanese authorities for an independent, impartial, and transparent investigation into the causes of the recent shipwreck off the coast of Tripoli", 13 May
  3. "Lebanon: Transfer investigation into death in custody of Syrian refugee to the civilian justice system", 6 September

## LESOTHO

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**Kingdom of Lesotho**

Head of state: **Letsie III**

Head of government: **Sam Matekane (replaced Moeketsi Majoro in October)**

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**The Director of Public Prosecutions (DPP) dropped murder charges against the former prime minister and first lady. Protests were prohibited with authorities denying permits for assembly under Covid-19 regulations until August. Police brutality, including allegations of torture and other ill-treatment and an unlawful killing, remained a serious concern. Gender-based violence continued to rise while women were marginalized in the economic and political spheres. Access to healthcare was limited, particularly for women and girls in rural areas.**

## BACKGROUND

Parliament was dissolved in July in preparation for the general elections in October. It was recalled on 24 August, under the state of emergency, and finally passed long-standing constitutional reforms on 31 August. Following this, the High Court ruled that the state of emergency was unconstitutional and that therefore parliament had no constitutional authority to pass the bills amending the constitution.

## IMPUNITY

On 26 July, the DPP dropped the charges against former prime minister Thomas

Thabane and his wife Maesaiah Thabane over the 2017 murder of his former wife, Lipolelo Thabane, and the attempted murder of her acquaintance, Thato Sebolla, citing lack of witnesses. Some witnesses to the murder died under mysterious circumstances while others left the country in fear for their lives between 2017 and 2020.

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

Police brutality remained a serious concern with some members of the security forces implicated in the killing of a protester and the torture and other ill-treatment of others. Police authorities faced several legal claims for damages amounting to millions of US dollars, including for allegedly torturing lawyer Napo Mafaesa in detention in Ha Mabote Police Station in January and a Ha Pita woman named Mateboho Matekane at Lithoteng Police Station in the capital, Maseru, in November 2021.

On 19 May, 35 people, including 16 women, were tortured by police officers and members of the Lesotho Defence Forces after they protested, including by barricading roads, against electricity cuts in Liseleng village in Thaba-Tseka district. They were beaten and made to roll over several metres of muddy track leading to the nearby Matsoku River and back again. The protesters were arrested and charged with disturbing the peace. They were later released on bail and appeared in Thaba-Tseka Magistrates Court in May and June. The case was pending at the end of the year.

The National Police Commissioner told Amnesty International that seven Lesotho Mounted Police Service officers were suspended after shooting at protesting students at the National University of Lesotho on 16 June, killing Kopano Francis Mokutoane and injuring several others, and were under investigation.

## **FREEDOM OF ASSEMBLY AND ASSOCIATION**

Restrictions on the rights to freedom of peaceful assembly and association, implemented in 2020 under the guise of

containing Covid-19, were lifted in August, allowing for political gatherings to take place and nightclubs to reopen.

## **WOMEN'S RIGHTS**

Gender-based violence continued to rise, especially domestic violence, mainly affecting women and children. Access to justice for women, particularly those living in rural communities, was limited partly owing to inadequate transport and poverty which prevented them from reaching police stations and courts in towns.

Women continued to be excluded from participation in the economy and politics, and suffered the triple burden of poverty, unemployment and inequality.

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

Poverty and inequality remained widespread, exacerbated by the adverse effects of Covid-19 on the economy. Economic performance remained slow, exacerbated by the pandemic, affecting industries such as manufacturing, particularly textiles, mining, construction and services. This impacted the incomes of most households. The World Bank said that poverty reduction would only slowly improve as food and energy prices increased and the fragile economic environment limited the budgets and livelihoods of poorer households. Poverty rates were projected to improve slightly, by dropping to 35.2% in 2022 compared with 36% in 2021.

## **RIGHT TO HEALTH**

In 2022, about 300,000 people of a population of 2.3 million were living with HIV/AIDS; the majority were women and adolescent girls who were also more likely to face social stigma. People, especially women needing maternal and other crucial health services, were prevented, partly by poor rural road networks, from accessing healthcare facilities. In addition, inadequate transport continued to force women to give birth at home rather than in health centres.

# LIBYA

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## State of Libya

Head of state: **Mohamed al-Menfi**

Head of government: **Disputed (Abdelhamid al-Debibah, head of the Government of National Unity; Fathi Bashagha, head of the Government of National Stability)**

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**Militias, armed groups and security forces continued to arbitrarily detain thousands of people. Scores of protesters, lawyers, journalists, critics and activists were rounded up and subjected to torture and other ill-treatment, enforced disappearances and forced “confessions” on camera. Militias and armed groups used unlawful force to repress peaceful protests across the country. Dozens of people were arrested, prosecuted and/or sentenced to lengthy imprisonment or death for their religious beliefs; for their actual or perceived gender identity and/or sexual orientation; or for their LGBTI activism. Authorities, militias and armed groups imposed severe restrictions on civic space and humanitarian access to affected communities, and engaged in smear campaigns against international and Libyan rights groups. Militias and armed groups killed and wounded civilians and destroyed civilian property during sporadic, localized clashes. Impunity remained widespread, and authorities funded abusive militias and armed groups. Women and girls faced entrenched discrimination and violence. Ethnic minorities and internally displaced people faced barriers in accessing education and healthcare. EU-backed Libyan coastguards and the Stability Support Authority militia intercepted thousands of refugees and migrants at sea and forcibly returned them to detention in Libya. Detained migrants and refugees were subjected to torture, unlawful killings, sexual violence and forced labour.**

## BACKGROUND

Libya's political impasse deepened, with no new dates set for parliamentary and presidential elections initially scheduled for December 2021. In March, parliament unilaterally voted to amend the Constitutional Declaration and appointed a new government, the Government of National Stability (GNS), with the backing of the Libyan Arab Armed Forces (LAAF), an armed group in control of much of eastern and southern Libya. Other political and military actors rejected the move citing procedural irregularities, and continued to back the Government of National Unity (GNU), which retained control of the capital Tripoli, despite attempts by militias aligned with the GNS to drive it out.

In June and July, the LAAF imposed an oil blockade, leading to electricity shortages and popular protests. They only lifted it after reaching a deal with the GNU to replace the head of the National Oil Corporation.

Failure to adopt a national budget and unify financial institutions led to delayed wages for public sector employees and disruptions to government services.

In September, the Libyan Audit Bureau released a report revealing widespread corruption and mismanagement of billions of Libyan dinars across government institutions in 2021.

## ARBITRARY DETENTION, UNLAWFUL DEPRIVATION OF LIBERTY AND UNFAIR TRIALS

Militias, armed groups and security forces continued to arbitrarily detain thousands of people; some had been held for over 11 years without charge or trial. However, throughout the year, the GNU and LAAF announced the release of scores of conflict-related detainees and others held for political reasons.

Dozens of people were arbitrarily arrested for their actual or perceived political or tribal affiliation or criticism of powerful militias or armed groups, and subjected to enforced disappearance or held incommunicado for

up to 11 months. Some were held as hostages to extort ransoms.

In May, Stability Support Authority (SSA) militiamen abducted Ahmed Al-Daykh, a staff member of the Libyan Audit Bureau, from in front of his workplace after he raised concerns over domestic corruption. They subjected him to enforced disappearance for eight days, before releasing him without charge.

Civilians and individuals accused of human rights violations were tried by military courts in grossly unfair proceedings. In June, the Tripoli Court of Appeals referred 82 defendants accused of involvement in the Abu Salim prison killings in 1996 to the military judiciary, on the grounds that the crime took place at a military location and the accused were members of the armed forces. Many of the defendants had been tortured or otherwise ill-treated after their arrest following the fall of Mu'ammar al-Gaddafi's government in 2011, and their torture-tainted "confessions" were used in proceedings against them.

Militias and armed groups abducted and intimidated lawyers, prosecutors and judges.

Lawyers representing civilians on trial by military courts in eastern Libya reported harassment and intimidation by military judges and prosecutors. In Benghazi, the Internal Security Agency (ISA)-Benghazi, an armed group, arrested lawyer Adnan al-Arafi in May and detained him for 13 days, after he filed a complaint against a military judge.

Criminal trials were held inside the Mitiga base in Tripoli, controlled by the Deterrence Apparatus for Combating Organized Crime and Terrorism (DACOT) militia, amid lawyers' and judges' fears of reprisals for raising or investigating claims of arbitrary detention, torture and other ill-treatment by DACOT militiamen.

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

Militias and armed groups systematically tortured and otherwise ill-treated detainees with impunity. Beatings, electric shocks, mock executions, flogging, waterboarding, suspension in contorted positions and sexual

violence were reported by relatives and prisoners held by the DACOT, SSA and ISA in Tripoli; by the Joint Operations Force (JOF) in Misrata; and by armed groups, including the ISA, Tariq Ben Zeyad (TBZ) and the 128th brigade in eastern Libya.

Detainees were held in cruel and inhuman conditions, characterized by overcrowding, denial of healthcare and lack of hygiene, exercise and sufficient food.

Dozens died in custody across Libya amid reports of torture, denial of medical care and malnutrition.

Militias and armed groups largely ignored a decree passed by the Ministry of Interior in May banning the publication of "confessions" by detainees on social media.

Libyan legislation retained corporal punishments, including flogging and amputation.

## **FREEDOM OF ASSOCIATION**

Militias and armed groups abducted dozens of civil society workers and activists, amid a defamation campaign by GNU ministries and affiliated militias against Libyan and international human rights groups that accused them of spreading atheism and homosexuality and attacking Libyan "values". International and Libyan humanitarian actors reported increasingly severe restrictions, including denial of access to detention facilities and communities in need, arrests, summoning for questioning and other forms of harassment.

In July, a Benghazi court ruled to temporarily suspend Decree No. 286/2019 on regulating NGOs, but NGOs across Libya remained severely restricted in their activities and funding.

## **FREEDOM OF EXPRESSION AND ASSEMBLY**

Throughout the year, militias and armed groups abducted, arbitrarily detained and/or threatened dozens of activists, journalists and others for exercising their rights to freedom of expression and peaceful assembly.

Between February and March, at least seven men were arrested solely for peacefully

expressing their views and/or for their affiliation to the civil society group Tanweer. Judicial authorities accepted as evidence their videoed torture-tainted “confessions”, extracted while they were detained by the ISA in Tripoli without access to lawyers. Six were convicted of “insulting and offending the Islamic religion” and the “misuse of internet networks” and sentenced to between one and 10 years in prison, following unfair trials.

Between May and August in the cities of Sebha, Sirte, Benghazi, Misrata, Bayda and Tripoli, militias and armed groups used unlawful force, including lethal force, to disperse people participating in generally peaceful protests against their grip on power and the deteriorating economic situation. At least two men were killed and scores more were injured. Armed actors also arbitrarily detained activists for up to 14 weeks in Misrata and Benghazi for supporting calls for protests on their social media platforms, as well as journalists in relation to their coverage of protests.

In March in Sirte, ISA-Sirte abducted journalist Ali al-Refawi for covering protests in Sirte and handed him to the TBZ, which detained him until July without charge or trial.

## **UNLAWFUL ATTACKS**

While the national ceasefire in place since October 2020 generally held, militias and armed groups violated international humanitarian law during sporadic, localized armed clashes, including by carrying out indiscriminate attacks and destroying civilian infrastructure and private property.

In August, clashes between militias in densely populated Tripoli neighbourhoods left 32 people dead, including three children and other civilians, and led to damage of scores of civilian homes and other property, and at least four medical facilities. In September, a child and at least six others, mostly civilians, were killed during clashes between rival militias in the city of al-Zawya.

Several countries, including Russia, Türkiye and the United Arab Emirates, violated the UN arms embargo, established since 2011,

by retaining foreign fighters and military equipment in Libya.

At least 39 people across the country died as a result of landmines and unexploded ordnance being detonated.

## **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, integrating their members into state institutions without vetting. In November, the GNU appointed Emad Trablusi, commander of the Public Security Agency militia, as acting minister of interior, despite his militia’s well-documented involvement in crimes against migrants and refugees.

Libyan authorities took no steps to hold JOF militiamen accountable for the extrajudicial execution of 27-year-old Altayeb Elsharari in March, and continued to provide state funding to the militia.

Throughout the year, mass graves were discovered in the cities of Tarhouna and Sirte, believed to contain the remains of individuals killed by al-Kaniyat and Islamic State armed groups, respectively. Ongoing investigations into unlawful killings carried out by al-Kaniyat while they controlled Tarhouna until June 2020 were marred by concerns over their independence, effectiveness and transparency, and the absence of prosecutions in fair trials in front of regular courts of those against whom there is sufficient admissible evidence of involvement in crimes.

In July, the UN Human Rights Council extended the mandate of the Fact-Finding Mission to investigate crimes under international law committed in Libya since 2016 for a final, non-extendable period of nine months.

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

Authorities failed to protect women, girls and LGBTI individuals from 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 reprisals by perpetrators if their victims lodged complaints.

In September, 32-year-old Kholoud al-Ragbani was killed after asking for a divorce. The authorities failed to investigate her murder or ensure accountability.

## **DISCRIMINATION**

### **ETHNIC MINORITIES AND INDIGENOUS PEOPLES**

Some Tabu and Tuareg, especially those without national identity cards owing to discriminatory laws and regulations governing Libyan citizenship, faced discrimination in southern Libya in accessing essential services, including healthcare and education. Some remained stateless due to the refusal of Libyan authorities to recognize their Libyan nationality.

### **WOMEN AND LGBTI PEOPLE**

In October, the GNU issued Decree No. 902/2022 granting children born to Libyan mothers and non-Libyan fathers access to public education and healthcare, without guaranteeing their right to nationality on a par with children born to Libyan fathers and non-Libyan mothers.

Between February and May, police and DACOT militia fighters arrested at least 26 people for cross-dressing in Tripoli, Misrata and Zliten. Most were released without charge.

### **INTERNALLY DISPLACED PEOPLE**

Over 143,000 people remained internally displaced, some for over 10 years. Thousands of families from Benghazi, Derna and other parts of eastern Libya were unable to return home due to fear of reprisals by LAAF-affiliated armed groups and destruction of their property. They continued to face delays or denials, or had to go through complex bureaucratic procedures, or rely on personal connections to obtain official documents vital to access education and health services, or collect state wages and pensions. Hundreds were left to fend for

themselves in poorly equipped rented shelters in Tripoli and Misrata.

Thousands of residents of Tawergha city, forcibly displaced since 2011, were unable to return to their homes due to lack of essential services. Those who returned reported lack of adequate housing, electricity, clean water or compensation for property looted or destroyed by Misrata-based militias.

In May, SSA militiamen ordered Tawerghan residents of al-Fallah, the only remaining camp for internally displaced Tawerghans in Tripoli, to leave or face forced eviction.

## **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. Scores of migrants and refugees died at sea in Libyan waters or on Libyan soil on their journeys towards Europe.

EU-backed Libyan coastguards and the SSA militia 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). On 18 February, SSA militiamen were responsible for the death of one man and the injury of others during the interception of a boat carrying migrants and refugees across the Mediterranean.

At least 19,308 refugees and migrants were intercepted and forcibly returned to Libya, where thousands were detained indefinitely in harsh conditions in facilities run by the Directorate for Combating Illegal Migration (DCIM) and by the SSA and other militias. The UN Support Mission in Libya, UN agencies, and humanitarian and human rights organizations were denied access or only allowed to deliver aid and provide services but not to speak to detainees in private. Thousands of other refugees and migrants were forcibly disappeared or went missing following disembarkation.

SSA militia arbitrarily detained thousands of migrants and refugees in al-Mayah detention centre and subjected them to beatings,

forced labour, rape and other sexual violence, including forced prostitution.

The DCIM continued to detain at least 4,001 migrants and refugees as of 27 November. They were held in inhuman conditions, amid rampant torture and other ill-treatment, extortion of ransoms to secure their freedom, and denial of adequate medical care. DCIM officials told Amnesty International during a meeting in Tripoli in February about DCIM's closure of all but four detention centres in Tripoli, but the closed detention centres remained operational and run directly by militias, including the notorious al-Mabani detention centre controlled by the Public Security Agency militia.

Armed groups under the command of the LAAF expelled thousands of migrants and refugees towards Egypt, Sudan, Chad and Niger without due process, and forced them to board trucks without sufficient food or water.

Out of 43,000 refugees and asylum seekers registered with UNHCR, the UN refugee agency, 693 were resettled or evacuated outside Libya by 15 October. At least 1,255 migrants were returned to their countries of origin through the International Organization for Migration, amid concerns over the voluntary nature of their decision to return, in accordance with the principle of free and informed consent.

## DEATH PENALTY

Libyan law retained the death penalty for a wide range of offences not limited to intentional killing. Death sentences continued to be passed, including by military courts in eastern Libya following grossly unfair trials. No executions were carried out.

In September, a court in Misrata sentenced Diaa al-Din Balaou to death for apostasy.

## FAILURE TO TACKLE CLIMATE CRISIS AND ENVIRONMENTAL DEGRADATION

Libya failed to communicate its NDC as a party to the Paris Agreement. Experts assessed the country to be extremely vulnerable to climate change given its limited

water resources, arid soil and drought, and poorly prepared to cope with environmental degradation given years of conflict and insecurity.

# LITHUANIA

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## Republic of Lithuania

Head of state: **Gitanas Nausėda**

Head of government: **Ingrida Šimonytė**

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**People who fled Ukraine were welcomed and assisted; other refugees and migrants were forcibly returned to Belarus or arbitrarily detained, denied access to asylum and, in some cases, subjected to torture and other ill-treatment. Same-sex unions were still not legalized.**

## REFUGEES' AND MIGRANTS' RIGHTS

Lithuania granted access to and assisted at least 71,932 people who had fled Ukraine following Russia's invasion. Non-European refugees and migrants who arrived from Belarus continued to be subjected to violent pushbacks, arbitrary detention and other violations.<sup>1</sup> Border guards forcibly pushed at least 11,097 people back to Belarus over the year, despite the risk of torture and other ill-treatment by Belarusian authorities.

In June, the Court of Justice of the EU ruled that Lithuania's emergency legislation breached EU law because it deprived people of the possibility of seeking asylum and provided for their automatic detention on the sole basis of their irregular entry. The legislation remained in place at the end of the year; in August the Ministry of Interior proposed legislation that would further formalize the practice of border pushbacks.

As of March, roughly 4,000 people remained in prolonged arbitrary detention in government-managed centres, where they were denied access to adequate asylum procedures. Following court decisions, most were later allowed to leave the centres; by December, 39 people remained in detention.

In detention centres, refugees and migrants suffered overcrowding, disproportionate

restrictions to movement, and inadequate access to toilets and medical assistance. In January and July, the Ombudsperson concluded that conditions in the Kybartai and Medininkai centres constituted inhumane and degrading treatment. The Medininkai centre was subsequently closed, and authorities decided to close the Kybartai centre in early 2023.

Officers conducting forcible pushbacks at the borders or responding to protests in detention centres attacked asylum seekers and migrants, including with batons, pepper spray and taser guns.

On 1-2 March, an anti-riot squad raided the Medininkai detention centre. Officers sexually humiliated a group of Black women, forcing them outside into the cold, half-naked with their hands tied, and then locking them in a container. In October, police authorities terminated a pretrial investigation on the raid, pointing to a lack of evidence and objective reasons for a criminal case.

## LGBTI PEOPLE'S RIGHTS

In May, the parliament started debating a compromise bill introducing gender-neutral civil unions, which would grant same-sex couples some rights. A previous bill legalizing same-sex partnerships had been voted down in 2021.

## RIGHT TO TRUTH, JUSTICE AND REPARATION

In January, news emerged that Lithuania had paid about €100,000 in compensation to Abu Zubaydah, a Palestinian national detained in Guantánamo Bay. In 2018, the European Court of Human Rights ruled against Lithuania for its deliberate facilitation of his enforced disappearance and torture by the CIA. Due to Abu Zubaydah's ongoing detention and assets freeze, he could not receive the compensation.

In March, Lithuania signed an agreement with Ukraine and Poland to establish a Joint Investigation Team to investigate crimes under international law committed in Ukraine.

1. *Lithuania: Forced Out or Locked Up – Refugees and Migrants Abused and Abandoned*, 27 June

# MADAGASCAR

Republic of Madagascar

Head of state: **Andry Rajoelina**

Head of government: **Christian Ntsay**

**The prolonged drought and recurrent cyclones had a devastating impact on access to food, water and sanitation. Detention facilities were overcrowded and conditions poor. The right to freedom of expression was restricted. The judicial persecution of human rights defenders, activists and whistle-blowers persisted and an environmental defender was murdered. Cases of discrimination and violence against people with albinism increased. Abortion remained a criminal offence.**

## BACKGROUND

Between January and April, six tropical storms and cyclones made landfall in the country, compounding the effects of the prolonged drought. Over 200 people were killed, and the livelihoods of more than 570,000 people were disrupted; public infrastructure, such as schools, roads and health centres, were destroyed across the country.

In February Imbiki Herilaza resigned as minister of justice amid corruption allegations after audio recordings of him requesting bribes were shared on social media.

By September, around 1.4 million people, representing 5.4% of the population, were vaccinated against Covid-19.

## RIGHT TO FOOD

The people of southern Madagascar continued to suffer the impact of prolonged drought and food insecurity. Consequently, malnutrition rates in the region increased and access to water, sanitation and hygiene became more precarious. According to the World Food Programme (WFP), 33% of the



population in the Grand South region were facing high food insecurity.

The tropical storms and cyclones made landfall primarily in the east and central regions, driving further food insecurity; the WFP estimated that at least 470,000 people in the affected regions needed urgent food assistance.

## **DETAINEES' RIGHTS**

Detention facilities were overcrowded and conditions were poor. In June, President Rajoelina commuted the sentences of 11,316 detainees and pardoned 2,902 sentenced prisoners, including people convicted of minor offences who had up to three months left on their sentence.

## **HUMAN RIGHTS DEFENDERS**

In the first quarter of the year, civil society actors held national consultations and meetings with representatives of the minister of justice to discuss the draft law on the protection of human rights defenders and activists, including environmental defenders and whistle-blowers. Following this, on 18 October, a parliamentarian submitted proposal 004-2022/PL for discussion at the National Assembly. However, there was no set date for its review. Malagasy human rights organizations expressed concerns that it did not incorporate key outcomes of the national consultations.

### **UNFAIR TRIALS**

Whistle-blowers and human rights defenders were subjected to harassment and judicial persecution for exposing cases of corruption.

In February, human rights defender and schoolteacher Jeannot Randriamanana exposed on social media allegations concerning local authorities' embezzlement of humanitarian aid meant for populations affected by cyclones Batsirai and Emnati in the district of Nosy Varika. On 17 March the Criminal Court of Mananjary sentenced him to a two-year suspended prison term on charges of "defamation and humiliation of members of Parliament and public servants" and identity fraud.<sup>1</sup> After two months in arbitrary detention, he was granted

provisional release on 10 May. On 12 July, the Court of Appeal of Fianarantsoa upheld the criminal court's sentence. In September, Jeannot Randriamanana's lawyers filed an appeal against his conviction before the Supreme Court. The date for the appeal had not been set by the end of the year.

On 26 May, the Criminal Court of Antananarivo sentenced Ravo Ramasomanana, who had been suspended from his position with the Ministry of Public Health, to a six-month suspended prison term and a fine of MGA 2 million (around USD 440). He was convicted on charges of defaming public servants in relation to an anonymous SMS that insulted members of the national police.

### **RIGHT TO LIFE**

On 2 June, Henri Rakotoarisoa, a 70-year-old environmental defender and president of the Mialo community association, was stabbed to death in the eastern district of Moramanga. On 18 November, the Criminal Court of Ambatolampy sentenced eight people to life imprisonment after convicting them of murder under article 295 of the Penal Code, and two people to three years' imprisonment after convicting them of "non-assistance to a person in danger" under article 304 of the Penal Code. The court acquitted two defendants due to insufficient evidence. The Court also sentenced the ten defendants to pay damages of MGA 40 million (around USD 8,880) to the family of Henri Rakotoarisoa. Henri Rakotoarisoa was a leading voice in the denouncing of timber trafficking and illegal logging in Ankazondandy forest.

## **DISCRIMINATION**

### **PEOPLE WITH ALBINISM**

There was an increase in cases of discrimination and violent attacks against people with albinism, including murders and mutilations. According to a statement from the UN Independent Expert on the enjoyment of human rights by persons with albinism in October, attacks in 2022 doubled compared to the same period in 2021. Children were the main targets, particularly in the south,

where dangerous superstitious misconceptions about albinism persisted. In February, a three-year-old child was abducted in the city of Fort Dauphin in the south. The child's mother was murdered and an uncle injured by the unidentified assailants, believed to be cattle thieves. On 4 March, the mutilated body of a six-year-old boy was found in the community of Berano, Amboasary Atsimo district.

At the end of August, unidentified men killed a woman and abducted her three-year-old child in Ikongo district in the south-east. The police arrested four suspects and on 29 August hundreds of community members gathered in front of the police station to demand accountability. They allegedly threw stones at the police station and the police responded with gunfire, killing nearly 20 people. The child was still missing at the end of the year.

In September, a private school in Ivato, a neighbourhood in the capital, Antananarivo, denied a 17-year-old boy's enrolment request, alleging that the school needed to preserve its image and declaring that it was "not ready to take in children with albinism".

## SEXUAL AND REPRODUCTIVE RIGHTS

Abortion remained a criminal offence. In May 2022, the president of the Permanent Commission of the National Assembly rejected the proposed law 004-2021/PL to modify article 317 of the Penal Code to decriminalize abortion. The proposal had not been presented for a vote before the National Assembly. The member of the National Assembly and permanent commission spokesperson said the draft law was deemed to be "incompatible with Malagasy culture and values". The proposed law had sought to decriminalize abortion where pregnancy presented a risk to the life of the pregnant woman or girl, in cases of serious fetal impairment, and pregnancy resulting from rape or incest.

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1. "Madagascar: Further information: Teacher released but conviction upheld: Jeannot Randriamানা", 27 July

# MALAWI

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## Malawi

Head of state and government : **Lazarus McCarthy Chakwera**

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**The NGO Amendment Bill was passed into law and threatened to undermine the right to freedom of association. Police used excessive force against peaceful protesters. Journalists, activists and several other people faced arrest and prosecution for social media posts. Parliament rejected a motion to abolish the death penalty. The government took steps to contain a cholera outbreak.**

## FREEDOM OF ASSOCIATION

In March, parliament passed the draconian NGO Amendment Bill despite a 2018 court injunction against its being tabled on grounds it was inconsistent with international human rights standards. It contained provisions that threaten NGOs' independence, existence and operations. They included a restrictive NGO definition which could exclude "non-public benefit organizations" or "mutual benefit organizations" such as federations, advocacy groups or research institutions from registering; the requirement of mandatory registration; excessive discretion granted to the official regulatory body with the authority to suspend, cancel and revoke registration; a prohibition on "electioneering and politicking" by NGOs; and disproportionate criminal sanctions against organizations and their leaders for non-compliance with the Act.

## EXCESSIVE USE OF FORCE

In March, police in the capital, Lilongwe, fired tear gas at hundreds of protesters marching against alleged government corruption. The demonstrators were led by Citizens Against Impunity and Corruption, a civil society group. In July, police again used tear gas against protesters in Lilongwe who were demonstrating against the high cost of living and the judiciary's handling of corruption cases. They also arrested over 70 protesters,

including eight human rights activists from the Human Rights Ambassadors, a civil society organization that had organized the protests.

## FREEDOM OF EXPRESSION

The right to freedom of expression was increasingly threatened as a rise in cases of unlawful surveillance by police, including interception of people's private conversations, resulted in arbitrary arrests, prosecutions and convictions. In April, police arrested investigative journalist Gregory Gondwe for publishing a story revealing alleged police corruption involving payments to a company owned by a businessman, himself accused of corruption. The story claimed the payments were for the procurement of police water cannons, worth millions of US dollars. Gregory Gondwe was released after several hours, without charge.

On 1 May, Chidawawa Mainje was arrested and charged with cyber harassment under section 86 of the Electronic Transactions and Cyber Security Act of 2016 in connection with the accusation that he had insulted President Chakwera in a WhatsApp conversation.

## DEATH PENALTY

In August, parliament rejected a Legal Affairs Committee report which supported proposals for the abolition of the death penalty. The committee had earlier indicated that its wide public consultations revealed more than 90% of Malawians supported abolition.

## RIGHT TO HEALTH

On 3 March, the Ministry of Health declared a cholera outbreak following laboratory confirmation of a case in the country. The government, with the support of the WHO and UNICEF, implemented a National Cholera Response Plan to strengthen disease surveillance, provide medical treatment for patients, distribute laboratory supplies, monitor water quality, and promote health education and hygiene among affected and at-risk communities. Despite these efforts, the outbreak spread through most of the

country to 26 of the 28 districts. As of 31 December, there were 17,448 confirmed cases and 576 deaths reported.

# MALAYSIA

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## Malaysia

Head of state: **Al-Sultan Abdullah Ri'ayatuddin Al-Mustafa Billah Shah ibni Almarhum Sultan Haji Ahmad Shah Al-Musta'in Billah**

Head of government: **Anwar Ibrahim (replaced Ismail Sabri Yaakob in November)**

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**Authorities used repressive laws to restrict freedom of expression. Peaceful protests were prevented and protest organizers prosecuted. Punitive treatment of refugees, asylum seekers and migrant workers continued, including indefinite detention and refoulement to countries where they were at risk of serious human rights violations. Further custodial deaths were recorded, including in immigration detention centres, but no one was held to account. LGBTI people continued to face persecution.**

## BACKGROUND

Following parliamentary elections in November, long-time opposition leader Anwar Ibrahim became Prime Minister.

## FREEDOM OF EXPRESSION

Authorities continued to use repressive laws to silence critical voices both on- and offline. According to the government's own figures, police conducted 692 investigations between January 2020 and June 2022 under the Communications and Multimedia Act (CMA), resulting in 87 prosecutions including of artists, performers and political activists. There were reports of additional investigations and arrests under the CMA in the months that followed. The Sedition Act, the Printing Presses and Publications Act and the Film Censorship Act were also used to restrict freedom of expression.

In February, police detained activist Fahmi Reza for two days in connection with an

artwork on his Twitter account satirizing a government minister.<sup>1</sup> In July, police and religious authorities charged two individuals with offences under the CMA and other laws for a comedy performance in which they allegedly insulted Islam. Local authorities ordered the closure of the comedy club. In October, police briefly detained political activist Jay Jay Denis over a tweet alleging misconduct by a political leader.

## **FREEDOM OF ASSEMBLY**

Although most Covid-19 control laws that had been used to prevent and disperse protests were repealed, authorities continued to block peaceful demonstrations and investigate and charge protest organizers with criminal offences.

In April, police questioned seven people in connection with their participation in peaceful vigils calling for clemency for Malaysian national Nagaenthran Dharmalingam prior to his execution in Singapore.<sup>2</sup>

In June, police stopped several hundred lawyers from the Bar Council from marching to parliament to protest against government interference in the judiciary. Three leaders of the Bar Council were subsequently investigated under the Peaceful Assembly Act (PAA). In August, police charged four activists under the PAA for their role in organizing anti-government protests in the capital, Kuala Lumpur. They faced fines of up to MYR 10,000 (approximately USD 2,290) if convicted.

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

The harsh treatment of refugees and asylum seekers continued and allegations of human rights violations in immigration detention facilities persisted. Six people died in April during a breakout by Rohingya refugees from a temporary immigration detention centre in Sungai Bakap, Penang, where they were indefinitely detained; a 14-year-old girl died days later from her injuries. Despite calls on the government to investigate the incident, it remained unclear who was responsible for the deaths.<sup>3</sup>

In June, a migrants' rights organization reported that 149 Indonesian nationals died between January 2021 and June 2022 in immigration detention centres in Sabah state as a result of ill-treatment and poor conditions. The government denied the allegations and took no action to investigate them.

Authorities forcibly deported thousands of people including asylum seekers to Myanmar despite an international outcry in light of ongoing and serious human rights violations there.<sup>4</sup> In October, a government proposal to take over the management of asylum seekers and refugees from UNHCR, the UN refugee agency, raised concerns about their future treatment.

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

At least 21 people died in police custody during the year.

In July, parliament passed the Independent Police Conduct Commission bill establishing a police oversight body. However, it lacked the independence and investigative powers needed to effectively investigate police misconduct including in relation to custodial deaths. Concerns included provisions permitting the appointment of police officers to the oversight commission and requirements of prior notification for visits to police stations and other police facilities.<sup>5</sup> Also in July, parliament approved an extension to the pretrial detention clause of the Security Offences (Special Measures) Act 2012 that permits detention without access to courts and/or lawyers for up to 28 days.<sup>6</sup>

## **LGBTI PEOPLE'S RIGHTS**

LGBTI people continued to face systemic persecution and discrimination in both law and practice. Authorities censored cultural content deemed to have "LGBT elements", including in films, resulting in distributors pulling censored films from local cinemas. In October, police and religious authorities raided a Halloween party in Kuala Lumpur and detained 20 people overnight, including trans people and performers in drag, for violating Islamic laws against cross-dressing.

Amendments to Sharia law in Terengganu state were adopted in December that criminalized attempted *liwat*, or sodomy, and “women posing as men”. Sodomy remained a crime under the national penal code.

## INDIGENOUS PEOPLES’ RIGHTS

In July, around 200 Indigenous people in Perak state held a protest at the state legislative assembly against the government’s failure to protect their customary land from logging. In October, authorities forcibly relocated over 300 members of an Indigenous community in Nenggiri, Kelantan state, whose land had been requisitioned for the construction of a dam, despite their opposition to the project.

## DEATH PENALTY

In October, the government tabled legislative amendments in parliament to abolish the mandatory death penalty for drug-related offences and 10 other offences but proposed alternative cruel and inhuman punishments such as flogging. The bills did not progress because of elections.<sup>7</sup> A moratorium on executions remained in place.

## FAILURE TO TACKLE CLIMATE CRISIS

The government’s July 2021 intended NDC, which committed to reduce emissions by 45% by 2030 compared to 2005 levels and was criticized by some groups for being unambitious, remained in place.

In response to worsening flooding and resulting evacuations of local communities including in Klang Valley and Kuala Langat districts, the government announced in June that it would develop a national adaptation plan to set out strategies for responding to the impacts of climate change. The plan had not been finalized by year’s end.

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1. “Malaysia: Fahmi Reza charged: Laws must not be used to stifle peaceful dissent”, 10 February
  2. “Malaysia: Drop investigations into Nagaenthran vigils”, 28 April
  3. “Malaysia: Deaths of six detainees at Sungai Bakap”, 21 April
  4. “Malaysia: Halt forced deportation of people from Myanmar and ensure access to asylum”, 21 October

5. “Malaysia: CSO joint statement: Reject the Independent Police Conduct Commission”, 22 March
6. “Malaysia: Media quote IPCC and SOSMA”, 25 July
7. “Malaysia: Move to abolish mandatory death penalty is ‘welcome step’ in right direction”, 10 June

# MALDIVES

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## Republic of Maldives

Head of state and government: **Ibrahim Mohamed Solih**

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**The authorities took further steps to restrict freedom of expression in law. The security forces routinely used unlawful force to suppress protests. Maldives retained the death penalty and people remained on death row.**

## BACKGROUND

Maldives remained one of the most vulnerable countries to climate change. Rising sea levels have already caused severe erosion of inhabited islands and depleted freshwater resources. At COP27 in November, the Maldivian authorities advocated vigorously for the establishment of an international fund to support victims of loss and damage in climate-vulnerable countries.

## FREEDOM OF EXPRESSION AND ASSEMBLY

In July, parliament passed a new Evidence Act, section 136 of which allowed judges to compel journalists to reveal their sources. Local and international civil society groups including Amnesty International had previously warned against the passing of this law given its restrictive effect on media freedom. At the end of the year, the government was considering amending section 136.

Police used unlawful force to disrupt protests on several occasions. In January, protesters opposing Indian influence in Maldives were arrested by police on grounds that included the alleged obstruction of law enforcement officers.

The authorities continued to use the Freedom of Peaceful Assembly Act of 2013 to impose limitations on peaceful assemblies and to give undue discretion to the police in granting permission for protests, contrary to international human rights law and standards.

## FREEDOM OF RELIGION

Some religious and political groups continued to use religious arguments to call for restrictions on human rights and the work of civil society organizations. The Maldivian Democracy Network remained unable to function since it was shut down in 2019 due to lobbying by religious groups.

Activist Mohamed Rusthum Mujuthaba spent more than six months in pretrial detention for blasphemy before being released in August.<sup>1</sup> The charges related to comments he posted on social media about religious freedom and human rights.

In October, participants at a yoga event were attacked by people objecting to yoga as “un-Islamic”. The authorities arrested 21 people and charged 18 under anti-terrorism laws for disrupting the event. Two clerics remained on trial on charges relating to terrorism.

## WOMEN'S AND GIRLS' RIGHTS

Concerns were raised by the UN Working Group on discrimination against women and girls about rising gender-based violence. Women made up only 4.6% of representatives in parliament, while quotas at local government level increased women's representation to 39.5%.

## IMPUNITY

Abdullah Rasheed died in police custody in October. By the end of the year, no investigation was known to have been initiated into his death, nor that of Mohamed Aslam who died in prison in 2021.

In January, two men were convicted and sentenced to life imprisonment for the murder of blogger Yameen Rasheed in 2017. Civil society raised concerns around the impartiality of the investigation and

prosecution and called for the Presidential Commission on Investigation of Murders and Enforced Disappearances (DDCom) to investigate the case.

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1. “Maldives: Further Information: Activist relieved from further imprisonment – Mohamed Rusthum Mujuthaba”, 17 August

# MALI

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## Republic of Mali

Head of state: **Assimi Goïta**

Head of government: **Choguel Kokalla Maïga**

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**Hundreds of civilians were killed by the military and armed groups, including in extrajudicial executions, in the context of the armed conflict. Violence and discrimination based on social status continued. Government critics and journalists faced threats, intimidation, arbitrary arrest and detention, and prosecution. Detainees were denied medical treatment.**

## BACKGROUND

In January, ECOWAS imposed sanctions on Mali after the latter made a unilateral decision to extend the political transition phase, which had followed the 2020 coup. Sanctions were lifted in July following a new transitional roadmap which scheduled elections for March 2024.

The deployment of personnel, allegedly from the Russian Wagner Group, a private military company, was denounced by the EU and others. The Malian authorities described the personnel as “military instructors”. The EU Training Mission suspended its operation in May, and Mali withdrew from the Group of Five for the Sahel in June. The French military operation ended, after nine years, in August.

In May, the authorities said they had thwarted a coup d'état and arrested 10 political and military figures. In July, 49 Ivorian soldiers supporting the German contingent of the UN Integrated and Stabilization Mission in Mali (MINUSMA)

were arrested and charged with “attempting to undermine state security”.

## **VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW**

### **ARMED GROUPS**

In March, the Islamic State in the Sahel (ISS) launched a deadly offensive in the Ménaka and Gao regions, fighting elements of the Movement for the Salvation of Azawad (MSA) and the Imghad Tuareg Self-Defense Group and Allies (GATIA).<sup>1</sup> Indiscriminate ISS attacks against the villages of Tamalat, Inchinane, Emis-Emis and Anderamboukane targeted combatants and civilians alike. Hundreds of civilians were killed by the ISS and over 73,000 people had fled to Ménaka city by October, according to the UN.

Between May and September, Katiba Serma combatants blockaded the road linking the towns of Boni, Douentza, Hombori and Gossi to deter local communities from “collaborating” with the army, and forcing traders to rely on military escorts. On 2 August, 19 trucks carrying goods were attacked and burned by the armed group in Hombori, while awaiting an armed escort.

On 18 June, alleged members of the Group for the Support of Islam and Muslims (GSIM) attacked the villages of Diallassagou, Dianweli and Dessagou in the Bankass Cercle, resulting in approximately 130 deaths, mostly civilian, according to the government.

In September, after the ISS dislodged the GATIA and the MSA from Talataye, Gao region, they killed dozens of civilians, according to media reports, and burned houses and the market, all of which amounted to war crimes. The town was left deserted.

### **ARMED FORCES AND THEIR ALLIES**

MINUSMA, the media and NGOs documented hundreds of extrajudicial executions by the army and its allies in the context of “Operation Keletigui” since January.

On 3 January, the army allegedly killed seven Mauritanian civilians in Guiré, Nara region, during a “clean-up” operation. The Malian and Mauritanian authorities

established a joint investigation into the incident in March.

On 27 January, army officers arrested and extrajudicially executed 14 residents of Tonou, Mopti region, including the village chief, after an improvised explosive device (IED) exploded on the outskirts of the village, killing two soldiers and wounded five others.

In February, 21 traders in Niono town, Ségou region were forcibly disappeared during an army patrol. Soon afterwards, on 2 March, local villagers found 36 burnt corpses near Danguère-Wotoro, near Niono. Some of them were bound and blindfolded. Local associations and civil society organizations blamed the army for the killings.

After a skirmish with GSIM members, the army with the support of foreign military personnel, besieged Moura, Mopti region, between 27 and 31 March. Hundreds of men from Moura and neighbouring villages, who were attending the weekly market, were divided into groups for interrogation. Hundreds were then extrajudicially executed.<sup>2</sup> On 1 April, the government announced, in reference to the incident, that 203 “jihadists” had been killed and 51 individuals arrested during an operation in Moura. Several days later, they announced that the Mopti military court would investigate the incident. The army denied MINUSMA investigators access to Moura.

On 19 April the army, accompanied by foreign military personnel, killed at least 50 civilians and arrested around 611 others on market day in Hombori, after an IED had killed one soldier and injured two others. According to MINUSMA, they were detained in the Hombori army camp and allegedly subjected to torture and other ill-treatment. Days later, the army released 548 of them and transferred 36 others to the Sévaré military camp. After armed groups attacked army camps in Sévaré, Niono and Bapho, 20 of the 27 detainees who had remained in Hombori were extrajudicially executed by one soldier, according to government and UN forces.

In September the army, accompanied by alleged foreign military personnel and Dozo

hunters, attacked the villages of Nia Ouro, Tandiana and Kankele, Mopti region. At least 12 women from Nia Ouro were raped, according to MINUSMA, while others were forced to undress and were photographed naked by the foreign fighters.

Investigations launched into crimes committed by the army against civilians since 2019 remained stalled in most cases.<sup>3</sup>

## DISCRIMINATION

In July, the mutilated body of 69-year-old Diogou Sidibé was found on her farmland in Lany Mody village, Kayes region. Her murder was linked to her refusal to be subjected to discriminatory practices used against people based on their work and descent. In August, 18 people were arrested for her murder.

## ARBITRARY DETENTION

The detention of senior public servants Kalilou Doumbia and Moustapha Diakité continued despite an investigative judge dismissing all charges against them in June. They had been held since September 2021, including for two months in illegal detention premises, allegedly in General State Security Directorate custody.

## FREEDOM OF EXPRESSION

In January, Etienne Fakaba Sissoko, an economist who was critical of the transitional authorities, was arrested after he spoke on TV about the ECOWAS sanctions in Mali. He was provisionally released in June and forbidden from leaving the country.

In March, the authorities suspended Radio France Internationale and France 24 after they published articles about torture and unlawful killings by the army.

In April, the authorities accused Oumar Mariko, a politician, of defaming the armed forces after he denounced extrajudicial executions in Moura. After months in hiding, he reappeared in Moscow from where he denounced the government's attempts to assassinate him.

In May, Sara Yara and sisters Faty and Amy Cissé were arrested and accused of making defamatory remarks on Facebook about the

director of the National Agency for State Security. They were provisionally released from the Bollé prison on 3 September.

In June and November, journalist Malick Konaté was subjected to threats, intimidation and damage to his property by unidentified men, apparently in connection with his views on the transitional government and his work on abuses carried out by agents of the Wagner Group.

In November, the Higher Communications Authority (HAC) suspended Joliba TV station for two months for "serious and repeated breaches and violations of the code of ethics for journalists". The station had criticized the transitional government and the HAC's lack of response to the harassment and intimidation of journalists.

## INHUMANE DETENTION CONDITIONS

In March, Soumeylou Boubeye Maiga, a former prime minister who had been arrested in August 2021 for alleged corruption, died in custody after several calls by his family and doctor for his medical evacuation were ignored. The authorities refused to conduct an autopsy.

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1. "Mali: New eyewitness testimony describes killings and mass displacement amid surge in violence in Menaka", 16 June
  2. "Mali: Allegations of crimes against civilians in Moura: An independent investigation must take place", 7 April (French only)
  3. *Mali: Crimes Without Convictions: Analysis of the Judicial Response to Conflict Related Crimes in Central Mali*, 13 April

## MALTA

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### Republic of Malta

Head of state: **George Vella**

Head of government: **Robert Abela**

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**Recommendations of the public inquiry into the killing of journalist Daphne Caruana Galizia were not fully implemented. A total ban on abortion remained in place, while parliament discussed a proposal to decriminalize abortion when needed to protect the life or health of a woman from grave jeopardy. Delays in coordinating sea**



**rescue operations of refugees and migrants persisted. The unlawful detention of asylum seekers, including children, continued. Three asylum seekers were still waiting to know whether they would face trial on terrorism-related and other charges for opposing their unlawful pushback to Libya.**

## **RIGHT TO TRUTH, JUSTICE AND REPARATION**

In October, two of the three men accused of making, planting and detonating the car bomb that killed Daphne Caruana Galizia in 2017 were sentenced to 40 years' imprisonment each. A third man implicated in the killing had been sentenced to 15 years' imprisonment in 2021. The trial of the businessman accused of having commissioned the killing had yet to start. In September, the Council of Europe (CoE) Commissioner for Human Rights reiterated her call to step up efforts to bring all those responsible to justice. The Commissioner noted that journalists continued to face challenges to access freedom of information requests and recommended greater involvement of civil society and the journalism community to strengthen legislative proposals concerning the media sector and restrictions on the use of Strategic Lawsuits Against Public Participation (SLAPPs).

In July, the Daphne Caruana Galizia Foundation and Article 19 Europe criticized the failure of the government to implement recommendations published in July 2021 by the independent inquiry into the killing of the journalist and concluded that journalists and media freedom remained inadequately protected.

## **SEXUAL AND REPRODUCTIVE RIGHTS**

In November, the government proposed an amendment to the Criminal Code aimed at freeing doctors and pregnant women from the threat of criminal prosecution when the termination of a pregnancy is carried out to protect the life or health of a pregnant woman from grave jeopardy. Abortion in all other circumstances would remain illegal. The

government's proposal was being discussed by parliament at year's end.

The move followed the case, in June, of a US national in the process of a miscarriage who was denied an abortion, despite the risk of infection and impact on her mental health. She was eventually airlifted to Spain where she was able to terminate the pregnancy.

Also in June, a Maltese women's rights NGO petitioned the authorities on behalf of 188 people of child-bearing age, demanding the legalization of abortion. The petition, known as a "judicial protest" in Maltese law, articulated the discriminatory aspects of the abortion ban and its multi-faceted impact on the health and dignity of those who had or could need the procedure.

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

By the end of the year, 450 refugees and migrants had reached the country by sea.

The authorities continued to pursue a deadly policy of deterrence, ignoring or responding slowly to distress calls from refugees and migrants at sea.

In September, a four-year-old Syrian girl died of dehydration on board a fishing boat which had been drifting for days in the Maltese search and rescue region before the Armed Forces of Malta coordinated the rescue. The CoE Commissioner for Human Rights' October 2021 report, published in February, called on the government to ensure effective search and rescue operations and to suspend its cooperation on migration control with Libya, which resulted in returns of people to torture and other violations.

The Commissioner also recommended that Malta stop detaining children and vulnerable adult refugees and migrants and end arbitrary detention. The government continued to arbitrarily detain asylum seekers, including unaccompanied children, beyond permissible legal periods and without adequate access to a remedy. Some unaccompanied children were detained with adults upon arrival. In January, three men and three children were released from the detention centre at Safi barracks following a court action. In March, following an appeal to

the Immigration Appeal Board, three teenage asylum seekers from Bangladesh were moved from Safi barracks to separate facilities for unaccompanied children in an open centre, after nearly three months of being detained with adults.

Three asylum seekers known as the “El Hiblu 3”, who had opposed attempts to unlawfully return them to Libya in 2019, were still awaiting a decision on whether to take the case to trial. The lengthy magistrate’s inquiry into the case closed in November. The three men faced charges, including under counterterrorism legislation, punishable by life imprisonment.<sup>1</sup>

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1. “Malta: A textbook example of all that is wrong with EU institutions and member states’ migration policies in the Central Mediterranean”, 14 March

## 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 stigmatize feminists and human rights defenders who protested against government inaction on gender-based violence and, in some states, security forces violently repressed women protesters. Killings of journalists remained at record levels; many of the victims had been granted official protection measures. By the end of the year, more than 109,000 people were registered as missing and disappeared. The militarization of public security increased and legislation cemented the involvement of the armed forces in public security tasks until 2028. The National Guard used excessive force in several of its operations. A lack of transparency, accountability and access to information hindered access to truth, justice and reparations for victims of human rights violations and their families.**

## BACKGROUND

Mexican military forces often failed to protect the right to life and security of all people. The military have been involved in public security operations for 16 years and during that time the country has seen a significant increase in homicides.

The National Guard and the Ministry of Defence (SEDENA) were among the 10 federal institutions which received the highest number of complaints for human rights violations during the year. The National Human Rights Commission received 476 complaints against the National Guard and 404 against SEDENA regarding multiple crimes under international law and human rights violations, including torture, killings, enforced disappearances and arbitrary detentions.

In September, Congress approved the National Guard’s incorporation into SEDENA. However, in October, a federal judge suspended this decision. Congress also approved the extension of a provision giving the armed forces a role in public security operations until 2028. These decisions were promoted by the government and supported by Congress, without civil society participation.<sup>1</sup> Civil society organizations, human rights activists and families of the disappeared took to the streets to protest against the increasing militarization of the country.

As of 2022, the National Guard was responsible for 227 areas normally within the remit of civilian bodies, of which 148 were not related to public security, such as the construction of airports and highways, management of Covid-19 vaccination and migration enforcement.

In November, the Supreme Court ruled that a May 2020 Presidential Decree allowing the permanent participation of armed forces in public security operations until 2024 was constitutional. Similar cases relating to the unconstitutionality of the National Guard Law and the participation of the armed forces in public security were pending before the Mexican Supreme Court at the end of the year.<sup>2</sup>

## **FREEDOM OF EXPRESSION AND ASSEMBLY**

The year proved the deadliest in history for the national press. At least 13 journalists were killed with a possible connection to their work. Many cases remained without proper investigations and the Protection Mechanism for Human Rights Defenders and Journalists continued to fall short of its goal to safeguard the lives and safety of these groups.

In his morning press conferences, the president expressed strong criticisms of journalists and civil society organizations that had questioned government actions, accusing them of being “conservatives” and “opponents”. The day before International Women’s Day, the president publicly stated that feminist protesters were preparing with hammers, torches and Molotov cocktails and that this “does not aim for the defence of women, they are not even feminist, participants are conservatives against our transformation policy”.

In April, armed police and plain clothes policemen beat women who were protesting at the Chimalhuacán Public Prosecutor’s Office in Mexico State. The protesters were demanding sanctions against three police officers who beat and detained an activist and human rights defender. She was kept in incommunicado detention for two hours. The police also sprayed tear gas at the women outside the office. National Guard officers were present and failed to act to protect the protesters.

In May, protesters from a variety of organizations and feminist movements gathered in the city of Irapuato, Guanajuato State, to peacefully protest against gender-based violence, including feminicides and disappearances of women. Police officers beat and arbitrarily detained at least 28 protesters.

## **VIOLENCE AGAINST WOMEN AND GIRLS**

Between January and November, 3,450 women were reported to have been killed; 858 of the killings were investigated as feminicides, equivalent to an average of 2.5 per day. The states with highest rates of

reported feminicides were Mexico State (131), Nuevo León (85) and Mexico City (70). Structural violence against women continued to undermine women’s rights to live a life free of violence and in a safe environment without fear.

In January, a judge in the municipality of Nezahualcóyotl, Mexico State, convicted a man of the feminicide of Diana Velázquez in 2017. However, authorities failed to ensure effective investigations to determine other alleged perpetrators in the case.

In February, in response to a conflict of interest and lack of due diligence on the part of the San Luis Potosí State Public Prosecutor’s Office, the Federal Attorney General’s Office (FGR) took over the investigation into the feminicide of Karla Pontigo, who was killed in 2012. The State Governor of San Luis Potosí failed to meet Karla Pontigo’s mother, despite her repeated requests.

In November, the Mexico State Public Prosecutor’s Office cancelled for the third time the public apology in which he promised to recognize the lack of due diligence in the investigations into the feminicides of Nadia Muciño Márquez, Diana Velázquez Florencio, Daniela Sánchez Curiel and Julia Sosa Conde.<sup>3</sup>

## **EXCESSIVE USE OF FORCE**

In April, in the city of Irapuato, Guanajuato, a National Guard officer shot at a car in which students from Guanajuato University were travelling, killing one student and seriously injuring another.

In August, in the city of Nuevo Laredo, Tamaulipas State, National Guard officers shot at a car in which a woman was travelling with two children. One of the children, four-year-old Heidi Mariana, was killed and her seven-year-old brother, Kevin, was injured.

In October, National Guard officers shot live ammunition in the air to disperse a peaceful protest in Jalisco State.

## **ENFORCED DISAPPEARANCES**

During the year, authorities registered at least 9,826 cases of missing and disappeared

persons, of whom 6,733 were men and 3,077 were women. This brought the total number of reports of people missing and disappeared in Mexico between 1964 and the end of 2022 to over 109,000. Impunity largely prevailed on this issue; according to the Mexican Search Commission, there had been just 36 convictions for the crime of disappearance.

In 2022, the UN Committee on Enforced Disappearances published a report in which it highlighted the forensic crisis in the country; the bodies of more than 52,000 people in the custody of the state authorities had yet to be identified.

In August, the Mexican government presented the report of the Commission on Access to Truth and Justice (Covaj) on the case of the 43 students from Ayotzinapa who disappeared in 2014. Covaj recognized that the disappearance of the students was a state crime involving the criminal group Guerreros Unidos and Mexican government officials, including members of the armed forces.

In September, Omar Gómez Trejo, the lead prosecutor for the Attorney General's Office's Special Unit for Investigation and Litigation on the Ayotzinapa Case (UEILCA), resigned citing undue interference by the FGR, which withdrew 21 of the arrest warrants requested, 16 of which were against military personnel. The Independent Group of Experts (GIEI) of the Inter-American Commission on Human Rights, which monitors progress in the Ayotzinapa case, criticized this interference, as well as the audit initiated by the FGR on 5 September regarding the work of the UEILCA. Rosendo Gómez Piedra was appointed as the new lead prosecutor for the UEILCA, despite the lack of support for his appointment from families of the victims and civil society organizations.<sup>4</sup>

In August, the Under-Secretary for Human Rights, Population and Migration announced the creation of the National Centre for Human Identification to support investigations related to disappearances and assist public prosecutors and attorneys.

In October, a federal judge resolved an amparo petition filed by the human rights organization Centro Prodh ordering the creation of a national forensic database in 40 days, one of the measures pending since the approval of the Federal Law on Enforced Disappearance in 2017.

During the year, at least three mothers searching for their disappeared children were killed. In October, Rosario Lilián Rodríguez Barraza and Blanca Esmeralda Gallardo were killed in Sinaloa and Puebla States, respectively, and in November, María del Carmen Vázquez was killed in Guanajuato State.

## **ARBITRARY ARRESTS AND DETENTIONS**

In August, the Inter-American Court of Human Rights held a public hearing regarding the case of Daniel García Rodríguez and Reyes Alpízar Ortiz, who had been held in pretrial detention for more than 17 years. A ruling in the case was expected in 2023.

In November, the Supreme Court struck down automatic pretrial detention for the crimes of tax fraud, smuggling and tax evasion via fake invoices. Another case relating to the constitutionality of automatic pretrial detention was pending at the end of the year.

In December, the Supreme Court ordered the immediate release of Gonzalo García, Juan Luis López and Héctor Muñoz after seven and a half years of arbitrary detention in Tabasco State. The Court considered that their rights to presumption of innocence and due process had been violated.

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

According to the National Registry for the Crime of Torture, there were 1,840 reports of torture and other cruel, inhuman or degrading treatment by agents of the state between January and September. This brought the total number of reports since 2018 to 14,243. The states with the highest numbers of reported cases were Mexico City, Chihuahua and the State of Mexico. However, the actual number of cases was believed to

be much higher because over 93% of all crimes in the country are not reported, according to the National Survey on Victimization and Perception of Public Safety of the National Institute of Statistics and Geography. One reason for this significant under-reporting is that the majority of reported crimes go unpunished.

## **HUMAN RIGHTS DEFENDERS**

Human rights defenders continued to be subjected to threats, stigmatization, unjust imprisonment, torture and killings. Some of the families of human rights defenders were also threatened. Women human rights defenders were additionally subjected to sexual violence.

At least 10 human rights defenders were killed during the year. A report published in 2022 by the NGO Global Witness stated that 54 defenders of the land and environmental activists were killed in 2021, making Mexico the deadliest country in the world for those defending these rights.

In March, in a public statement, the president referred to European parliamentarians as “sheep” following a statement by the European Parliament highlighting attacks on and killings of human rights defenders in Mexico.

In March, environmental rights defender Trinidad Baldenegro was killed in the town of Coloradas de la Virgen, Chihuahua State. He was the latest member of the Rarámuri Indigenous people to be killed for their human rights work; previous victims included Julián Carrillo, who was killed in 2018.

In June, three people were killed in a church in the town of Cerocahui, Chihuahua State, among them Javier Campos Morales and Joaquín Mora, both priests and human rights defenders who had worked to defend the rights of Indigenous peoples in the Sierra Tarahumara.

In October, new cases of the use of Pegasus spyware came to light, this time against two journalists, a human rights defender and an opposition politician. These latest findings indicated that there were contracts between SEDENA and companies linked to previous

sales of Pegasus. In response to these reports, the president claimed that the government carried out intelligence work, which was not spying. In the same month, Guacamaya, a group of digital activists leaked information from various servers belonging to the armed forces revealing monitoring of the activities of civil society and human rights organizations, including Amnesty International.<sup>5</sup>

## **LGBTI PEOPLE’S RIGHTS**

In October, same-sex marriage was legalized in Tamaulipas State, making same-sex marriage legal in all 32 states in Mexico.

## **SEXUAL AND REPRODUCTIVE RIGHTS**

Four more states decriminalized abortion during the year, bringing to 11 the number of states in which abortion is legal: Baja California, Baja California Sur, Ciudad de México, Coahuila, Colima, Guerrero, Hidalgo, Oaxaca, Quintana Roo, Sinaloa and Veracruz.

## **FAILURE TO TACKLE CLIMATE CRISIS AND ENVIRONMENTAL DEGRADATION**

In November, Mexico updated its NDCs target of 22% to a 35% reduction in greenhouse gas emissions by 2030. During COP27, Mexico announced new commitments to address the climate crisis, including doubling the production of clean energy adding 105 gigawatts.

In May, a federal judge suspended the construction of Section 5 of the Mayan Train, stating that it endangered biodiversity and the land rights of Indigenous peoples who depend on the fragile ecosystems of the Mayan jungle. Despite this, the president categorized the project as one of national security, enabling the construction to continue.

## **REFUGEES’ AND MIGRANTS’ RIGHTS**

The National Migration Institute received the third highest number of complaints of human rights violations (1,997 complaints) of any state institution, while the Refugee Commission ranked 10th (333 complaints).

Mexican authorities detained at least 281,149 people in overcrowded immigration detention centres and deported at least 98,299 people, mostly from Central America, including thousands of unaccompanied children.

During the year, authorities detained several refugees and migrants in airports around the country and subjected them to inhuman and degrading treatment.

The country's refugee agency received 118,478 asylum applications. The largest number of applications came from nationals of Honduras, followed by Cuba, Haiti and Venezuela.

Authorities continued to collaborate with the USA in implementing US policies that undermine the right to asylum and the principle of non-refoulement. These included summarily expelling people from Central America and Venezuela under Title 42 of the US Code, which drastically limits access to asylum procedures at the US-Mexico border. People expelled to Mexico from the USA were subjected to multiple forms of violence, including kidnappings, sexual violence and robbery.

The Supreme Court issued two landmark rulings for the protection of migrants. In May, it declared that the immigration checkpoints inside Mexico are unconstitutional on the ground that they are discriminatory. In October it recognized that the Executive branch had failed to publish clear official protocols for the protection of people returned to Mexican territory under the US "Remain in Mexico" protocol (also known as the Migrant Protection Protocols, MPP).

## INDIGENOUS PEOPLES' RIGHTS

Congress again failed to pass a law to regulate Indigenous peoples' right to free, prior and informed consent on projects affecting them, guaranteed under ILO Convention 169, despite a 2020 Supreme Court ruling calling on it to do so.

1. "Mexico: Militarization of public security will lead to more human rights violations and perpetuate impunity", 9 September
2. "Americas: Attempts to militarize public security in the region are a threat to human rights", 29 November (Spanish only)
3. "Mexico: Rights of femicide victims at risk", 13 December
4. "Mexico: State must guarantee truth, justice, and remembrance for families of Ayotzinapa students", 28 September
5. "Americas: Military monitoring of civil society organizations shows deteriorating respect for human rights", 7 October

# MOLDOVA

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## Republic of Moldova

Head of state: **Maia Sandu**

Head of government: **Natalia Gavriļița**

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**No visible progress was made in reducing instances of torture and other ill-treatment in detention. Impunity continued for past human rights violations by law enforcement agencies. New "temporary" restrictions on public assemblies were introduced. The rights of LGBTI people were not fully realized, leading to cases of harassment, discrimination and violence. Some refugee reception centres turned away religious and ethnic minority refugees. In the breakaway Transdnistria region, prosecution and imprisonment for peaceful dissent continued.**

## BACKGROUND

Political tensions were heightened by Russia's aggression against neighbouring Ukraine and the ongoing presence of Russian troops in Moldova's breakaway Transdnistria region. Explosions were reported in Transdnistria, briefly raising the terror threat level.

Moldova remained one of the poorest countries in Europe. Women, children, older people, people with disabilities and those living in rural areas were among the poorest groups. The war in Ukraine exacerbated high inflation and soaring energy prices, and in November led to energy blackouts.

On 23 June, Moldova received EU candidate status on condition of structural reforms.

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1. "Mexico: Militarization of public security will lead to more human rights violations and perpetuate impunity", 9 September

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

No visible progress was made in addressing institutional causes of torture and other ill-treatment in detention. Overcrowding, unsanitary and otherwise inadequate detention conditions and poor health provision remained common in adult, juvenile and mixed penitentiary institutions.

## **IMPUNITY**

Impunity remained endemic for past human rights violations by members of law enforcement agencies, including torture and other ill-treatment of protesters in 2009.

No further progress was made in the case of the abduction and forcible return to Türkiye of seven Turkish teachers by Moldovan security services in 2018. However, following litigation by the wife of one of the teachers, the Moldovan authorities were forced to declassify details of criminal proceedings that led to the conviction and fining of the former director of the Security and Intelligence Service (SIS), Vasiliu Botnari, in 2020. He had been convicted solely for an economic crime, relating to the cost of the chartered flight on which the teachers were transported. The relevant court decision had been kept secret until after the deadline for appeal by the victims' families. Nobody else appeared to have been brought to justice in relation to the abduction and illegal rendition of the seven teachers, who were subsequently imprisoned in Türkiye.

Despite this case and other abuses, the SIS was not subject to reform. Instead, in November, new draft legislation was tabled in parliament to give the security services additional surveillance and other powers.

## **FREEDOM OF EXPRESSION AND ASSEMBLY**

On 19 April, President Sandu signed into law a prohibition on the use of symbols associated with Russia's military activities abroad. These included the so-called ribbon of St. George and the letters "Z" and "V". Their use was expected by pro-Russian political groups at a traditional demonstration held on 9 May to mark Victory Day in the

Second World War. While the event was allowed to proceed uninterrupted, people displaying the banned symbols either at the event or on their cars were identified, and later 196 fines were issued by police, including to 16 parliamentarians from the Bloc of Communists and Socialists.

On 13 October restrictions were imposed on protests after President Sandu had asked the government the day before to introduce temporary legislative amendments to "allow the police to ensure public order" during protests by the opposition Shor party. The Ombudsperson (Public Advocate) criticized this decision. On 16 October police seized tents from protesters in front of central government buildings.

## **LGBTI PEOPLE'S RIGHTS**

During the UN Human Rights Council's UPR of Moldova in January, numerous states called for strengthened protections for LGBTI people. The Moldovan NGO GenderDoc-M reported in early 2022 that anti-LGBTI views remained common across Moldova and that young LGBTI people continued to face harassment and violence.

In February the Council for Preventing and Eliminating Discrimination and Ensuring Equality stated that Marin Pavlescu had been subjected to harassment based on his sexual orientation during his military service. In late 2021, the Ministry of Defence had threatened to prosecute Marin Pavlescu for desertion after he left the army following harassment and humiliation, but in May 2022 the prosecutor's office declined to open a criminal case against him. Marin Pavlescu continued to face discrimination in finding work due to being effectively outed as gay in publicity surrounding his case.

In June, Moldova's largest-ever Pride march went ahead in the capital, Chişinău, despite threats by the city's mayor that he would ban the event.

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

More than 740,000 individuals crossed from Ukraine into Moldova by December, putting significant pressure on local services. Most

travelled further into Europe or returned to Ukraine, leaving almost 90,000 refugees in Moldova.

The Public Advocate noted that some refugee reception centres had turned away Roma and other religious or ethnic minority refugees from Ukraine. Some centre managers were allegedly contacted by local police and warned that the centres should not accept Roma people.

## **TRANSNISTRIA REGION**

### **FREEDOM OF EXPRESSION**

De facto authorities in Transnistria sentenced Viktor Pleshkanov to five days' "administrative detention" for "petty hooliganism" after he reportedly threatened to hang the Ukrainian flag on his balcony as an affront to the self-styled Ministry of State Security. His lawyer reported that he was then subsequently sentenced to 38 months' imprisonment in a closed trial under undisclosed extremism-related charges.

# **MONGOLIA**

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## **Mongolia**

Head of state: **Ukhnaa Khurelsukh**

Head of government: **Luvsumnamsrai Oyun-Erdene**

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**NGOs faced new restrictions on their activities and those involved in protests against mining and other development projects faced imprisonment under proposed legislation. Authorities failed to protect herder communities from environmental degradation caused by mining operations. Human rights defenders were subjected to intimidation and police investigations. A national mechanism for the prevention of torture was established but torture and other ill-treatment of detainees continued to be reported.**

### **FREEDOM OF ASSOCIATION AND ASSEMBLY**

A draft law that would restrict legitimate NGO activities remained under discussion by parliament. The bill, first tabled in 2021,

proposed the establishment of the Civil Society Development Council to oversee NGOs, but its broad mandate and vaguely worded powers risked undue interference in the internal affairs of NGOs and could place burdensome administrative requirements upon them. The bill also contained provisions prohibiting legitimate activities and limiting NGO funding.

In May, the government introduced a bill to amend the Criminal Code providing for prison sentences for obstructing mining and other development projects. The bill followed demonstrations in the capital, Ulaanbaatar, by herders from across the Gobi region protesting against mining operations and calling for protection of their social and economic rights.

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

Coal and other mining operations in the Gobi region destroyed grasslands, contaminated groundwater and depleted other water sources. They also caused soil erosion, with negative impacts on the health and livelihoods of herder communities in the region.

The government issued mining licences without adequate consultation with affected herder communities and failed to ensure that those displaced or otherwise affected by mining operations received adequate compensation and accommodation and had access to essential services and social protection.

### **HUMAN RIGHTS DEFENDERS**

The government conducted smear campaigns against human rights defenders, including publicly labelling some as foreign spies and criticizing others for obstructing national development plans.

Authorities also used criminal investigations to obstruct the work of human rights defenders. In August, the General Intelligence Agency launched an investigation into Sukhgerel Dugersuren for "illegal cooperation with a foreign intelligence agency



or agent” in relation to her work in exposing human rights abuses and environmental degradation resulting from development projects.

## **RIGHT TO HOUSING**

Lack of adequate protections resulted in at least 47 households in Ulaanbaatar being made homeless by urban redevelopment projects. Private developers confiscated land for development without consent and failed to provide adequate compensation to those affected.

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

In July, the government established a national mechanism for the prevention of torture. The National Human Rights Commission of Mongolia nevertheless reported incidents of torture and other ill-treatment of people in detention, including to obtain “confessions”.

# **MONTENEGRO**

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**Montenegro**

**Head of state: Milo Đukanović**

**Head of government: Dritan Abazović (caretaker since August, replaced Zdravko Krivokapić in April)**

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**Impunity persisted for crimes under international law, torture and attacks on journalists. Police failed to respond adequately to domestic violence. Verbal abuse and threats against discriminated groups exacerbated ethnic divisions.**

## **BACKGROUND**

Two prime ministers were ousted by no-confidence votes triggering a political crisis. Mass protests were held demanding early parliamentary elections, a functioning Constitutional Court and changes to a law limiting presidential powers.

## **RIGHT TO TRUTH, JUSTICE AND REPARATION**

In May, the chief of police apologized to grieving families of 66 Bosniak refugees

forcibly disappeared by Montenegrin police in 1992.

In August, the Special State Prosecutor examined allegations that retired admiral Dragan Samardžić participated in the unlawful shelling of Split in Croatia in November 1991.

Proceedings continued in December against a former Bosnian Serb Army soldier, Slobodan Peković, charged with raping a protected witness and killing two other people in Foča in 1992.

The former president of the Supreme Court and president of the Commercial Court were detained on suspicion of corruption in April and May respectively; the Special State Prosecutor was arrested for abuse of office in December. In October, the European Commission urged Montenegro to implement legislation strengthening judicial independence, integrity, accountability and professionalism.

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

In May, the UN Committee against Torture reiterated long-standing concerns about conditions and rights of detainees in police custody and prisons, and the lack of independent investigations of ill-treatment.

In March, five police officers were charged with torturing a witness, Marko Boljević in 2020, to extract a statement; a police inspector was similarly charged in June with respect to Marko Boljević and for torturing a suspect, Benjamin Mugoša.

## **FREEDOM OF EXPRESSION**

Twenty-five attacks on journalists were reported. In September, the government requested assistance from foreign experts in re-investigating historic cases, including the 2004 murder of Duško Jovanović, editor of Dan newspaper.

In June, the Supreme Court ordered another retrial of investigative journalist Jovo Martinović, after quashing his 2020 conviction for allegedly participating in drug trafficking.

## **VIOLENCE AGAINST WOMEN AND GIRLS**

Two women were killed by their partners or former partners. One had previously been hospitalized and reported her husband's violence to the police. In May, the UN Committee Against Torture questioned the low level of prosecutions and lenient sentencing in domestic violence cases.

Women active in public life were subjected to misogynistic abuse, including by officials.

## **DISCRIMINATION**

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

The government's failure to harmonize provisions of the 2020 Law on Life Partnership prevented couples married abroad from registering. Perpetrators were charged with attacks on NGO Juventas' premises. In July, the president of Queer Montenegro received death threats on social media. NGO Spektra drafted a gender recognition law.

### **ROMA AND EGYPTIAN PEOPLE**

According to UNHCR, the UN Refugee Agency, in November, fewer than 500 individuals remained stateless, including Roma and Egyptians displaced from Kosovo, and 250 Roma children born in Montenegro who lacked documentation required to access essential social and economic rights.

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

According to UNHCR, the UN Refugee Agency, 6,758 refugees and migrants had entered Montenegro by October but only 2% applied for asylum. The UN Committee Against Torture judged that most were denied access to an effective asylum process, highlighting the lack of procedural safeguards, including against refoulement.

# **MOROCCO/ WESTERN SAHARA**

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**Kingdom of Morocco**

Head of state: **Mohamed VI**

Head of government: **Aziz Akhannouch**

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**Authorities continued to crush dissent, disperse peaceful protests and restrict the activities of several organizations they deemed oppositional. They tightened their crackdown on Sahrawi activists.**

**Criminalization of abortion led to at least one girl dying as a result of an unsafe abortion following rape. Border guards used excessive force against people attempting to cross the border between Morocco and the Spanish enclave of Melilla, causing at least 37 deaths. Domestic legislation remained inadequate to protect and promote the right to a clean and healthy environment.**

## **BACKGROUND**

In March, Spain's prime minister declared his support for the Moroccan government's autonomy plan over Western Sahara. In response, Algeria announced it was suspending a cooperation treaty with Spain. Relations between Morocco and Algeria remained strained, despite calls in July by King Mohamed for restoration of diplomatic ties between the two countries.

In October, the UN Mission for the Referendum in Western Sahara was renewed, but still lacked a human rights mandate. Human rights organizations could still not access Western Sahara.

During the year, 1,445 people died from Covid-19. By the end of 2022, 66.8% of the population had received at least one dose of the Covid-19 vaccine.

## **FREEDOM OF EXPRESSION**

The authorities continued to target critics and activists in Morocco and Western Sahara. They investigated, prosecuted and imprisoned at least seven journalists and activists for criticizing the government, as well as people who spoke online about religion or expressed solidarity with activists.

In March, police in Settat city summoned and interrogated Brahim Nafai, a teacher and member of youth organization Annahj Addimocracy (Democratic Way) for sharing posts on social media calling for a boycott of fuel. He was not informed of any follow-up, but the case remained open.

In April, a court in Casablanca city sentenced human rights defender Saida Alami to two years in prison for social media posts denouncing repression of journalists and activists. In September, the Casablanca appeals court increased the sentence to three years. She remained in prison.

In June, a court in Tangier city acquitted on appeal Fatima Zahra Ould Belaid, an activist and member of the Moroccan Association for the Taxation of Transactions and for Citizen Action (ATTAC Morocco) and the Committee for the Abolition of Illegitimate Debt (CADTM). Police had arrested her in November 2021 accusing her of having organized “illegal” protests at Tangier’s university.

In August, the first instance court in Oued Zem city sentenced blogger Fatima Karim to two years in prison, under Article 267-5 of the Penal Code, for “insulting” Islam in social media posts.<sup>1</sup>

In November, a Casablanca court sentenced human rights defender Rida Benotmane to three years’ imprisonment for “insulting a body regulated by law”, “insulting public officials while carrying out their duties” and “broadcasting false allegations” for online posts in which he criticized the authorities for ignoring demands for social justice.<sup>2</sup> He remained in prison.

## **RIGHT TO PRIVACY**

In March, analysis by Amnesty International’s Security Lab found that two phones belonging to Sahrawi human rights defender Aminatou Haidar were targeted and infected by NSO Group’s Pegasus spyware.<sup>3</sup> Amnesty International’s analysis showed that one of her phones contained traces of Pegasus targeting dating back to September 2018, and the other had further traces of infection in October and November 2021.

## **FREEDOM OF ASSOCIATION AND ASSEMBLY**

Authorities used excessive force to disperse peaceful protests on at least two occasions, including protests demanding better working conditions for teachers and protests for

Sahrawi rights, and arrested some participants.

In March, police forcibly dispersed protests by teachers across Morocco. In Taouate town, police beat one teacher so badly that he needed hospital treatment. Police in the capital, Rabat, arrested teacher Hajar Belhouari for joining a peaceful protest.

Protests by Sahrawi activists in Western Sahara were even more violently suppressed. In April, police officers hit and kicked student journalist Abdelmounaim Naceri until he lost consciousness. He had been filming a sit-in outside the prefecture of Smara, a city in Western Sahara, organized by young Sahrawis to protest against social conditions. The same month, local authorities in Laayoune city, also in Western Sahara, refused to allow the newly elected executive office of the Sahrawi Association of Victims of Grave Violations of Human Rights Committed by the Moroccan State (ASVDH) to register, on the grounds that it hinders the work of public administrations. On 2 July, police surrounded ASVDH’s headquarters in Laayoune and violently prevented members from entering, injuring at least 10 people by hitting them with their hands and kicking them, and subjected them to racist insults.

Throughout the year, the authorities arbitrarily restricted the licensing and activities of at least seven organizations seen as oppositional, and harassed members of some associations. The authorities refused to accept the application of the Amazigh Network for Citizenship-Azetta Amazigh to register as an official organization, claiming that legal conditions had not been met.

## **UNFAIR TRIALS**

Courts breached fair trial procedures, including by using identical police records for multiple defendants and limiting defendants’ access to lawyers. Courts failed to investigate defendants’ complaints that “confessions” had been extracted under torture.

On 3 March, the Appeals Court in Casablanca upheld a six-year prison sentence against Omar Radi on espionage and rape charges. During his trials, he had

limited access to his lawyers, his defence team were denied the right to cross-examine prosecution witnesses, and several defence witnesses were excluded.

On 21 July, the UN Working Group on Arbitrary Detention concluded that the authorities had violated journalist Suleiman Raissouni's right to a fair trial so gravely that his detention was arbitrary.

## WOMEN'S AND GIRLS' RIGHTS

In April, Morocco ratified the Optional Protocol to CEDAW. However, domestic legislation continued to entrench gender inequality, including in relation to inheritance and custody of children.

In June, the CEDAW Committee raised concerns about high rates of maternal mortality and female illiteracy in rural Morocco.

Research in 2022 by the NGO Mobilising for Rights Associates found that the legal provisions criminalizing sexual relations outside marriage and adultery under sections 490-493 of the Penal Code prevent women survivors of violence from reporting it, thereby depriving them of protection, prevention, adequate remedy and reparation. They also found that the provisions allow perpetrators to commit violence against women with impunity.

Abortion remained illegal unless deemed necessary to protect a pregnant woman's health, and punishable by six months to five years in prison for those who undergo or carry out an illegal abortion. Bill 10-16, which would decriminalize abortion in a limited number of cases, remained stalled in parliament since 2016. In September, a 14-year-old girl from a village near Midelt, central Morocco, died following to an unsafe abortion performed after she was raped. Several women's rights organizations blamed the strict abortion laws for her death.

In March and April, police and security agents used physical, verbal and sexual violence against 12 women Sahrawi activists who were expressing solidarity with the activist Sultana Khaya (see below). No investigations were conducted into the

alleged assaults. In April, the UN Special Rapporteur on the Situation of Human Rights Defenders denounced Moroccan authorities for using sexual violence to intimidate Sahrawi women human rights defenders.

## TORTURE AND OTHER ILL-TREATMENT

Torture and other ill-treatment continued with impunity both inside and out of prisons, particularly against Sahrawi activists.

Several times in March, prison guards beat Sahrawi activist Mohamed Lamine Haddi, a member of the Gdeim Izik protest camp in Western Sahara, who had been held in solitary confinement in Tiflet II prison in north-west Morocco since 2017.

In May, prominent Sahrawi activist Sultana Khaya escaped house arrest and travelled to Spain to seek medical treatment for the torture she endured during various police assaults since her house arrest in 2020.<sup>4</sup> There were no investigations into the rape and other serious human rights violations against her and her family.

In June, police arrested Labbas Sbai and detained him in Zagora prison in southern Morocco for denouncing corruption. Prison guards repeatedly beat him, abuse that the prison director defended. Labbas Sbai was released in July.

## LGBTI PEOPLE'S RIGHTS

In June, the LGBTQ+ Travel Safety Index by Asher & Lyric ranked Morocco as the 30th most unsafe country worldwide for LGBTI travellers. It cited Article 489 of Morocco's Penal Code, which punishes same-sex sexual conduct or "unnatural" acts with six months to three years in prison plus fines.

In June, the Ministry of Culture refused to include Fatima Zahra Amzkar's book *Lesbian Diaries* in the Rabat 2022 International Book Fair, after a campaign was launched using hashtags such as #NoToHomosexuality. The culture minister said that the book had never been authorized for the book fair.

The campaign #Fetrah (meaning primitive, nature or instinct in Arabic), which promoted the idea that there are only two genders and went against LGBTI rights' defenders, went

viral in Morocco. In July, Facebook closed its page, but the Moroccan authorities did not denounce the campaign.

In July, the CEDAW Committee called on Morocco to repeal articles of the Penal Code that criminalize LGBTI people.

## MIGRANTS' AND REFUGEES' RIGHTS

In June, around 2,000 people, mostly from Sudan, attempted to cross the border between the city of Nador in northern Morocco and the Spanish enclave of Melilla. Security forces on both sides responded with excessive force, leaving 37 sub-Saharan African people killed and 77 others missing. The National Human Rights Council of Morocco reported that 217 people were injured, including 140 members of the Moroccan security forces. The security forces pelted people with rocks, beat them and fired tear gas in enclosed spaces. Migrants injured by security forces were denied medical assistance and many were forcibly transferred on buses to various destinations in Morocco.<sup>5</sup> Local prosecutors announced that they had opened an investigation, but took no steps to interview witnesses, including injured migrants. Instead, the authorities prosecuted at least 79 migrants for irregular entry.

## FAILURE TO TACKLE CLIMATE CRISIS

Morocco had yet to update its 2030 emissions target to ensure it is fully aligned with the 1.5°C imperative. Nor had it adopted human rights-consistent adaptations or disaster risk reduction measures to adequately protect people from the foreseeable and unavoidable impacts of the climate crisis.

In February, the Intergovernmental Panel on Climate Change said that the amount of land suitable for growing argan trees in Morocco was likely to shrink by up to 32% by 2070, threatening livelihoods and Morocco's biodiversity.

1. "Morocco: Release blogger jailed for offending Islam: Fatima Karim", 14 October
2. "Morocco: Human rights defender jailed for online posts: Rida Benotmane", 26 October
3. "Morocco/Western Sahara: Activist targeted with Pegasus spyware in recent months – new evidence", 9 March
4. "Morocco/Western Sahara: Further information: Activist successfully leaves home after 18 months: Sultana Khaya", 16 September
5. Morocco: "They Beat Him in the Head, To Check if He Was Dead": Evidence of Crimes Under International Law by Morocco and Spain at the Melilla Border, 13 December

# MOZAMBIQUE

## Republic of Mozambique

Head of state and government: **Filipe Jacinto Nyusi**

**Armed conflict-driven human rights violations continued in northern Mozambique, aggravating the humanitarian crisis. Armed groups continued to burn villages, behead people and abduct women and girls. Meanwhile government security forces operating in the area also committed human rights violations against the population, including enforced disappearances, harassment and intimidation of civilians, and extortion of payments from traders. Internally displaced people continued to live in deplorable conditions with little access to food, water and housing. The rights to peaceful assembly and expression were repressed. A new NGO law threatened to limit civic space if implemented.**

## BACKGROUND

The trial of co-conspirators in the secret loans scandal, in which the former and current presidents were implicated, laid bare the betrayal of public trust and abuse of state institutions for personal financial gain. Furthermore, the trial exposed the depth and breadth of economic, social and political vulnerabilities to which the country had been exposed under successive Mozambique Liberation Front governments.

Meanwhile, the armed conflict between government forces and armed groups locally known as "Al-Shabaab" (with no known connection to Al-Shabaab in Somalia) in the northern province of Cabo Delgado continued

1. "Morocco: Release blogger jailed for offending Islam: Fatima Karim", 14 October

unabated. The joint offensives against armed groups by the Mozambican, Rwandan and Southern African Development Community Mission in Mozambique (SAMIM) forces failed to end the insurgency. Armed groups dispersed and launched new fronts of attack in previously unaffected regions, moving west and southwards into Niassa and Nampula provinces. Simultaneously, the unbearable cost of living, predominantly driven by increasing fuel prices, heightened popular unrest. All these factors eroded public confidence in President Nyusi's government.

## **VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW**

Al-Shabaab armed groups committed war crimes by beheading civilians, abducting women and girls, and looting and burning villages. On 21 May alone, they attacked Chicomo, Nguida and Nova Zambezia villages in Macomia district and burned houses, ransacked crops, beheaded 10 people and abducted women and girls. In June, Al-Shabaab insurgents attacked Mitopue village in Mema district, Nampula province, burning homes and looting property. In the same district, on 6 September, they burned more homes and a hospital, ransacked people's property, and killed six civilians including a Catholic nun. On the night of 2 September, insurgents set fire to houses, a health post and a school, displacing 40,000 people from the Erati district. By the end of the year, all the northern provinces – Cabo Delgado, Nampula and Niassa – had been attacked.

The Mozambican security forces in Cabo Delgado province abducted and forcibly disappeared traders for the purposes of extortion. On 13 May, residents of Macomia demanded the withdrawal of the police's Rapid Intervention Unit after officers ill-treated civilians, including by extortion, the abduction of traders for ransom, and by subjecting them to threats. Soldiers stationed at the navy base in Pemba city subjected civilians passing through the area to physical aggression, extortion and theft of their property.

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

The expansion of the armed conflict exacerbated the humanitarian situation. The OCHA estimated that 1.5 million displaced people in Cabo Delgado, Nampula and Niassa provinces needed some form of humanitarian assistance and protection due to the conflict. Food and water insecurity, malnutrition, precarious health and inadequate housing marked the conditions in which they lived. According to the OCHA, in Cabo Delgado province the most affected districts were Chiure, Macomia, Metuge, Mocímboá da Praia, Montepuez, Mueda, Nangade, Palma, Pemba and Quissanga. For instance, Pemba city added 152,000 internally displaced people to its original population of 224,000, while Metuge's population grew from 101,000 residents to 228,000. About 80% of displaced people were hosted by friends and families, placing a heavy burden on their limited resources.

## **FREEDOM OF ASSEMBLY AND ASSOCIATION**

The rights to freedom of peaceful assembly and association were repressed in tandem with legal efforts to shrink civic space. On 5 February, heavily armed police with dogs stopped a group of young people from holding a peaceful protest against toll fees on the ring road in Maputo, the capital. The group's leader, Clemente Carlos, was arrested and detained at the 18th Police Station, where he was physically and verbally abused. He was released several hours later without charge.

On 18 August, the police violently suppressed a peaceful protest by traders in Gondola district, Sofala province, who were protesting against their eviction, without consultation and adequate notice, by the municipal authorities. The police used live ammunition and shot and injured three protesters.

Amid growing repression, in September the Council of Ministers drafted a new Non-Profit Organizations Law, giving the government enormous discretionary powers to further

shrink civic space. It remained before parliament pending public consultations on the bill's provisions to begin in February 2023.

## FREEDOM OF EXPRESSION

Journalists and human rights defenders were subjected to threats, intimidation and arbitrary arrest for criticizing the government and its officials. On 22 January, unidentified individuals suspected of being state agents broke into the office of the human rights lawyer, João Nhamossa, and stole his computer, flash drives, mobile phones and various documents. He had been working on sensitive cases including the infamous secret loans scandal, and cases relating to toll gates and the extractive industry. In the second week of April, the governor of Tete province and the mayor of Tete town ordered the arrest, detention and interrogation of a man known as Anastácio after he had accused two government officials of a conflict of interest in connection with their owning land plots in Chingodzi, in an area reserved exclusively for military personnel.

On 16 August, Adriano Nuvunga, the executive director of the civic organization Centre for Democracy and Development received death threats. Two unused bullets were found in his front yard wrapped in paper with the message, "Beware, Nuvunga". On 19 September, two unidentified men presented an unused bullet to Armando Nenane, a journalist and director of the magazine *Crónica Jurídica e Juduciária*, in downtown Maputo. The men claimed to be executing orders from their superiors, after a court had cleared Armando Nenane of document forgery and defamation charges pressed by the former minister of national defence. After being cleared, Armando Nenane pressed charges of "slandorous denunciation" and defamation against the former minister and members of intelligence and counter-intelligence.

# MYANMAR

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Republic of the Union of Myanmar

Head of state: **Win Myint (UN-listed); Myint Swe (military-appointed)**

Head of government: **Disputed**

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**The crackdown against opposition to military rule intensified. Thousands of people were arbitrarily detained and more than 1,000 opposition politicians, political activists, human rights defenders and others were convicted in unfair trials. Widespread torture of detainees continued. Four men were executed following unfair trials on politically motivated charges. Indiscriminate military attacks on civilians and civilian objects resulted in hundreds of deaths and mass displacement. Foreign companies were found to have supplied aviation fuel to the Myanmar military that was responsible for carrying out aerial attacks killing hundreds of civilians. Tens of thousands of ethnic Rohingya people remained in squalid displacement camps and their rights remained severely curtailed. Military authorities continued to restrict the delivery of humanitarian aid.**

## BACKGROUND

While Win Myint was still listed by the UN as the president and head of state, military rule continued under Myint Swe, appointed by the military as acting president, and the State Administration Council, led by Min Aung Hlaing, an army general. Both non-violent and armed resistance continued against this military rule, which was imposed following the February 2021 coup and the imprisonment of civilian leaders. Fighting intensified between military forces and ethnic armed organizations, as well as the People's Defence Forces and other armed groups set up to resist the coup, spreading to central Myanmar and other areas previously unaffected by armed conflict. The military continued with its "Four Cuts" strategy to cut off armed groups from funding, food, intelligence and recruits with devastating

consequences for civilians. The National Unity Government, formed in 2021 by representatives of the deposed National League for Democracy (NLD)-led government, ethnic armed organizations and civil society continued their opposition to military rule. On 21 December, in its first resolution on Myanmar in over 70 years, the UN Security Council expressed deep concern at the grave impact of the military coup and called for an end to the violence, the release of political prisoners, unimpeded humanitarian access and respect for the rights of women and children.

## **ARBITRARY ARRESTS AND DETENTIONS**

Mass arbitrary arrests and detentions of NLD members and other supporters of the anti-coup movement persisted. According to the NGO Assistance Association for Political Prisoners (Burma) (AAPP), military authorities arrested at least 5,415 people during the year.

In November, 402 political activists were among more than 5,000 prisoners released to mark National Day. At least 13,272 people arrested since the coup for political reasons were still detained at year's end.

The military authorities often denied detentions and the whereabouts of many detainees remained unknown for extended periods, amounting to enforced disappearance. The right to petition to challenge unlawful detention remained suspended. Children and others were arbitrarily detained as proxies for their parents or relatives. At year's end, military authorities were reportedly holding at least 277 people, including 38 children, because of their relationship with a wanted person.

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

Authorities intensified both on- and offline surveillance, further diminishing the space for freedom of expression and severely restricting other rights including to privacy, information, association and movement. People were stopped and searched at random at numerous checkpoints in towns

and cities throughout the country and plain-clothes informants were employed in every ward.<sup>1</sup> There were reports of CCTV cameras with facial recognition capabilities being used in major cities. Authorities continued to impose periodic internet and telecommunications shutdowns, particularly in regions affected by armed conflict.

In October, the State Administration Council adopted a revised Organization Registration Law that imposed tighter restrictions on NGOs. Under the law, humanitarian and other NGOs carrying out "social tasks" are required to register with boards made up of government representatives and to comply with broad and vaguely worded provisions, including prohibitions on "mentioning false data" and "interference in the internal affairs of the state or politics". Non-compliance was punishable by up to five years' imprisonment.

Military authorities attempted to starve the resistance of funds by seizing the property and other assets of individuals accused of being members of or providing financial or other support to the National Unity Government or armed resistance groups. Others were arrested for donating money for internally displaced people after authorities traced donations from mobile banking records.

## **JOURNALISTS**

Two journalists were killed during the year including Aye Kyaw, a freelance photojournalist who had documented anti-coup protests in the Sagaing region. He was arrested by military authorities on 30 July and died in custody the same day. At least 74 media workers were among those detained at year's end. Independent media outlets remained banned and the military authorities subjected those continuing to publish to harassment and threats of arrest and prosecution.

## **UNFAIR TRIALS**

Grossly unfair trials of people arrested since the coup took place behind closed doors in makeshift courts inside prisons. In areas under martial law, trials took place in military



courts where defendants were denied legal representation and the right to appeal. Pro-democracy activists, opposition politicians, human rights defenders and journalists were among more than 1,000 people convicted during the year and sentenced, including to death and long prison sentences with hard labour. Lawyers defending political detainees faced arrest, threats and harassment.

Former State Counsellor Aung San Suu Kyi was sentenced to 31 years' imprisonment in a series of trials for corruption and other bogus charges, in addition to the two years she was already serving.

In October, Magway District Court sentenced ex-NLD parliamentarian Win Myint Hlaing to 148 years in prison on terror-related charges. Around the same time, Aung Khant, Kyaw Thet and Hnin Maung were also found guilty of involvement in the armed resistance movement and sentenced to prison terms of between 95 and 225 years under the Counter-Terrorism Law.

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

Torture and other ill-treatment of detainees remained widespread, routinely occurring after arrest and in military and police interrogation centres and in prisons. Some detainees, including men, women and people of diverse gender identity or sexual orientation, were subjected to sexual violence, harassment and humiliation, including invasive body searches, as a method of torture during interrogation and detention.<sup>2</sup> At least 356 people were known to have died in custody in connection with torture during the year.

## **DEATH PENALTY**

The first executions since the 1980s took place in July. Phyo Zeya Thaw, a parliamentarian and NLD member, prominent democracy activist Kyaw Min Yu (also known as Ko Jimmy), Hla Myo Aung and Aung Thura Zaw were executed following secretive trials in military tribunals.<sup>3</sup> Dozens of people were sentenced to death during the year.

## **UNLAWFUL ATTACKS AND KILLINGS**

Hundreds of people were reportedly killed in military ground and air attacks, which were indiscriminate or directly targeted at civilians or civilian objects, as well as through extrajudicial executions by the military of individuals suspected of supporting resistance to the coup or on the basis of their ethnicity. Systematic looting and burning of villages also continued, further contributing to mass displacement and a deepening humanitarian crisis.

Military operations in Kayin and Kayah states against ethnic armed organizations and other armed groups in early 2022 took the form of collective punishment against Karen and Karenni civilians resulting in hundreds of deaths and the displacement of more than 150,000 people by March. Between December 2021 and March 2022, Amnesty International documented 24 artillery or mortar attacks in eastern Myanmar killing at least 20 civilians and seriously injuring 38 others, as well as causing widespread damage to homes and other buildings.<sup>4</sup> The military also conducted air strikes using fighter jets and helicopters in both indiscriminate and direct attacks on civilians and civilian objects there, as well as in Chin and Kachin states and the regions of Sagaing and Magway.

On 17 January, military fighter jets dropped two bombs on an internally displaced people's camp in Hpruso township in Kayah State, killing one man and two young girls and destroying the camp's kitchen. On 23 October, an air strike on a concert near A Nan Pa village in Kachin State killed and injured dozens of people. Musicians, children and other civilians present at the event were among the casualties.<sup>5</sup> According to media reports, state security forces blocked medical care for the injured.

Air strikes on schools, hospitals and religious buildings also resulted in deaths and damage and destruction of protected civilian objects. At least 13 people died, including children and volunteer teachers in an attack by helicopter gunships and troops on a temple school in Tabayin township, Sagaing

region, on 16 September. On 9 August, a military fighter jet fired at a health centre in Daw Par Pa village, Kayah State, killing the elderly father of one of the patients and causing damage to the clinic consistent with a rocket attack.

The use of cluster munitions in aerial attacks was documented in Chin, Kayah and Kayin states, indicating that Myanmar had developed and was deploying a new weapon system that is banned under international law.<sup>6</sup> The military also increased its use of internationally banned anti-personnel landmines, laying them in or around homes, toilets, churches and on paths to rice fields and other locations frequented by civilians.<sup>7</sup> According to UNICEF, at least 86 people including 27 children were killed by landmines or explosive remnants of war in the first 10 months of 2022 and 247 people were injured.

Security forces deliberately killed civilians. In January, soldiers shot and killed at least six civilians as they tried to escape to Thailand across the Moei river. On 3 March, soldiers shot and killed a 13-year-old boy who was collecting fruit on a riverbank in Kayin State. The bodies of three farmers from San Pya 6 Mile village in Kayah State were found with their throats slit after they left a displacement site to collect vegetables from their village. Security forces shot at relatives as they tried to retrieve the men's bodies.

Military-backed militias were also responsible for grave human rights violations. According to media reports, members of the Pyu Saw Htee militia and soldiers set fire to houses in Ngatayaw village in Magway region in August, forcing more than 4,000 residents to flee. Other militias believed to be backed by the military were reported to be responsible for targeted killings of NLD and pro-democracy activists.

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

As of 26 December, an estimated 1,505,700 people were displaced within Myanmar, most since the coup. There were also more than

one million refugees and asylum seekers from Myanmar in neighbouring countries.

Internally displaced people lived in deplorable conditions in makeshift camps and shelters without adequate access to food and water, healthcare and other basic services. The military continued to obstruct access to crucial humanitarian assistance for internally displaced people and other marginalized groups, including via the imposition of onerous restrictions on NGO registration, banking, visas and travel. There were ongoing reports by aid organizations of deliveries being blocked or explicitly denied by the Myanmar military. On 15 September, following renewed fighting between the military and Arakan Army, the military issued a directive banning all international organizations from six of the most conflict-stricken townships in north and central Rakhine State.

An estimated 130,000 Rohingya and other Muslims remained in squalid camps in Rakhine State where they have been since 2012. Rohingya continued to be denied basic rights including access to adequate food, healthcare and education. Their freedom of movement was highly restricted and those travelling outside their designated townships faced arrest and imprisonment for "illegal movement".

In July, the International Court of Justice affirmed its jurisdiction in a case brought by Gambia of alleged violations against the ethnic Rohingya population in Rakhine State during military operations in 2016 and 2017.

## **ABUSES BY ARMED GROUPS**

Some armed groups failed to take feasible precautions to protect civilians from the effects of military attacks, in some cases co-locating near or visiting villages or displacement settlements. Some groups used internationally banned antipersonnel landmines or improvised explosive devices, placing civilian lives in danger. Opposition armed resistance groups reportedly assassinated civilian administrators working for the military authorities.

## CORPORATE RESPONSIBILITY

Puma Energy, the main foreign company involved in the handling and distribution of aviation fuel in Myanmar, announced in October that it was leaving the country and selling its business in Myanmar.<sup>8</sup> Aviation fuel imported and distributed by foreign and domestic companies was essential to the Myanmar military in carrying out air strikes. At least three other foreign companies announced that they were ending or suspending their involvement in the provision of aviation fuel to Myanmar during 2022.

Meta's (formerly Facebook) algorithms and business practices were found to have substantially contributed to grave human rights violations suffered by the Rohingya during 2017 by amplifying anti-Rohingya content and enabling and encouraging Myanmar military action against them.<sup>9</sup>

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1. "Myanmar: International community must do more to protect brave protesters", 22 April
  2. "Myanmar: 15 days felt like 15 years: Torture in detention since the Myanmar coup", 2 August
  3. "Myanmar: First execution in decades mark atrocious escalation in state repression.", 25 July
  4. Myanmar: "Bullets rained from the sky": War crimes and displacement in eastern Myanmar, 31 May
  5. "Myanmar: Deadly air strikes in Kachin State appear to fit pattern of unlawful attacks", 24 October
  6. Myanmar: Deadly Cargo: Exposing the supply chain that fuels war crimes in Myanmar, 3 November
  7. "Myanmar: Military's use of banned landmines in Kayah State amounts to war crimes", 20 July
  8. "Myanmar: Puma Energy to leave amid scrutiny of aviation fuel supplies", 5 October
  9. Myanmar: The social atrocity: Meta and the right to remedy for the Rohingya, 29 September

## NAMIBIA

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Republic of Namibia

Head of state and government: **Hage Geingob**

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**Police continued to use excessive force against protesters. A cybercrime bill threatened to curtail the rights to freedom of expression, association, assembly and**

**privacy. Early marriage persisted. Survey results showed that most Namibians believe gender-based violence is common in their communities. Parliament held public consultations on petitions to decriminalize abortion. LGBTI people's rights were curtailed. Mining companies' activities threatened to damage the environment and undermine the rights of Indigenous peoples.**

## FREEDOM OF EXPRESSION

### EXCESSIVE USE OF FORCE

On 13 May, Namibian Police Force officers used excessive force against peaceful protesters in the capital, Windhoek. Local traders were protesting after the authorities destroyed counterfeit goods confiscated from the traders. Police fired tear gas and rubber bullets at the crowd, injuring protesters. A Namibian Broadcasting Corporation journalist was injured in the leg by a rubber bullet.

### CYBERCRIME LEGISLATION

In February, the Institute for Public Policy Research raised concerns about the Electronic Transactions and Cybercrime Bill, which was tabled before parliament in the same month. If enacted, it could curtail the rights to freedom of expression, association, assembly and privacy. In particular, concerns were raised over provisions which would allow for arbitrary secret search warrants and grant excessive powers to the minister of information and communication technology.

## CHILDREN'S RIGHTS

In March, UNICEF reported that 64,200 girls and women in Namibia were married when they were below the age of 18, and 15,500 of them were below the age of 15. According to UNICEF, 38% of women and girls in early marriages, surveyed in Namibia, reported having experienced gender-based violence, including sexual violence, within the marriage.

## GENDER-BASED VIOLENCE

In March, research network Afrobarometer released survey findings showing that 57% of Namibians believe that gender-based violence is common in their communities. In

one case reported in December, a 32-year-old woman was killed by her intimate partner with an axe.

## SEXUAL AND REPRODUCTIVE RIGHTS

In June, the CEDAW Committee recommended that the government amend the pre-independence era Abortion and Sterilisation Act (No. 2 of 1975) to decriminalize abortion in all cases, “recognizing” that such criminalization “is a form of gender-based violence against women”. In October, following petitions from women’s rights organizations to decriminalize or legalize abortion, the parliamentary Standing Committee on Gender Equality, Social Development and Family Affairs held public consultations with a view to amending the law.

## LGBTI PEOPLE’S RIGHTS

In January, the High Court of Namibia dismissed applications by spouses of Namibian citizens who were seeking to regularize their immigration status on the basis of same-sex marriages concluded outside the country. The court ruled that their marriage status was not recognized under Namibian law. While it expressed sympathy for the couples’ situations, the court said it was bound by a previous Supreme Court judgment.

## ENVIRONMENTAL DEGRADATION

In July, the High Court dismissed an urgent application made by several organizations, in which they asked the court to stop a Canadian mining company, Reconnaissance Energy Namibia, from continuing its exploration activities in the Kavango regions. Conservation activists and organizations had been challenging the company’s drilling for oil since 2020. Indigenous peoples and local communities continued to express concerns about the potential decline in the water table and loss of valuable wildlife and wild plant products as a result of the operations.

# NEPAL

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Federal Democratic Republic of Nepal

Head of state: **Bidya Devi Bhandari**

Head of government: **Pushpa Kamal Dahal (replaced Sher Bahadur Deuba in December)**

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**The authorities carried out arbitrary arrests to limit freedom of expression and security forces continued to use unnecessary and excessive force to disperse protests. At least one protester was shot dead. Efforts toward securing truth, justice and reparation for crimes under international law and other human rights violations committed during the 1996-2006 conflict remained grossly inadequate. The authorities failed to carry out credible and independent investigations into deaths in custody.**

## FREEDOM OF EXPRESSION AND ASSEMBLY

The authorities continued to intimidate, arrest and prosecute individuals exercising their rights to freedom of expression, association and peaceful assembly.

In August, police in the capital, Kathmandu, arrested comedian Apoorwa Kshitiz Singh after complaints were filed against a video he posted online. He was indicted under the Penal Code on four different charges, potentially leading to a prison sentence of up to five years. In October, the Kathmandu District Court released him on bail.

In October, the Election Commission threatened to seek prosecution of the operators of a social media group “No Not Again”, demanding that they shut down the group and delete posts criticizing politicians. In November, the Supreme Court ordered the Commission to refrain from taking any action against the campaigners and respect their right to freedom of expression. Also in November, the Commission demanded that an online portal – Setopati.com – remove a news story about an electoral candidate. The Commission later retracted the demand after widespread criticism.

The authorities clamped down on victims of loan sharks, mostly farmers from low economic backgrounds who gathered and protested in Kathmandu, and called for justice for financial crimes suffered. In September, the police baton-charged peaceful protesters, injuring at least five, and detained more than 20.

## **RIGHT TO TRUTH, JUSTICE AND REPARATION**

The government failed to make any progress towards delivering truth, justice and reparation to the tens of thousands of victims of grave human rights violations committed by the state security forces and Maoist rebels during the 1996-2006 internal armed 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. Despite both Commissions' mandates being extended by the government in October, neither body had commissioners in office after the previous commissioners' terms expired in July.

In July, the government proposed a bill to amend the Investigation of the Enforced Disappeared Persons, Truth and Reconciliation Commission Act of 2014. The amendment bill marked some progress on reparations for conflict victims but failed to address other shortcomings as ordered by a Supreme Court ruling in 2015 to bring it in line with domestic and international human rights standards. The bill did not progress as it was not endorsed before the parliament's term ended in September.

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

There were frequent reports of torture and other ill-treatment being used in pretrial detention to intimidate detainees and obtain "confessions" or other evidence. Although the 2017 Criminal Code criminalized torture and other ill-treatment, no one had been convicted under the law by the end of the year. No credible investigations were

conducted into deaths in custody suspected to have resulted from torture.

In May, a Dalit man, Sundar Harijan, was found hanging in a toilet of Rolpa district prison. The police claimed that he had committed suicide. His family rejected the claims but the authorities failed to order an independent investigation into his death. In June, an investigation committee of the Ministry of Home Affairs concluded that the prison administration officials had illegally switched Sundar Harijan's identity to release another prisoner, making Sundar Harijan serve another man's jail term. The authorities did not publish their report by the end of the year.

## **INDIGENOUS PEOPLES' RIGHTS**

The government failed to reform the National Parks and Wildlife Conservation Act 1973, which did 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.

In June, while firing live ammunition at protesters in Bardiya district, police shot dead an Indigenous woman, Nabina Tharu, and injured a man. The protesters were demanding protection from wild animals for people living near the national park, after a woman was attacked by a tiger.

## **WOMEN'S RIGHTS**

Gender-based discrimination continued. The government failed to reform constitutional provisions which denied women equal citizenship rights.

The restrictive statute of limitations for rape and sexual violence in the Penal Code prevented survivors from registering complaints and accessing justice. Following protests in May and widespread calls from civil society, in July the parliament adopted a law to extend the one-year statute of limitations for filing complaints to two years, or up to three years in some cases.

## RIGHT TO FOOD AND HOUSING

The authorities did not amend the 2018 Right to Housing law, which failed to adequately guarantee the right to housing. The law did not guarantee protection from forced eviction for those living in informal settlements and did not define key terms such as homelessness and security of tenure. Hundreds of families living in informal settlements across the country remained at risk of forced evictions as authorities threatened evictions.

In November, the High Powered Committee for Integrated Development of the Bagmati Civilization under the Ministry of Urban Development published a 10-day eviction notice for people living in informal settlements along the bank of the Bagmati river. The Committee threatened demolition of the settlements without due process and alternative arrangements, saying they hindered “beautification” work.

The government also failed to take steps to amend the 2018 Right to Food and Food Sovereignty Act, which did not meet international human rights standards.

The lack of a necessary policy framework and regulation hindered the implementation of provisions within existing laws to ensure access to food and housing.

# NETHERLANDS

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Kingdom of the Netherlands

Head of state: **Willem-Alexander**

Head of government: **Mark Rutte**

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**Thousands of asylum seekers were temporarily housed in unsanitary and inadequate reception centres. A bill ensuring sex without consent is punishable as rape came before parliament. The Senate voted to abolish the mandatory waiting period of five days for abortion. The authorities continued to use discriminatory algorithmic systems to combat fraud.**

## REFUGEES' AND MIGRANTS' RIGHTS

State authorities housed thousands of asylum seekers, including children, for months in emergency reception centres only appropriate for very short-term stays, such as sports halls. The centres were unsanitary and failed to provide adequate food, healthcare, privacy or proper protection from the weather. In August hundreds of asylum seekers were forced to sleep outside the only registration centre in Ter Apel, Groningen province, as the government failed to ensure sufficient accommodation. In October, in Groningen province, the local government issued an emergency regulation imposing a maximum penalty of three months' imprisonment or a EUR 4,500 fine for anyone providing tents to homeless asylum seekers.

In October, to alleviate the overcrowding in asylum reception centres, the government introduced a measure delaying the family reunification process, placing it in breach of its obligations under the EU Family Reunification Directive and the right to family life.

In contrast, the government invoked state emergency law to allow municipalities across the country to take urgent measures to welcome more than 60,000 refugees fleeing the Russian invasion of Ukraine, ensuring they had accommodation, were allowed to work and did not need to apply for asylum.

In January the government of the Netherlands suspended its aid for immigration detention in Curaçao, one of the constituent countries of the Kingdom of the Netherlands, after concerns were raised, including about inhumane conditions. In July, a Curaçaoan judge ruled that the immigration detention of four Venezuelan women and six Venezuelan men in a prison was unlawful and ordered their immediate release.

## VIOLENCE AGAINST WOMEN AND GIRLS

In October, the Minister of Justice and Security sent a bill to the House of Representatives to bring rape legislation into line with human rights and change the definition of rape to one that is consent-

based. The bill also makes the use of coercion, violence or threats aggravating circumstances rather than a condition for criminal liability. Civil society urged the authorities to ensure prompt discussion of the bill in parliament and its subsequent swift implementation.

## SEXUAL AND REPRODUCTIVE RIGHTS

In June, the Senate voted in favour of abolishing the previously mandatory waiting period of five days for abortion, which created an unnecessary access barrier. This positive reform will enter into force on 1 January 2023.

## DISCRIMINATION

During the year the government made a number of commitments to safeguard people's rights when using algorithms in the public sector. This followed Amnesty International's 2021 exposure of how the tax authorities had utilized a discriminatory algorithmic system, disproportionately affecting those from a migrant background and from low-income households, to detect potential benefit fraud. By the end of the year, however, no action had been taken to introduce human rights compliant regulation of algorithms to combat crime or to prohibit the use of nationality and race as "risk factors".

# NEW ZEALAND

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## New Zealand

Head of state: **Charles III (replaced Elizabeth II in September), represented by Cynthia Kiro**  
Head of government: **Jacinda Ardern**

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**An independent inquiry called for an end to the detention in correctional facilities of people seeking asylum. Reports highlighted ongoing concerns about the prison system. Civil society strongly criticized a new oversight system for Oranga Tamariki/the Ministry for Children.**

## BACKGROUND

Two new authorities were launched in July. Te Aka Whai Ora - Māori Health Authority has the stated aim of bringing transformational change to the way health services understand and respond to the health and well-being needs of whānau Māori (the Māori community). Whaikaha - the Ministry of Disabled People was launched "to lead transformation of the disability support system in partnership with the community."

## REFUGEES' AND MIGRANTS' RIGHTS

In May, the government released an independent review into the practice of detaining people seeking asylum in criminal detention facilities. The review found the immigration detention framework was "a recipe for arbitrary detention", and recommended revisions to the Immigration Act and an end to holding asylum seekers in correctional facilities. The government accepted the report's recommendations.

## DETAINEES' RIGHTS

Reports highlighting concerns across the prison system persisted.

In April, the Office of the Inspectorate released its report of an unannounced inspection of Invercargill Prison, raising serious concerns including about poor conditions leading to ill health in the Remand Unit. In August, the Office of the Ombudsman reported on its unannounced inspection of Otago Corrections Facility and stated that they believed the experiences of several people held in the Management Unit constituted prolonged solitary confinement.

## CHILDREN'S RIGHTS

The government passed legislation reforming the oversight system of Oranga Tamariki/the Ministry for Children. However, civil society groups raised multiple concerns about both the development and content of the new system. These included concerns about breaches of Te Tiriti o Waitangi (a treaty signed between the British Crown and over 500 Māori chiefs in 1840) as well as the new system not being adequately independent.

## FAILURE TO TACKLE CLIMATE CRISIS

The government released its first Emissions Reduction Plan in May, covering the period 2022 to 2025, setting out strategies and actions needed to meet long-term emissions reduction targets.

Climate Action Tracker, a consortium providing global scientific analysis, continued to rate New Zealand's NDC as "highly insufficient". The rating was given as the policies and action proposed were not at all consistent with limiting warming to 1.5°C.

# NICARAGUA

## Republic of Nicaragua

Head of state and government: **Daniel Ortega Saavedra**

**The human rights crisis persisted. Human rights defenders, journalists and other activists continued to be harassed and criminalized. Those detained in the context of the crisis faced harsh conditions of detention and were not guaranteed fair trials. Indigenous peoples' rights remained at risk.**

## BACKGROUND

In March, the UN Human Rights Council established an independent accountability mechanism for human rights violations and crimes against humanity perpetrated since 2018 in Nicaragua.<sup>1</sup> The Council expressed its concern at Nicaragua's disengagement with international human rights mechanisms.

During the year, the government reduced its diplomatic relations with other international actors. In March, it expelled the Apostolic Nuncio. During April and May, the government withdrew its diplomats from the OAS, demanded that the organization's staff leave the country and seized its offices in the capital, Managua. In September, the government expelled the EU Ambassador.

The government barred most political parties from participating in the November municipal elections by removing their legal status. Following the November elections, police repressed demonstrations by

supporters of the Indigenous political party YATAMA in the North Caribbean Coast region; at least 19 people were arbitrarily detained.

## FREEDOM OF EXPRESSION

The government continued to tighten unlawful restrictions on the rights to freedom of expression, peaceful assembly and association, hindering social and political movements.

Political activists and those perceived as opponents of government policies faced various forms of harassment. In August, police prevented the Bishop of Matagalpa, who had spoken out against the government's repressive policies, from going to the cathedral to celebrate mass. In August, the government launched a criminal investigation against the bishop; he was held under house arrest at the end of the year.

Journalists and media outlets continued to face obstacles to their work, while attacks and harassment against them remained unpunished. At least two journalists were sentenced to prison terms in unfair trials. At least 15 radio and television stations were shut down during the year. In August, police raided a Catholic chapel in Sébaco in an operation to seize the equipment of a radio station it had closed down.

The government refused to allow perceived critics, including some with Nicaraguan citizenship, to enter the country. Those affected included artists, human rights defenders, scholars and priests.

In October, UN and Inter-American Commission on Human Rights (IACHR) experts urged the government to refrain from using the law arbitrarily and applying abusive practices to restrict citizens' participation and freedoms of expression, peaceful assembly and association.

## REPRESSION OF DISSENT

The authorities revoked the legal status of more than 1,000 organizations during the year, continuing the trend of closing down civic spaces that began in 2018, continued with the 2020 Law on Foreign Agents and intensified in 2022 with the General Law on



Regulation and Control of Non-Profit Organizations.

Human rights defenders and NGOs continued to be harassed and intimidated. Organizations whose legal status had been revoked since 2018 continued to be unable to work without fear of reprisal and their assets were not returned to them.

Human rights defenders in exile in Costa Rica and other countries in the region could not return to Nicaragua under safe conditions and continued to carry out their work from abroad.

At least 12 universities had been closed by the government by the end of the year; the closures appeared to be in retaliation for the political stances of some of their members of staff and students.

## **IMPUNITY**

Impunity persisted for past crimes under international law and for human rights violations, including arbitrary detention, enforced disappearance and torture and other ill-treatment.

## **DETAINEES' RIGHTS**

By the end of the year, 225 people (26 women and 199 men) remained detained in connection with the human rights crisis that began in 2018.

Detainees were held in conditions in breach of international human rights law and standards. NGOs and relatives of detainees raised concerns about prolonged incommunicado detention, denial of healthcare, prohibition of family visits and other violations of the rights of people deprived of their liberty. Women faced gender-specific violations, including sexual insults, prolonged solitary confinement and additional restrictions on visits with their young children. Some detainees were held at police facilities instead of in formal detention centres.

In February, Hugo Torres Jiménez, a prominent opposition politician detained in 2021, died in state custody. The UN High Commissioner for Human Rights expressed her concern over this case and the health of

others who were, or had been, detained in the Evaristo Vásquez police compound in Managua city.

## **UNFAIR TRIALS**

Fair trial guarantees were constantly infringed by investigating and prosecutorial authorities.

In February, the Attorney General's Office announced the start of the trials of detained dissidents and government critics. The authorities failed to guarantee the rights of the accused to meet their lawyers with enough time and privacy to prepare their defence. Lawyers were not able to review court files in advance of hearings.

At least 50 people detained in the context of the political unrest that started in 2018 were tried during the year. Many were convicted and sentenced to up to 13 years' imprisonment for political and corruption-related offences. Some cases were tried at a penitentiary instead of a normal court. Observers continued to be barred from proceedings, which were held behind closed doors.

## **INDIGENOUS PEOPLES' RIGHTS**

Indigenous peoples and Afro-descendants continued to face discrimination and obstacles to exercising their rights.

In February, the IACHR granted an extension of precautionary measures to safeguard the life and integrity of members of the Musawas, Wilú and Suniwas communities of the Mayangna Indigenous people. They were at risk due to ongoing difficulties in the process of regularizing ownership of their territories.

In April, at least 25 Miskito families were forcibly displaced from their settlements in the hamlet of Sang Sang in the Caribbean Coast region because of threats from armed individuals, in the context of land dispossession.

In August, the CERD Committee expressed concern over violence against Indigenous peoples and Afro-descendant communities and called on the authorities to protect their rights.

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1. "Nicaragua: UN accountability mechanism is a crucial step towards justice", 31 March

# NIGER

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## Republic of Niger

Head of state: **Mohamed Bazoum**

Head of government: **Ouhoumoudou Mahamadou**

**The cybercrime law was revised to improve protection of freedom of expression. Freedom of association was threatened by new legislation. Military forces and armed groups committed human rights violations and abuses. Women and girls continued to suffer discrimination. The rights of migrants and detainees were violated. The armed conflict fuelled food insecurity for people living in affected areas.**

## BACKGROUND

Niger faced ongoing armed conflicts in its western and south-eastern regions with the presence of armed groups including Islamic State in the Sahel (ISS), Group of Support for Islam and Muslims, and Boko Haram. The redeployment of the French military in Niger, after its withdrawal from Mali, was approved by a parliamentary vote in April, leading to protests in Niamey. The humanitarian situation remained critical, with around 200,000 internally displaced people due to the conflicts.

## FREEDOM OF EXPRESSION

On 3 January, Niamey High Court sentenced journalists Samira Sabou and Moussa Aksar under the 2019 cybercrime law, to one-month and two-month suspended prison sentences respectively, for relaying the conclusions of a May 2021 report by the Global Initiative against Transnational Organized Crime.<sup>1</sup> According to the report, a huge quantity of drugs seized by the authorities was subsequently bought back by the traffickers.

Niger revised its 2019 cybercrime law in June to conform with international human rights standards, by removing jail sentences

for defamation and insults by way of electronic communications and replacing them with fines.

## FREEDOM OF ASSOCIATION AND ASSEMBLY

In February, the authorities promulgated a new decree (number 2022-182 of 24 February 2022) governing the work of NGOs, severely limiting the autonomy of NGOs working in Niger. Article 41 warranted all programmes and projects initiated by NGOs to be approved by the government; other articles imposed administrative hurdles and required NGOs' objectives to conform with the government's national priorities for them to continue their activities in Niger.

In August, a planned demonstration against the presence of foreign military forces in the country, organized by a coalition of several civil society groups called M62, was banned by the authorities.

## RIGHT TO TRUTH, JUSTICE AND REPARATION

In May, the authorities closed the investigation into the deaths of three individuals in November 2021 during the blockade of a French military convoy in Téra by violent protesters. The investigation concluded that it could not determine who was responsible for the deaths of the three protesters and the wounding of 18 others, but recommended the payment of financial compensation to the victims and their families by the French and Niger authorities.

## WOMEN'S AND GIRLS' RIGHTS

Women continued to be discriminated against by law and cultural practices: 76% of girls were married before their 18th birthday, according to the Ministry for the Promotion of Women and Child Protection. Niger maintained reservations about certain provisions of the CEDAW, and national legislation still discriminated in the areas of marriage, divorce, inheritance and land ownership.

## DETAINEES' RIGHTS

Detainees' rights were violated, especially at the maximum-security Koutoukalé detention centre. The right to health was denied to many detainees, including access to a doctor, and the right to receive visitors was restricted. Families were prevented from delivering food, medicines and drinking water to detainees. On 7 March, Colonel Hamadou Djibo, who was arrested following the coup attempt of March 2021, wrote a public letter denouncing his ill-treatment in detention and the slowness of the judicial procedure.<sup>2</sup> A week later, the authorities began allowing family members to visit detainees in Koutoukalé.

## MIGRANTS' AND INTERNALLY DISPLACED PEOPLE'S RIGHTS

Over the course of the year, thousands of migrants – including 14,000 between January and May – were violently expelled from Algeria to a place called “Point Zero” on the border with Niger. More than 70% of them testified that they had been subjected to violence and ill-treatment in Algeria, according to Doctors Without Borders. In June, the bodies of 10 migrants were found near the border with Libya. In September, around 2,100 people fled the internally displaced people's camp in Kablewa, Diffa region, seeking refuge elsewhere following threats by Boko Haram combatants.

## UNLAWFUL ATTACKS AND KILLINGS

### ARMED GROUPS

Armed groups in Tillabéri and the Lake Chad Basin areas carried out several attacks and killings, some of which were unlawful and could constitute war crimes. In February, according to the government, members of an armed group attacked a truck on its way to Tizigou, Tillabéri region, causing the deaths of 18 civilians and wounding eight others. In March, at least 20 villagers were killed when five villages in the Diffa region were attacked by Boko Haram combatants from Nigeria, according to media sources. Also in March, in Tillabéri, at least 19 civilians were killed in an attack, attributed to ISS, that targeted a

traders' convoy near Petelkole town, according to the Ministry for Public Safety.

### MILITARY FORCES

In February, a strike by the Nigerian army killed seven children and wounded five people in Nachade, Maradi region. The strike was targeting bandits, according to the governor of Maradi.

In October, the army was accused of unlawfully killing artisanal gold miners in Tamou in air strikes, following an attack by an armed group against a police station that killed two police officers and wounded one. The government denied any unlawful killings and announced that seven combatants were killed and 24 wounded in a communiqué. In December, the National Human Rights Commission announced after investigations that the airstrike targeted the arms depot of an armed group not far from the mining site, which killed 11 individuals and was followed by a mop-up operation that wounded 25 individuals including civilians.

## RIGHT TO FOOD AND WATER

The conflict and the resulting displacement of people heightened food insecurity and shortages of water. Drought and floods also reduced agricultural yields. According to government data, more than 4.4 million people were experiencing food insecurity – almost 20% of the population.

Shortages of food and water affected internally displaced people, especially children. Girls suffered additionally by being removed from school by their families or being forced into early and/or forced marriage.

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1. “Niger: Conviction of investigative journalists marks deepening repression of media freedom”, 13 January
  2. “Niger: The authorities must guarantee the rights of detainees at Koutoukalé high security prison”, 21 March (French only)

# NIGERIA

## Federal Republic of Nigeria

Head of state and government: **Muhammadu Buhari**

**Thousands of civilians were killed, injured or displaced by the armed conflict between the armed groups Boko Haram and Islamic State's West African Province (ISWAP) and the Nigerian military in north-eastern Nigeria. All parties to the conflict committed violations of international law, including war crimes, with impunity. Elsewhere, unlawful killings and violence were perpetrated by bandits and the authorities responded with enforced disappearances, torture, arbitrary detention, and severe restrictions to freedoms of expression and peaceful assembly. Media outlets and journalists had their freedom of expression curtailed by the authorities. Activists and protesters faced restrictions on their rights to freedom of expression and peaceful assembly. More than 60,000 people were forcibly evicted from their homes. Failure to protect people from the effects of climate change led to deaths and displacement.**

## **VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW**

### **ABUSES BY ARMED GROUPS**

The state failed in its responsibility to protect people from various abuses committed by Boko Haram and ISWAP as well as unknown gunmen. According to media reports, they killed at least 6,907 people, abducted 6,157 and forcibly transferred or internally displaced at least 2,000.

Attacks by Boko Haram, which had been predominantly in the north-east, spread to some states in north-central and north-western Nigeria during the year. Attacks by Boko Haram directed against civilians, such as those targeting villagers, farming communities and highway and train passengers, amounted to war crimes.

Civil society organizations reported that, on 26 May, Boko Haram killed at least 60 people in Rann community, Borno state.

On 5 July, gunmen attacked Kuje Prison in Abuja and freed more than 60 suspected Boko Haram members.

According to media reports, on 15 November, Boko Haram reportedly killed more than 15 women in Gwoza community, Borno state, after accusing them of being witches.

Of the hundreds of schoolchildren abducted by Boko Haram in previous years, 110 girls remained in captivity at the end of the year.

### **SECURITY FORCES**

Security forces consistently violated human rights in the context of military operations conducted against Boko Haram in north-eastern Nigeria.

In December, Reuters reported that the Nigerian military had conducted a secret forced abortion programme in the north-east since 2013, ending at least 10,000 pregnancies without the consent or prior knowledge of the women and girls concerned, which could amount to war crimes and a crime against humanity.

The Nigerian authorities consistently failed to hold security officials accountable for crimes committed against civilians.

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

On 13 January, the government lifted a seven-month ban on the social media platform Twitter. On 14 July, the ECOWAS court declared that the Twitter ban had been unlawful and ordered the Nigerian state to respect, protect, promote and fulfil the rights to freedom of expression, information and media freedom.

On 2 February, the Nigerian Broadcasting Commission (NBC) suspended a programme on the Vision FM radio station for discussing the alleged incompetence of the head of the National Intelligence Agency, Rufai Abubakar. On 3 August, the NBC sanctioned four media outlets for showing a documentary perceived to "promote" terrorism.

On 16 October, Zamfara state government shut down five media outlets for broadcasting an opposition party's campaign rally.

On 7 November, a court in Kano sentenced social media celebrities Mubarak Muhammad, known as Uniquepikin, and Nazifi Muhammad to a week's detention, flogging and a fine for allegedly defaming the Kano state governor in a comedy sketch.

### **ACTIVISTS AND PROTESTERS**

The government continued to clamp down on protests. On 5 April, Mubarak Bala, president of the Humanist Association of Nigeria, was sentenced in Kano to 24 years' imprisonment under criminal charges for breaching the peace. The charges related to Facebook posts from April 2020 in which he allegedly insulted Prophet Muhammad.

On 14 May, the governor of Kaduna state, Nasir el-Rufai, banned religious protests in the state.

On 27 July, the Chief Judge of Akwa Ibom State committed activist Inibehe Effiong to prison without trial for one month for "contempt".

Prisoners of conscience Omoyele Sowore and Olawale Bakare continued to face trumped-up charges and prolonged trials for organizing peaceful protests to demand respect for human rights and the rule of law.

On 20 October, police used tear gas against protesters during the two-year commemoration of the #EndSARS protest at Lekki toll gate. At least four people were arrested and detained.

### **JOURNALISTS**

On 21 March, a Federal High Court in Calabar dismissed trumped-up charges of treason against journalist Agba Jalingo. He had previously been detained for more than 179 days.

On 13 May, blogger Bashiru Hameed was detained for publishing the alleged criminal records of the governor of Ogun State. He was released after being compelled to withdraw the publication.

On 13 October, journalists Abdulrasheed Akogun from Fresh Insight TV and Dare Akogun from Sobi FM radio station were detained by police in Ilorin Kwara State over a

WhatsApp message which alleged misappropriation of public funds by the Kwara State governor.

On 22 July, five staff of the Peoples Gazette were arrested in Abuja following an allegedly defamatory report published by the newspaper about the former Chief of Army Staff.

Umaru Maradun, a Leadership newspaper correspondent in Zamfara State, was detained for undisclosed reasons on 23 July and released the following day without charge.

On 4 August, Casmir Uzomah, a radio worker in Imo State, was detained for more than two months by the State Security Service for airing a song considered "offensive" to the state governor.

### **ARBITRARY ARRESTS AND DETENTIONS**

At least 40 protesters remained in detention without trial in Agodi Prison, Ibadan, and Kirikiri Prison, Lagos, two years after participating in the #EndSARS protests against Nigerian security forces. On 4 February, 21 #EndSARS protesters held incommunicado for 15 months at Afaraukwu Prison, Umuahia, were released without charge.

On 23 June, the Abuja High Court awarded damages to Glory Okolie over her detention for 150 days on allegations of spying for the separatist group Indigenous People of Biafra (IPOB).

On 13 October, the Court of Appeal cleared IPOB leader Nnamdi Kanu of criminal charges and declared his abduction from Kenya to Nigeria illegal and a violation of his right to a fair trial.

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

Torture and other ill-treatment remained pervasive within the criminal justice system. At least 21 #EndSARS protesters were tortured while in detention. At the Criminal Investigation Department, Umuahia, and in other police facilities, police officers tortured the arrested protesters by tying their hands to iron bars and flogging their ankles with rods. Victims reported to Amnesty International

that at least two protesters were tortured to death.

## **ENFORCED DISAPPEARANCES**

Several men were forcibly disappeared by the authorities in response to the activities of IPOB.

Sunday Nwafor, Uzonwanne Ejiogor and Wilfred Dike, who had been secretly detained by the military without charge or trial since 27 February 2020, were released on 14 September.

Government critic Abubakar Idris remained missing since his abduction by suspected state agents in 2019.

## **EXCESSIVE AND UNNECESSARY USE OF FORCE**

Security forces used excessive force to disperse peaceful protests and assemblies. On 19 October, police fired tear gas at para-athletes protesting in the Surulere district of Lagos over their exclusion from the National Sports Festival.

On 17 October, a coroners' court found that police had shot dead Jumoke Oyeleke during a Yoruba Nation rally in Ojota, Lagos State. On 4 October, police killed one person and injured two others who were protesting against harassment by officials of the Economic and Financial Crimes Commission in the town of Ughelli, Delta state.

## **EXTRAJUDICIAL EXECUTIONS**

Nigerian security forces killed at least 122 people in response to increasing violence and killings of their officers in south-eastern Nigeria.

On 17 July, at least seven people were extrajudicially executed by state-sponsored Ebubeagu paramilitary agents in the town of Awo-Omamma, Imo State.

## **FORCED EVICTIONS**

On 17 August, officials of the Federal Capital Territory Administration (FCTA) and security agencies demolished around 100 structures in the Dubaidna Durumi 3 Indigenous community, Abuja. Security agents used unnecessary and excessive force, tear-

gassing and physically assaulting residents. Some residents sustained injuries and several children were exposed to tear gas, resulting in two children passing out. The pressure on the Indigenous community to vacate their ancestral land persisted.

Other communities in the Federal Capital Territory – including in the Airport Road area, Gishiri and Banana Village – were demolished, while several others remained under threat of forced evictions by the FCTA.

On 29 January, Rivers State authorities forcibly evicted thousands of residents of waterfront communities from their homes in Diobu, Port Harcourt. The forced eviction was conducted without adequate notice or consultation.

## **RIGHT TO LIFE AND SECURITY OF THE PERSON**

Authorities ignored early predictions of heavy rainfalls and floods, which the UN said were exacerbated by climate change, and failed to put in place sufficient measures to mitigate the impact. According to the UN, more than 1.9 million people were affected by floods across 25 states, at least 500 people were killed, and more than 1.4 million were internally displaced across Nigeria. The floods triggered an outbreak of waterborne diseases, especially in north-eastern states. More than 320 deaths were reported from cholera in Yobe, Borno and Adamawa States.

Banditry activities intensified in the north-west, including attacks and abductions. Due to a lack of measures to protect communities by the authorities, competing armed groups effectively gained control of some areas of Nigeria, imposing taxes and curfews, and limiting people's movement and livelihood pursuits. In the south-east, unidentified gunmen carried out hit-and-run attacks, killings and theft of property leading to hardship in local communities.

Military operations were carried out against banditry in the north-west, and against the Eastern Security Network of IPOB in the south-east. Security forces consistently violated human rights in the context of these operations. According to media reports, on

17 April, military officers opened fire on civilian residents at Orlu, Imo State, killing an estimated four people.

Vigilante attacks became commonplace. Between January and December, there were more than 75 reported deaths from vigilante attacks across Nigeria. Security experts attributed the increasing incidence of these attacks to people's lack of confidence in the justice system.

On 28 March, at least 65 people were abducted and eight killed by gunmen who attacked a train between the capital, Abuja, and the city of Kaduna.<sup>1</sup>

## **CORPORATE ACCOUNTABILITY**

Oil-related pollution and environmental damage continued to undermine people's human rights in the Niger Delta. On 16 June, Nigeria's Supreme Court upheld a lower court ruling which prevented Shell from selling its Nigerian assets until the resolution of a dispute in relation to compensation to the Niger Delta community over a 2019 oil spill. The clean-up by Shell remained inadequate.

## **CHILDREN'S RIGHTS**

More than 1,776 schoolchildren had been abducted by armed groups since 2014. Nigerian authorities continued to fail to investigate these attacks and to protect children.

According to UNESCO, an estimated 20 million children and young people were not attending school in Nigeria due to economic barriers and socio-cultural practices that discouraged formal education. This was exacerbated by the high level of insecurity and abduction of schoolchildren.

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

In March, the National Assembly voted against five bills that sought to promote gender equality. After several protests by women's groups and civil society organizations, the National Assembly committed to reconsidering three of the bills.

The Federal Capital Judiciary designated four judges to prosecute all sexual and gender-based violence cases within the

Federal Capital Territory – the area of central Nigeria that includes Abuja – to accelerate hearing of such cases and ensure access to justice for victims.

Borno, Taraba, Gombe and Zamfara states passed the Violence Against Persons Prohibition Act during the year, bringing the number of states that have passed the Act to 35 out of 36. Nevertheless, violence against women and girls remained endemic and there were increased reports of domestic and sexual violence.

## **LGBTI PEOPLE'S RIGHTS**

In June, three gay men – Abdullahi Beti, Kamilu Ya'u and Mallam Haruna – were arrested under the Same Sex Marriage (Prohibition) Act 2013 and subsequently sentenced to death by a Sharia court in Ningi, Bauchi state.

On 1 May, around 50 LGBTI activists protested in Abuja against a bill criminalizing "crossdressing".

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

There remained more than 2.4 million internally displaced people in north-eastern Nigeria. In an attempt to resettle all internally displaced people living in Maiduguri, the Borno state government closed four camps in July and resettled 11,000 households. Most of the resettled people lacked sufficient food and access to basic amenities.

## **DEATH PENALTY**

Courts across Nigeria continued to impose death sentences. No executions were carried out. On 28 June, Zamfara State amended its laws to allow the death penalty for kidnapping.

In August, the Court of Appeal ordered the retrial of musician Aminu Yahaya-Sharif, who was sentenced to death for blasphemy in 2020.

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1. "Nigeria: 50 days into their abduction, at least 62 Kaduna-Abuja train passengers remain in captivity", 17 May

# 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 and right to information remained severely restricted due to border closure. The government declared victory over Covid-19, but there was no evidence of vaccinations taking place. People including children were subject to forced labour and some people were forced into state-designated employment. Political prison camps were believed to remain in operation. There were reports that detainees were tortured and otherwise ill-treated.**

## BACKGROUND

A “maximum national emergency” was declared after the country’s first officially reported Covid-19 outbreak. North Korea implemented multiple missile launches and its confrontational rhetoric and military exercises escalated tensions in the region. North Korea sent its ambassador to COP27 in a rare in-person diplomatic appearance during the pandemic. In March, the OHCHR reported there were reasonable grounds to believe that crimes against humanity had been committed.

## FREEDOM OF MOVEMENT

The government kept North Korea’s borders closed for three years due to Covid-19 and continued to impose temporary quarantine and movement control in several areas. The movement of people and goods between regions remained limited due to the quarantine policy. By the end of the year, at least 67 North Koreans (32 women and 35 men) had escaped to South Korea, the second lowest number since 2003 when official records were first made public. Most of these people had moved to other countries such as China before the pandemic and later entered South Korea. As a result of border controls, no NGOs or independent media

were present to monitor the implications of these restrictions, including in relation to freedom of expression and civic space.

## RIGHT TO INFORMATION

The closure of the country’s borders in response to the Covid-19 pandemic further restricted people’s access to information from outside the country. There were reports of an increased military presence along the border and the installation of CCTV cameras and motion detectors, making it more difficult for information to enter the country.

Since the introduction of the Reactionary Thought and Culture Denunciation Law, issued in December 2020, the crackdown on accessing foreign information and punishment for violators continued. Teenagers were reportedly executed for watching and sharing a South Korean TV show.

Daily mobile phone use became more common and increasing numbers of people had mobile phone subscriptions; however, access to and use of international mobile phone services were tightly restricted across the country. Overseas calls by citizens were almost completely blocked and only a very small number of ruling elite people were allowed to use the internet.

## RIGHT TO HEALTH

There was no evidence of Covid-19 vaccinations being given to the public. The international community, including COVAX, proposed vaccine assistance repeatedly, but the authorities did not accept any help. The 25 million population were put at grave risk from the virus because they had no access to vaccines in a country with one of the most fragile health systems.<sup>1</sup> On 12 May, the North Korean authorities officially announced the occurrence of confirmed cases of Covid-19. The authorities declared a “victory” over Covid-19 on 10 August, claiming that they had completely eradicated it from the country. Suspected cases continued to appear. In September, the government stated that vaccinations could begin.



## **RIGHTS TO FOOD, WATER AND SANITATION**

More than 40% of the population were undernourished and required humanitarian assistance. Many people suffered from chronic malnutrition. The Food and Agriculture Organization of the United Nations again designated North Korea as a country in need of external food assistance. Cross-border freight trains between China and North Korea operated intermittently, but at a lower frequency than prior to Covid-19. The inflow of food from overseas through imports and aid from the international community was still lower than before Covid-19. There were reports that North Korean authorities had requested food aid from countries including India and Viet Nam. Continued natural disasters such as spring drought and summer typhoons were reported to have exacerbated low productivity in the agricultural sector.

As part of the quarantine policy, smuggling at the border between North Korea and China was strongly prohibited. Smuggling by some individuals appeared to continue and there were reports that unofficial state-led smuggling was also carried out secretly.

Food shortages faced by marginalized groups, such as people with disabilities, children, older people and those living outside towns and cities, were particularly serious. Water supply facilities and sewage systems were poor in many areas.

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

### **WORKERS' RIGHTS**

Some people who completed secondary education were assigned to a workplace designated by the state. Most workers not engaged in national priority sectors such as the military and law enforcement agencies received wages that did not allow them to access an adequate standard of living. There were multiple reports of people involved in illegal activities such as smuggling, theft and drug production/selling to survive.

### **CHILD LABOUR**

Some children were forced by the state to work in coal mines and on farms under dangerous conditions. In addition to their education, children were required to perform state-imposed tasks such as cleaning, farming and working in construction.

### **REPRESSION OF DISSENT**

Open criticism of the authorities or leadership was not allowed. Extreme anxiety and fear was pervasive among people who were at risk of being detained for political reasons and charged with anti-party or anti-state crimes.

Four political prison camps (*kwanliso*) remained 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.

### **ARBITRARY ARRESTS AND DETENTIONS**

The number of people arrested or detained was believed to have increased. Arrests were made on the grounds of violations of quarantine rules such as smuggling, isolation and cross-border travel attempts, as well as drug use, engagement in religious practices (no alternative belief systems are tolerated by the authorities) and accessing foreign information.

### **INHUMANE DETENTION CONDITIONS**

Despite some reports that treatment of detainees had partially improved over the past few years, verbal abuse, beatings, torture and executions allegedly occurred inside detention facilities run by law enforcement agencies, including the Ministry of State Security and the Ministry of Social Security. In particular, it was reported that beatings, torture and dietary restrictions were used by officials of detention facilities to extract confessions or control detainees.

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1. "North Korea: Government must ensure access to Covid-19 vaccines during Omicron outbreak", 12 May

# NORTH MACEDONIA

## Republic of North Macedonia

Head of state: **Stevo Pendarovski**

Head of government: **Dimitar Kovačevski**

**Legislation aimed at protecting journalists and media freedom was proposed. A law protecting women from violence was not fully implemented. Inter-ethnic tensions were exacerbated by hate speech. At least 18,000 refugees and migrants were pushed back to Greece.**

## BACKGROUND

Bulgaria continued to oppose North Macedonia's accession to the EU, claiming its history, cultural identity and language were Bulgarian. A solution proposed by France included recognizing the Bulgarian minority in the constitution for the first time; this was met with large public protests in July and political opposition. In September, the European Commission initiated a screening process towards eventual EU membership.

## RIGHT TO TRUTH, JUSTICE AND REPARATION

Over 20 years since the internal armed conflict, at least 22 people remained missing.

In July, former prime minister Nikola Gruevski was convicted in his absence to seven years' imprisonment for stealing and laundering EUR 1.3 million.

## FREEDOM OF EXPRESSION

A new criminal code proposed in July included provisions to protect the rights of journalists, including an increased penalty for their assault or murder, and obliged the authorities to initiate prosecutions.

## TORTURE AND OTHER ILL-TREATMENT

In May, on retrial, a police officer known as GP was sentenced to a year's imprisonment – the first officer to serve a custodial sentence for ill-treatment. A witness had videoed GP in 2020 kicking Nevzat Jasharov, a Roma man, as he lay on the ground.

## VIOLENCE AGAINST WOMEN AND GIRLS

Two women were killed by a family member. The 2021 Law on Prevention and Protection from Violence against Women and Domestic Violence was not yet fully implemented. The authorities failed to adopt relevant by-laws, budgets and procedures and police were often reluctant to act.

In February, after an outcry from women's NGOs, the manslaughter charge against Pale Illovska was changed to self-defence. She had stabbed her police-officer husband in September 2021 as he punched, kicked and attempted to strangle her. Neighbours and family testified that they had repeatedly reported his violence to the police, who had failed to respond.

A March report from Šuto Orizari's Roma women's rights group analysed how low reporting levels of domestic violence were due to structural discrimination including poverty, poor access to medical care and distrust of NGOs and authorities.

## LGBTI PEOPLE'S RIGHTS

In March, lacking parliamentary support, the government abruptly withdrew the NGO-supported 2021 gender recognition bill, which provided that trans people could legally change their gender identity through a simplified notary procedure. A redrafted law was anticipated for 2023.

In May, Bekim Asani, director of NGO LGBT United, based in Tetovo, was verbally abused by four men as he sat with his mother at his father's graveside; one of them subsequently assaulted him. He was twice assaulted in August, for which one perpetrator was sentenced to six months' imprisonment; the other case remained pending.

In June, hate speech and online abuse increased around the 10th Skopje Pride.

## DISCRIMINATION

The Helsinki Committee cautioned that inter-ethnic hate speech on social media contravened legislation against spreading racist and xenophobic material online. NGOs and international actors expressed concern at widespread discriminatory speech fuelled by

Bulgaria's opposition to North Macedonia's EU accession.

## ROMA

The European Roma Rights Centre brought successful discrimination cases against local authorities responsible for segregation in a Skopje school and denying Roma communities access to clean water in Prilep. In December, the European Court of Human Rights also found that two schools in Bitola and Štip had violated Roma children's right to non-discrimination through segregation.

## REFUGEES' AND MIGRANTS' RIGHTS

Over 20,591 refugees and migrants entered the country; as of 30 October, 65 had applied for asylum. Over 18,000 were subsequently pushed back to Greece, many after having their biometric data recorded at the Vinojug Transit Centre, as reported by 44 people in July.

In August, 35 people were injured when a truck concealing 49 Syrians overturned. Police reported the interception of 83 migrant-smuggling operations up to October. At least 619 individuals were unlawfully detained for up to 24 days as witnesses against alleged smugglers.

## RIGHT TO LIFE

In December, proceedings finally opened against two hospital managers and a doctor indicted for causing the deaths of 12 patients and two visiting relatives in a fire at the Tetovo Covid-19 unit in 2021.

## ENVIRONMENTAL DEGRADATION

In April, a report released by NGO Bankwatch based on monitoring in 2021 documented adverse health impacts on the local population of emissions from the Bitola lignite power plant, open-cast mines and ash disposal sites. Dust and sulphur dioxide emissions regularly exceeded legal limits and WHO guidelines. No measures were taken by the government to reduce emissions.

# NORWAY

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## Kingdom of Norway

Head of state: **Harald V**

Head of government: **Jonas Gahr Støre**

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**Norway received over 36,122 people fleeing Ukraine. A law on human rights in business and the supply chain entered into force in July. A report by the Group of Experts monitoring Norway's implementation of the Istanbul Convention urged the government to redefine rape in criminal law as sexual intercourse without freely given consent.**

## REFUGEES' AND MIGRANTS' RIGHTS

Norway received and assisted over 36,122 people fleeing the war waged by Russia in Ukraine. Norway also received 268 asylum seekers from Russia, among them Russians fleeing military mobilization. The resettlement of refugees from various other countries continued under Norway's annual resettlement quota commitment to accept 3,000 refugees per year.

## CORPORATE ACCOUNTABILITY

In July, the 2021 Transparency Act, based on the Organization for Economic Co-operation and Development's Guidelines for Multinational Enterprises and building upon the UN Guiding Principles on Business and Human Rights (UNGPs), entered into force. The new law applied to around 9,000 companies, requiring them to carry out due diligence and disclose key findings with respect to human rights, including in relation to working conditions, as well as to respond to specific enquiries on how the enterprise addresses negative impacts in relation to its products and services.

## FAILURE TO TACKLE CLIMATE CRISIS

In October, Norway raised its official emissions reduction target to at least 55% by 2030, but continued to pursue international cooperation and emission quota trading rather than actual cuts to emissions. Global emissions linked to consumption of

Norwegian petroleum resources were not included in Norwegian emissions accounts. In October, Statistics Norway reported that the country's emissions had fallen by just 0.7% in 2021 and by 4.7% in total since 1990.

## **VIOLENCE AGAINST WOMEN AND GIRLS**

In November, the Group of Experts (GREVIO) monitoring the implementation of the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention), concluded in its first baseline report on Norway that not all forms of sexual violence are criminalized as required by the Convention. It urged the government to amend legislation on sexual violence and rape to ensure that these offences are firmly rooted in lack of freely given consent.

# **OMAN**

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## **Sultanate of Oman**

Head of state and government: **Haitham bin Tariq**

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**Authorities continued to detain and prosecute people who expressed views critical of the government's actions and decisions or religious beliefs deemed to be outside official Islamic practices. Migrant workers continued to face exploitation, forced labour and harsh working conditions. Women continued to face discrimination in law and practice, in the domestic and professional spheres. Some progress towards climate change policies was made.**

## **BACKGROUND**

Authorities continued to pursue their Omanization policy, with an increased rate of replacing foreign workers with nationals. In July, Oman banned foreign nationals from working in 207 professions.

## **FREEDOM OF EXPRESSION**

The authorities continued to be intolerant of voices critical of the government's actions and decisions. On 4 August, Ahmed Issa

Qattan, an environmental activist, was detained for a second time in 18 months and charged for commenting on Twitter against a governmental decision banning camel grazing in the plain of Dhofar governorate in preparation for construction of housing complexes. He began a hunger strike to protest against his detention and was released on bail on 16 August.

In late August, activists reported the arrest of three men who had begun a peaceful sit-in in the capital, Muscat, calling for reforms, including an end to government corruption and improved social benefits. Security forces arrested them a few hours into their sit-in and after their announcement video went viral. Their whereabouts were unknown until their release on bail on 20 October. On 27 October, a court convicted one of the men, Hani Al-Sarhani, to one year in prison under articles 123 and 115 of the Penal Code for what it stated were acts of "undermining the prestige of the state" and calling for a gathering.

On 30 October, a royal decree was issued to expand on article 97 of the Penal Code which stipulates that challenging the rights and prerogatives of the Sultan, his wife, heir apparent or his children or dishonouring their person is punishable by at least three years' imprisonment.

## **FREEDOM OF RELIGION AND BELIEF**

Authorities continued to use Article 269 of the Penal Code to prosecute people for actions the authorities characterize as hostile to Islam or denigrating of Islamic values.

On 7 June, a court in north Oman convicted two of four people arrested between 24 July and 2 August 2021 based solely on their online discussions and private messages on issues related to freedom of thought, religion and atheism. The court sentenced Maryam al-Nuaimi to three years in prison and Ali al-Ghafri to five years. It referred the case against Abdullah Hassan to the Specialized Court for review and acquitted Ghaith al-Shibli.

## MIGRANTS' RIGHTS

Authorities took no steps to reform the *kafala* sponsorship system that facilitates abuses of migrant workers, nor to become a party to the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Despite short-term waivers of fines and reduction of fees for residency and work permit processes and delays, migrant workers continued to face exploitation, forced labour and harsh working conditions. These conditions included long working days of 16 to 20 hours and unpaid wages, without the ability to end their employment because their employer held their travel documents.

In late March, 14 migrant workers died and five others were injured in a rockslide while working at a quarry in Ibri, Al-Dhahira governorate. Despite calls from the General Federation of Oman Workers for authorities to urgently investigate the company's failures leading to the incident, no information regarding such steps was made public.

## WOMEN'S RIGHTS

Oman failed to take steps to end discrimination against women despite civil society's increased demands for equal rights for women, including with respect to marriage, divorce, inheritance, nationality and child custody, and restrictions on movement and on the type of work allowed. Abortion continued to be criminalized.

The authorities finally designated a hotline for reporting domestic violence, including child abuse, following a campaign by activists, but they again failed to pass laws that define domestic violence or take steps to establish formal shelters, rendering access to protection non-existent.

## FAILURE TO TACKLE CLIMATE CRISIS

Oman began to update climate affairs regulations, draft a national strategy that includes a climate change law, and establish a national database to monitor commitments made in 2021 on reducing carbon emissions by 7% by 2030.

# PAKISTAN

Islamic Republic of Pakistan

Head of state: **Arif Alvi**

Head of government: **Shehbaz Sharif (replaced Imran Khan in April)**

**Grave human rights violations continued, including enforced disappearances, torture, crackdowns on peaceful protests, attacks against journalists and violence against religious minorities and other marginalized groups. A backlash against legal gains in transgender rights led to growing violence against transgender people. The senate passed an act which would criminalize torture by state officials for the first time. Political upheaval led to major uncertainty. An economic crisis severely hampered people's economic rights. Climate change exacerbated heatwaves followed by devastating floods, which killed many and undermined a range of rights.**

## BACKGROUND

On 9 April, Imran Khan was ousted as prime minister after a controversial vote of no-confidence in parliament. On 11 April, parliament elected Shehbaz Sharif, leader of the Pakistan Muslim League-Nawaz (PML-N), as the new prime minister. Imran Khan and his party, the Pakistan Tehreek-e-Insaf (PTI), accused the USA and the Pakistan Democratic Movement (a loose coalition of opposition parties) of colluding to remove him, prompting weeks of political unrest during which Imran Khan's supporters protested across the country.

The ousting was widely viewed as Imran Khan falling out of favour with the country's all-powerful military, which was alleged to have supported the move to remove him from power. The protests continued for months, prompted by the PTI's demand to hold snap elections. On 3 November, during a long protest march from the city of Lahore to the federal capital, Islamabad, Imran Khan survived an apparent assassination attempt. The shooting marked a pivotal point in an

already tense political environment, with demonstrations taking place outside military facilities.

Between March and May, climate change wrought some of the highest recorded temperatures in Pakistan for 60 years.<sup>1</sup> Some of the areas worst affected were in Upper Sindh and Lower Punjab. The resulting drought was exacerbated by a deadly cholera outbreak coinciding with water scarcity in May. Flooding followed, mostly affecting the provinces of Sindh and Balochistan. More than 1,100 people died and 33 million were affected. Nearly 750,000 people were left without access to safe and adequate housing, education or health infrastructure. Large swathes of agricultural land were flooded, creating fears of a looming food shortage crisis, driving up prices. At the COP27 climate change meeting in November, Prime Minister Shehbaz Sharif said that an estimated USD 30 billion in international funding was required to compensate Pakistan for loss and damage.

## **ENFORCED DISAPPEARANCES**

State officials continued to use enforced disappearances to target human rights defenders, journalists and people voicing criticism of the authorities. According to the Commission of Inquiry on Enforced Disappearances, as of 31 October at least 2,210 cases – likely many more – remained unresolved. Intimidation of families and victims seeking justice frequently continued for years after their loved one was forcibly disappeared.

In June, journalists Nafees Naeem and Arsalan Khan were abducted separately by the authorities; both were released after 24 hours.<sup>2</sup> On 28 April, Baloch student Bebagr Imdad was forcibly disappeared while visiting a friend at Punjab University in Lahore. He was released 13 days later.

For the second time in just over a year, on 21 October the National Assembly reportedly passed a bill criminalizing the practice of enforced disappearances. Media reports stated that several parliamentarians called for the removal of wording making a “false”

allegation of enforced disappearance punishable by a fine and jail sentence. By the end of the year, the bill was not enacted as it had not been passed by the senate, and it had not been made available to the public.

Amnesty International documented the frequent use of enforced disappearances in the province of Balochistan. These increased following a suicide bombing at the University of Karachi on 25 April, claimed by the Balochistan Liberation Army, which killed four people. Baloch activists told the media that the state was using the attacks as an excuse to target Baloch women, activists and protesters. The media reported that two Baloch women activists had been abducted within a week. On 7 June, students Doda Ellahi and Gamshad Baloch were forcibly disappeared from their homes in Karachi. Following four days of peaceful protests they were released on 14 June.<sup>3</sup>

## **FREEDOM OF ASSEMBLY**

The authorities severely curtailed the right to freedom of peaceful assembly, harassing, arresting and detaining critics and political rivals as well as forcibly dispersing protests and assaulting journalists and others.

Supporters of ousted prime minister Imran Khan launched nationwide protests. Some turned violent; in Islamabad, protesters threw stones at the police, set fire to trees and damaged vehicles. Some protests were met with excessive force. On 25 May, police fired tear gas shells into peaceful protests in Lahore.

Activists and families of people forcibly disappeared held peaceful protests which were largely met with unlawful use of force, intimidation or arbitrary detention. On 13 June, the police used unlawful force to disperse protesters outside the Sindh Assembly in Karachi. One video of the incident showed uniformed police officers, some holding sticks, approaching sitting protesters. The police proceeded to violently grab men and women and drag them along the ground, before throwing or forcing protesters into police vehicles.

On 27 June, people in Karachi began protests against water and electricity shortages during the hottest summer on record. According to media reports, police used batons and tear gas to violently disperse protesters blocking a road to the port.<sup>4</sup>

## **FREEDOM OF EXPRESSION**

The authorities further tightened control of the media. Media workers reported increased coercion, censorship and arrests of journalists.

On 13 April the Federal Investigation Agency (FIA) arrested eight people in the province of Punjab for allegedly organizing a smear campaign on social media against state institutions.

On 5 July, police arrested journalist Imran Riaz Khan on sedition-related charges related to criticism of the military. He was arrested under provisions of the Penal Code, including defamation, and various sections of the draconian Prevention of Electronic Crimes Act. On 7 July, a court ordered his release but the police immediately re-arrested him. On 9 July he was released on bail. He had not been brought to trial by the end of the year.

On 21 May, Shireen Mazari, a senior leader of the PTI political party, was detained by police near her home in Islamabad. She was arrested in connection with a 1972 land dispute, but her family suggested that the arrest was politically motivated due to her criticism of the government and the military. She was freed the same day on the orders of the Islamabad High Court. A case was registered against her daughter, Imaan Hazir-Mazari, for making “derogatory” statements against the army following her mother’s arrest. On 20 June, the charges against Imaan Hazir-Mazari were dropped after she issued a statement of regret.

On 1 July, unidentified men attacked Ayaz Amir, a senior analyst with Dunya News. Days earlier he had allegedly criticized Imran Khan and the military during a seminar.

In October, Arshad Sharif, a journalist and well-known supporter of Imran Khan, was killed in Kenya, where he had allegedly taken

refuge after facing threats in Pakistan. A two-member government committee was tasked with investigating and in December, concluded that the killing had been a “planned assassination.”

## **FREEDOM OF RELIGION AND BELIEF**

Blasphemy allegations continued to spark violence against both religious minorities and Muslims. In January a woman was sentenced to death for allegedly “blasphemous” messages she sent over WhatsApp. A man was lynched to death by a group of people after being accused of burning pages of the Holy Qur’an in February in the district of Khanewal. In October, in Ghotki, a man with physical disabilities was forcibly drowned at the shrine where he lived by a visitor after being accused of blasphemy.

In September the Supreme Court issued a landmark order calling for “utmost care” by “all concerned that no injustice in the administration of justice takes place,” in recognition of the numerous due process violations in the investigation and adjudication of blasphemy cases.

## **VIOLENCE AGAINST WOMEN AND GIRLS**

The Domestic Violence (Prevention and Protection) Bill (2021) was not enacted by the National Assembly, despite being passed by the senate in 2021. Several highly publicized cases highlighted the ongoing problem of violence against women.

On 24 February, Zahir Jaffer was sentenced to death for the torture, rape and murder of Noor Mukadam in 2021. Convictions were otherwise very low in cases of gender-based violence, making the guilty verdict against Zahir Jaffer significant. However, far-reaching procedural and institutional reform – not resorting to the death penalty – were still needed to tackle the endemic problem of violence against women.

## **TRANSGENDER PEOPLE’S RIGHTS**

Despite the Transgender Rights Act of 2018, transgender people continued to face violence and discrimination. In September, Senator Mushtaq Ahmad Khan of the Islamic

political party Jamat-e-Islami challenged the Act in the Federal Shariat Court, alleging that it did not conform with the injunctions of Islam under the Constitution and “promotes homosexuality”. The Council of Islamic Ideology urged the government to form a committee to review the legislation.

Transgender activists reported being targeted by social media campaigns, fuelling anti-transgender rhetoric and inciting violence and hate speech against them. They reported receiving threats, having to go into hiding and amending their day-to-day routines to avoid being targeted. Between October 2021 and September 2022, 18 transgender people were reported by the Trans Murder Monitoring Project to have been killed in Pakistan, the highest figure in Asia.

## TORTURE AND OTHER ILL-TREATMENT

In October the senate passed the Torture and Custodial Death Act. The Act will, for the first time, criminalize torture by a “public official or person working in an official capacity”.

The use of torture and other ill-treatment remained routine. On 9 August, Shahbaz Gill, a senior PTI politician, was arrested in Islamabad after publicly criticizing the military. He was released on bail on 16 September. Shahbaz Gill and PTI officials alleged that he was tortured while in detention, although medical reports and government officials refuted this.

Senator Azam Khan Swati was arrested by the FIA and charged with sedition after tweeting criticism of the chief of the military. He told reporters that he was stripped and tortured, particularly near his genitals. He was released on bail before being re-arrested in November for the same tweets.

## DISCRIMINATION

Forced conversions of Hindu, Christian and Sikh women and girls continued. Victims, particularly those from lower socio-economic backgrounds, were unable to access justice.

Scheduled Caste Hindus (also known as Dalits) were disproportionately disadvantaged in accessing services, resources and

opportunities. Many remained trapped in bonded labour and were subjected to rape and violence. Ahmadis reported facing continued discrimination. In July, five Ahmadis were arrested for performing a ritual animal sacrifice at Eid-ul-Adha, an act allowed only for Muslims. In the same month the Punjab chief minister announced that the Punjab provincial government would add a mandatory condition that a bride and groom must swear that the Prophet Muhammad is the final prophet in order to obtain a marriage certificate. This was especially discriminatory towards Ahmadis.

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1. “Pakistan: Deadly floods reminder to wealthy countries to remedy unfettered climate change”, 31 August
  2. *Pakistan: Submission to the 42nd Session of the UPR Working Group, 30 January 2023*, 13 July
  3. *Braving the Storm: Enforced disappearances and the right to protest in Pakistan*, 11 August
  4. “Pakistan: Authorities must respect and facilitate people’s right to protest”, 28 June

# PALESTINE (STATE OF)

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## State of Palestine

Head of state: **Mahmoud Abbas**

Head of government: **Mohammed Shtayyeh**

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**Palestinian armed groups in Gaza committed apparent war crimes during three days of fighting with Israel in August, using unguided rockets in populated civilian areas and killing at least seven Palestinian civilians. Palestinian authorities in the West Bank and the Gaza Strip continued to heavily restrict freedom of expression, association and assembly. They also held scores of people in arbitrary detention and subjected many to torture and other ill-treatment. Justice for serious human rights violations remained elusive. The Hamas de facto authorities in Gaza carried out the first executions in five years.**



## BACKGROUND

Palestinians in the West Bank and the Gaza Strip continued to face Israel's oppression, domination, fragmentation and segregation under its brutal occupation and apartheid (see Israel and the Occupied Palestinian Territories entry).

Palestinian authorities failed to hold parliamentary and presidential elections that had been delayed again by President Abbas in 2021. The last elections for the Palestinian Legislative Council were in 2006. President Abbas continued to rule by decree amid popular discontent.

## ABUSES BY ARMED GROUPS

In August, Israel launched a three-day military offensive on the occupied Gaza Strip targeting the Palestinian Islamic Jihad (PIJ) and its armed wing. Khaled Mansour and Taysir al-Jaabari, two high-ranking PIJ commanders, were killed by Israeli strikes in addition to 10 other PIJ fighters. In total, 31 Palestinian civilians were killed during the offensive, of which 17 were killed in Israeli attacks including in apparent war crimes.

Palestinian armed groups in the Gaza Strip committed apparent war crimes during three days of military confrontations with Israel in August, using unguided rockets in populated civilian areas. On 6 August, a rocket apparently fired by the PIJ towards Israel missed its target and hit a street in Jabalia refugee camp, killing seven civilians, including four children, and wounding at least 15 others. Seven other Palestinian civilians, including five children, were killed in four other attacks in Izbet Beit Hanoun, Al Bureij and Jabalia refugee camps and in Beit Hanoun, after which remnants of weapons were immediately removed. The removal of all remnants of the weapons used in attacks is a recurrent pattern in the aftermath of misfired Palestinian rockets. Hamas authorities stated they would investigate all deadly attacks but failed to publish any reports.

Between March and April, attacks by armed Palestinian individuals killed 18 people in cities and towns across Israel. While the

individuals appeared to have no direct affiliation with Palestinian armed groups, their attacks were praised by the de facto authorities in Gaza in what could amount to incitement to violence. The call by Hamas's leader in Gaza, Yahya Sinwar, on Palestinians to use any means available to attack Israelis reportedly contributed to attacks carried out afterwards.

## FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

Authorities in the West Bank and Gaza Strip continued to unduly restrict freedom of expression, association and assembly, at times using excessive force to disperse peaceful gatherings. In the Gaza Strip, a general climate of repression, following a brutal crackdown on peaceful protests against the rising costs of living in 2019, effectively deterred dissent, often leading to self-censorship.

In the West Bank, the Fatah-controlled Palestinian authorities continued to repress public events that honoured opposition figures or waved opposition flags. In June, security forces in Hebron dispersed a peaceful protest against rising costs of living and detained the organizers. On 4 August, security forces fired tear gas to disperse a peaceful gathering in Tubas, in northern West Bank, celebrating the release from 20 years in Israeli detention of a member of a dissident faction of Fatah.

On 23 October, President Abbas issued a decree dissolving the Palestinian Doctors' Syndicate, dominated by representatives affiliated with opposing factions, and appointing an unelected "constitutive council". He reversed his decision after doctors across the West Bank went on strike.

On 4 November, security forces banned the Palestinian People's Congress, an umbrella group of activists and politicians calling for reforms of the Palestinian Liberation Organization, from convening in Ramallah in the West Bank. On 8 November, police officers without a judicial warrant raided and forcibly dispersed a press conference held by the same group at its headquarters in

Ramallah, threatening participants and journalists with batons.

## **ARBITRARY DETENTION**

According to the Independent Commission for Human Rights (ICHR), over 200 Palestinians were arbitrarily detained in the West Bank and some 105 in the Gaza Strip.

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

Torture and other ill-treatment remained rife in detention and interrogation centres in the West Bank and Gaza Strip, and complaints were particularly common in the Jericho detention centre in the West Bank run by the interior ministry. Detainees reported being beaten with clubs and batons, whipped on the soles of their feet and subjected to stress positions for hours. The ICHR received at least 130 complaints of torture and other ill-treatment against detaining authorities in the West Bank, and at least 160 against the police and internal security services in the Gaza Strip.

According to the ICHR and the Palestinian human rights NGO Lawyers for Justice, authorities failed to take effective measures to investigate torture allegations. In June, West Bank security forces arrested without warrant six men in relation to an explosion at a carpentry workshop in Ramallah and tortured and otherwise ill-treated them, according to complaints submitted to the ICHR.<sup>1</sup> Five of them were placed in solitary confinement, denied family visits, and subjected to further abuse for going on hunger strike in September.

On 16 October, Nasser Abu Obeid, a retired major in the National Security Forces, died in hospital after being transferred from a Hamas-run military police detention centre in Gaza where he was held under interrogation. The ICHR called on the Gaza authorities to investigate allegations of torture and medical neglect during his detention. It appears that the authorities did not act on the request.

## **ENFORCED DISAPPEARANCES**

Twenty years after their enforced disappearance by Palestinian authorities from

a detention centre in the West Bank town of Salfit, the fate of six men remained unknown. Meanwhile, in order to pressure Israel into signing a prisoner exchange deal, the de facto authorities in Gaza published new footage of Hisham al-Sayed, a Palestinian citizen of Israel with mental disabilities, who went missing after crossing into Gaza in 2015. The fate and whereabouts of Avera Mengistu, an Israeli citizen with mental disabilities who entered Gaza without authorization in 2014, continued to be unknown.

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

According to the Women's Centre for Legal Aid and Counselling, 29 women were killed in the West Bank and the Gaza Strip by their family members in apparent cases of domestic violence. In September, the Gaza authorities prevented sisters Wissam and Fatimah al-Assi, aged 24 and 20 respectively, from pursuing complaints for domestic violence through courts by impeding them from accessing a prosecutor to testify.

## **LGBTI PEOPLE'S RIGHTS**

Authorities failed to prevent and investigate homophobic and transphobic threats and attacks.

On 9 July, security forces stood by and watched as a mob beat youths and children participating in a parade organized by Ashtar Theatre in Ramallah that included rainbow flags. The attack came amid a wave of incitement to violence and hate speech against LGBTI people and feminists that the authorities failed to investigate.

## **RIGHT TO TRUTH, JUSTICE AND REPARATION**

In the West Bank, the trial of 14 low-ranking security officers charged over the death of Nizar Banat, a prominent dissident killed in June 2021 shortly after his violent arrest, proceeded before a military court amid delays and smears of witnesses. No senior officers were questioned or investigated as part of the legal proceedings.<sup>2</sup>

Authorities in the West Bank and Gaza Strip failed to investigate unlawful killings and attacks, including against Israeli civilians, amongst other serious violations. This was despite publicly renewing their commitment to cooperate with independent investigations, including by the ICC, into possible war crimes and crimes against humanity committed since 2014, and with the International Court of Justice inquiry into the illegality of Israel's occupation of the West Bank and Gaza.

On 28 October, President Abbas issued a decree creating the Supreme Council of Judicial Bodies and Authorities and appointed himself as its head. The council, with full power over the judicial system, further tightened the president's grip on the judiciary, hampered its independence, and increased its subordination to the executive power.

## DEATH PENALTY

According to the Palestinian Centre for Human Rights, courts in Gaza issued 27 new death sentences in 2022, 11 more than in 2021. In a new trend, the courts of appeal in the Gaza Strip increased five sentences issued by lower courts from life imprisonment to the death penalty. This occurred after Gaza's justice ministry established the Supreme Criminal Committee, which encouraged harsher sentencing ostensibly to deter violent crime.

On 4 September, Hamas authorities carried out the first executions in Gaza in five years. One of the prisoners, convicted of murder, had faced a grossly unfair trial.

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1. "Palestinian authorities must investigate torture allegations of hunger-striking prisoners and ensure their fair trial", 2 November
  2. "Palestine: Authorities have failed to ensure accountability for the killing of Nizar Banat", 24 June

# PAPUA NEW GUINEA

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## Independent State of Papua New Guinea

Head of state: **Charles III (replaced Elizabeth II in September)**, represented by **Bob Dadae**

Head of government: **James Marape**

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**During violence around national elections dozens of people were killed. Dismissals of journalists and new restrictions on them undermined media freedom. Laws aimed at strengthening protection against sexual and gender-based violence were adopted, but high rates of violence against women and girls continued to be reported, including following accusations of sorcery. Access to adequate healthcare remained severely restricted. The death penalty was abolished.**

## BACKGROUND

Parliament certified the Climate Change (Management) (Amendment) Act 2021 in February. The Act was aimed at declaring a climate emergency, improving access to climate adaptation funds and updating national plans in line with the commitments under the Paris Agreement. In October, the first National Climate Change Summit was held with government, business and civil society partners, reaffirming climate adaptation and mitigation priorities.

Parliamentary elections in August were accompanied by widespread violence in which an estimated 90,000 people were displaced and schools and other public buildings damaged or destroyed.

## RIGHT TO LIFE

Election-related violence, fuelled by pre-existing intercommunal tensions, resulted in an estimated 50 deaths between May and August.

In July, a 22-year-old woman was shot and killed by police at a polling station in the capital, Port Moresby. The police said they were investigating but no one had been charged by year's end.

## FREEDOM OF EXPRESSION

In February, national broadcaster EMTV dismissed all 24 staff in its newsroom after they walked out in protest against the suspension of EMTV's head of news and current affairs. Sincha Dimara was suspended and later dismissed following her critical reporting of police investigations into possession of firearms and other illegal activities by a high-profile Australian businessman.

On 31 August, the Prime Minister's office took out advertisements in two daily newspapers stating that the Prime Minister would no longer accept direct inquiries from the media and requiring journalists to submit questions in writing. The following month, more restrictive procedures for visa applications by foreign journalists were announced.

## WOMEN'S RIGHTS AND GENDER-BASED VIOLENCE

Parliament passed amendments to the Family Protection Act in January which included expanded definitions of assault, psychological abuse, sexual assault and aggravated family violence. It also removed court fees for applications for protection orders. However, discrimination against women and gender-based violence remained pervasive.

In April, a Special Parliamentary Committee on gender-based violence, established in 2020, published its final report. Key findings included severe under-resourcing of protection services for women, such as those relating to health, policing, counselling, safe houses and prosecution. The government had not acted on the Committee's recommendations by year's end including one calling for improved representation of women in parliament; only two out of 118 members of parliament elected in August were women. Women also remained severely underrepresented in other areas of political and public life.

In January, parliament passed amendments to the Criminal Code criminalizing the act of making accusations of sorcery against others,

or claiming to have supernatural powers to identify "sorcerers". Nevertheless, violent attacks, predominantly against women and girls, following accusations of sorcery continued to be reported. In July, approximately 12 women, including one who was pregnant, were sexually assaulted and burnt by community members in Enga province after being accused of sorcery. Four of the women died and others suffered serious injuries.

## REFUGEES' AND MIGRANTS' RIGHTS

Despite the ending of the offshore processing agreement between the Papua New Guinean and Australian governments in 2021, approximately 100 refugees and asylum seekers remained in Papua New Guinea. The Australian government continued to provide funding to Papua New Guinea but claimed to have no further responsibility for those remaining there.

## RIGHT TO HEALTH

By the year's end only approximately 5% of the population was fully vaccinated against Covid-19. Health clinics, particularly in rural areas, were badly affected by electoral violence and inter-ethnic fighting and some were forced to close.

## DEATH PENALTY

Amendments to the Criminal Code to abolish the death penalty entered into force in April.<sup>1</sup>

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1. *Papua New Guinea: Increased Participation of Civil Society Hailed a Success in Human Rights Review*, 13 April

# PARAGUAY

## Republic of Paraguay

Head of state and government: **Mario Abdo Benítez**

**Authorities continued to criminalize social protest. Investigations into cases of torture and other ill-treatment did not make progress. Forced evictions remained a serious problem, affecting the rights of thousands of small-scale farmers and**

**Indigenous families. Authorities failed to take action to protect LGBTI people and human rights defenders. Sexual abuse of children and girls' forced pregnancies remained serious concerns.**

## **BACKGROUND**

There were allegations of mismanagement in the Attorney General's Office and the Ombudsman's Office, resulting in the resignation of the ombudsman.

## **FREEDOM OF ASSEMBLY AND EXPRESSION**

Restrictions on freedom of expression persisted. In December, the Inter-American Court of Human Rights issued a judgment in the case of Santiago Leguizamón, a journalist killed in 1991. The Court found Paraguay responsible for violating the right to freedom of expression, among other rights, and ordered the state to provide reparation.

Several students, including activist Vivian Genes, continued to face charges of arson in connection with a fire at the ruling party's headquarters in 2021. The fire occurred in the context of social protests over the mismanagement of resources to deal with the Covid-19 pandemic. Judicial authorities decided to proceed to an oral and public trial in the case.

In April, after years of criminal proceedings, Aurora Lezcano, a student criminalized for participating in a social protest at her university in 2017, was acquitted.

Journalist Juan Carlos Lezcano was acquitted of charges of defamation in the second of five cases brought against him for reporting on irregularities in public administration. In November, he as well as the director of the print media outlet for which he worked were convicted of defamation in the third of these cases and fined.

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

Impunity for torture and other ill-treatment persisted.

In April, the National Mechanism for the Prevention of Torture confirmed that senior

cadets at the military academy "Francisco Solano López" had inflicted torture and other ill-treatment on junior personnel. It also stated that human rights violations persisted in penitentiary facilities.

The Public Prosecutor's Office failed to make progress regarding the complaints relating to 35 survivors of torture and ill-treatment at the naval base of Ciudad del Este in 2020.

## **IMPUNITY**

Ten years after the Curuguaty massacre – an operation in which police forcibly evicted 70 members of a small-scale farming community, including women and children, and which resulted in the deaths of 11 farmers and six policemen – the authorities had yet to establish responsibility for the violations that took place or ensure justice, truth and reparation for victims and their families.

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

Authorities made insufficient progress in realizing economic, social and cultural rights, affecting the most marginalized communities above all.

The Inter-American Commission on Human Rights held a hearing on agrarian policies that have led to a growing number of forced evictions. These evictions have resulted in arbitrary detentions and killings and left thousands of small-scale farmers and Indigenous families without livelihoods.

Legislators passed a new law creating a commission to study the recovery of improperly obtained lands during the military dictatorship.

Despite the deficiencies of the health system exposed by the Covid-19 pandemic, the state had still not taken concrete steps to establish, through participatory processes, a universal public health system that guaranteed minimum basic needs and primary healthcare for the population.

## **FAILURE TO TACKLE CLIMATE CRISIS AND ENVIRONMENTAL DEGRADATION**

Paraguay remained one of the countries most vulnerable to climate change in South America. However, authorities continued to allow the expansion of monocultures, possibly undermining native ecosystems. Marginalized communities were those most affected by this and other aspects of environmental degradation, such as deforestation and the use of agrochemicals and fertilizers.

## **INDIGENOUS PEOPLES' RIGHTS**

Authorities continued to disregard the rights of Indigenous peoples.

The Tekoha Sauce community of the Avá Guaraní were still waiting for the return of lands seized decades earlier by Itaipú Binacional. During the year, the company pursued an ongoing lawsuit in an attempt to evict members of the community from another part of their ancestral land where they were living.

In June, the Inter-American Court of Human Rights noted that Paraguay continued to violate the rights of the Yakye Axa Indigenous community of the Enxet people and announced stronger monitoring measures to guarantee the community's access to its own territory, as well as the Court's intention to visit the country in the coming months.

## **LGBTI PEOPLE'S RIGHTS**

Authorities continued to neglect the rights of LGBTI people.

No progress was reported in criminal cases concerning attacks on LGBTI people during a 2019 Pride march 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 remained stalled.

Paraguay was denounced before the UN Human Rights Committee for violating the rights of Yren Rotela and Mariana Sepúlveda, two trans women who have been demanding the right to legally change their names in

accordance with their gender identity since 2016. In December, the Supreme Court of Justice removed legal obstacles to the case of Mariana Sepúlveda proceeding and being heard by the relevant courts.

## **HUMAN RIGHTS DEFENDERS**

Despite numerous recommendations from UN treaty bodies and special procedures, authorities failed to establish a specific protection mechanism for human rights defenders.

## **CHILDREN'S RIGHTS**

The Ministry of Children and Adolescents announced the content of the National Programme to Prevent Sexual Abuse of Children and Adolescents and Provide Comprehensive Care was being developed and, from August, provided updates on its progress.

The Public Prosecutor's office documented 1,452 cases of ill-treatment and 3,804 cases of sexual abuse of children during 2022.

As of November, the Ministry of Public Health and Social Welfare had recorded 10,332 births to adolescents between the ages of 15 and 19, of whom 570 were Indigenous adolescents, and 420 cases of births to girls aged between 10 and 14, of whom 84 were Indigenous girls.

## **WOMEN'S RIGHTS**

The Ministry of Women's Affairs recorded 36 cases of femicide during the year.

An appeals court declared that the statute of limitations had expired in the case of a priest convicted in 2021 of sexually harassing Alexa Torres and dismissed the case. Alexa appealed this decision to the Supreme Court, which at the end of the year had not yet ruled on the case.

In November, the press published a leaked internal Ministry of Foreign Affairs circular calling on all Paraguayan diplomats to avoid using language that refers to "gender issues", as well as terms such as "diversity", "intersectionality" and "sexual and reproductive rights". The Education Ministry publicly called on all teachers and school

directors to continue to abide by a 2017 resolution banning educational materials on gender issues and calling on all teachers to file official complaints if such material is found.

# PERU

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## Republic of Peru

Head of state and government: **Dina Boluarte Zegarra**  
(replaced **José Pedro Castillo Terrones** in December)

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**Authorities undermined freedom of expression and assembly. By the end of the year, at least 22 people had died; dozens more, including a number of police officials, had been injured, many of them by firearms, in the context of the unlawful repression of demonstrations. Authorities failed to meet the needs of communities affected by environmental pollution. Six human rights defenders were killed in regions affected by illegal logging and drug trafficking. The right to comprehensive sexuality education was put at risk. Women and girls, including Venezuelan refugees, continued to experience multiple forms of violence. Discrimination and attacks on LGBTI people persisted.**

## FREEDOM OF EXPRESSION

Official statements undermined freedom of the press. The National Press Association reported 303 attacks on the press during the year, 63 of them in the context of the political crisis in December.

## FREEDOM OF ASSEMBLY AND IMPUNITY

At least three people died during protests following National Police interventions during the first half of the year.

In December, during the political crisis that followed the ousting of former president Pedro Castillo, protests broke out in different regions and violence in the country spiralled. In several instances, the response of the authorities to protests resulted in human rights violations, including unlawful use of force. At least 22 people died during

demonstrations in the Apurímac, Ayacucho, Arequipa, La Libertad and Junín regions and dozens more were injured. Investigations into the deaths were continuing at the end of the year.

The Police Protection Law remained in force, effectively limiting accountability for human rights violations by security forces. Former president Manuel Merino and other high-ranking officials continued to enjoy immunity from prosecution regarding deaths and injuries during protests in November 2020 and the judiciary suspended investigations into the police officials implicated.

## FAILURE TO TACKLE CLIMATE CRISIS AND ENVIRONMENTAL DEGRADATION

Congress again shelved a bill to ratify the Escazú Agreement.

Authorities failed to address the needs of communities affected by pollution caused by metals and other toxic substances, despite a special multisectoral plan involving a range of ministries and available funding for six regional governments for specialized medical care for these communities.

In February, a UN verification mission found that an 11,000-barrel oil spill in January by La Pampilla refinery, operated by the Spanish multinational Repsol, had impacted the livelihood of five local communities in Lima and Callao. In July, the Ombudsperson's Office noted that some of those affected had yet to be identified and receive reparation and that neither the authorities nor the company had ensured an adequate clean-up of the affected area.

In September, 2,500 barrels of oil were spilled in the Loreto region by the company PetroPerú. According to the Ombudsperson's Office, it seriously affected the community of Cuninico and other Indigenous communities, leaving them without food and water for several days and violating their right to live in a healthy environment.

Peru did not submit an update to its 2020 NDC. According to the Climate Action Tracker, its current NDC was rated "insufficient".

## HUMAN RIGHTS DEFENDERS

There were official reports that at least six human rights defenders were killed during the year in the Madre de Dios, Loreto, Junín and Huánuco regions. The authorities failed to provide sufficient security in regions where human rights defenders faced heightened risks due to illegal logging and drug trafficking.

## RIGHT TO HEALTH

High levels of inequality, low investment in public health, due in part to insufficient tax revenue, played a key role in Peru experiencing the highest Covid-19 death rate per million people of any country in the region. Despite this, there were no major reforms to the health system or health spending, which remained at 3.2% of GDP, far below the 6% recommended by the WHO.<sup>1</sup>

## INDIGENOUS PEOPLES' RIGHTS

In March, a Constitutional Court ruling declared a lawsuit filed by Indigenous communities regarding mining concessions on their territories inadmissible on grounds that prior consultation does not have constitutional rank. The Court did not take into consideration the constitutional rank of international human rights treaties ratified by Peru.

In June, Congress recognized Self-Defence and Rural Development Committees, which often operate in rural areas, as part of the national security system with the right to use lethal weapons. There were concerns this could undermine the rights of traditional communities entitled to have their own traditional guards to protect their territories.

## VIOLENCE AGAINST WOMEN AND GIRLS

Between January and November, the Ministry of Women and Vulnerable Populations recorded 25,403 cases of sexual violence (95% of the victims were women) and 7,549 rapes of minors.

The Ombudsperson's Office reported 124 femicides; in 21 cases the women had initially been reported as missing. The

Ministry also classified disappearances of women as a form of gender-based violence. According to the National Registry of Information on Missing Persons of the Ministry of the Interior, 11,524 girls and women were reported missing during the year, constituting 61% of the total number of cases.

## SEXUAL AND REPRODUCTIVE RIGHTS

In May, Congress passed a law allowing some parents' organizations to veto aspects of school curriculums, undermining the right to comprehensive sexuality education.

In June, a bill was submitted to Congress which, if approved, would jeopardize access to abortion.

The trials of former president Alberto Fujimori and three of his ministers related to forced sterilizations started in March. In November, the Judiciary ordered administrative reparations be awarded to survivors of forced sterilizations who had still not received reparations.

## LGBTI PEOPLE'S RIGHTS

Peru remained one of the few countries in South America not to recognize transgender identity or same-sex marriage.

In June, the organization Féminas reported that a transgender woman was shot and injured. The authorities failed to keep an official register of continuing threats and attacks against transgender people.

## REFUGEES' AND MIGRANTS' RIGHTS

Thousands of people were unable to access migratory regularization programmes, which remained onerous and inadequate. The system to process asylum applications remained suspended.<sup>2</sup>

Venezuelan refugee women living in Peru faced multiple forms of violence.<sup>3</sup> Discrimination and negative stereotypes related to their nationality and gender identity hindered their access to justice and healthcare.

In April, authorities summarily expelled 29 female foreign nationals without due process.



Authorities did not consider their protection needs, whether they were victims of trafficking, or the risks they faced on return to their country of origin. In November, human rights organizations initiated a lawsuit against the officials for these actions.

## RIGHT TO TRUTH, JUSTICE AND REPARATION

Thirty years after the Cantuta massacre, the Public Prosecutor's Office recommenced a forensic investigation to recover the remains of five of the victims not yet found.

In March, the Constitutional Court ordered the release of former president Alberto Fujimori from prison, restoring the so-called humanitarian pardon granted in 2017. The Inter-American Court of Human Rights urged the authorities not to comply with an order that was in breach of a previous ruling invalidating the pardon. He remained detained at the end of the year.

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1. *Americas: Unequal and Lethal*, 27 April
  2. *Peru: Submission to the 34th Session of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families*, 23 February (Spanish only)
  3. *Unprotected: Gender-based Violence against Venezuelan Refugee Women in Colombia and Peru*, 12 July

# PHILIPPINES

## Republic of the Philippines

Head of state and government: **Ferdinand Marcos Jr.**  
(replaced Rodrigo Roa Duterte in June)

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**Unlawful killings under the “war on drugs” continued and impunity for thousands of past killings remained entrenched. Repression of dissent intensified and freedom of expression was further restricted as human rights defenders, political activists, journalists and others were subjected to unlawful killings, arbitrary arrest and detention. Authorities blocked the websites and ordered the closure of independent media.**

## BACKGROUND

In May elections, the son of former President Marcos, Ferdinand “Bongbong” Marcos Jr., was elected president and Sara Duterte-Carpio, daughter of former President Duterte, vice president. The “war on drugs”, initiated in 2016 and associated with grave human rights violations, continued. In October, over 150 people died in floods and landslides triggered by a severe tropical storm.

## EXTRAJUDICIAL KILLINGS AND IMPUNITY

The number of killings committed in the context of the “war on drugs” rose after the new administration took office. According to the university-based research group Dahas, 324 drug-related killings by the police and other unknown assailants were recorded during 2022, 175 of which took place after July.

In September, the Department of Justice announced it was filing murder charges against at least 30 police officers involved in raids in Calabarzon region in 2021 targeting activists in which nine people were killed. In August, the Department announced it would review 250 cases involving killings in Central Luzon during anti-drug operations. However, the vast majority of killings related to the “war on drugs” remained uninvestigated.

In June, the ICC Prosecutor filed an application with the ICC Pre-Trial Chamber to resume investigations into crimes against humanity, including in the context of the “war on drugs”. The Prosecutor stated that investigations by national authorities were inadequate and that the suspension of ICC investigations in late 2021 at the request of the Philippine government was therefore unwarranted.<sup>1</sup> The government maintained its position of non-cooperation with the ICC.<sup>2</sup>

In October, the UN Human Rights Council failed to renew OHCHR’s mandate to monitor and report on the human rights situation and progress towards accountability in the Philippines, despite a recommendation by the UN High Commissioner for Human Rights that it should do so.<sup>3</sup> The joint UN human rights capacity-building and technical

assistance programme continued but was criticized for lack of progress in key areas.

In November, activists Ericson Acosta and Joseph Jimenez were killed after they were reportedly captured by government security forces. The killings took place amid increasing armed clashes between the military and the armed opposition group, the New People's Army, in Negros Occidental province.<sup>4</sup>

## REPRESSION OF DISSENT

The continued linking of organizations and individuals to communist groups by the authorities and their supporters, known as “red-tagging”, led to further killings, arbitrary detentions and harassment of human rights defenders, political activists and others.

On 15 January, unknown assailants shot dead Silvestre Fortades and Rose Maria Galias, both members of a “red-tagged” farmers’ and labour rights organization, in Sorsogon province.

On 18 February, police arrested Natividad Castro, a “red-tagged” doctor who provided medical care for Indigenous communities in Mindanao. In March, the Bayugan City Region Trial Court dismissed charges of kidnapping and illegal detention against her, but reversed the decision in June. The court-ordered warrant to re-arrest Natividad Castro had not been acted on at year end.

In August, police arrested Adora Faye de Vera, a “red-tagged” human rights defender in Metro Manila. She was previously arbitrarily detained during the martial law period in the 1970s under former President Marcos and continued to campaign for justice for other martial law victims. Adora Faye de Vera remained in police detention at year end, accused of murder and rebellion in relation to an alleged ambush in 2009 in which members of the security forces were killed.<sup>5</sup>

The “red-tagging” in September of a judge, Marlo Magdoza-Malagar, by a former spokesperson of the National Task Force to End Local Communist Armed Conflict drew strong criticism from the Supreme Court. The “red-tagging” was connected with the judge’s

dismissal of a Department of Justice petition seeking to designate the Communist Party of the Philippines and its armed wing, the New People’s Army, as terrorist groups.

Prisoner of conscience and former Senator Leila de Lima spent her sixth year in detention over politically motivated drug-related charges, despite the retraction of testimonies by key witnesses.<sup>6</sup> In August, the Office of the Ombudsman dismissed a separate bribery case against her.

## FREEDOM OF EXPRESSION

Physical attacks and judicial harassment of journalists intensified and independent news sites were blocked.

At least two journalists were killed in 2022, including prominent radio broadcaster Percival Mabasa (known as Percy Lapid) who was shot on 3 October in Las Piñas City, Metro Manila.<sup>7</sup> A man allegedly involved in the killing was murdered in prison shortly afterwards. The head of the Bureau of Corrections, who Percy Lapid had criticized on air for corruption, was subsequently named as a suspect in investigations which remained ongoing at year end.

In June, the National Telecommunications Commission (NTC) ordered internet service providers to block access to 28 websites, including those belonging to independent media groups accused by the government of affiliation with or supporting “terrorists and terrorist organizations”. In response to a legal challenge by news outlet Bulatlat, the NTC was ordered to lift the order to block its website. In October, Bulatlat managing editor Ronalyn Olea was “red-tagged” by a news anchor on a pro-government TV network who accused her on air of being an internet operator for communist organizations.

In July, the Court of Appeals upheld the conviction for cyber libel against Nobel laureate Maria Ressa and Reynaldo Santos Jr. A second appeal was rejected in October. The case against the two, respectively the founder and a former researcher with the independent media outlet Rappler, was connected with a 2012 article alleging links between a businessman and

drugs/human trafficking. They faced over six years in prison if their final appeal to the Supreme Court is unsuccessful.<sup>8</sup> At least seven other cases against Maria Ressa remained pending at year end. An order to close Rappler remained under appeal.

In August, activist and former vice-presidential candidate, Walden Bello, was arrested on charges of cyber libel filed by the former public information officer for Vice President Sara Duterte. A motion by Walden Bello to dismiss the charges, which related to comments linking the officer to drugs but which were widely regarded as aimed at silencing an opposition voice, was pending at year end.

## INDIGENOUS PEOPLES' RIGHTS

In April, security guards for a private plantation firm fired shots injuring at least five people during a visit by a presidential candidate to meet with leaders of the Manobo-Pulangiyon community in Bukidnon province.

In September, the community called on the government to investigate the shooting, legally recognize their ancestral land claims and put an end to land encroachment by private companies that has displaced the community.<sup>9</sup>

## FAILURE TO TACKLE CLIMATE CRISIS

President Marcos Jr. committed to tackle climate change on taking office. However, budget cuts, including to the national Climate Change Commission, and a push towards the use of nuclear and fossil fuels raised concerns among environmental groups about whether adaptation plans and commitments to increase the use of renewable energy sources would be met.

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1. "Philippines: Justice another step closer as ICC Prosecutor requests to resume investigation in Philippines", 24 June
  2. "Philippines: Decision to not rejoin the ICC statute will not prevent investigation", 10 August
  3. "Philippines: Lack of action by the UN Human Rights Council risks abandoning victims of human rights abuses", 15 September
  4. "Philippines: Investigate killing of activists and address violence in Negros province", 6 December

5. "Philippines: Torture survivor faces third arrest: Adora Faye de Vera", 18 October
6. "Philippines: Immediately end arbitrary detention of Senator de Lima, guarantee safety of witnesses, and investigate serious allegations of coercion", 6 May
7. "Philippines: Radio journalist killing bears 'hallmarks of extrajudicial execution'", 4 October
8. "Philippines: Media repression worsens as court affirms cyber libel conviction against Maria Ressa", 8 July
9. "Philippines: Driven from their ancestral land, the Manobo-Pulangiyon struggles to survive by the side of a road", 30 September

# POLAND

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## Republic of Poland

Head of state: **Andrzej Duda**

Head of government: **Mateusz Morawiecki**

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**Access to abortion was further limited. Criminal charges were used to curtail freedom of expression. The authorities continued to erode the independence of the judiciary. Freedom of peaceful assembly was restricted. Violations of LGBTI rights persisted. Positive moves were made to accommodate between 1 and 2 million refugees from Ukraine, although official hostility continued towards refugees and migrants who arrived since 2021 via Belarus.**

## SEXUAL AND REPRODUCTIVE RIGHTS

A Constitutional Tribunal ruling that abortion on the grounds of serious fetal impairment was unconstitutional entered into force in January and further limited access to abortion. In April, UN experts again urged the authorities to decriminalize abortion.

The family of a pregnant woman called for an investigation into the role the denial of abortion services may have played in her death; the case led to protests in October and November calling for justice and reforms. In June, the European Court of Human Rights (ECtHR) formally requested a response from Poland on a further five cases regarding denial of access to abortion services.

In July, the government published data indicating that only 107 abortions were provided by hospitals in 2021, a drastic drop

from 1,076 the year before. However, in October, the organization Abortion Without Borders published data showing that in the 12 months since October 2021 they had supported 44,000 people, including 1,515 women fleeing the war in Ukraine, to access abortion services.

## HUMAN RIGHTS DEFENDERS

In April, the trial began of human rights defender Justyna Wydrzynska, charged under draconian and discriminatory laws for providing information to and supporting a pregnant woman who needed a safe abortion.<sup>1</sup> Also in April, UN experts called on the authorities to drop all charges against her and to cease targeting human rights defenders, in particular those who advocate against the country's restrictive abortion law.

## UNFAIR TRIALS

During the year, the government continued to target judges and prosecutors who raised concerns over reforms to the judiciary. Two judges remained suspended by the Disciplinary Chamber. One of them, Piotr Gąciarek, was not allowed to work despite the ruling restoring his full judicial rights. Numerous disciplinary proceedings were pending against other independent judges, some of them suspended for applying rulings of the ECtHR and the EU Court of Justice.

International concern over the erosion of judicial independence continued. In February, the ECtHR ruled that changes to the procedure for appointing judges to the Civil Chamber of the Supreme Court meant that body could no longer be regarded as an independent and impartial court. In October, the ECtHR ruled in the case *Juszczyszyn v. Poland* that the suspension of Judge Paweł Juszczyszyn by the Disciplinary Chamber of the Supreme Court violated his rights to a fair trial and a private life.

## FREEDOM OF ASSEMBLY

In March, several NGOs, including CIVICUS, criticized the continued practice by the government and its supporters of using so-

called “cyclical assemblies”, defined as those organized on a regular basis, to impede lawful and peaceful counter protests being held at the same place and time. In October, a “cyclical assembly” was used by members of the ruling Law and Justice party to prevent counter protests during a monthly commemoration in the city of Kraków of the Smolensk plane crash which killed a former president.

## LGBTI PEOPLE'S RIGHTS

By the end of the year, 79 Polish administrative units still declared themselves so-called “LGBT-free zones”, although many others were forced to withdraw a similar resolution as a result of pressure from civil society and the European Commission.

LGBTI rights defenders faced ongoing criminal and civil proceedings. Some, like activists from the interactive map Atlas of Hatred, were subjected to Strategic Lawsuits Against Public Participation (SLAPPs).<sup>2</sup>

In January, during court proceedings brought by one activist who had been arbitrarily detained for 24 hours after the so-called Rainbow Night protest in 2020, the police officer who arrested him admitted: “We were instructed to stop all persons displaying the colours of LGBT, regardless of how they behaved.”

In March, the District Court in Gdańsk ruled in favour of the NGO Tolerado in a private criminal case challenging the use of vehicles known as “homophobuses”, which were driven around Polish cities carrying homophobic slogans and banners.

## REFUGEES' AND MIGRANTS' RIGHTS

In February, a rapid relief effort was organized at the border and through the generosity of civil society and willingness of the authorities, Poland received over 7 million people fleeing Ukraine after Russia's attack. In July, the UN Special Rapporteur on the human rights of migrants praised the response and recommended that the Polish authorities ensure the sustainability of the support provided to Ukrainian refugees, given the strain of such a sudden and large influx

of people needing access to housing, healthcare and education. At the end of the year some 1 to 2 million were still residing in Poland and there were concerns about access to education for Ukrainian children, given language challenges, among other issues.

Such treatment contrasted starkly with the treatment of refugees and migrants reaching the country via the Belarusian border since July 2021, who continued to face official hostility. Border guards used violence and unlawful force to compel people to leave Polish territory back into the hands of Belarusian officials who subjected them to further serious abuses.

Most of those seeking asylum were detained by the Polish authorities in overcrowded and inadequate facilities, without access to fair asylum proceedings, and subjected to abusive treatment by guards. Many were forcibly returned to their countries of origin; some were sedated by officials in order to compel them to travel.<sup>3</sup> In March five activists were arrested and charged with “assisting illegal entry” for providing humanitarian assistance to a group of people, including children, stranded in a forest on the Polish/Belarusian border; they were struggling to survive with no water, food, shelter or access to medical assistance.

State financial support for those hosting refugees also lasted only 120 days. The Assistance Law for refugees from Ukraine which facilitates, among other things, access to the labour market and healthcare, was not applied equally to all those fleeing the conflict. The UN Special Rapporteur noted a “double standards approach” to third country nationals not covered by this framework.

Specific concerns were also expressed by NGOs about the discriminatory treatment by officials of Roma refugees from Ukraine.<sup>4</sup> Racism and attacks on non-Ukrainian citizens also occurred.<sup>5</sup>

## RIGHT TO PRIVACY

Amnesty International revealed that Pegasus spyware from the surveillance company NSO Group had been used against the chief of

staff of the largest opposition party during parliamentary elections, as well as against several other members of the opposition and their staff.<sup>6</sup> The authorities refused to initiate any additional investigations until September, when a court ordered an investigation into the use of spyware against a prosecutor.

## GENDER-BASED VIOLENCE

In August, the Ministry of Justice proposed further law reforms regarding protection orders for survivors of domestic violence, moving towards compliance with requirements under the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention). However, no reforms were made to define rape on the basis of an absence of consent or to recognize economic violence, in line with obligations under the Convention.

## TORTURE AND OTHER ILL-TREATMENT

In October, it was revealed that the Prosecutor’s Office had discontinued the investigation against the former director of the secret service, Zbigniew Siemiątkowski, regarding the secret CIA prison facility in Stare Kiejkuty. The decision had been taken in 2020 but not previously been made public.

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1. “Poland: Charges against activist accused of aiding an abortion must be dropped”, 7 April
  2. *Poland: “They Treated Us Like Criminals”: From Shrinking Space to Harassment of LGBTI Activists*, 20 July
  3. “Poland: Cruelty not compassion, at Europe’s other borders”, 11 April
  4. “Poland: ‘We came here, they didn’t want to let us in’: Roma from Ukraine treated as unwanted refugees”, 27 September (Polish only)
  5. “Poland: Authorities must act to protect people fleeing Ukraine from further suffering”, 22 March
  6. “Poland: The use of the Pegasus software to spy on politicians is a threat to civil society”, 7 January (Polish only)

# PORTUGAL

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## Portuguese Republic

Head of state: **Marcelo Rebelo de Sousa**

Head of government: **António Costa**

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**Concerns about police brutality and accountability for police misconduct persisted. The safeguards against gender-based violence remained inadequate. Thousands of people continued to live in inadequate housing conditions. Migrant workers in the agricultural sector suffered from exploitative conditions of employment. Over 1,000 people died of causes related to extreme heatwaves.**

## TORTURE AND OTHER ILL-TREATMENT

Reports of excessive use of force and other ill-treatment by police officers persisted. Between May and June, the Council of Europe (CoE) Committee for the Prevention of Torture (CPT) visited numerous prisons and places of detention to examine detainees' treatment and conditions. The visit aimed to follow up on the extensive list of recommendations made by the CPT in its report following a 2019 visit, including assessing the effectiveness of investigations into allegations of ill-treatment by law enforcement officials.

## SEXUAL AND GENDER-BASED VIOLENCE AND DISCRIMINATION

In July, following its periodic review of Portugal, the CEDAW Committee criticized the inadequacy of the legislative and institutional framework and the insufficiency of services to address gender-based violence against women. It also expressed concern about school dropout rates among Roma girls due to child and/or forced marriage and early pregnancy and noted that these issues were often ignored by the authorities.

## RIGHT TO HOUSING

The government took insufficient measures to improve housing conditions and guarantee sufficient affordable housing despite data

released at the end of 2021 showing that over 38,000 people were in housing need. Reports of forced evictions leaving people in worse housing situations – including, in some cases, homelessness – persisted, a situation which disproportionately affected people of Roma and African descent.

## REFUGEES' AND MIGRANTS' RIGHTS

In January, investigative media reports exposed exploitative labour conditions and inadequate housing affecting migrant workers, mostly from south Asian countries, employed in the agricultural sector in the southern region of Odemira.

In June, the CoE Group of Experts on Action against Trafficking in Human Beings (GRETA), which had visited the country in 2021, noted that labour exploitation remained the most common type of exploitation, affecting especially the agricultural and catering sectors.

## FAILURE TO TACKLE CLIMATE CRISIS AND ENVIRONMENTAL DEGRADATION

In September, following a visit, the UN Special Rapporteur on Human Rights and the Environment concluded that the authorities needed to increase the pace of action to address, in particular, air pollution and waste management, and to prevent wildfires. According to data from the Directorate-General of Health, as of July, there had been more than 1,000 deaths related to extreme heatwaves in 2022. As of August, according to the Portuguese Institute for Sea and Atmosphere, 60.4% of Portugal was experiencing severe drought and 39.6% extreme drought.

# PUERTO RICO

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## Commonwealth of Puerto Rico

Head of state: **Joseph Biden**

Head of government: **Pedro Rafael Pierluisi Urrutia**

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**Killings by police disproportionately affected low-income racially mixed communities. Activists protested**

**environmental degradation. A total of five bills seeking to restrict access to abortion were defeated.**

## **BACKGROUND**

In September, Hurricane Fiona resulted in widespread flooding, leaving 1.5 million people temporarily without electricity, according to news reports. At least 39 people died following the hurricane, either as a direct result of the hurricane or due to health issues aggravated by electricity outages.

## **EXCESSIVE USE OF FORCE**

In March, the NGO Kilómetro 0 published a report highlighting ongoing concerns around killings by the police on the island. The report found that law enforcement officials killed at least 71 people between 2014 and 2020, an average of 10 people each year, and that a significant number of those shot were not carrying a firearm.

The report also found that people living in low-income racially mixed communities were twice as likely to be killed by the police as those living in mostly white low-income communities.

## **ENVIRONMENTAL DEGRADATION**

In February, according to news reports, a court blocked the construction of a recreational area in a condominium close to the beach in the town of Rincón on several grounds, including that part of the land was protected as it is important habitat for endangered species such as sea turtles and part of it was at high risk of flooding. The government had given permission for the development despite environmental concerns.

In April, also according to media reports, the civil society organization Surfrider Puerto Rico Foundation criticized the development of housing in the seaside town of Aguadilla, arguing that it would destroy environmentally important land and vegetation.

In May, the Department of Natural and Environmental Resources stopped some other works that were being carried out in

Aguadilla on the grounds that the construction breached environmental laws.

## **FREEDOM OF ASSEMBLY**

On various occasions during the year, the authorities responded to protests over development plans in areas of environmental importance by deploying a disproportionate number of police.

In August, hundreds of people protested against the island's electricity company over electricity outages and the rising cost of energy bills. There were reports of excessive use of force by the police and of violence by protesters.

## **VIOLENCE AGAINST WOMEN AND GIRLS**

Between January and November, according to Puerto Rico's Observatory on Gender Equity, there were 70 gender-based killings of women, compared with 58 for the same period in 2021. The number of femicides in 2022 was the highest for four years.

## **SEXUAL AND REPRODUCTIVE RIGHTS**

In Puerto Rico, abortion is permitted at any stage of a pregnancy when carried out by a doctor to conserve the life or health, including the mental health, of the pregnant person.<sup>1</sup>

In June, the US Supreme Court overturned the decision in *Roe vs Wade*, which protected the right to abortion at the federal level, leaving decisions about access to abortion to individual US states.

By November, a total of five bills seeking to restrict access to abortion were before the House of Representatives. However, feminist organizations, including the Coalición por un Aborto Libre, Seguro y Accesible and Inter Mujeres, raised concerns that restrictions on abortion access would disproportionately affect women on low incomes and women experiencing gender-based violence. These bills were subsequently defeated in an internal vote in the House of Representatives of Puerto Rico.

The Department of Education announced that it would implement a new curriculum on equality and respect in 2023. This

curriculum was selected instead of another curriculum with a gender perspective that had been developed by human rights organizations and feminist groups in response to the declaration of a state of emergency regarding gender-based violence.

## LGBTI PEOPLE'S RIGHTS

In May, Puerto Rico's Commission on Human Rights and Labour Affairs dropped proposals for a bill of rights for LGBTI people.

In July, the Department of Health ended the requirement for health professionals to receive continuous education about LGBTI issues. However, following public pressure, it reinstated the requirement, originally included in Executive Order 398 of 2018.

The General Prosecutor's Office failed to make progress in bringing to justice those responsible for the killing of Alexa, a transgender woman, in 2020.

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1. "Puerto Rico: Protect access to abortion", 18 April

# QATAR

## State of Qatar

Head of state: **Tamim bin Hamad bin Khalifa Al Thani**

Head of government: **Khalid bin Khalifa bin Abdulaziz Al Thani**

**Migrant workers including domestic workers continued to face a range of abuses, including wage theft, forced labour, exploitation and abuse despite reforms. Authorities repressed freedom of expression to silence critical voices. Women continued to face discrimination in law and practice and needed the permission of a male guardian to study, travel or marry. Laws continued to discriminate against LGBTI people, putting them at risk of arrest and torture.**

## BACKGROUND

Qatar hosted the 2022 FIFA World Cup between 20 November and 18 December.

In November, the European Parliament urged football's international governing body

FIFA and Qatar to compensate migrant workers and expand the Workers' Support and Insurance Fund to include all deaths and other abuses of human rights related to the preparations for the World Cup.

## MIGRANTS' RIGHTS

Despite the government's ongoing efforts to reform its labour system, thousands of migrant workers continued to face labour abuses.<sup>1</sup>

In August, the government said that over 300,000 migrant workers had been allowed to change jobs without the permission of their employers since October 2020, when a reform was introduced. However, some migrant workers who applied to change jobs continued to face barriers or retaliatory measures by their employers, including charges filed against them for "absconding" or having their residence permits cancelled.

Migrant workers still commonly faced wage theft by employers, despite government attempts to address non-payment of wages, including by strengthening the monitoring system, setting up labour committees and operating a fund to expedite payment. In August, hundreds of workers protested in the capital Doha against their employers who owed them up to six months' wages. They were arrested the same month en masse after which hundreds were finally paid their arrears and then deported to their home countries. After years of patchy operationalization, the state-run compensation fund is said to have paid out over USD 320 million for unpaid wages and benefits between October 2020 and September 2022. However, many workers entitled to payments were left out or received capped compensation.

The authorities continued to fail to investigate properly the deaths of migrant workers and hold employers or authorities accountable, precluding any assessment of whether the deaths were work-related and depriving families of the opportunity to receive compensation from the employer or authorities.



Domestic workers, most of whom are women, continued to face some of the harshest working conditions and abuses, including verbal, physical and sexual assault. The authorities failed to implement measures introduced in 2017 to protect them from labour abuses. Women domestic workers who managed to flee abusive employers lacked access to safe shelter. In October, the government reopened the Qatari House for Human Care shelter for victims of human trafficking, which had been closed since the onset of the Covid-19 pandemic. While the shelter could offer abused women much-needed refuge on a referral basis, it appeared not to be accessible on a walk-in basis.

The authorities continued to ban migrant workers from forming and joining trade unions, a right afforded to Qatari nationals.

Many migrant workers faced discrimination on the basis of race, nationality and language. For instance, security guards interviewed by Amnesty International said that management from their companies treat employees differently depending on their nationality, race and language, including in terms of their rate of pay and working conditions and locations.

### **FORCED LABOUR AND OTHER ABUSES**

Forced labour and other abuses continued to be rampant, particularly in domestic work and the private security sector.

Amnesty International documented the working conditions of migrant workers across Qatar's private security sector, including guards deployed at World Cup stadiums and various sporting tournaments.<sup>2</sup> Guards interviewed spoke about the wide range of abuses they faced, including excessive working hours, lack of rest days, and arbitrary or disproportionate financial penalties, as well as underpayment of overtime work – conditions that amounted to forced labour. Many also highlighted their dangerous working conditions when deployed for long periods outside in searing heat, after which they returned to substandard living conditions and often insanitary, company-provided accommodation, frequently sleeping on bunk beds in overcrowded rooms. All

workers described the impact of such treatment, including physical and psychological exhaustion, suffering and anguish. In August, Qatar's Government Communication Office told Amnesty International that it had detected 230 "excessive working hours violations" between October 2021 and August 2022.

### **FREEDOM OF EXPRESSION AND ASSEMBLY**

Authorities continued to curtail freedom of expression, using abusive laws to stifle critical voices.

On 10 May, the Criminal Court of First Instance sentenced brothers Hazza and Rashed bin Ali Abu Shurayda al-Marri, both lawyers, to life in prison for offences that included contesting laws ratified by the Emir, "threatening" the Emir on social media, compromising the independence of the state, organizing unauthorized public meetings, and "violating" social values online. Two other men were convicted in their absence of the same offences; one was sentenced to life imprisonment, the other to 15 years in prison.<sup>3</sup>

Authorities continued to repress press freedom by imposing restrictions on broadcasters, including banning them from filming in certain locations such as government buildings, hospitals, universities, migrant workers' accommodation sites and private homes.

During the World Cup, football fans who showed their support for the popular uprising in Iran were harassed by security forces, including by having flags and banners confiscated.

### **WOMEN'S RIGHTS**

Women continued to face discrimination in law and practice. Under the guardianship system, women still needed the permission of a male guardian, usually their husband, father, brother, grandfather or uncle, to marry, study abroad on government scholarships, work in many government jobs, travel abroad if aged under 25 and access reproductive healthcare.

Family law discriminated against women, including by making it much more difficult for women than men to seek a divorce, and placing women at a severe economic disadvantage if they sought a divorce or if their husband left them.

While the country's Family Law provides that women have the right to not be physically harmed by their husbands, women remained inadequately protected against domestic violence by others in the absence of a domestic violence law.

## LGBTI PEOPLE'S RIGHTS

Qatari laws continued to discriminate against LGBTI people. The Penal Code criminalizes a range of same-sex consensual sexual acts. Article 296(3) punishes with imprisonment anyone who "leads or induces or tempts a male, by any means, into committing an act of sodomy or debauchery". Article 296(4) punishes with imprisonment anyone who "induces or tempts a male or female, by any means, into committing acts contrary to morals or that are unlawful".

Activists reported that six people were arbitrarily arrested by security officials and tortured and otherwise ill-treated for their sexual orientation.

Despite vague reassurances given by the World Cup organizers that everyone would be welcome in Qatar, players were threatened with on-field sanctions if they wore pro-LGBTI rights armbands. Fans had rainbow items confiscated, and a few journalists were harassed for showing their support of LGBTI people.

## FAILURE TO TACKLE CLIMATE CRISIS

The government had still not announced a new NDC to reduce greenhouse gas emissions.

# ROMANIA

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## Romania

Head of state: **Klaus Iohannis**

Head of government: **Nicolae Ciucă**

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**Concerns over excessive use of force by police remained prevalent. The European Court of Human Rights ruled against disproportionate restrictions to spontaneous protests. Roma and LGBTI people continued to face systemic discrimination. Protesters demanded action to combat sexual and gender-based violence.**

## BACKGROUND

In June, the Senate approved proposals to set the age of consent to sexual relations at 15; more than 180 NGOs called for the proposed age to be raised to 16.

In its July Rule of Law report, the European Commission (EC) highlighted the need for Romania to reinforce judicial independence and address challenges around anti-corruption institutions. The report raised concerns over frequent changes in legislation, regular use of emergency orders and limited public consultation, as well as risks to media freedom. The EC also called for the establishment of a national human rights institution.

In October, the UN General Assembly elected Romania as a member of the UN Human Rights Council for 2023-2025.

Romania's record on implementing judgments by the European Court of Human Rights (ECtHR) was among the poorest in the EU, according to the European Implementation Network and Democracy Reporting International.

## EXCESSIVE USE OF FORCE

A survey of 1,000 detainees in 28 prisons carried out by the NGO APADOR-Helsinki Committee highlighted concerns over excessive use of force by police, as well as failure to respect the right of inmates to effective legal defence and a low rate of

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1. *Qatar: Unfinished Business: What Qatar Must Do to Fulfil Promises on Migrant Workers' Rights*, 20 October
  2. *Qatar: 'They Think That We're Machines': Forced Labour and Other Abuse of Migrant Workers in Qatar's Private Security Sector*, 7 April
  3. "Qatar: Further information: Two Qatari lawyers handed life sentences: Hazza and Rashed bin Ali Abu Shurayda al-Marri", 16 May

complaints about alleged abuse, partly due to fear of repercussions.

In August, the ECtHR found there had been a violation of the right to life through unlawful use of deadly force by police in 2009 during a poorly planned operation to apprehend a suspect and lack of effective investigation by the Prosecutor's Office. As similar findings emerged in another three cases, the ECtHR considered that "general measures" were required to ensure the enforcement of the judgment and to prevent such violations in future.

## **FREEDOM OF EXPRESSION AND ASSEMBLY**

In May, the ECtHR ruled that Romania violated the rights to freedom of expression and peaceful assembly in relation to a fine given for a spontaneous protest against a mining project. It found that, by applying the three days' notification requirement for assemblies to a small group protest lasting only a few minutes, authorities disproportionately restricted the protesters' rights and created a potentially chilling effect on public discourse.

In December, a new Law "on the protection of whistleblowers in the public interest" was adopted. The law would replace the 2004 legislation and represented Romania's transposition of the European Union's 2019 Whistleblowing Directive.

## **DISCRIMINATION**

### **ROMA RIGHTS**

In June, a survey of 10 countries published by the EU Fundamental Rights Agency (FRA) showed a decrease in hate-motivated harassment and physical violence against Roma in most of the countries surveyed, including Romania, as compared to the FRA's findings in 2016. However, Romanian Roma continued to face widespread poverty, social exclusion and discrimination, including in education, health, housing and employment.

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

Same-sex marriage and partnership remained unrecognized. Romania continued

to fail to comply with the 2018 European Court of Justice decision on the need to harmonize national legislation to guarantee freedom of movement and residence for same-sex couples.

NGOs expressed strong objections to three anti-LGBTI legislative proposals claiming to "promote and protect" children's rights. The proposals were introduced for discussion in parliament but remained pending at the end of the year.

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

The number of reported incidents of violence against women, including femicides, remained high.

A 2022 to 2027 national strategy for the promotion of equal opportunities between women and men and the prevention and combating of domestic violence, which had been under public consultation since March 2021, was adopted in December.

In October, protests were held across the country demanding action to combat violence against women, including sexual and domestic violence, and denouncing state failure to ensure protection for victims.

In August, the ECtHR found that Romania violated the right to private life when authorities failed to adequately investigate and ensure justice in the case of a woman applicant who, in 2017, filed a criminal complaint of sexual harassment against her boss. This was the first case in the history of the ECtHR to conclude that an inadequate response to alleged sexual harassment constituted a violation of the right to private life. As such, it represented an important milestone.

## **RUSSIA**

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### **Russian Federation**

Head of state: **Vladimir Putin**

Head of government: **Mikhail Mishustin**

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**Russia's war of aggression against Ukraine was accompanied by escalating repression against dissent within Russia. Peaceful**

**anti-war protests were dispersed, often forcibly, and those speaking out against the war faced prosecution. New legislation was introduced restricting protests and the activities of NGOs and civil society activists. Prosecutions of Jehovah's Witnesses continued. Torture and other ill-treatment remained endemic in places of detention. Abductions and enforced disappearances continued to be reported in Chechnya. Fair trial standards were repeatedly violated. Conscientious objectors were refused alternative civilian service. New legislation further stigmatized and discriminated against LGBTI people.**

## **BACKGROUND**

Russia launched a full-scale military invasion of Ukraine on 24 February. It occupied large areas of the country and announced the annexation of four Ukrainian regions in September. Thousands of civilians in Ukraine were killed and Russian forces committed war crimes and other crimes under international law (see Ukraine entry). Ukrainian forces apparently attacked military bases, communications and fuel depots on Russian territory; Russian media reported at least 21 civilians killed and 39 injured.

Hundreds of thousands of Russians left the country, particularly after a “partial mobilization” began in September and resulted in scores of men being sent to the front line without adequate training or provisions. Thousands of prisoners were reportedly recruited by a private military company and deployed to Ukraine. This practice was legalized retroactively under a law passed in November.

Russia faced growing isolation internationally and economic sanctions were introduced by the EU, USA and other countries in response to the invasion of Ukraine. A mass exodus of international companies followed. The proportion of people living in poverty increased.

Russia withdrew from the Council of Europe on 15 March and in June adopted a law allowing Russian authorities to ignore judgments of the European Court of Human

Rights (ECtHR), including those envisaging compensation payments, retroactive to 15 March.

In April, the UN General Assembly voted to suspend Russia from the UN Human Rights Council. In October, the Council created a new Special Rapporteur on the situation of human rights in the Russian Federation.

In November, a Dutch court found that Russia had had overall control of the separatist-held region in eastern Ukraine from where a civilian aircraft was shot down in July 2014, killing the 298 people on board. The court convicted three men in their absence – two Russian and one Ukrainian – in connection with the attack and sentenced them to life imprisonment.

## **FREEDOM OF EXPRESSION AND ASSEMBLY**

The authorities introduced further severe restrictions on freedom of expression and peaceful assembly in an ongoing clampdown on dissent. Police dispersed peaceful protests against the war and the military draft, often with excessive use of force. More than 19,400 people, including journalists covering the protests, were arrested. Most faced heavy fines or administrative detention.<sup>1</sup>

In March, new legislation was adopted penalizing “discreditation” of and “disseminating deliberately false information” about the Russian armed forces. As of December, there were over 100 and 180 criminal cases, respectively, under these charges and at least 5,518 administrative prosecutions for “discreditation”. More than 200 further criminal cases were initiated for anti-war activities under other criminal charges.

In April, artist Aleksandra Skochilenko was arrested and remanded on charges of “disseminating deliberately false information” about the armed forces. She faced up to 10 years’ imprisonment for replacing price tags with anti-war messages in a supermarket in Saint Petersburg. She was denied medical care while in detention. Her trial began in December.

In July, municipal councillor Aleksei Gorinov was sentenced to seven years' imprisonment for criticizing Russia's invasion of Ukraine at a council session.<sup>2</sup> In December, opposition politician Ilya Yashin was sentenced to eight-and-a-half years' imprisonment for speaking on YouTube about mass killings of civilians by Russian forces in the Ukrainian town of Bucha.

Dozens of independent media outlets were closed and thousands of websites blocked. In March, the Echo Moskvyy radio station closed down and its website was blocked. Also in March, social media platforms Twitter, Facebook and Instagram were blocked by the media regulator. Meta, which owns Facebook and Instagram, was subsequently declared an "extremist organization".

In September, a Moscow court stripped the independent newspaper Novaya Gazeta of its licence. From November, the Dagestan-based independent newspaper Chernovik went digital-only after printing houses stopped printing it, under pressure from the authorities.

Such pressure also led to the cancellation of concerts, exhibitions and other events by cultural figures who expressed dissenting views. Some, including rock musician Yuri Shevchuk and rapper Oxxxymiron, were fined for "discreditation" of the armed forces. Others, including rock musician Andrey Makarevich and writer Dmitry Bykov, were declared "foreign agents". In April, the chief editor of Khakassia-based media website Novyi Focus, Mikhail Afanasyev, was detained pending trial for "disseminating deliberately false information" about the armed forces. In Yekaterinburg, media outlet Vecherniy Vedomosti, its publisher and its editor were fined a total of RUB 450,000 (USD 7,828) in June and July for "discreditation" of the armed forces.

In July, vaguely defined amendments to the Criminal Code were introduced prohibiting any "confidential cooperation" with international or foreign organizations and foreign states, punishable by up to eight years' imprisonment. By December, the first two arrests under this amendment had been

reported, although the specific grounds for the charges were not disclosed.

In December, amendments to the law regulating public assemblies extended the list of places where protests were banned to include administrative buildings, schools, universities, hospitals, airports and train and bus stations. Regional authorities were also permitted to introduce further restrictions.

## FREEDOM OF ASSOCIATION

The clampdown on civil society groups and opposition movements escalated.

The Ministry of Justice listed 166 more "foreign agents" and 23 "undesirable organizations". In June, the ECtHR found Russia's "foreign agents" law to be in violation of the right to freedom of association. A new "foreign agents" law came into force in December. It extended the list of who could be designated a "foreign agent" and introduced broader grounds for so designating a person or organization, as well as tougher penalties and further discriminatory measures limiting their participation in public life.

In December, opposition politician and activist Yulia Galyamina was informed that her contract with a Moscow university would be terminated on the grounds of her "foreign agent" status.

In May, the authorities blocked the website of the unregistered youth movement Vesna and initiated prosecutions against some of its members in apparent retaliation for Vesna's anti-war activism. In September, a court suspended Vesna's activities altogether and, in October, Vesna and two of its members were declared "foreign agents". In December, the movement was designated "extremist".

The authorities continued their reprisals against activists from the disbanded Open Russia movement and supporters of imprisoned opposition politician and prisoner of conscience Aleksei Navalny. In February, a court in Novosibirsk ordered the blogger Timur Khanov and local parliamentarian Anton Kartavin to pay between them RUB 3,024,877 (USD 47,000) towards the cost of

policing a peaceful protest against the prosecution of Aleksei Navalny in January 2021. The judgment was upheld in November. Similar rulings were issued in other parts of Russia.

In July, former Open Russia leader and prisoner of conscience Andrey Pivovarov was sentenced to four years' imprisonment for alleged violations of the "undesirable organizations" law. The sentence was upheld on appeal in November.<sup>3</sup>

## **HUMAN RIGHTS DEFENDERS**

Alongside the "foreign agents" and "undesirable organizations" legislation, the authorities used diverse mechanisms to put pressure on human rights defenders.

In February, longstanding Memorial member Bakhtrom Khamroev was remanded under spurious charges of "public justification of terrorism". In October, charges of "organizing the activities of a terrorist organization" were added to his case.

In October, a court in the Moscow region ruled that Arshak Makichyan, an exiled climate activist and organizer of Fridays for Future actions in Russia, be stripped of his Russian citizenship. The activist, who as a result became a stateless person, believed that the ruling was in retaliation for his peaceful activism.

In November, President Putin removed several prominent human rights defenders from the Presidential Council for Human Rights and replaced them with candidates widely perceived to be supportive of the government.

## **FREEDOM OF RELIGION AND BELIEF**

In June, the ECtHR ruled that Russia had violated several articles of the European Convention on Human Rights in relation to the ban on and prosecution of Jehovah's Witnesses for practising their faith. The Court held that Russia must stop all pending criminal proceedings and release Jehovah's Witnesses who were already imprisoned. Despite this and two other ECtHR judgments which had been issued in February, harassment and prosecution of Jehovah's

Witnesses continued, with sentences ranging from heavy fines to seven years' imprisonment.

In May, Danish citizen and prisoner of conscience Dennis Christensen, the first Jehovah's Witness to be imprisoned since the organization was banned in 2017, was released from a penal colony after serving his six-year sentence.

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

Torture and other ill-treatment in places of detention remained endemic and prosecutions of perpetrators were rare. Provision of medical care to detainees remained inadequate. Prohibition of contact with the outside world and the arbitrary placing of prisoners in punishment cells were widely used to exert pressure on prisoners, especially dissidents.

Opposition politician Aleksei Navalny was placed in a punishment cell (SHIZO) 10 times during the year, spending over 90 days in inhuman and degrading conditions for "violations" of prison rules such as "wearing the wrong clothes". In November, the authorities placed him in a confinement cell (PKT) and denied him any contact with his family, including correspondence.

Ukrainian citizen Aleksandr Marchenko continued serving a 10-year sentence for espionage, based on a confession he maintains was extracted under torture. He was regularly denied urgent medical care, intermittently placed in punishment or confinement cells on spurious grounds and denied contact with his family.

Police continued to use torture to put pressure on dissidents. In March, some protesters detained at anti-war rallies complained of torture and other ill-treatment in police stations. In September, poet Artyom Kamardin was beaten and allegedly subjected to sexual violence by the police during a raid on his home in connection with his recital of a poem in support of Ukraine. He and two other people were arrested under "incitement of hatred" charges and placed in pretrial detention. His allegations of torture

had not been investigated by the end of the year.

## **ENFORCED DISAPPEARANCES**

Enforced disappearances continued in Chechnya.

The 2020 enforced disappearance of Salman Tepsurkaev, a moderator of the 1ADAT Telegram channel, was not investigated. In August, his associates from 1ADAT reported that he had been extrajudicially executed in September 2020.

1ADAT reported the abduction, including cases of enforced disappearance, of at least 964 individuals, including some whom the authorities had pressured to fight in Ukraine under threat of criminal prosecution.

Following Russia's invasion, many Ukrainian civilians were forcibly disappeared by Russian forces or their proxies during so-called "filtration" and allegedly unlawfully transferred from certain parts of occupied Ukraine to Russia and held incommunicado. Among the several hundred individuals, mostly prisoners of war, returned to Ukraine during the year as part of "prisoner swap", some were civilians who confirmed such allegations and reported being held without charge, and subjected to torture and other ill-treatment in Russian penitentiary institutions.<sup>4</sup>

## **UNFAIR TRIALS**

The authorities continued to violate fair trial standards.

In February, the Achkhoy-Martan court in Chechnya sentenced Salekh Magamadov and his sibling, Ismail Isaev, to eight and six years' imprisonment, respectively, on fabricated charges of "aiding and abetting participation in an illegal armed group". Openly critical of the Chechen authorities, they had been abducted from a safe house in Nizhnii Novgorod, central Russia, by security officials in 2021 and taken to Chechnya.<sup>5</sup>

The trial of Zarema Musaeva on fabricated charges of fraud and violence against a police officer began in Grozny's Leninsky District court in August. Zarema Musaeva, the mother of Chechen activists Abubakar

and Ibraghim Yangulbaev, had been arbitrarily arrested by the Chechen police at her apartment in Nizhnii Novgorod and driven to Chechnya, allegedly as a witness in another case. There were serious concerns about her health and well-being.

In September, the Moscow City Court sentenced former journalist Ivan Safronov to 22 years' imprisonment on fabricated charges of "high treason" in a politically motivated trial. The sentence was upheld on appeal in December.

## **IMPUNITY**

Victims of human rights violations were deprived of access to the ECtHR after Russia withdrew from the Council of Europe in March.

In December, in the first of three required readings, the Duma (lower house of parliament) passed a new bill according to which "an action will not be regarded as criminal nor penalized" if committed before 30 September 2022 "in defence of the interests of Russia" in the illegally annexed Ukrainian territories.

## **CONSCIENTIOUS OBJECTORS' RIGHTS**

Despite constitutional guarantees regarding alternative service, requests to perform such service by individuals drafted for deployment in Ukraine were routinely refused by military commissariats and courts. The authorities claimed that in the absence of specific legislative provisions for alternative service at times of "partial mobilization", these guarantees did not apply. Legislation introduced in November stipulated that those deployed on alternative civilian service during mobilization could be sent to serve as civilian personnel in the armed forces.

## **LGBTI PEOPLE'S RIGHTS**

In June, feminist artist and LGBTI activist Yulia Tsvetkova was declared a "media-foreign agent" by the Ministry of Justice. In July, she was acquitted of charges of "disseminating pornographic materials". The acquittal was upheld on appeal in November.<sup>6</sup>

In December, legislation was adopted extending the prohibition of “propaganda of non-traditional sexual relations, paedophilia and gender reassignment” from that aimed at minors to all age groups. Its provisions included blocking websites, banning the sale of material containing information prohibited under the law and fines of up to RUB 5,000,000 (USD 80,000) for the vaguely defined administrative offence of “propaganda”, “demonstration of non-traditional sexual relations or preferences” or providing information that could “create an urge to change sex”.

## REFUGEES’ AND MIGRANTS’ RIGHTS

According to UNHCR, the UN refugee agency, over 2.8 million displaced persons from Ukraine crossed into Russia. Although many fled to Russia voluntarily, many others who found themselves in Russian-occupied territories and were denied passage to Ukrainian government-controlled parts of the country were subject to unlawful involuntary transfer and deportation from Ukraine by Russian authorities. Volunteers claimed to have helped at least 9,000 Ukrainians to relocate from Russia to third countries. Russian authorities transported Ukrainians to temporary accommodation centres in at least 54 regions, including in Siberia and the Far East, which made their relocation to third countries or return to Ukraine more complicated and costly. The Russian authorities encouraged and sometimes pressured Ukrainian refugees to take Russian citizenship; children without parental care and people with disabilities faced a particular risk of involuntary absorption into Russian society.

1. *Russia: “You Will Be Arrested Anyway”: Reprisals Against Monitors and Media Workers Reporting from Protests*, 24 November
2. *“Russia: Municipal councillor sentenced to seven years in jail for opposing the Ukraine war”*, 8 July
3. *“Russia: Opposition activist sentenced to four years in prison under repressive ‘undesirable organization’ law”*, 15 July
4. *Ukraine: “Like a Prison Convoy”: Russia’s Unlawful Transfer and Abuse of Civilians in Ukraine During ‘Filtration’*, 10 November

5. *“Russia: Court upholds lengthy prison sentences for Chechen LGBTI siblings”*, 25 October
6. *“Russia: Feminist activist acquitted of absurd ‘pornography’ charges”*, 15 July

# RWANDA

Republic of Rwanda

Head of state: **Paul Kagame**

Head of government: **Édouard Ngirente**

**Rwanda signed an agreement with the UK for the relocation of asylum seekers. Paul Rusesabagina continued to be denied a fair trial. Draft legislation to give access to contraceptives for people over 15 was rejected. Women’s dress and right to privacy were policed. Teachers’ salaries were increased but students’ living allowances were not. Bloggers and journalists continued to be harassed, intimidated, persecuted and unlawfully detained by the authorities. No information was provided on Innocent Bahati’s fate and whereabouts. Two people were killed in an armed attack on a bus. Trials against alleged perpetrators of the 1994 genocide continued.**

## BACKGROUND

The UN Group of Experts reported that Rwanda provided support to the rebel group March 23 Movement when it launched attacks against UN and Democratic Republic of the Congo (DRC) forces in June. The report further alleged that Rwanda had conducted military operations in the DRC since November 2021. Rwanda denied these allegations.

Relations with Burundi continued to improve, with increased diplomatic engagement at the highest levels. After three years of closure, Rwanda reopened its land border with Uganda in January.

Rwanda co-authored with Peru a global framework on plastic waste reduction. In September, a resolution to end plastic pollution was adopted during the UN Environmental Assembly.



In June, BioNTech started construction of a Covid-19 mRNA vaccine plant in Rwanda as part of an EU project to address vaccine inequality.

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

On 14 April, Rwanda signed a memorandum of understanding with the UK to implement a scheme to relocate asylum seekers from the UK to Rwanda (see UK entry). In June, the first flight scheduled to transport asylum seekers was stopped by the European Court of Human Rights. UNHCR, the UN refugee agency, concluded that the agreement was unlawful. It had previously raised concerns about Rwanda's asylum process, citing arbitrary denial of access to the asylum procedure, risk of detention and deportation, discrimination against LGBTIQ+ asylum seekers and inadequate legal representation. On 19 December, the UK High Court deemed the agreement lawful in principle.

## **RIGHT TO A FAIR TRIAL**

In April, the Court of Appeal rejected the prosecution's appeal against Paul Rusesabagina's 25-year prison sentence on terrorism-related charges. The court failed to address numerous violations of his right to a fair trial, including the unlawful circumstances of his arrest and transfer from Dubai to Kigali, the capital, and his enforced disappearance for several days, followed by his incommunicado detention, among other irregularities before and during his trial. Earlier, in March, the UN Working Group on Arbitrary Detention had concluded that the process of his transfer from Dubai to Rwanda constituted an abduction, that his detention was arbitrary, and therefore his trial should not have taken place.

## **SEXUAL AND REPRODUCTIVE RIGHTS**

In October, parliament rejected a bill to lower the age at which people can enjoy access to contraceptives from 18 to 15 years. Meanwhile religious leaders continued to oppose access to contraception.

## **WOMEN'S RIGHTS**

In August, Lilliane Mugabekazi was arrested and charged with public indecency for wearing a "shameful dress" to a concert in Kigali. She was released after 12 days in detention. Her arrest sparked public debate on the policing of women's clothing and the right to privacy.

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

In January, taxi motorcycle riders (*boda boda*) staged a peaceful protest in Kigali to denounce high meter charges and insurance premiums.

A survey by the Institute of Policy Analysis and Research – Rwanda highlighted an increase in the cost of living in Rwandan cities, with women-led households most affected. In April, university students called for an increase in living allowances to enable them to afford essentials such as rent, food and transport. The government recognized the need to address the students' grievances but had not taken action by the end of the year. In August, the prime minister announced an 88% increase in teachers' salaries.

## **FREEDOM OF EXPRESSION**

Journalist Theoneste Nsengimana remained in unlawful detention following his arrest in October 2021 for "spreading rumours to cause unrest among the population".

In June, the Commonwealth Secretariat denied accreditations to journalists Benedict Moran and Anjan Sundaram. They had published criticism of President Kagame and his government. The secretariat denied their decision was influenced by the host government and indicated that accreditation was denied because the two were not working for "recognized media outlets".

In the same month, Brazilian journalist Vinicius Assis was not granted accreditation by the Rwandan authorities after spending a month in Kigali, despite paying the USD 100 fee.

Sports journalist Prudence Nsengumukiza revealed in June that he fled Rwanda in 2021

fearing reprisals for his work and was seeking asylum in Belgium. Before leaving, he had wanted to document abuses linked to the sacking of the military-owned Rwanda Patriotic Army Football Club's players.

The authorities continued to prosecute YouTube bloggers like Yvonne Idamange, who continued to serve a 15-year sentence received in 2021 after she accused the president of dictatorship and exploiting the genocide against the Tutsi.

In March, the Court of Appeal upheld the seven-year prison sentence against Dieudonné Niyonsenga, owner of the YouTube channel Ishema TV. He was arrested in 2020 while reporting on the impact of the Covid-19 lockdown measures. He spent 11 months in pretrial detention before being acquitted in March 2021 by the Gasabo Intermediary Court. However, the prosecution appealed against this decision, and in November 2021 the High Court found him guilty of "forgery, impersonation, and criminal obstruction of security officials and humiliating state officials." Aimable Karasira, a former lecturer, said during his court appearance in May that he was beaten in detention and the authorities intercepted communications between him and his lawyers. He was being tried in connection with videos he posted on YouTube. In November, the Nyarugenge Intermediate Court referred his case to the High Court Chamber for International and Cross Border Crimes.

In October, the High Court in Kigali acquitted and ordered the release of journalists Damascene Mutuyimana, Shadrack Niyonsenga, and Jean Baptiste Nshimiyimana of the YouTube channel, Iwacu TV. They had been arrested in 2018 and charged with "spreading false information with the intention of creating a hostile international opinion of Rwanda", among other things.

## **ENFORCED DISAPPEARANCES**

The whereabouts and fate of poet and writer Innocent Bahati remained unknown and no update on the investigation into his

disappearance in February 2021 was made available. In February 2022, more than 100 writers called on the president to intervene in finding him, expressing concerns that his disappearance was linked to his criticism of the government.

## **UNLAWFUL ATTACKS AND KILLINGS**

The authorities accused the National Liberation Front of orchestrating a bus attack in southern Rwanda in June that killed two people.

## **RIGHT TO TRUTH, JUSTICE AND REPARATION**

In February, the International Residual Mechanism for Criminal Tribunals (IRMCT) ordered Niger to send eight Rwandans tried in connection with the 1994 genocide back to Tanzania. Four had been acquitted and four had served their sentences. Tanzania rejected the request and they remained under house arrest pending their expulsion from Niger, in contradiction with the agreement signed between Niger and the court.

In May, the Dutch authorities arrested a former army officer on an extradition request from Rwanda. The officer, identified by a pro-government newspaper in Rwanda as Major Pierre-Claver Karangwa, was suspected of involvement in massacres of the Tutsi in Mugina during the 1994 genocide.

Also in May, genocide fugitives Protais Mpiranya and Pheneas Munyarugarama, wanted by the IRMCT, were confirmed to have died in 2006 and 2002, respectively. Protais Mpiranya, former head of the presidential guard, was accused of ordering the killing of then prime minister Agathe Uwilingiyimana, and 10 Belgian peacekeepers. Pheneas Munyarugarama was accused of mass killings, attacks and sexual violence against Tutsi civilians.

In July, the Paris Criminal Court sentenced Laurent Bucyibaruta to 20 years in prison for "complicity in genocide and crimes against humanity".

In September, the trial against Félicien Kabuga, allegedly the chief financier of the

1994 genocide against the Tutsi, began in the Hague before the IRMCT.

## SAUDI ARABIA

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### Kingdom of Saudi Arabia

Head of state: **Salman bin Abdulaziz Al Saud (also head of government until September)**

Head of government: **Mohammed bin Salman bin Abdulaziz Al Saud (appointed in September)**

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**The authorities targeted individuals for peacefully exercising their rights to freedom of expression and association. The Specialized Criminal Court tried and sentenced to lengthy prison terms individuals following grossly unfair trials for their peaceful expression or association, or for forming community organizations. Human rights defenders were harassed in prison and faced arbitrary travel bans following their conditional release from prison. Courts resorted to the death penalty following grossly unfair trials, including in cases of individuals who were children at the time of the alleged crime, and people were executed for a wide range of crimes. Thousands of residents were subjected to forced evictions in the coastal city of Jeddah. Migrant workers continued to be abused and exploited under the sponsorship system and thousands were arbitrarily detained in inhumane conditions, tortured and otherwise ill-treated, and involuntarily returned to their home country as part of a nationwide crackdown on undocumented migrants. The country's first Personal Status Law came into effect, codifying male guardianship and discrimination against women.**

### BACKGROUND

On 27 September, King Salman appointed Crown Prince Mohammed bin Salman as prime minister, a position previously held by the king, in an exception to the Basic Law of Governance.

In March, leading members of the European Parliament issued a statement on the human

rights situation in Saudi Arabia, condemning a mass execution on 12 March and urging the country to establish an immediate moratorium on executions.

In July, US President Joe Biden visited Saudi Arabia. Later that month, Saudi Arabia published the Jeddah Communique outlining the strategic partnership between the two countries, which failed to include any human rights commitments.

On 6 November in the capital Riyadh, Saudi Arabia and the EU had their second human rights dialogue. The EU raised concerns regarding the steep increase in executions as well as issues related to freedom of assembly and association and the use of travel bans.

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

The Specialized Criminal Court (SCC) convicted and sentenced at least 15 individuals, both citizens and foreign nationals, to between 15 and 45 years in prison after grossly unfair trials for their peaceful expression or association, including peaceful online speech on Twitter. The SCC sentenced at least two women's rights activists to unprecedentedly lengthy prison sentences.

The SCC and other courts also continued to impose restrictive conditions on individuals released during the year after serving their sentences, which included travel bans and the closure of their social media accounts.

On 9 August, at an appeal hearing, the SCC sentenced Salma al-Shehab, a PhD student and activist, to 34 years in prison to be followed by a 34-year travel ban for her writing and peaceful Twitter activity in support of women's rights in Saudi Arabia. The prosecution demanded a harsher punishment after she was initially sentenced to six years in prison. The harsher sentence was based on the discretion of the judge to punish her for "disrupting public order and

destabilizing the security and stability of the state” through publishing tweets, citing Articles 34, 38, 43 and 44 of the counter-terrorism law and Article 6 of the anti-cyber crime law.<sup>1</sup>

After a grossly unfair trial, on 11 October the SCC sentenced 10 Egyptian Nubian men to between 10 and 18 years in prison for organizing a peaceful remembrance event.<sup>2</sup> The men had spent over two years in arbitrary pre-trial detention.

## **HUMAN RIGHTS DEFENDERS**

Human rights organizations remained banned under the Law on Associations. Human rights defenders and activists continued to be arbitrarily detained, harassed in detention or subjected to arbitrary travel bans that restrict their freedom of movement. Dozens continued to serve prison terms for their human rights work.

In March, Raif Badawi, a blogger and activist, was conditionally released after serving a 10-year prison sentence for creating an online forum for public debate for which he was accused of insulting Islam. A 10-year travel ban began on his release, as part of his sentence.<sup>3</sup>

Mohammad al-Qahtani, a human rights defender and founding member of the Saudi Civil and Political Rights Association, was denied family contact from October until the end of the year. In May, he was assaulted by another prisoner held with him in the same ward who had mental health problems.

## **DEATH PENALTY**

The authorities sentenced to death and executed individuals convicted of murder, robbery, rape, drug smuggling and terrorism-related crimes following grossly unfair trials. In February, the Saudi Human Rights Commission told Amnesty International that the country no longer executed individuals “for crimes committed by minors” and had commuted all such outstanding sentences. However, between June and October, the SCC and another criminal court upheld the death sentences of three young men who

were under the age of 18 at the time of the capital crimes.<sup>4</sup>

In the single largest mass execution in recent decades, 81 men – citizens and foreign nationals – were executed on 12 March. According to the Ministry of Interior, those executed were convicted of a range of offences, including terrorism-related crimes, murder, armed robbery and arms smuggling. Some of those executed were also convicted of “disrupting the social fabric and national cohesion” and “participating in and inciting sit-ins and protests”, which describe acts that are protected by the rights to freedom of expression, peaceful assembly and association. Of those executed, 41 were from Saudi Arabia’s Shi’a minority.<sup>5</sup>

In November, the authorities executed 20 people for drug-related crimes, the first such executions since the Saudi Human Rights Commission announced a moratorium on the use of the death penalty for drug-related crimes in January 2021.

## **UNFAIR TRIALS**

In April, the Supreme Court upheld the death sentences against two Bahraini Shi’a men for “terrorism” and protest-related charges. They were arrested on 8 May 2015 and held incommunicado and in solitary confinement for three-and-a-half months. In October 2021, the SCC had sentenced them to death after a grossly unfair trial. In the event that the king ratifies their sentences, they would face the risk of imminent execution.<sup>6</sup>

In March, Abdullah al-Huwaiti, who was arrested when he was 14, was re-sentenced to death by the criminal court in Tabuk city, after the Supreme Court overturned in November 2021 a previous death sentence against him that was handed down in October 2019. In June, an appeals court in Tabuk upheld the death sentence. During his time in detention, Abdullah al-Huwaiti was held in solitary confinement, denied access to a lawyer and forced to “confess” under duress. He was tried on charges that included armed robbery and the murder of a security officer.<sup>7</sup>

## FORCED EVICTIONS

From January to October, the authorities subjected thousands of residents, including foreign nationals, to forced evictions in Jeddah as part of a mass demolition and eviction plan to develop the city. A state-aligned media outlet announced on 31 January a compensation scheme for citizens that excluded foreign nationals, who made up 47% of those evicted. Residents were given notice of between one day and six weeks. The project plans had been finalized almost three years earlier, but the authorities failed to engage in genuine consultation with residents, provide adequate notice, announce the amount of compensation or provide it to residents prior to the demolitions.<sup>8</sup>

## MIGRANTS' RIGHTS

In July, in a limited reform of the *kafala* sponsorship system, the Ministry of Human Resources and Social Development announced two new conditions under which domestic workers are allowed to change employers without the permission of their current employer: if the employee terminates the labour contract during the probation period; and if there is proof that the services of the employee had already been transferred to another employer without the knowledge or consent of the previous employer. However, the new conditions do not protect migrant domestic workers from other abuses that they continued to face, including verbal and physical abuse, passport confiscation and irregular or non-payment of wages.

Domestic migrant workers continued to be excluded from protections under the country's labour law.

The authorities continued their crackdown on individuals accused of violating residency, border and labour regulations through arbitrary arrests, and forcibly returned tens of thousands of Ethiopian migrants solely based on their irregular immigration status (see Torture and other ill-treatment heading below).

According to the Ministry of Interior, between January and November, at least

479,000 foreign nationals were returned to their home country out of 678,000 arrested for "violating labour, residency and border security" regulations. During that same period, 14,511 foreign nationals, most of them Ethiopians and Yemenis, were arrested for crossing the border irregularly from Yemen into Saudi Arabia.

## TORTURE AND OTHER ILL-TREATMENT

Saudi Arabian authorities arbitrarily detained Ethiopian men, women and children for up to 18 months in inhumane conditions and tortured and otherwise ill-treated them before forcibly returning them to Ethiopia, most of them between April and May, solely for their irregular immigration status. They were held in overcrowded cells with inadequate access to food, water, sanitation and healthcare in two detention centres prior to their deportation. At least 12 men died.<sup>9</sup>

## WOMEN'S AND GIRLS' RIGHTS

In March, the Council of Ministers passed a new Personal Status Law, which came into effect in June. The new law, which was not previously codified, enables discrimination against women, including through male guardianship. Only men can be legal guardians under this law, and women must have a male guardian's permission to marry and are then obliged to obey their husband. Moreover, the law does not give women and men equal rights over matters relating to their children in the event of separation. While the mother is automatically granted custody, the father is designated as the child's legal guardian without due consideration of the best interests of the child.<sup>10</sup>

## FAILURE TO TACKLE CLIMATE CRISIS

The government had still not announced a new NDC.

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1. "Saudi Arabia: Quash 34-year prison sentence for student Salma al-Shehab", 18 August
  2. "Saudi Arabia: Quash sentences for Egyptian Nubians who organized peaceful remembrance event", 11 October
  3. "Saudi Arabia: New campaign highlights use of punitive travel bans targeting activists and their families", 9 May

4. "Saudi Arabia: Young men face imminent execution despite assurances on re-sentencing juveniles to prison terms", 10 October
5. "Saudi Arabia: Mass execution of 81 men shows urgent need to abolish the death penalty", 15 March
6. "Saudi Arabia: Halt imminent execution of Bahraini men sentenced after flawed trial", 24 May
7. "Saudi Arabia: Arrested at 14, tortured, now faces execution: Abdullah al-Huwaiti", 20 June
8. "Saudi Arabia: Mass demolitions and forced evictions marred by violations and discrimination", 22 June
9. "Saudi Arabia: 'It's like we are not human': Forced returns, abhorrent detention conditions of Ethiopian migrants in Saudi Arabia", 16 December
10. "Saudi Arabia codifies male guardianship and gender discrimination", 9 December

# SENEGAL

## Republic of Senegal

Head of state: **Macky Sall**

Head of government: **Amadou Ba (from September)**

**Freedom of assembly and expression were restricted. Forced begging by children continued. Fires broke out in health facilities due to poor maintenance. The authorities expressed commitment to reducing greenhouse gas emissions and climate change continued to cause coastal erosion, affecting people's livelihoods.**

## BACKGROUND

The opposition gained several municipalities during the January local elections and the ruling coalition kept their majority in the July parliamentary elections.

In March, the Senegalese army launched operation "Nord Bignona" to dismantle the Movement of Democratic Forces of Casamance (MFDC) rebel bases next to the Gambian border and to combat illegal logging and wood trafficking. According to the Gambia National Disaster Management Agency, these operations forced 691 Senegalese people to seek refuge in Gambia. More than 5,600 Gambian villagers living near the border were also displaced from their villages. In August, Senegal signed a preliminary peace agreement with a faction of

the MFDC, committing them to disarm and allowing refugees to return home.

## FREEDOM OF ASSEMBLY

On 31 March, the ECOWAS Court of Justice stated that Ministerial Order no. 7580 of 20 July 2011, which prohibits "demonstrations of a political nature" in the centre of the capital, Dakar, violates the rights to freedom of expression and peaceful assembly and asked the Senegalese authorities to repeal it.<sup>1</sup> As of December, the authorities had refused to implement the judgment.

In June, during a period of pre-electoral tension, Senegalese authorities prohibited several demonstrations by the opposition. On 17 June, security forces arrested at least three opposition leaders and prevented others from leaving their homes, with the aim of preventing a banned protest in Dakar the same day. Dethié Fall, the national representative of the opposition parliamentary list, was given a six-month suspended sentence for "participating in an unauthorized protest". Ahmed Aidara, mayor of Guediawaye, was given a one-month suspended sentence for "participating in an unarmed gathering".<sup>2</sup>

In Ziguinchor, opposition leader Guy Marius Sagna was arrested by the police on 18 June with two others on his way to visit 33 protesters arrested the day before. They were all tried for "participating in a prohibited protest" and "disturbing public order". Guy Marius Sagna and two other activists, Cheikh Sourate Sagna and Amadou Tom Mbodj, were given a one-month suspended sentence and a XOF 50,000 (around USD 76) fine. The others were acquitted.

## FREEDOM OF EXPRESSION

On 10 June, opposition leader Cheikh Abdou Mbacké Bara Dolly was arrested and charged with "defamation, diffusion of false news, and offence against the head of state", after a speech he made during an opposition protest. He was provisionally released in July.

On 3 August, Pape Ibra Gueye, an activist also known as "Papito Kara" was arrested and detained for "disseminating false news

and for deletion, modification, fabrication and use of computer data to subvert newspaper headlines". Five days later another activist, Outhmane Diagne, was arrested and detained on the same charges. They were accused of creating satirical false news headlines in daily newspapers.

On 6 November, Pape Alé Niang was arrested by the police, three days after the release of a live Facebook video in which he commented on the hearing of opposition leader Ousmane Sonko and published an internal investigation report by the gendarmerie. He was accused of "concealment and publication of unauthorized military documents that could harm national defense, calling for rebellion and propagating false news".

## **EXCESSIVE USE OF FORCE**

On 17 June, in Ziguinchor and Bignona, security forces fired at protesters during a protest, killing two men, taxi driver Idrissa Goudiaby and Albert "Abdoulaye" Diatta. The initial autopsy for Idrissa Goudiaby identified "violent death by hemorrhagic shock following a penetrating neck wound caused by a blunt and sharp-edged weapon such as an axe or a sword". A second autopsy requested by the family and conducted by three independent medical examiners identified death from bullet wounds, corroborating witness testimonies.

There was no further information on the investigations into the deaths of 14 people – 12 of from bullet wounds – during protests in cities across Senegal in March 2021.

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

During the June protests, security forces arrested 11 people on 16-17 June, accusing them of planning to "threaten state security", among other charges. One of those arrested, former soldier François Mancabou, was taken from his police cell on 29 June and brought to Dakar's Hôpital Principal with serious injuries. He fell into a coma and died on 13 July. The family accused the police of causing François Mancabou's death by torturing him in detention. The police denied

the accusations and claimed the wounds were self-inflicted while in detention. No investigation was opened to ascertain the causes of his fatal injuries acquired during detention.

## **CHILDREN'S RIGHTS**

Despite the government's adoption of a draft law modernizing Qur'anic education, it had not been submitted to a parliamentary vote. The law would help to prevent forced begging by children and protect children's rights in the educational system.<sup>3</sup> The draft children's code bill had still not been considered by the government.

## **LGBTI PEOPLE'S RIGHTS**

In January, the National Assembly rejected a proposed bill that was intended to criminalize LGBTI orientation. Senegal's Criminal Code already criminalizes same-sex relations. This followed a month-long anti-LGBTI campaign by a coalition of groups that accused the authorities of weakening social mores. LGBTI people continued to face various discriminatory practices, harassment and public intimidation.

## **RIGHT TO HEALTH**

Serious incidents occurred due to poor maintenance in certain health facilities. In May, 11 newborn babies died after a fire caused by poor maintenance broke out in the maternity ward of the Tivaouane hospital. In August, the maternity ward of the Mbour hospital caught fire due to poor maintenance. The babies were rescued and there were no fatalities.

## **FAILURE TO TACKLE CLIMATE CRISIS**

Climate change continued to cause drought, flooding during the rainy season, and water scarcity. The rise in sea level continued to cause erosion in fishing villages and neighbourhoods, including Guet-Ndar in Saint-Louis, threatening livelihoods and forcing some communities to further move inland. Construction of a coastal protection dyke on part of the Langue de Barbarie peninsula was ongoing.<sup>4</sup>

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1. "Senegal. ECOWAS Court of Justice orders repeal of decree banning political demonstrations in the centre of Dakar", 13 May (French only)
  2. "Senegal: Prohibitions, violence, arbitrary arrests: the right to protest is under threat", 29 June
  3. "Senegal: The State must move from commitment to strong action to protect talibé children", 12 December
  4. *Any Tidal Wave Could Drown Us – Stories from the Climate Crisis*, 3 November

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# SERBIA

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## Republic of Serbia

Head of state: **Aleksandar Vučić**

Head of government: **Ana Brnabić**

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**Threats against independent journalists and media outlets and malicious civil prosecutions jeopardized media freedom. Similar prosecutions affected environmental activists, who also faced excessive use of force by police when protesting. The new social assistance law discriminated against minority communities. An increasing number of refugees and migrants reached Serbia.**

## BACKGROUND

President Vučić was re-elected in April; the new parliament did not sit until September. Serbia juggled EU membership aspirations with investment-based relationships with China and Russia.

In August, EU-sponsored talks concluded a Serbia-Kosovo agreement, enabling equal terms for cross-border freedom of movement. By November, Kosovo Serbs had resigned from Kosovo institutions in protest over licence plates. Tensions increased in December as Kosovo Serbs erected barricades, far-right groups marched in support in Belgrade and President Vučić called for the return to the border of the Serbian Army. Following international pressure, Kosovo Serbs dismantled barricades on 29 December, but political tension remained.

## RIGHT TO TRUTH, JUSTICE AND REPARATION

Serbia continued to honour and promote convicted war criminals, while failing to prosecute high-ranking military officials or address 1,731 pre-investigative cases. War crimes trials progressed slowly at the Belgrade District Court. In July, a former Serbian paramilitary testified against 11 members of the 177th Yugoslav Army Unit indicted for killing 118 Kosovo Albanians in Zahac/Zahaq, Čuška /Qyshk, Pavlan/Plavljane and Ljubenić/Lubeniq in May 1999. He subsequently requested protected witness status.

In October in the first trial in Serbia of a Bosnian-Serb commanding officer, Milenko Živanović, former commander of the Republika Srpska Army's Drina Corps, denied that he had issued orders for the forced expulsion of Bosniak civilians from Srebrenica in July 1995.

In July, after urging the government to officially commemorate the 1995 Srebrenica genocide, NGO Women in Black's Belgrade office was daubed with red paint.

As of August, 1,621 disappeared and missing persons from Kosovo remained unaccounted for.

## FREEDOM OF EXPRESSION

In April, the OSCE highlighted an increase in violent threats and verbal attacks against media workers, including death threats and accusations of being foreign mercenaries or traitors. At year's end, the independent journalists' association NUNS reported 107 attacks, threats or attempts to pressurize journalists.

In June, 14 television companies applied to the Regulatory Body for Electronic Media for broadcast licences; all four were awarded to pro-government channels.

Independent journalists and media critical of the government continued to be sued for "reputational harm" by politicians and businesses in Strategic Lawsuits against Public Participation (SLAPPs), creating a chilling effect on media freedom. In November, the judgment in a suit against the



Crime and Corruption Reporting Network brought by security service director Bratislav Gašić threatened journalists' right to report on court proceedings.

## **FREEDOM OF ASSEMBLY**

Environmental activists continued protests against extractive industries across Serbia, facing over-zealous policing and the threat of SLAPPs from affected companies.

In July, during demonstrations opposing Novi Sad's plan to construct a residential and business complex along the river Danube, police arrested two environmental activists. A video showed private security guards forcing a protester to the ground and restraining him. Protests continued in October, when police – without visible identification – again used excessive force.

In September, two protesters against mining developments near Majdanpek were seriously injured after being held overnight at Negotin police station without access to a lawyer.

In December, under significant civil society pressure, the government withdrew the draft Law on Internal Affairs, which sought to introduce intrusive biometric surveillance and limit the right to peaceful assembly.

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

In March, the European Committee for the Prevention of Torture reported on its 2021 visit to police stations and prisons, highlighting continued ill-treatment, sometimes amounting to torture, and the lack of effective action to implement its previous recommendations.

## **VIOLENCE AGAINST WOMEN AND GIRLS**

After four women were killed, three by family members, between 21 March and 1 April, 61 women's NGOs urged the authorities to consistently implement existing measures to prevent and protect women from violence. At least 21 women were killed by family members during the year. In October, while President Vučić proposed higher sentences for rape and domestic violence, the Autonomous Women's Centre urged implementation of the Council of Europe

Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention), ratified by Serbia in 2013, including the adoption of its consent-based definition of rape.

## **LGBTI PEOPLE'S RIGHTS**

Belgrade hosted EuroPride 2022 in September. The Interior Ministry initially banned the parade, citing security concerns, but later permitted a short, heavily policed march. Some participants, four press crews and several police officers were attacked by anti-LGBTI counter-protesters; 64 individuals were reportedly arrested.<sup>1</sup>

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

The Law on Social Cards entered into force in May, introducing an algorithm to determine a person's eligibility for social assistance. NGOs challenged the law before the Constitutional Court, arguing that decision-making by algorithm posed human rights risks, including collection of excessive personal data, weak privacy protection and outcomes that potentially discriminated against minority groups, in particular Roma.<sup>2</sup>

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

In September, the number of people reaching already overcrowded asylum and refugee centres almost doubled, stretching inadequate capacity and posing health risks, while the number of unofficial camps and squats increased. The number of single women, families and unaccompanied minors increased.

Police violently raided unofficial camps in October, led by then interior minister Aleksandar Vulin, who called migrants "scum" and "bandits", encouraging anti-migrant rhetoric and harassment. Hungary pushed back thousands of people into Serbia, while Serbia extended its fence bordering North Macedonia. By October, 84,512 people had reached government centres: while 3,371 expressed an interest in seeking asylum, only 270 applied. By 31

December, 27 individuals were awarded some form of international protection.

Ecevit Piroğlu, a Kurdish political activist detained in Serbia since June 2021, remained at risk of extradition to Türkiye. International rights groups urged Serbia to grant him asylum because he would be at risk of serious human rights violations upon return, including torture and arbitrary detention.

## HUMAN TRAFFICKING

In January, the UN Special Rapporteur on trafficking in persons expressed grave concerns about 402 Vietnamese migrant workers trafficked to Serbia to build the Shandong Linglong tyre factory at Zrenjanin. NGOs had documented cases of forced labour including bonded labour, and unsafe and unhealthy living and working conditions.

## ENVIRONMENTAL DEGRADATION

Although in January the government said it had revoked permits for Rio Tinto's development of a lithium mine after nationwide protests in 2021, local organizations reported continued activities in the Jadar valley.

Serbia's weak regulatory system was widely criticized for enabling predominantly Chinese and Russian mining and processing companies to bypass inadequate environmental protections, potentially leading to irreversible environmental damage.

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1. "Serbia: Authorities must repeal 'shameful' ban on Euro Pride walk", 16 September
  2. "Serbia: Social Card law could harm marginalized members of society – legal opinion", 28 November

# SIERRA LEONE

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## Republic of Sierra Leone

Head of state and government: **Julius Maada Bio**

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**The right to freedom of peaceful assembly continued to be restricted and the use of excessive force by law enforcement officers was under investigation. The right to**

**freedom of expression for government critics and opponents was repressed. Several laws were adopted to advance women's rights. While efforts were made to decongest prisons, there were allegations of torture in one detention centre. Levels of food insecurity worsened. Legal regulation of the mining sector was strengthened.**

## BACKGROUND

The constitutional review and voter registration processes in preparation for the 2023 presidential elections were ongoing. OHCHR, the UN human rights office, reassessed the Human Rights Commission of Sierra Leone (HRCSL) and gave it a Grade A status.

## FREEDOM OF ASSEMBLY

The right to peaceful assembly continued to be restricted. The Public Order Act 1965 (under Part III, section 17) criminalized spontaneous assemblies. In July, police arrested over 50 protesters during a peaceful protest against the high costs of living and fuel, which the authorities had not authorized. The protesters were cautioned and released a few days later.

## EXCESSIVE USE OF FORCE

The HRCSL launched a public inquiry into the conduct of law enforcement officers in connection with human rights violations carried out between 2015 and 2021, including the excessive use of force and sexual misconduct. It held public hearings into the allegations but had not published its findings by the end of the year.

On 10 August, protests against high living costs turned violent in Freetown, the capital, and in the north, during which 27 protesters and six police officers died according to media reports. The president appointed a 15-person committee to investigate the incident but its report was not available by the end of the year.

The review of the Independent Police Complaints Board regulations of 2013 was still pending at the Ministry of Internal Affairs and the Office of the Attorney General at the

end of the year. The review was considering recommendations as the basis of a proposed act which would strengthen the board with a view to regulating police violence.

## **FREEDOM OF EXPRESSION**

In February, the deputy spokesperson for the opposition All Peoples' Congress party was arrested for incitement and detained for two days, after he said on the radio that Sierra Leoneans should ensure the ruling party was voted out of power in 2023.

In May, the Sierra Leone Association of Journalists accused the government of using the offence of incitement to suppress freedom of expression.

In July, two political opponents were arrested for inciting an unlawful protest, after participating in a demonstration against the high cost of living. They were released without charge after four nights in detention.

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

According to the latest available statistics from UNICEF, 83% of girls and women (aged 15-49 years) had undergone female genital mutilation (FGM) and 30% of women (aged 20-24 years) had been married before the age of 18. In June, the minister of gender and children's affairs stated that the government would amend the Child Rights Act to outlaw early forced marriage and FGM against minors. In July, an FGM practitioner was charged with manslaughter in Moriba town after a 21-year-old woman died a day after the practitioner performed FGM on her.

In August, the Customary Land Rights Act, which gives women an equal right to own and use family land, was enacted. In the same month, the National Land Commission Act was introduced, which established a commission that will take a gender-sensitive approach to land administration.

In September, the president signed the Public Election Bill 2022 into law, which stipulated that one in three parliamentary candidates be women.

In November, the Gender Equality and Women's Empowerment bill was passed by parliament. It included a provision stipulating

that 30% of all positions in government, and in companies with at least 25 employees, be reserved for women.

During the year, 800 children were reintegrated into schools nationwide, including pregnant girls, girls who had dropped out of school because of pregnancy, children with special needs, children living in remote areas and those from poor families.

## **DETAINEES' RIGHTS**

In an effort to decongest prisons, the judiciary held a national Judicial Week, following which, by 4 February, 374 detainees were granted bail and 234 were discharged across the country.

In June, the HRCSL requested a visit to "Benghazi" detention centre in Freetown where detainees who had criticized the president were allegedly subjected to torture and other ill-treatment, but by the end of the year the request had not been approved.

## **RIGHT TO FOOD**

In August, a food security analysis conducted by the Ministry of Agriculture with the World Food Programme revealed that food insecurity had worsened and over 1 million people faced severe hunger.

## **CORPORATE ACCOUNTABILITY**

In March, the Ministry of Mines and Mineral Resources wrote to the Meya Mining company, seeking a response to Amnesty International's conclusions regarding the human rights impact of its operations in the Kono district.<sup>1</sup>

In August, the government enacted the Mines and Minerals Development Act 2022, which sought to improve the socio-economic benefits of mining projects for the country and increase transparency in the management of the sector.

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1. "Sierra Leone: No diamond is worth the life of a community", 15 December

# SINGAPORE

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## Republic of Singapore

Head of state: **Halimah Yacob**

Head of government: **Lee Hsien Loong**

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**The use of repressive laws to silence dissent intensified. The government decriminalized consensual sexual relations between men but moved to block same-sex marriage. Executions resumed.**

## FREEDOM OF EXPRESSION AND ASSEMBLY

Judicial harassment of independent media workers and government critics continued. In April, Terry Xu and Daniel de Costa, respectively editor and writer with the media outlet The Online Citizen, were sentenced to three weeks' imprisonment. They were convicted in 2021 of defaming cabinet members. Daniel de Costa was also sentenced to three months' imprisonment for contravening the Computer Crimes Act.

In January, human rights defender Jolovan Wham was found guilty of holding an illegal public assembly in relation to a 2018 protest against an earlier trial of Terry Xu and Daniel de Costa. He served 15 days in jail after losing his appeal and refusing to pay a fine.

In June, police interrogated Kirsten Han and Rocky Howe under the Public Order Act after they participated in a peaceful protest against the death penalty.<sup>1</sup> In October, police informed Kirsten Han that she had been found in contempt of court, apparently for a Facebook post critical of the authorities' harassment of lawyers representing death row inmates. She received a conditional warning to refrain from "criminal conduct" for 12 months. Her legal challenge against the case was still pending at year's end.

In November, a police investigation was launched against a woman after she held a protest outside the Chinese embassy in solidarity with victims of human rights violations there.

## LGBTI PEOPLE'S RIGHTS

In November, parliament voted to repeal Section 377a of the Penal Code which criminalized consensual sex between men. However, it also amended the Constitution to effectively block same-sex marriage.

## MIGRANTS' RIGHTS

In April, the government lifted most Covid-19 restrictions except for migrant workers, who continued to face restrictions on movement beyond their crowded dormitories, workplaces and designated recreation centres.

## DEATH PENALTY

Executions, halted since November 2019, resumed. There was public outcry after Nagaenthran Dharmalingam, a Malaysian national assessed with an intellectual disability, was executed in April for drug-related offences.<sup>2</sup>

The courts imposed punitive costs orders for late-stage appeals against death sentences and lawyers were investigated for making public statements about their clients. M Ravi, a prominent human rights lawyer known for his defence of death row inmates, faced multiple disciplinary inquiries, contempt of court proceedings and criminal defamation investigations in relation to his work.

## FAILURE TO TACKLE CLIMATE CRISIS

The government submitted a new NDC in November which included a revised and increased target to reduce its absolute emissions to 60 metric tonnes of CO<sub>2</sub> equivalent in 2030. However, this fell significantly short of the figure needed to keep the rise in global temperatures to 1.5°C.

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1. "Singapore: Drop investigations and cease harassment against human rights defenders", 28 June
  2. "Singapore: Abhorrent hangings must end as man with intellectual disability executed", 27 April

# SLOVAKIA

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## Slovak Republic

Head of state: **Zuzana Čaputová**

Head of government: **Eduard Heger**

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**Discrimination against Roma persisted. Parliamentarians attempted to adopt amendments that would restrict access to abortion. Human rights violations were committed against Ukrainians. Access to healthcare for transgender people was limited.**

## BACKGROUND

The term of the Public Defender of Rights, Mária Patakyová, expired in March and the National Council failed to elect her successor until 1 December, when Róbert Dobrovodský was appointed. In the meantime, the backlog of complaints from the public about human rights violations increased month by month.

## DISCRIMINATION

The authorities subjected Roma to widespread discrimination.

### RIGHT TO EDUCATION

Slovakia continued to face legal proceedings by the European Commission regarding its systematic discrimination against Roma children in education, including segregation.

### RIGHT TO HOUSING

The government made no effort to improve the living conditions of thousands of Roma people living in informal settlements and segregated neighbourhoods across Slovakia. In July, Younous Omarjee, a member of the European Parliament, visited a Roma settlement in the village of Petrovce nad Laborcom and said: “It is a shame for Slovakia and a shame for Europe that some Roma live in medieval conditions.”

### EXCESSIVE AND UNNECESSARY USE OF FORCE

In June, the Slovak government apologized for a police raid on Roma communities in the town of Moldava nad Bodvou in 2013 and committed to paying financial compensation for “injustice and suffering, to the victims and

their families for their long-term search for the truth.”

## SEXUAL AND REPRODUCTIVE RIGHTS

Despite an official apology by the government in 2021 for the illegal sterilization of thousands of Roma women between 1966 and 2004, no effective compensation mechanism was in place by the end of 2022.

Three different amendments were introduced in April by parliamentarians to ban abortion, with the stated aim of targeting so-called “abortion tourism” despite reports of widespread sexual violence against Ukrainian girls and women during the war in Ukraine. However, none of these amendments became law. This was the 20th legislative initiative in the past two years to limit access to safe and legal abortion.

## WOMEN’S RIGHTS

By the end of the year, Slovakia had made no progress towards ratifying the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention).

## REFUGEES’ AND MIGRANTS’ RIGHTS

Since the beginning of the war in Ukraine on 24 February, Slovakia received and provided immediate care for more than 1,068,000 Ukrainians, and more than 104,000 registered for temporary protection in the country. This contrasted with a hostile immigration policy and lack of support for refugees from other countries coming to Europe since 2015, as well as anti-immigration rhetoric and policies of the Slovak authorities and top political leaders.

Following the invasion, several human rights organizations as well as the Public Defender of Rights drew attention to insufficient protection of the rights of vulnerable groups from Ukraine, especially third country nationals, unaccompanied minors, Roma people and transgender people. Human rights violations against the latter included verbal abuse by the armed forces of both Ukraine and Slovakia at the Ukrainian-Slovakian border.

## LGBTI PEOPLE'S RIGHTS

Same-sex marriage and registered civil partnership were not yet legally recognized.

On 12 October, two people died and one was injured in a shooting in the Tepláreň gay bar in the capital, Bratislava. After a brief manhunt, the police identified the perpetrator, a 19-year-old man who had posted an anti-LGBTI and antisemitic manifesto on Twitter just before the attack. He was later found dead from a self-inflicted gunshot wound, according to police.

### RIGHT TO HEALTH

The arrival of transgender people from Ukraine highlighted the poor quality of healthcare services provided for them in Slovakia. Organizations dedicated to support and counselling for people fleeing Ukraine recommended that transgender refugees leave Slovakia for countries with existing adequate healthcare for transgender people. In April, the Ministry of Health issued guidelines on standardization of healthcare procedures for gender reassignment; these do not include sterilization and/or castration as a mandatory requirement for obtaining medical approval for medical transition. The release of these guidelines was followed by a backlash, and discriminatory statements by some parliamentarians. On 18 May the guidelines were suspended.

In December 2022, a group of medical professionals and psychologists signed a "Statement of psychiatrists, psychologists and other experts on transsexualism", condemning the proposed guidelines on standardizing healthcare procedures for gender affirmative healthcare.

# SLOVENIA

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## Republic of Slovenia

Head of state: **Nataša Pirc Musar**(replaced **Borut Pahor in December**)

Head of government: **Robert Golob**(replaced **Janez Janša in June**)

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**Protesters received fines for violating the ban on protests. Political interference**

**further eroded media freedom. The president apologized for the unconstitutional erasure of over 25,000 people from the citizens' registry 30 years ago. Parliament legalized same-sex marriage and adoption. Ukrainian refugees faced numerous problems in accessing services.**

## BACKGROUND

After several years of anti-government protests, the Freedom Movement party led by Robert Golob won the parliamentary elections in April. The new government promised to reverse some of the "harmful" laws and policies passed by its predecessors and tackle the effects of rising energy and food prices.

## FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

The authorities imposed severe fines on protesters who defied the blanket ban on peaceful protests imposed during the Covid-19 pandemic. Activist and theatre director Jaša Jenull was ordered to pay €40,000 to reimburse the authorities for the cost of policing protests he attended in 2020 and 2021.<sup>1</sup> The Council of Europe Commissioner for Human Rights called on the authorities to immediately stop "the financial and administrative harassment of civil society activists." In October, the new government dropped all charges against Jaša Jenull and committed to resolving other outstanding fines imposed on protesters by its predecessor.

In March, the Coalition against Strategic Lawsuits against Public Participation (SLAPPs) in Europe stated that Slovenia was one of the worst offenders in the EU for using lawsuits to silence journalists and activists.

Radio-Television Slovenia (RTV SLO) suffered persistent political interference, affecting its ability to deliver impartial programming. In July, the new government amended the law on RTV SLO in an attempt to protect its independence, but in December, the outlet's outgoing leadership challenged the law before the Constitutional

Court, delaying a quick resolution of the crisis.

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

The authorities passed a series of measures to alleviate the effects of the soaring cost of living caused by rising energy prices, introducing special allowances for economically vulnerable people, additional temporary child benefits, one-off energy supplements and increased aid for local food producers to prevent further price hikes.

In July, the new government postponed until January 2024 the implementation of the Act on Long-Term Care for older people, which was adopted in 2021. The law, which was meant to address insufficient care services for the growing elderly population, had been due to enter into force in January 2023.

## **DISCRIMINATION**

### **THE “ERASED”**

President Pahor issued a formal apology to over 25,000 people who were unconstitutionally removed from the official registry of permanent residents 30 years ago, effectively leaving them without Slovenian citizenship. Despite this apology, more than half of the so-called “erased” did not have their status restored or receive compensation from the state.

### **LGBTI PEOPLE’S RIGHTS**

In October, parliament amended legislation to legalize same-sex marriage and adoption, following the Constitutional Court’s July ruling that declared as unconstitutional the law allowing only heterosexual partners to marry and adopt children.

## **REFUGEES’ AND MIGRANTS’ RIGHTS**

The number of refugees and migrants entering Slovenia via the so-called Balkans route increased significantly compared to 2021. The authorities recorded over 27,000 irregular entries.

In June, the new government announced that it would remove a 155km fence on its border with Croatia, which was built in 2015 to deter irregular crossings, saying it had “not

fulfilled its declared purpose.” It also issued binding guidelines to ensure that border police fully respected people’s right to access asylum.

According to the authorities, tens of thousands of people fleeing conflict in Ukraine had entered Slovenia since February, the majority travelling onwards to other EU countries. Around 7,500 out of over 8,200 who applied for temporary protection were granted this status, guaranteeing them access to education, urgent healthcare and the labour market. However, local organizations reported many integration problems, including restricted access to healthcare; lack of integration activities such as language services; and difficulties for Ukrainian children attending lessons in Slovenian.

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1. [“Slovenia: Stop making people pay for policing of protests”, 17 March](#)

## **SOMALIA**

### **Federal Republic of Somalia**

Head of state: **Hassan Sheikh Mohamud (replaced Mohamed Abdullahi Mohamed (Farmaajo) in May)**

Head of government: **Hamza Abdi Barre (replaced Mohamed Hussein Roble in June)**

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**All parties to Somalia’s conflict continued to commit serious violations of international humanitarian law with impunity. Al-Shabaab increased its unlawful attacks against civilians. Conflict along with severe drought caused by lack of rain led to the displacement of over 1.8 million people and a new wave of humanitarian crisis. Internally displaced people faced significant human rights violations; women and girls were particularly exposed to gender-based violence. The government increased the health budget but healthcare provision remained poor and access to water, sanitation and food was severely inadequate. Freedom of expression was restricted, and journalists were attacked, beaten and arbitrarily arrested and prosecuted. Media houses were suspended.**

**In Somaliland, authorities severely restricted the rights to freedom of expression, peaceful assembly and association.**

## **BACKGROUND**

In May, after a protracted electoral process, Somali parliamentarians elected Hassan Sheikh Mohamud as president who, in June, nominated Hamza Abdi Barre as his prime minister. A new cabinet was formed in August.

In April, after a 15-year stint, the African Union Mission to Somalia was replaced by the African Union Transitional Mission in Somalia through a UN Security Council resolution. The resolution set out strategies to transfer security responsibilities to Somalia's army and police force by the end of 2024.

The effects of the war in Ukraine, which restricted food imports, the climate crisis and Covid-19's economic fallout, coupled with four consecutive failed rainy seasons, created dire humanitarian conditions.

## **UNLAWFUL ATTACKS**

Civilians continued to bear the brunt of the ongoing conflict between the government and its international allies on the one hand and Al-Shabaab on the other. Hundreds of civilians were killed or injured throughout the year. There was no justice and accountability for violations of international humanitarian and human rights law.

According to the UN, there were 428 civilian casualties (167 killed and 261 injured) between February and May, 76% of which were the result of unlawful attacks by Al-Shabaab, with the rest attributed to state security forces, clan militias, and international and regional forces.

On 23 March, six people, including five foreign nationals, were killed when Al-Shabaab attacked the SafeLane Global compound within the Aden Adde International Airport in the capital, Mogadishu. On the same day, the group carried out two deadly attacks in the town of Beledweyne, around 300km north of Mogadishu. The UN said the attacks resulted

in at least 156 casualties – 48 killed, including Amina Mohamed Abdi, a prominent female MP, and 108 injured.

In May, the new government stated it would prioritize security, and fighting Al-Shabaab. The armed group responded with increased indiscriminate and targeted attacks, including assassinations.

On 19 August, Al-Shabaab carried out a complex attack on the Hotel Hayat in Mogadishu, killing at least 30 people and injuring more than 50 others. After gaining access to the popular hotel using bombs and gunfire, the attackers laid siege to the building for more than 30 hours. The prime minister promised accountability saying "... anyone who neglected their responsibility will be held accountable...", but no judicial investigations had been opened by the end of the year. On 29 October, Al-Shabaab carried out two car bomb attacks targeting the Ministry of Education building and a busy market intersection in Mogadishu. The attack killed more than 100 people and injured over 300 others.<sup>1</sup>

## **RIGHT TO FOOD**

The failure of four consecutive rainy seasons, combined with the impact of war in Ukraine on food imports, created a dire humanitarian crisis in the country. According to the UN, 7.8 million people – half the population – needed humanitarian assistance to survive. More than 3 million livestock, which pastoralist families rely on for their livelihoods, perished largely due to drought. According to the ICRC, Somalia depended on Russia and Ukraine for more than 90% of its wheat supplies but the war between the two countries interrupted supplies, while rising fuel costs, another consequence of the war, caused a considerable spike in food prices which disproportionately affected those most vulnerable to discrimination, such as internally displaced people, subsistence farmers and people in conflict-affected areas. Catastrophic levels of food insecurity were confirmed in parts of the country, with more than 213,000 people in famine-like conditions. More than 1.5 million children,



including infants, faced acute malnutrition, with 386,400 children likely to be severely malnourished. By September, 730 children had died in nutrition centres nationwide. Meanwhile, Al-Shabaab restricted humanitarian access in areas under their control, compounding the crisis.

In response, the federal government created the Ministry of Environment and Climate Change and appointed a special presidential envoy for drought response to address the situation. The envoy coordinated local and international efforts, seeking assistance and solidarity for those most affected. International humanitarian actors also increased food, medical and other forms of aid assistance to the affected communities. However, funding fell far short of what was needed to mitigate the crisis.

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

Internally displaced people continued to face significant human rights violations and abuses. More than 1.8 million people were displaced due to the drought and conflict. Between January and August, 188,186 individuals were forcibly evicted across the country, the majority of whom were internally displaced people.

Most of those displaced were older people, children and women, including pregnant women and lactating mothers. The lack of adequate shelter and privacy in overcrowded internally displaced people's settlements increased women and children's vulnerability to violations such as gender-based violence including rape and physical assaults.

In July, Al-Shabaab also carried out large-scale military attacks along the border with Ethiopia, leading to displacement of local people.

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

Sexual violence against women and girls continued. Some attacks were conflict-related and between February and May, the UN reported four such incidents affecting three women and a 15-year-old girl, including an internally displaced woman and a pregnant

woman who were raped and killed by their alleged perpetrators.

The ongoing drought increased the vulnerability of internally displaced people to gender-based violence. Women and girls were at heightened risk of sexual violence and abuse when travelling long distances to fetch water for their families.

The federal parliament failed to pass the Sexual Offences and the Female Genital Mutilation bills.

## **RIGHT TO HEALTH**

Access to basic healthcare remained poor. The severe drought which affected half the population led to a surge in cases of malnutrition and disease outbreaks; and more people faced difficulties accessing safe water and sanitation, and adequate food. According to the WHO, the number of suspected cholera and measles cases increased sharply compared with previous years. Covid-19 continued to be a major challenge – by September, there were 27,020 confirmed cases and 1,361 related deaths since the outbreak began. Only around 14% of the population had been fully vaccinated by 28 August, with over 4.5 million Covid-19 vaccine doses administered. The government increased the health sector's budget to USD 58.5 million, from USD 33.6 million in 2021, constituting 6% of the total 2022 budget which was an increase from the average 2% allocated to health in the past five years.

## **FREEDOM OF EXPRESSION**

Freedom of expression was restricted. Journalists were occasionally attacked by security forces and were subjected to threats, harassment, intimidation, beatings, arbitrary arrests, and prosecution. Nine journalists were injured and two media houses temporarily suspended by the South West State authorities. Authorities in south central Somalia and Puntland restricted journalists' access to election-related information. Security forces, including National Intelligence and Security Agency officials, prevented journalists from covering

opposition campaign events and allegations of widespread election malpractice.

On 16 February, police officers in Mogadishu's Kahda district attacked journalists Ismail Mohamed Muse and Mohamed Hassan Yusuf of Somali Cable TV; and Aweys Mohamud Jila'ow and Mohamud Bari of Five Somali TV. The four journalists were reporting on Al-Shabaab attacks in various locations in the city the previous night. Photographs on social media showed them blindfolded and lying on the ground face down with their hands and legs tied behind their backs. They were all released later that day without charge.

On 27 April, police officers blocked a group of journalists from accessing the Afisoyoni hangar in Mogadishu where the parliamentary speaker election was taking place.

On 15 July, intelligence officers from the South West State arbitrarily arrested journalist Hassan Ali Da'ud of Arlaadi Media Network and detained him in an unknown location. He was arrested after he had reported on the alleged ill-treatment of some South West State lawmakers by security personnel in Baidoa. He was released after 19 days without charge.

On 21 August, a police officer from the Haramacad Unit shot M24 TV journalist Ahmed Omar Nur at close range hitting him in the cheek while he was covering the Hotel Hayat attack (see above, Unlawful attacks). According to the Somali Journalists Syndicate (SJS), a trade union and local media advocacy group, two Haramacad officers were arrested following the incident but were later released on their commander's orders.

On 8 October, the Ministry of Information issued a directive prohibiting the "dissemination of extremist ideologies from both traditional media broadcasts and social media". Several media freedom advocates, including the SJS's secretary general, Abdalle Ahmed Mumin, publicly expressed their concerns about its impact on media freedom and the safety of journalists. Abdalle Mumin was subsequently arrested at Aden Adde International Airport and prevented from

travelling to Nairobi. He was charged with several offences under the penal code including bringing the nation or the state into contempt and instigating to disobey laws. He was released on bail on 22 October but was banned from travelling abroad until the court concludes his case.

## **SOMALILAND**

### **FREEDOM OF EXPRESSION AND ASSOCIATION**

Authorities in Somaliland escalated their clampdown on the right to freedom of expression. Journalists were arbitrarily arrested and prosecuted. At least four media houses were suspended and the internet was shut down to muzzle reporting on protests against delayed presidential elections.

On 13 April, Somaliland police arrested at least 15 journalists who were reporting on a shooting incident at the Hargeisa Central Prison that day. Twelve of them were freed on 19 April but the authorities continued to hold Mohamed Abdi Ilig, MM Somali TV director; Abdijabar Mohamed Hussein, Horn Cable TV reporter; and Abdirahman Ali Khalif of Gobonimo TV. On 23 May, the Marodi Jeeh Regional Court in Hargeisa sentenced Mohamed Abdi Ilig and Abdijabar Mohamed Hussein to one year and four months in prison for "the publication of false news". The court acquitted Abdirahman Ali Khalif. On 2 July, the two sentenced journalists were released under a presidential pardon.

On 23 May, the Marodi Jeeh Regional Court of Appeal sentenced journalist and social activist Abdimalik Muse Oldon, who had been detained since August 2021, to two years in prison and a fine of 3 million Somaliland shillings (USD 372). He was charged with "spreading false information and anti-national propaganda", and "criminal defamation." He was released on 22 December after completing his jail term.

On 11 August, ahead of planned protests organized by opposition politicians across Somaliland, authorities allegedly ordered telecom service providers to shut down the internet. The shutdown lasted nine hours and affected the ability of journalists and others to

freely communicate and report on the protests.

### **FREEDOM OF ASSEMBLY**

On 11 August, security forces used excessive force against protesters challenging delayed presidential elections in the cities of Hargeisa, Burao and Erigavo. According to the Human Rights Centre, a local organization, security forces killed at least five people and injured scores of others while police arrested more than 200 protesters, including journalists and opposition politicians. In September, the findings of an investigation into the 11 August events by the Standing and Ethics Committee of Somaliland's House of Representatives were released. The committee concluded that security forces had used excessive force against protesters but no one had been arrested or brought before a court in relation to unlawful acts against protesters at the end of the year.

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1. "Somalia: Al-Shabaab must urgently stop carrying out attacks against civilians", 31 October

## **SOUTH AFRICA**

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### **Republic of South Africa**

Head of state and government: **Matamela Cyril Ramaphosa**

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**Incidents of gender-based violence and early pregnancy continued to increase. Climate change and state mismanagement of infrastructure exacerbated the impacts of two floods in KwaZulu-Natal province. People displaced by floods were unable to access medicine and healthcare while water supplies were disrupted. Sanitation conditions in public schools were poor. The number of households living in informal settlements increased. Operation Dudula, an anti-migrant movement, launched in three additional provinces. Xenophobic violence resulted in injury and loss of life. Police continued to use excessive force in attempts to quell protests; the right to life and security of the person was violated. The**

**authorities failed to ensure that the mining industry complied with standards to prevent human rights violations. There was an absence of legislation to hold government and corporate companies accountable to climate commitments.**

### **BACKGROUND**

There remained little to no accountability 10 years after the Marikana massacre in which 34 people were killed when police opened fire on protesting mineworkers.

The Commission of Enquiry into State Capture report was released. It highlighted allegations of corruption and other abuses known as "state capture". An independent panel was established to assess whether there were grounds to impeach President Ramaphosa on allegations that he covered up a multi-million-rand robbery (at least USD 580,000) at his Phala Phala farm. In December, Cyril Ramaphosa was re-elected president of the ruling African National Congress party.

### **GENDER-BASED VIOLENCE**

Official quarterly crime statistics published in November showed an increase in all forms of gender-based violence, compared to the same quarter in 2021. Murders of women increased by 10.3%, with 989 women killed between July and September. Sexual offences increased by 11%, and rape by 10.8%.

Despite the adoption of the National Strategic Plan on Gender-Based Violence and Femicide in 2019, a national council, intended to ensure that the plan was implemented, was yet to be established. A review of the first year since the plan's adoption showed that 55% of targets had not been met. The DNA backlog, crucial for prosecuting gender-based violence cases, remained at 64,911 as of 1 December. There was a 24% increase (representing 99 cases) in "rapes by a police officer" reported to the Independent Police Investigative Directorate (IPID), as reflected in its 2021/22 annual report. Only 64 cases were recommended for

prosecution, leading to concerns of weakened police accountability.

In July, the gang rape and robbery of eight women in Krugersdorp, Gauteng Province, shone a spotlight on the increase in sexual offences and violence against women.

Fourteen men were initially linked to and charged in connection with the rapes, but charges were dropped in October due to insufficient evidence.

## **SEXUAL AND REPRODUCTIVE RIGHTS**

South Africa continued to see an alarming number of early pregnancies. Between April 2021 and March 2022, 90,037 girls between 10 and 19 years gave birth. Limited access to sexual and reproductive health services, stock-outs of contraceptives, lack of comprehensive sexuality education, poverty and gender-based violence contributed to early pregnancy.

## **RIGHT TO EDUCATION**

The public education system continued to be characterized by decaying and dangerous infrastructure. The Department of Basic Education's (DBE) 2021/22 annual report showed that 2,982 schools still used pit latrines that violate the rights to health, dignity, safety and life. The DBE missed several deadlines to eradicate and replace them but in January promised to do so by 2023. In June, however, proposed amendments to regulations relating to the Minimum Uniform Norms and Standards for Public School Infrastructure were introduced. The draft legislation removed all deadlines, allowing the department to evade accountability and putting learners' health and safety at risk.<sup>1</sup>

## **RIGHT TO HEALTH**

In April, the Department of Health proposed amendments to the Regulations Relating to the Surveillance and the Control of Notifiable Medical Conditions (NMCs), to prevent the spread of Covid-19 and other NMCs. The amendments fell outside provisions imposed under the National State of Disaster, which was introduced in response to the Covid-19

pandemic and withdrawn in April. The proposed regulations risk undermining human rights with regard to their potential permanent nature; the criminalization of those not complying with the rules; the imposition of mandatory medical examinations and prophylaxis, including isolation and quarantine; and the opportunity they present in emboldening the unnecessary or excessive use of force by law enforcement agencies under the guise of law enforcement, as seen during the Covid-19 lockdowns.<sup>2</sup> Following a public outcry, the deadline for submissions was extended to 31 July but no public updates were provided by the department after April.

Displacement caused by the floods in KwaZulu-Natal (KZN) province in April and May meant that some people had no access to necessary medication or healthcare services for up to nine days (see below).

## **RIGHT TO WATER AND SANITATION**

In April, KZN and Eastern Cape provinces experienced extreme rainfall and flooding. Damage to water infrastructure resulted in widespread disruptions to water supplies throughout the provinces, leaving communities with no or interrupted supplies for months. The government made no systematic efforts to ensure that people had access to the water they needed during this period. This, alongside the damage caused to houses, fuelled a sanitation crisis as the floods destroyed some communal toilets, forcing some people to relieve themselves in the bushes. Several health facilities in KZN had insufficient water supplies. While the intensity of rainfall was, according to scientists, exacerbated by climate change, poor spatial planning and maintenance of infrastructure by local government worsened the situation.

There were also severe water shortages in the Nelson Mandela Bay Metropolitan Municipality in Eastern Cape province, which had faced drought since 2016. The latest water crisis was compounded by the local authorities' failure to fix leaks and the city lost an estimated 29% of its water supply.

## **RIGHT TO HOUSING**

The floods in KZN province destroyed at least 8,584 houses, and damaged 13,536.

According to the European Civil Protection and Humanitarian Aid Operations, 40,000 people were displaced and without homes. The homes of residents of the Isipingo transit camp in KZN were once again flooded, a regular occurrence when it rains. The residents had been moved from informal settlements around Durban city into the camp in a flood prone area of Isipingo in 2009, ahead of the 2010 FIFA World Cup. Promises that they would receive permanent housing within six months remained unrealized.

According to a governmental body, Statistics South Africa, the percentage of households living in informal settlements increased to 11.7% from 11.4% the previous year.

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

Sporadic xenophobic attacks continued throughout the year and led to the killing of a Zimbabwean national, Elvis Nyathi, in April. He was burned to death in Diepsloot, a township north of Johannesburg, after he failed to present proof of his identity to vigilante groups who demanded it. Seven men were arrested in connection with his death and granted bail. The case continued to be postponed. Migrants in the area reported living in constant fear. An anti-migrant movement, Operation Dudula, which emerged in Gauteng province in 2021, was launched in other provinces including Western Cape, KZN and North West.

## **EXCESSIVE USE OF FORCE**

South African police continued to use excessive force resulting in deaths and injuries. The IPID's 2021/22 annual report noted 5,295 new cases which included 3,407 cases of assault, 744 of discharge of an official firearm, and 223 reported deaths in police custody. There were 410 reported deaths as a result of police action, an increase from 353 the previous year.

## **UNLAWFUL KILLINGS**

In August, four people were killed during a protest about the authorities' failure to deliver services in Tembisa, a township in the Gauteng province. The IPID's investigation into two of the killings, for which the police were alleged to be responsible, continued at the end of the year.

In July, four police officers were acquitted in connection with the death in 2021 of Mthokozisi Ntumba, killed while passing a student-led protest in Braamfontein in Johannesburg.

## **RIGHT TO LIFE AND SECURITY OF THE PERSON**

Crime statistics for July to September, released in November, showed an increase in murders of 13.6%, compared to the same quarter in 2021. There was an increase of 9.8% in child murders. Cases of abduction increased by more than 100%, with 4,028 reported cases. Most of these cases related to hijacking, robbery and rape.

There was a nationwide spate of mass shootings. In June it was revealed at the Khayelitsha Crisis Response Summit that 26 people had been killed in mass shootings in Khayelitsha, a township in Cape Town, since March. In July, more than 20 people were killed in two tavern shootings in Soweto (in Johannesburg) and in Pietermaritzburg (KZN).

Abahlali baseMjondolo, the largest post-apartheid movement in the country advocating for basic services for poor communities, lost four activists to unlawful killings in KZN, allegedly in connection with their work. Three arrests were made for only one of the killings.

## **CORPORATE ACCOUNTABILITY**

Mining companies' activities had an adverse human rights impact specifically in relation to the rights to health, education, water and livelihoods in the Sekhukhune region. The Department of Mineral Resources and Energy continued to fail to hold mining companies accountable to their Social and Labour Plans, a legally binding mechanism, which if

adhered to would go some way to ensuring that the negative socio-economic ramifications of mining are remedied, and human rights violations against local communities prevented.<sup>3</sup>

## FAILURE TO TACKLE CLIMATE CRISIS

South Africa continued to lack legislation to hold both government and businesses accountable to climate commitments. In February, the Climate Change Bill was tabled in parliament. It aimed to enable the development of an effective climate change response and a long-term just transition to a low-carbon and climate-resilient economy and society in the context of sustainable development. There were concerns that the bill, in its current form, did not go far enough to address the severity, urgency and cross-cutting imperatives of the climate crisis. It remained under consideration at the National Assembly at the end of the year.

South Africa adopted a revised NDC in 2021 and updated its 2030 target for emission reductions, with a 12-32% lower and upper target range reduction. This fell short of the figure needed to keep the rise of global temperatures below 1.5°C.

Meanwhile, scientists determined that climate change doubled the probability of flooding events as seen in KZN in April and May, where 461 people died.

At COP27, President Ramaphosa presented the Just Energy Transition Investment Plan, a five-year plan to bring in USD 8.5 billion as part of the partnership established with France, Germany, the UK, the USA and the EU at COP26. Consultation on the plan started in late 2022, with mining-affected communities in the Mpumalanga province already rejecting the plan due to lack of consultation.

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1. "South Africa: Submission on the amendments to the regulations relating to Minimum Uniform Norms and Standards for Public School Infrastructure", 5 July
  2. "South Africa: Submission on the Regulations Relating to the Surveillance and the Control of Notifiable Medical Conditions", 14 April

3. *Unearthing the Truth: How the Mines Failed Communities in the Sekhukhune Region of South Africa*, 22 February

# SOUTH KOREA

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## Republic of Korea

Head of state and government: **Yoon Suk-yeol (replaced Moon Jae-in in May)**

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**South Korea presented no credible plan to phase out the use of coal by 2030 and reliance on fossil fuels continued. Small positive steps to protect LGBTI rights were progressed by the judiciary. Online violence against women and girls remained pervasive, but the new government reduced resources to respond to the issue. Media freedom was threatened.**

## BACKGROUND

Women's rights regressed following Yoon Suk-yeol's election as president. The Ministry of Education announced a plan to remove content related to sexual orientation and gender identity from school curricula. Following the deaths of more than 150 people in a crowd crush during Halloween celebrations in Itaewon, concerns were raised about the effectiveness of disaster response and crowd control.

## FAILURE TO TACKLE CLIMATE CRISIS

The government's plan to phase out coal remained ambiguous. In August, the Ministry of Trade, Industry and Energy announced its latest electricity plan, which still envisaged drawing more than 20% of electricity from coal in 2030. To be compatible with the 1.5°C goal set at COP27, coal must be phased out entirely by 2030. The state power utility, KEPCO, increased coal power in 2022 in response to higher gas prices. In June, a petition was filed with the Constitutional Court by 62 children aged 10 and under to contest the constitutionality of the government's Carbon Neutrality Act, which fell well short of necessary targets for reducing greenhouse gas emissions.

## **DISCRIMINATION**

### **RIGHTS OF PEOPLE WITH DISABILITIES**

Disability rights groups carried out a series of demonstrations on the subway from December 2021 to demand a disability-inclusive budget and promote mobility rights. The Minister of Economy and Finance ignored the demands of the campaign groups, stating that a budget for people with disabilities was incompatible with the purpose of the supplementary budget. The public transport system was still not fully wheelchair accessible 20 years after the publication of the first plan to guarantee mobility rights for people with disabilities.

### **ANTI-DISCRIMINATION LEGISLATION**

Two activists from the South Korean Coalition for Anti-discrimination Legislation participated in a 46-day hunger strike calling for enactment of a comprehensive anti-discrimination act. Despite four proposed bills being added to the agenda at a Legislation and Judiciary Committee meeting in May, there was no traction on passing any legislation.

## **LGBTI PEOPLE'S RIGHTS**

On 7 January the Seoul Administrative Court dismissed a lawsuit filed by So Seong-wook and his partner Kim Yong-min against the National Health Insurance Service (NHIS) for denying insurance coverage by not recognizing partners within a same-sex relationship as dependents. The NHIS first recognized Kim Yong-min as So Seong-wook's dependent in 2021, but cancelled this status eight months later. They have appealed the ruling.

In April, for the first time, the Supreme Court of Korea reversed lower court convictions of two soldiers under Article 92-6 of the country's Military Criminal Act, reversing its own precedent. The Court reasoned that if same-sex sexual acts took place off base, while the soldiers were off duty and by mutual consent, the Act does not apply.<sup>1</sup>

In November, the Supreme Court decided that having children of minor age should not immediately be a reason to refuse to

recognize the legal gender of transgender people. In coming to this decision – and partially overturning its previous decision from 2011 – the Supreme Court affirmed the rights of transgender individuals to dignity, happiness and family life.<sup>2</sup>

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

On 22 August the criminal trial of a Jehovah's Witness conscientious objector objecting to the punitive nature of "alternative service" began. Hye-min Kim, whose religious beliefs preclude him from doing military service, is the first person known to have refused "alternative service" since it was introduced in 2020.<sup>3</sup>

On 15 September, the Constitutional Court held a public hearing on the constitutionality of Articles 2 and 7 of the National Security Act related to a case involving 11 petitions filed by individuals and lower courts, some of which have been pending since 2017. According to the petitioners, the lack of a clear definition of "anti-government organization" under the Act inhibits the work of civil society and provides up to seven years' imprisonment for those who "praise, incite or propagate the activities of an anti-government organization".

In September, the ruling People's Power Party filed a complaint against public broadcaster Munhwa Broadcasting Corporation on charges of violating the Promotion of Information and Communication Network Use and Information Protection (Defamation) Act. The media outlet was accused of misreporting President Yoon Suk-yeol's remarks during a trip to New York, USA. The Seoul metropolitan police launched an investigation.

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

Violations of the rights of foreign nationals continued at detention centres. Officials at the Hwaseong detention centre allegedly tied Moroccan detainee inmate A's arms and legs behind his back in the so-called "hog-tying position". In February, the Ministry of Justice

issued a temporary release from detention for inmate A, an undocumented migrant, following acknowledgement by the Ministry of Justice and the National Human Rights Commission of Korea that human rights violations had occurred when he suffered torture or other ill-treatment at a detention centre in June 2021. In May, however, the Ministry of Justice announced a revision to the Immigration Control Act to introduce equipment and chairs that can bind upper and lower body limbs simultaneously.

## WOMEN'S AND GIRLS' RIGHTS

The Expert Committee of the Digital Sex Crimes Task Force, established by the Ministry of Justice in the wake of the “Nth Room” incident, a sexual blackmail ring that operated on the application Telegram and targeted dozens of women, was officially disbanded on 15 June, with two months remaining in its mandate, after 17 members of the task force resigned. They were under pressure from the newly inaugurated president’s administration, which stated that the task force had already fulfilled its intended purpose, despite widespread concerns about continuing online gender-based violence.<sup>4</sup>

Media reported on a new case involving the online exploitation of minors by a suspect known as “L” who had forced survivors to produce exploitative material and was arrested by police in Australia on 23 November. It revealed that the alleged perpetrator had increased the production and distribution of exploitative material. The case highlighted ongoing concerns about the extent of digital sex crimes in South Korea and also exposed fundamental problems such as a lack of dedicated personnel and budget for police investigations into gender-based violence.<sup>5</sup>

The new government announced plans to abolish the Ministry of Gender Equality and Family as part of a reorganization plan. The Ministry had served as a control tower for all ministries of gender equality policies, but the reorganization would place its functions under the Ministry of Employment and

Labour and the Ministry of Health and Welfare. More than 800 organizations expressed opposition to the plan.

## DEATH PENALTY

In July, the Constitutional Court held a public hearing on a challenge to the constitutionality of the death penalty that has been pending since 2019. South Korea is abolitionist in practice and the last execution was carried out in 1997.

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1. “South Korea: Landmark judgment on same-sex sexual acts in military a huge victory for LGBTI rights”, 21 April
  2. “South Korea: Supreme Court ruling on legal gender recognition an important step forward for transgender rights”, 24 November
  3. “South Korea: Drop charges against first conscientious objector to refuse alternative service”, 22 August
  4. “Yoon Suk-yeol needs to change the way South Korea treats women”, 10 May
  5. “South Korea: Online sexual abuse content proliferates as survivors blame Google failings”, 8 December

## SOUTH SUDAN

### Republic of South Sudan

Head of state and government: **Salva Kiir Mayardit**

**Government security forces and armed groups perpetrated serious human rights abuses, including killings, acts of sexual violence, abductions, detention, torture and other ill-treatment, the recruitment and use of children, and destruction of civilian property. At least 24 people were extrajudicially executed, including a child, by government forces. The use of conflict-related sexual violence was widespread and systematic, and prosecutions of suspects for this and other crimes under international law were rare. Humanitarian access was restricted and millions of people faced acute food insecurity. The government failed to respect, protect, promote and fulfil the right to health. Rights to freedom of expression, association and peaceful assembly were violated. Death sentences were imposed, and executions carried out. There were concerns that a**



**project to divert water would adversely affect local communities and wildlife.**

## **BACKGROUND**

In March, the UN Human Rights Council renewed the mandate of the Commission on Human Rights in South Sudan (CHRSS). In May, the UN Security Council renewed the arms embargo.<sup>1</sup> In July, the Human Rights Council adopted South Sudan's third UPR.<sup>2</sup>

On 2 August, the parties to the 2018 peace deal signed a roadmap extending the transitional period by 24 months. In November, the peace process mediated by the Sant'Egidio community between the government and armed opposition groups that had not signed the 2018 peace deal broke down. Violence continued across the country between parties to the conflict, their allied militias, armed groups and vigilante groups.

A fourth year of heavy flooding affected over 1.1 million people, destroying houses, schools, health facilities, water sources and food productivity. Over 2 million people were internally displaced and 2.27 million were living as refugees. In October, the Sentry, an investigative and policy organization, reported that nearly USD 1 billion had disappeared in a bank credit scam, benefiting South Sudan's leaders and their families and depriving hundreds of thousands of people in need of government health and food services.

## **UNLAWFUL ATTACKS AND KILLINGS**

Between February and May, government security forces and affiliated militias clashed with the Sudan People's Liberation Army-In Opposition (SPLA-IO) in the southern part of Unity State. According to the UN, government forces and allied militias perpetrated unlawful attacks including those that targeted civilians. At least 173 civilians were killed and over 130 women and girls were raped or gang raped. The violence also led to the pillaging of homes and public buildings, cattle raiding and the displacement of at least 44,000 civilians.

From August onwards, large scale fighting took place between Agwelek forces (a

government affiliated ethnic militia); the SPLA-IO; a breakaway faction of the SPLA-IO; and elements of the White Army (ethnic community defence forces). According to the UN, parties to the fighting attacked sites for internally displaced people, killing civilians, abducting civilians, destroying civilian properties and perpetrating gender-based violence. The fighting displaced at least 20,000 people and exacerbated an already dire humanitarian situation. Those unable to flee far, including older people, were reported to be hiding in bushes and swamps.

According to the UN, fighting between government and opposition forces and a non-state armed group, the National Salvation Front (NAS), continued for the fifth year in the south, resulting in abductions, arbitrary arrests and beatings of civilians by NAS and government forces. In other areas, between December 2021 and 30 November 2022, government security forces, the SPLA-IO, and community-based militias were responsible for at least 665 incidents involving human rights violations, including arbitrary killings, extrajudicial executions, sexual violence, abductions, detention, torture and other ill-treatment, and looting and destruction of civilian properties.

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

Between 25 February and 30 November, the UN Mission in South Sudan (UNMISS) documented 52 incidents of conflict-related sexual violence (CRSV) by government security forces, an unknown armed group and community-based militias, affecting 103 people. The actual numbers are likely to be higher. According to the CHRSS, CRSV remained widespread and systematic, exacerbated by a lack of accountability and attributed to a patriarchal society. The implementation of the 2021 Action Plan for the Armed Forces on Addressing CRSV was insufficient. Copies of the action plan were not easily accessible and awareness about it was close to non-existent among survivors and most civil society members.<sup>3</sup> Despite the need, availability and accessibility of mental

health and psychosocial support services for CRSV survivors remained extremely limited.

## **DENIAL OF HUMANITARIAN ACCESS**

Between 1 December 2021 and 30 November 2022, 589 incidents related to constraints on humanitarian access were reported, according to the UN. Of those, 280 involved violence against humanitarian personnel and assets. Nine attacks on convoys took place. At least 10 humanitarian workers were killed and fighting between armed actors necessitated the relocation of 233 humanitarian staff.

## **IMPUNITY**

Prosecutions of suspects of crimes under international law, including CRSV, remained the exception and impunity the norm. A handful of sexual violence cases committed by state security actors against civilians were tried in military and civilian courts, but these did not match the high number of cases. By the end of the year, no case had been prosecuted as a war crime or torture.

South Sudan's legal framework continued to fail to address CRSV and other crimes under international law effectively. The 2008 Penal Code remained unamended and did not include war crimes or crimes against humanity, continued to define rape in a limited manner, and did not contain command responsibility as a mode of criminal liability.

In September, a military tribunal in Yei convicted eight soldiers of rape, according to national court monitors. Several male family members of CRSV survivors were given partial compensation for incidents that were adjudicated by a military tribunal in Yei in 2020.

## **RIGHT TO TRUTH, JUSTICE AND REPARATION**

On 5 April, the president launched public consultations to inform the legislation that is to establish the Commission for Truth, Reconciliation and Healing. A technical committee commenced the consultations in May. By the end of the year, the committee

concluded the consultations and presented a report to the minister of justice and constitutional affairs.

No progress was made to establish the Compensation and Reparation Authority and the Hybrid Court for South Sudan. President Kiir continued to argue that reconciliation was preferable to accountability.<sup>4</sup>

## **EXTRAJUDICIAL EXECUTIONS**

According to UNMISS, senior government officials ordered the extrajudicial execution of three civilians in Warrap State and one police officer in Unity State. In June, Human Rights Watch documented the extrajudicial killing of three civilians, including a child, by the army in Central Equatoria State. In August, according to media reports and the UN Panel of Experts, government security forces executed three unarmed rebel soldiers by firing squad in Unity State and burned another to death. UNMISS documented an additional 13 extrajudicial executions.

## **CHILDREN'S RIGHTS**

The UN said that the army, the SPLA-IO, the South Sudan Opposition Alliance, non-state armed groups and unknown armed persons committed grave violations and abuses against 243 children – 138 boys, 102 girls and three for whom the sex is unknown. The actual numbers were likely to be higher. Violations included abduction, killing, maiming, rape, and forced recruitment and use of children in combat and support roles such as porters, cooks and spies.

According to UNICEF's latest data, 2.8 million children were out of school and one third of schools had been damaged or destroyed. More than 7,000 children needed family tracing and reunification services and 1.4 million children suffered from acute malnutrition.

## **RIGHT TO FOOD**

Over six-and-a-half million people were acutely food insecure. The latest integrated food security phase classification assessment projected that an estimated 7.76 million people, well over half the population, will face

severe acute food insecurity during the lean season in April to July 2023. Throughout the year, food production was severely reduced by the conflict, economic decline, flooding and climatic shocks.

## **RIGHT TO HEALTH**

The government continued to fail in its obligation to respect, protect and fulfil the right to health. There were high numbers of deaths from preventable diseases and other conditions due to inadequate healthcare facilities, exacerbated by attacks on healthcare facilities and medical practitioners by government forces, armed opposition groups, vigilante groups and militias. Only an estimated 44% of the population had access to primary healthcare services. Despite widespread post-traumatic stress disorder among the population, the availability and accessibility of mental health and psychosocial support services remained extremely limited.<sup>5</sup>

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

The rights to freedom of expression, association and peaceful assembly continued to be violated. On 18 January, authorities allowed the Number One Citizen newspaper to resume operations after having suspended it on 9 December 2021 on the grounds that its editor-in-chief was not registered as a journalist. According to reports, authorities were displeased that the newspaper had protected its sources.

On 15 March, according to the UN, the National Security Service (NSS) censored the publication of articles by a media house and made resumption of operations conditional on a public apology for misquoting the minister of information. According to media reports, NSS officials briefly arrested nine journalists covering a SPLM-IO press conference in June, confiscating their equipment and deleting their audio recordings and photos.

In February, the media reported that civil servants in Jonglei State, protesting the local government's decision to cut the payment of

their salary arrears, clashed with the governor's bodyguards, which resulted in several injuries. In June, according to media reports, dozens of teachers in Warrap State were arrested by state authorities following a protest to demand their salaries. Most of them were released but six were transferred to Rumbek Central Prison where they remained until August when a court dismissed all charges against them.

On 7 August, police and NSS agents arrested and detained for eight days seven people in Juba who were protesting the rising cost of living. Police arrested a female journalist, who was interviewing protesters, on the grounds that she was not carrying identification. She was detained unlawfully for eight days.

In September, the government announced the establishment of a special court to adjudicate cybercrime and computer misuse. A December 2021 provisional order intends to prevent and provide protection from any crimes committed through computers or the internet, including espionage and the publication of false information. The order's definitions of crimes are broad and ambiguous, raising concerns that the government could use them to target opponents, dissidents and critics, including human rights defenders and activists.

The 2014 NSS Act was still not amended despite obligations under the 2015 and 2018 peace agreements to do so. It grants NSS officers police-like powers of arrest and detention, in violation of the NSS's constitutional mandate to gather intelligence, and in breach of international human rights standards.

## **DEATH PENALTY**

Death sentences continued to be imposed and executions were carried out. On 22 March, the High Court in Eastern Equatoria State released Magai Matioi Ngong. He was 15 when he was sentenced to death by hanging in 2017, after being convicted of murder, which he claims was an accident.<sup>6</sup>

## ENVIRONMENTAL DEGRADATION

In April, the government announced its intention to revive the Jonglei Canal project to divert water from the Sudd to the Nile in Sudan and Egypt. Senior government officials argued that the project would help prevent flooding in Jonglei and Unity states and in May, Egypt sent machines to help with dredging. However, academics, environmentalists and activists argued that the plans would adversely affect communities and wildlife which depend on the water, and could lead to a lack of rain resulting from reduced water evaporation. In July, according to media reports, President Kiir ordered the suspension of all dredging-related activities in South Sudan, including the Sudd wetlands and Naam river – a tributary of the Nile – pending completion of assessments on the impact on surrounding communities and the ecosystems. According to the Associated Press, the president established a committee on the Sudd region and the White Nile river to discuss options for flood and water management; its findings would inform a decision on the proposed projects.

1. "South Sudan: Renewal of UN arms embargo positive step to help curb conflict-related sexual violence", 26 May
2. "South Sudan: Fulfil past Universal Periodic Review commitment to develop a human rights agenda and action plan", 4 July
3. *South Sudan: "If You Don't Cooperate, I'll Gun You Down": Conflict-Related Sexual Violence and Impunity in South Sudan*, 18 May
4. *South Sudan: African Union's Abandoned Commitment to Justice in Africa: The Case of the Hybrid Court for South Sudan*, 23 November
5. *South Sudan: Human Rights Priorities for the Government of South Sudan*, 3 February
6. "South Sudan: High Court releases man who was sentenced to death when he was a child", 24 March

## SPAIN

### Kingdom of Spain

Head of state: **Felipe VI**

Head of government: **Pedro Sánchez**

**The authorities' violent response to people's attempts to cross the border between Melilla and Morocco resulted in deaths,**

**torture and unlawful expulsions. Spyware was used to target Catalan politicians and members of civil society. Violence against women persisted. A bill to remove some barriers to abortion came before parliament. A problematic bill that criminalizes aspects of sex work was tabled. The government approved a landmark bill on gender self-determination. The authorities did not protect adequately the rights to health and housing. Concerns continued about the use of electroshock equipment by police. Vaguely formulated offences were misused to curb freedom of expression and peaceful assembly. New legislation was a positive step in fighting impunity for violations perpetrated during the Civil War and dictatorship. Measures to tackle the climate crisis remained inadequate.**

## BACKGROUND

A police officer was sentenced to 12 months' imprisonment for providing false evidence against certain Catalan politicians. The conviction was connected to ongoing, broader criminal investigations into the activities of a secret network, called the "patriotic police", suspected of fabricating evidence to undermine the political group Podemos and leaders of the Catalan pro-independence movement.

## REFUGEES' AND MIGRANTS' RIGHTS

The authorities gravely violated refugees' and migrants' rights at borders.

On 24 June, the Spanish and Moroccan authorities used unlawful force and acts which may amount to torture and other ill-treatment to repress an attempt by a large group of people, all Black men from Sub-Saharan Africa, to enter and seek protection in Melilla, a Spanish enclave in northern Morocco. At least 37 people died and over 470 were illegally expelled. In October, UN experts condemned the continuing lack of accountability for the deaths and the dehumanization of African migrants at Europe's borders.<sup>1</sup>

In March, the authorities forcibly returned an Algerian national to Algeria without

assessing the risks to his safety there. Mohamed Benhalina, a former military official and whistle-blower, was imprisoned upon arrival in Algeria and informed that he had been sentenced to death in his absence. Spanish authorities had rejected his asylum application because of his alleged involvement in activities “contrary to national security or which may be harmful for Spain’s relationship with other countries”.

The authorities granted temporary protection, under the EU Temporary Protection Directive, to 156,000 Ukrainian refugees. The government set up dedicated reception centres in Madrid, Barcelona, Alicante and Malaga to ensure a coordinated and rapid response to the refugees’ needs.

## **RIGHT TO PRIVACY**

There was concern about the use in Spain of the NSO Group’s Pegasus spyware, which was used to target the mobile phones of prominent Catalan politicians, journalists, lawyers and their families. In May, the Director General of the National Intelligence Centre admitted that several pro-independence Catalan politicians had been spied on. The government also confirmed that the official phones of the President, the Minister of the Interior and the Minister of Defence were infected with Pegasus spyware; in May the High Court began an investigation. Unrelated investigations by Catalan courts into the targeting of Catalan politicians and members of civil society remained stalled.

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

Violence against women persisted, with 49 women killed by their partners or ex-partners during the year. Since 2013, when records began, 48 children had been killed in the context of gender-based violence against their mothers, including two in 2022.

In a positive development, the Ministry of Equality began collecting data about violence against women perpetrated by individuals other than their partners and ex-partners.

The Law on Comprehensive Protection of Sexual Freedom, which amended the Criminal Code redefining the offence of

sexual violence based on lack of consent, came into force in October.

## **SEXUAL AND REPRODUCTIVE RIGHTS**

In December, Congress passed a bill to amend the law on sexual and reproductive rights to remove the requirement of parental consent for 16- and 17-year-olds to have an abortion, together with other barriers to accessing a timely abortion, such as mandatory counselling and reflection periods.

## **WORKERS’ RIGHTS**

A bill to amend the Criminal Code to criminalize aspects of sex work, including clients and third parties, that would impact sex workers’ rights and their safety was pending in parliament at the end of the year.

## **LGBTI PEOPLE’S RIGHTS**

In June, the government approved a landmark bill that recognizes people’s right to gender self-determination, allowing transgender people to obtain legal recognition of their gender and change their gender markers on identity documents without the need for hormonal treatment or a medical report; this includes children aged 12 and over. In December, Congress passed the bill, with the Senate expected to approve it in early 2023.

## **RIGHT TO HEALTH**

National and regional governments allocated insufficient resources to protect the right to health. The national budget for primary healthcare was 14% of the total public healthcare budget, far from the WHO recommended level of at least 25%. The Autonomous Communities’ total healthcare budget was only 4.5% higher than in 2021, less than half of the increase in healthcare spending between 2019 and 2020. Aragón and Castilla La Mancha actually reduced their healthcare budgets compared with 2021.

The new Mental Health National Strategy 2022-2026, approved in December 2021 after a 15-year long hiatus, started to be implemented.

## **OLDER PEOPLE**

The authorities did not investigate adequately the deaths of older people in care homes during the Covid-19 pandemic. About 90% of prosecutors' investigations were closed, despite the General Public Prosecutor acknowledging that there had been human rights violations in care homes.

The majority of regional truth commissions tasked with looking into the treatment of older people in care homes were closed down without clear explanation and the authorities failed to establish a national truth commission to hold those responsible for the care home deaths to account.

## **RIGHT TO HOUSING**

Thousands of families were denied their right to adequate housing. Between January and September there were 29,285 evictions. In June, the government renewed the suspension of evictions of economically vulnerable people until 31 December. While welcome, the measure was insufficient to protect from homelessness thousands of people not in this category.

The rising cost of energy affected thousands of families, with 14.3% of the population unable to afford to keep their homes at an adequate temperature, compared to 10.9% in 2020. In the neighbourhood of Cañada Real, in Madrid, 4,500 people, including 1,800 children, continued to live without access to electricity after being disconnected in 2020, despite the Ombudsman recommending that the connection be re-established.

## **EXCESSIVE USE OF FORCE**

Concerns remained over the adequacy of training and protocols for the use of "less lethal" weapons by various police forces in the country. The Ministry of the Interior extended the inclusion of electroshock equipment as standard equipment for the National Security Police and Civil Guard and also for the regional police forces in the Basque Country and Catalonia.

By the end of the year, no suspects had been charged in relation to the death, in

November 2021, of a man in Barcelona who was electroshocked by regional police several times, including after he had been restrained.

People seriously injured by foam bullets fired by police during demonstrations risked being denied justice as prosecutors planned to close criminal investigations due to a lack of cooperation by police.

At the end of the year, criminal investigations into the unlawful use of force by police in the context of the protests of October 2017 in Catalonia were still ongoing.

## **FREEDOM OF EXPRESSION AND ASSEMBLY**

The authorities continued to misuse the Public Security Act to limit the freedom of expression of demonstrators and journalists. Data on enforcement of the law showed an increase in the number of fines imposed for vaguely defined administrative offences, such as "showing disrespect towards a law enforcement official" or "disobedience or resistance to the authorities or their agents".

Parliament began amending the Criminal Code to repeal the crimes of "insults to the Crown" and "insults to the institution", also misused to limit freedom of expression.

## **IMPUNITY**

In October, the Democratic Memory Act entered into force, replacing the 2007 Historical Memory Law. Under the new law the search for victims of enforced disappearance during the Civil War and dictatorship is the responsibility of the state and judgments passed by military, civil and special courts on political grounds are annulled. However, the act does not allow for crimes under international law committed during the same period to be pursued.

The 1968 Law on Classified Secrets, passed during the dictatorship, remained an obstacle to access to justice.

## **FAILURE TO TACKLE CLIMATE CRISIS**

The Carlos III Health Institute estimated that between January and October there were 5,829 deaths attributable to high temperatures. In the same period, fires

destroyed 259,491.42 hectares of land, three times more than in the same period in 2021. The Greenhouse Gas Emissions Inventory estimated a gross emission of 288.6 million tonnes of carbon dioxide in 2021, which constituted a 5.1% increase over the previous year.

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1. Morocco: *"They beat him in the head, to check if he was dead": Evidence of Crimes Under International Law by Morocco and Spain at the Melilla border, 13 December*

## SRI LANKA

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**Democratic Socialist Republic of Sri Lanka**  
Head of state and government: **Ranil Wickremesinghe**  
(replaced **Gotabaya Rajapaksa** in July)

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**The government intensified its crackdown on dissent as thousands of people protested against the dire economic situation. The rights to freedom of expression and peaceful assembly came under fierce attack by law enforcement agencies, which at times used unlawful force leading to deaths and injuries. Protesters were arbitrarily arrested, detained using draconian counterterrorism legislation, and ill-treated in custody. Serious human rights violations committed during the internal armed conflict remained unaddressed. Families of people forcibly disappeared continued to seek truth and justice. Amendments to the Prevention of Terrorism Act failed to address key human rights concerns, and Muslims and Tamils continued to be targeted under the Act.**

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

Sri Lanka's economic crisis had a devastating impact on human rights, with inflation rising to 73.7% in September, and 85.8% for food. Access to food, healthcare and education were gravely impacted, and existing social security programmes were inadequate to address growing needs. Fuel shortages prompted power outages for up to 13 hours a day. People with precarious jobs who relied

on daily wages were particularly affected by the economic situation.

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

The state's crackdown on dissent worsened rapidly when people took to the streets to protest against the economic crisis. From late March, hundreds of protesters gathered outside government buildings and residences of the political elite. Despite the protests being largely peaceful, the authorities used various means to restrict freedom of expression, association and peaceful assembly.

States of emergency were declared on at least three occasions in April, May and July; the last one lapsed in mid-August. Emergency regulations published alongside the states of emergency gave sweeping powers to the authorities to arrest and detain people without due process or judicial oversight. On 9 May, the peaceful protest site outside the Presidential Secretariat was attacked by pro-government supporters. In response, anti-government groups launched retaliatory attacks. According to authorities, nine people died in the ensuing violence, including an MP, and more than 220 people were injured.

Law enforcement authorities regularly sought pre-emptive court orders against protests without reasonable basis, or refused to grant permission for planned demonstrations, violating the right to freedom of peaceful assembly.

The government remained in discussions to amend the Voluntary Social Services Organizations Act. The proposed amendments would restrict the right to freedom of association, potentially hampering the operations of NGOs, for example through lengthy registration processes, imposing fines and imprisonment for non-registration, and giving powers to authorities to suspend, ban and dissolve NGOs.

### **ARBITRARY ARRESTS AND DETENTIONS**

On numerous occasions, law enforcement authorities arbitrarily arrested protesters

without following due process, sometimes in abduction-style arrests conducted by plain-clothed officers without warrants. Reasons for arrest and information on the location of detention were frequently not provided. These abduction-style arrests violated the right to liberty and security of the person and the right to a fair trial, placing detainees outside the protection of the law and at risk of torture and other ill-treatment.

Authorities used the states of emergency and criminal laws, including the Prevention of Terrorism Act and the Public Properties Act, to quash protests and punish those taking part. Protesters including human rights defenders, trade unionists and students were charged with participating in “unlawful assemblies”. Some were also given travel bans or selectively charged with offences relating to acts of civil disobedience.

The use of the Prevention of Terrorism Act (PTA), Sri Lanka’s draconian counterterrorism legislation, against protesters was excessive and disproportionate. In August, President Ranil Wickremesinghe approved the detention of three student protest leaders under the PTA. Charges against Hashan Jeewantha were dropped in October. Siridhamma Thero was released on bail in November. Wasantha Mudalige remained in detention at the end of the year.

## **EXCESSIVE USE OF FORCE**

There were multiple instances of excessive and unnecessary force being used against people queuing for fuel. In May, the Ministry of Defence authorized the armed forces to open fire on looters or “anyone causing harm to others”. The army was mobilized to police civilian protests on multiple occasions.

The misuse of tear gas and water cannon became commonplace in response to demonstrations, affecting protesters, including children, and bystanders. Such tactics caused at least one death at a protest in July. Live ammunition was fired at protesters on multiple occasions, leaving one person dead and over 20 injured in April in Rambukkana, and several others critically injured in the capital, Colombo, in July. Also

in July, journalists covering a protest in front of the president’s residence were assaulted by security forces on live television.

On 21 July the military, police and special forces conducted a joint night-time operation without warning to forcefully remove protesters sleeping in tents outside the Presidential Secretariat and a handful of protesters who had occupied the Secretariat. Protesters, along with journalists covering the incident, were beaten. The area was closed off, preventing further access by the media, lawyers and activists. More than 50 people were reportedly injured and nine people were arrested. Some of those arrested alleged that they were tortured or otherwise ill-treated in custody.

In July, a man was killed at the Kandakadu Rehabilitation Centre, a facility in North Central Province mainly used to detain drug addicts. A post-mortem revealed that his death was caused by injuries inflicted all over his body by a blunt weapon. Members of the armed forces were arrested over the incident. In September, the government introduced a draft law, the Bureau of Rehabilitation Bill, which would authorize the compulsory detention of “drug dependent persons” involuntarily in military-run “rehabilitation” centres.

## **IMPUNITY**

The PTA, which had been used in previous years to facilitate torture, enforced disappearances and prolonged detention without trial, remained in use despite government assurances of a moratorium. Amendments to the PTA in 2022 failed to bring it in line with international law and standards, as it continued to facilitate the prolonged detention of suspects without charge, among other concerns.

The authorities made no progress in bringing to justice in fair trials before ordinary civilian courts all those suspected of criminal responsibility concerning allegations of violations of international human rights and humanitarian law during the three decades-long conflict. Emblematic cases made no notable progress. In light of Sri Lanka’s



failures to provide redress to victims of crimes under international law and grave human rights violations, the UN Human Rights Council passed a resolution in October extending the mandate and capacity of OHCHR's Sri Lanka Accountability project to collect, consolidate, analyse and preserve information and evidence for future accountability processes.

## **RIGHT TO TRUTH, JUSTICE AND REPARATION**

Domestic transitional justice bodies, including the Office on Missing Persons and the Office on Reparations, lost the confidence of victims' families further after being undermined by the appointment of members not deemed independent. Families complained of being surveilled, intimidated, and restricted from holding peaceful protests and memorialization initiatives, while being pressured to accept financial compensation and death certificates in lieu of certificates of absence until the fate of those forcibly disappeared could be ascertained.

The government showed renewed interest in setting up a truth and reconciliation commission to address the grievances of those affected by the war. However, such a process had yet to be set up in line with the findings of public consultations on reconciliation mechanisms by the end of the year.

Domestic redress mechanisms including the National Human Rights Commission remained politicized. In October, the legislature passed an amendment to the Constitution, ostensibly to make appointments to key commissions more independent. However, the council that makes such appointments required nomination by a majority of government members, bringing the independence of their appointments into question. The Global Alliance of National Human Rights Institutions recommended that the National Human Rights Commission be downgraded due to its lack of independence, amongst other concerns

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

In a landmark decision, in March the CEDAW Committee found that the criminalization of consensual same-sex sexual conduct between women under Section 365A of Sri Lanka's Penal Code (1883) violates their right to non-discrimination. The CEDAW Committee called on the Sri Lankan authorities to decriminalize consensual same-sex sexual conduct between women. A Private Member's Bill seeking to amend the Penal Code provisions that criminalize same-sex conduct was handed to the president in August, but did not receive government support by the end of the year.

### **MINORITY RIGHTS**

Muslim and Tamil minorities remained disproportionately affected by the use of the PTA. Even in cases where suspects were released on bail, who included Hejaaz Hizbullah, Ahnaf Jazeem, Davaniya Mukunthan and Mohamed Imran, their livelihoods remained affected by bail conditions which included the freezing of their assets and restrictions on livelihood-generating activity.

## **SUDAN**

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### **Republic of Sudan**

Head of state and government: **Abdel Fattah al-Burhan**

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**Security forces continued to use excessive force against protesters, killing dozens and injuring thousands of others. Protesters, including women and children, were unlawfully detained and ill-treated; and some were forcibly disappeared. Hundreds of civilians were killed and injured by militia groups in the West Darfur region. Ali Mohammed Ali went on trial at the ICC on charges of war crimes and crimes against humanity carried out in West Darfur. Freedom of expression was severely restricted, and the internet was shut down ahead of mass protests. Women protesters faced sexual assault and harassment. Large numbers of people faced acute hunger due**

**to food insecurity. Refugees from Ethiopia, Eritrea and South Sudan continued to arrive and faced ration cuts due to funding shortfalls.**

## **BACKGROUND**

Prime Minister Abdalla Hamdok, who was reinstated in November 2021 following the October 2021 military coup, resigned in January, leaving the military in full control of government. Protests against the military takeover continued throughout the year.

The state of emergency imposed by the military in October 2021 was lifted in May 2022, following which 171 detainees were released nationwide. However, measures adopted under it, such as those expanding the law enforcement powers of the Sudan Joint Security Forces, remained in place.

Domestic and international attempts to facilitate a political solution and enable a credible civilian-led democratic transition were ongoing since the military coup. On 5 December, a coalition of civilian and military leaders signed an agreement to create a new two-year civilian transitional authority led by a prime minister who would be selected by civilian leaders.

The armed conflict continued in the Darfur and Blue Nile regions.

## **EXCESSIVE USE OF FORCE**

Sudanese security forces continued to use excessive force against peaceful protesters. According to the UN, by August, 117 people, including 20 children and one woman had been killed during demonstrations since 25 October 2021. An estimated 7,700 protesters including thousands of children were seriously injured. The Central Committee of Sudan Doctors (CCSD) said there were 21 deaths and 1,850 injuries between 6 May and 20 August 2022 alone. Promises made by the authorities to investigate such crimes remained unfulfilled.

On 5 May, the CCSD reported that 23-year-old Mujtaba Abdel Salam Osman was killed when a vehicle belonging to security agents ran over protesters. According to the Sudan Human Rights Monitor, 73 injuries were

reported that day, including 30 from tear gas inhalation and 11 who had been run over by a police vehicle.

On 30 June, large demonstrations took place nationwide, to protest against the 2021 military takeover. The protests were organized to coincide with the anniversary of the 1989 military coup, which overthrew the democratically elected government and put the now deposed president, Omar al-Bashir, in power. The protests also marked the first “million-person” march since the killing of over 100 protesters by security forces who violently dispersed a peaceful demonstration on 3 June 2019. On 30 June, security forces again used excessive force to disperse the demonstrators, resulting in the deaths of nine protesters, eight of whom were allegedly killed by live ammunition fired by security forces, and injuries to more than 600 others. Several sit-ins were organized in the capital, Khartoum, in the aftermath of the violence to denounce the use of excessive force by the security forces.

## **ARBITRARY ARRESTS AND DETENTION**

As part of its broader clampdown on opposition to the 2021 military coup, Sudan's security forces unlawfully detained hundreds of protesters and forcibly disappeared many others who were still missing at the end of the year. Between October 2021 and April 2022, the UN Designated Expert on the situation of human rights in Sudan and the UN Joint Human Rights Office in Sudan documented the arbitrary arrest and detention of 1,293 people in connection with the coup or with protests against the coup. They included 143 women and 157 children, including two girls. Many others were held for short periods and released without charge.

The arrests were carried out by security forces including anti-riot police, Central Reserve Police and military units from the Sudan Armed Forces, along with unidentified plain-clothes agents. Their ill-treatment of protesters included stripping child detainees naked and threatening sexual violence against women.

## **UNLAWFUL ATTACKS AND KILLINGS**

Sudanese security forces failed to protect civilians against continued indiscriminate armed attacks. According to the UN, hundreds of civilians were killed and injured in the West Darfur region by militia groups. In October, at least 220 people were killed in two days of intercommunal fighting in Sudan's southern Blue Nile province.

According to the UN, intercommunal clashes in Blue Nile erupted several times from July onwards and caused at least 359 deaths and 469 injuries among those participating in the fighting as well as civilians. The clashes also displaced more than 97,000 civilians. The provincial government declared a 30-day state of emergency and banned gatherings.

## **RIGHT TO TRUTH, JUSTICE AND REPARATION**

In April, the ICC started the trial of Ali Mohammed Ali, also known as Ali Kosheib, who is believed to have been the principal leader of the Janjaweed militia in West Darfur. Ali Mohammed Ali faces 31 counts of war crimes and crimes against humanity committed in 2003 and 2004 in West Darfur.

In August, ICC Prosecutor Karim Khan visited Sudan including camps for internally displaced people in Darfur. He called on the UN Security Council to ensure that his visit and the trial of Ali Mohammed Ali would be the “beginning of true accountability and not a false dawn”.

Three other people, including Omar al-Bashir faced ICC charges, but the Sudanese authorities have yet to hand them over to the ICC for trial.

## **FREEDOM OF EXPRESSION**

The right to freedom of expression and media freedom were severely restricted. Journalists and other media workers were assaulted, threatened and harassed.

On 13 January, security forces raided Alaraby television station in Khartoum. They assaulted and arrested four staff members who were filming a demonstration from the station's roof top and destroyed their cameras. On 19 January, in Southern

Kordofan, police arrested a woman in connection with a social media post about child recruitment to the Sudan Armed Forces. She was released after being charged with multiple offences under the Cybercrimes Act, including publishing false information, attacking the integrity of the Sudan Armed Forces, and undermining and threatening national security.

Several groups monitoring internet access across the world, including NetBlocks, confirmed internet disruption on multiple service providers across Sudan ahead of the mass protests scheduled for 30 June (see above, Excessive use of force). Normal internet service was restored after 20 hours.

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

Women protesters continued to face sexual assault. Gender-based violence including conflict-related sexual violence against women and girls continued in West Darfur.

According to the UN Designated Expert, members of the Sudan Joint Security Forces and other armed men in civilian clothes committed numerous human rights violations, including sexual and gender-based violence against women and girls who have been at the forefront of protests against the coup. The UN Designated Expert verified 13 incidents of rape, gang rape, attempted rape and other forms of sexual and gender-based violence that had been perpetrated in Khartoum in the context of protests against the coup between October 2021 and April 2022. They involved 14 victims (10 women, one girl, one man and two boys).

In Darfur, the UN Designated Expert reported eight incidents of rape involving 15 women and five girls in the context of intercommunal violence or attacks against internally displaced women and girls. The perpetrators were armed men, most of them in military uniforms. All eight cases were reported to the police but only one arrest was made, for the rape of a 12-year-old-girl in North Darfur.

## RIGHT TO FOOD

According to the UN, Sudan faced a steady increase in food insecurity levels. Almost one quarter of the population was estimated to have faced acute hunger between June and September. The North, West and Central Darfur, Khartoum, Kassala and White Nile regions accounted for the highest number of people affected by acute hunger. Up to 11.7 million people were facing acute food insecurity. Of those, 3.1 million were classified as being in an “emergency” situation. According to the UN Food and Agriculture Organization, the armed conflict in Ukraine further exacerbated food insecurity because of Sudan’s reliance on wheat imports from Russia and Ukraine over recent years.

## REFUGEES’ AND MIGRANTS’ RIGHTS

Sudan continued to receive new refugees from neighbouring countries, mainly South Sudan, Ethiopia and Eritrea. During the year, 20,000 refugees from South Sudan arrived, mainly in White Nile state, East Darfur, West Kordofan and South Kordofan. Ethiopian refugees also continued to arrive in eastern Sudan and the Blue Nile region. According to the UN, as of 31 July, about 59,800 people had crossed into Sudan since the crisis in northern Ethiopia began in November 2020.

Owing to severe international funding shortfalls, the World Food Programme was forced to cut rations for refugees across the country. It assisted more than 550,000 refugees in Sudan. From July, refugees received only half a standard food basket, or its equivalent in cash.

# SWEDEN

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### Kingdom of Sweden

Head of state: **Carl XVI Gustaf**

Head of government: **Ulf Kristersson (replaced Magdalena Andersson in October)**

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**Sweden failed to take adequate action to decarbonize its economy. Civil disobedience activists were convicted of a serious crime.**

**Inequalities in the housing market further deepened. Sámi reindeer herding lands were threatened by mining. A draft law on gender recognition fell short of human rights standards. A UN panel of experts expressed concerns over racial justice in the context of law enforcement. Two oil company representatives stood trial for alleged complicity in war crimes.**

## FAILURE TO TACKLE CLIMATE CRISIS

Sweden not only failed to take adequate action to decarbonize its economy but actually went backwards on addressing the climate crisis. During the year, the government introduced tax cuts on gasoline and diesel, reduced funds for environmental protection and slashed environmental budgets and funds for climate-related international cooperation

## FREEDOM OF ASSEMBLY

In October, the District Court of Solna convicted 12 climate activists, who had carried out an act of civil disobedience, of sabotage. This harsh charge raised concerns regarding the proportionality of restrictions on the right to freedom of assembly as similar earlier acts had been met with less serious charges.

In August, police detained and deported six Finnish climate activists travelling to Sweden to participate in a demonstration. One was detained for four days and banned from entering Sweden for two years. The ban was lifted on appeal.

## RIGHT TO HOUSING

In March, a government-appointed inquiry highlighted inequality in the housing market, with increasing numbers of people condemned to live in inadequate and overcrowded housing or made homeless.

## INDIGENOUS PEOPLES’ RIGHTS

In March, a new law on the right to consultation for the Sámi Indigenous people entered into force. It did not, however, adequately incorporate the right to free, prior and informed consent before the adoption of

or implementation of legislative or administrative measures that may affect them.

In March, the government granted concessions to an iron ore mine in Gállok/Kallak in Norrbotten on Sámi reindeer herding land, despite massive opposition from affected Sámi villages, the Sámi parliament, the Swedish environmental agency and two UN special rapporteurs. In July, the government appointed the Swedish National Council for Crime Prevention to conduct a study on hate and threats against Sámi people.

## LGBTI PEOPLE'S RIGHTS

In July, the government proposed reforming the law on legal gender recognition. In contrast to that presented the year before, the new draft falls short of human rights standards since it requires a medical examination and the decision of a national board and is not based on self-identification.

## DISCRIMINATION

In November, the UN International Independent Expert Mechanism to Advance Racial Justice in the Context of Law Enforcement expressed concerns that security challenges were addressed through a response which focused on over-policing, surveillance and arbitrary stops and searches.

## VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW

In February, the trial began by the Stockholm District Court of two representatives of Lundin Energy (formerly Lundin Oil AB) for complicity in war crimes in South Sudan. However, the trial was subsequently suspended, as a defendant appealed against the application of universal jurisdiction. In November, the appeal was rejected and the trial was set to resume.

# SWITZERLAND

## Swiss Confederation

Head of state and government: **Ignazio Cassis**

**The European Court of Human Rights found a violation of freedom of peaceful assembly. A landmark UN report exposed systemic racism in Switzerland. New legislation on rape was considered but not yet adopted. Several proposals to reform the law on abortion were ongoing. Parliament took a significant but insufficient step towards strengthening climate action. The war in Ukraine highlighted flaws in the current asylum system. A new draft law proposed extensive surveillance powers for the National Intelligence Service.**

## BACKGROUND

Efforts to create a new national human rights institution in 2023 were ongoing.

In September, Switzerland ratified an amendment to Article 8 of the Rome Statute of the ICC, declaring that the intentional starvation of civilians would be considered a war crime during civil wars as well as in international armed conflicts.

## FREEDOM OF ASSEMBLY

In March, the European Court of Human Rights found in *Communauté genevoise d'action syndicale v. Switzerland* a violation of the right to freedom of peaceful assembly. The case was referred to the Grand Chamber.

## DISCRIMINATION RACISM

The UN Working Group of Experts on People of African Descent found racism to be systemic in Switzerland. It recommended an explicit prohibition of racial profiling, and the creation of civilian, independent complaint mechanisms with oversight and disciplinary authority over the police in every canton.

In October, the Swiss government sent a draft law to parliament to ban face coverings following a referendum supported by 51.2% of voters in 2021.

## LGBTI PEOPLE'S RIGHTS

In June, the parliament gave the Federal Council a binding mandate to draw up a national action plan to better support and protect people from anti-LGBTI hate crimes.

On 1 July, the new regulations to legalize civil marriage and the right to adopt children for same-sex couples became effective.

## RIGHTS OF PEOPLE WITH DISABILITIES

In March, the UN Committee on the Rights of Persons with Disabilities found that Switzerland had violated the rights of around 1.8 million people with disabilities, most notably due to the lack of a comprehensive strategy for implementing the Convention. The Committee recommended ratifying the optional protocol on individual complaints.

## GENDER-BASED VIOLENCE

Parliament did not conclude its deliberations regarding a new criminal provision on rape. While the Council of States in June opted for the so-called “No means No” model, the National Council approved the “Only Yes means Yes” model, which would be in line with the CEDAW Committee’s concluding observation that the definition of rape should be based on the absence of consent. The draft law was due to go back to the Council of States in March 2023.

## SEXUAL AND REPRODUCTIVE RIGHTS

In May, a member of the Green party launched a parliamentary initiative to reframe abortion as a public health issue. Two separate initiatives started in December 2021 by members of the Swiss People’s Party seeking to restrict access to abortion were ongoing.

## FAILURE TO TACKLE CLIMATE CRISIS

In April, the case of *Verein KlimaSeniorinnen Schweiz and Others v. Switzerland*, in which a group of elderly women alleged that their health was adversely affected by Switzerland’s failure to address climate change, was fast-tracked to the Grand Chamber of the European Court of Human Rights.

In September, parliament adopted a proposal which would enshrine in law a target of net-zero emissions by 2050 and define new measures for different industries and sectors. It was due to enter into force in 2023 pending a referendum.

## REFUGEES’ AND MIGRANTS’ RIGHTS

Following the Russian invasion of Ukraine, Switzerland implemented a temporary protection regime similar to that of the EU Directive. The rapid support for people fleeing Ukraine was in stark contrast to flaws in the regulations applied to asylum seekers from other nationalities admitted under provisional admission status.

Due to the arrival of Ukrainian refugees, several projects aimed at improving the living conditions in federal asylum centres were postponed.

The National Commission for the Prevention of Torture criticized the use of partial restraint during forced returns, the failure to adequately consider children’s rights, and compulsory Covid-19 tests for people to be returned.

## CORPORATE ACCOUNTABILITY

The Senate’s legal affairs committee decided to begin work to explicitly include the prohibition of forced labour in the existing due diligence legislation.

## RIGHT TO PRIVACY

The draft amendments of the Federal Act on the Intelligence Service were heavily criticized for expanding the already broad powers of the intelligence services at the expense of fundamental rights.

In September, the city parliament of St Gallen voted to ban biometric surveillance in public places.

# SYRIA

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**Syrian Arab Republic**

Head of state: **Bashar al-Assad**

Head of government: **Hussein Arnous**

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**The conflict in Syria continued although hostilities decreased, while economic and social conditions deteriorated. Parties to the conflict continued to commit with impunity gross human rights abuses, serious violations of international humanitarian law and crimes under international law, including war crimes. Government forces and armed opposition groups and their allies carried out unlawful attacks on civilians and civilian infrastructure, including water stations and displacement camps, through aerial bombing and artillery shelling in northern Syria. Government authorities, the Syrian National Army (SNA) and the Autonomous Administration of North and East Syria (Autonomous Administration) subjected civilians to arbitrary detention, abduction and enforced disappearance. President al-Assad enacted Syria's first anti-torture law, which failed to address impunity or provide redress to victims and families, and ratified a new cybercrime law that criminalizes online criticism of the authorities or constitution. The armed opposition group Hay'at Tahrir al-Sham and the Autonomous Administration continued to restrict freedom of expression and assembly. The government continued to prevent residents and internally displaced people in north-west Syria from enjoying their economic and social rights, including by obstructing aid to displaced people in al-Rukban near the border with Jordan.**

## **BACKGROUND**

In February, hundreds of people in Sweida, a Druze-majority city in south-west Syria, protested against the continued deterioration of living conditions. Throughout the year, teachers in north-west Syria, an area controlled by Hay'at Tahrir al-Sham, protested against low wages and demanded salaries for long-standing volunteers.

In February, 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 Kafer Zita, a town in Hama governorate, in 2016. On 30 March, Russia vetoed a US-sponsored resolution at the UN Security Council that would have allowed OPCW inspectors to determine who was responsible for chemical weapons attacks in Syria.

In April, the World Food Programme estimated that 55% of the Syrian population was food insecure. Economic and social conditions deteriorated across the country with 14.1 million people identified as in need of humanitarian assistance for food, water and sanitation, health, education and housing.

On 10 May, the EU and other international donors pledged only USD 6.7 billion of the USD 10.5 billion needed to support all of the 14.1 million people in need of aid.

On 27 July, the Autonomous Administration said that it found a mass grave containing at least 29 bodies of people who may have been killed by the Islamic State when the armed group controlled the area.

On 10 September, the Ministry of Health declared a cholera outbreak in six governorates including Aleppo and Deir ez-Zor.

In October, an Associated Press investigation revealed allegations of mismanagement and corruption against the representative of the WHO in Syria. Based on the obtained evidence, the representative "engaged in abusive behaviour, pressured WHO staff to sign contracts with high-ranking Syrian government politicians and consistently misspent WHO and donor funds." The WHO said an internal investigation was ongoing.

Israel continued air attacks targeting Syrian government, Iranian and Hizbullah forces in Syria. Its occupation of the Golan Heights reached 55 years in June.

## **UNLAWFUL ATTACKS**

Warring parties and their allies continued to conduct unlawful ground and aerial attacks on civilians and civilian infrastructure in northern Syria, killing and injuring scores of civilians.

## **SYRIAN GOVERNMENT AND ITS ALLY RUSSIA**

The Syrian government, supported by Russian government forces, launched indiscriminate attacks and direct attacks on water stations, displacement camps, poultry farms and residential areas in north-west Syria. On 6 November, they launched a series of artillery attacks and air strikes on a forest next to displacement camps in Kafr Jallis in the north-west, killing four internally displaced people, including three children and a woman, and injuring more than 70 civilians.

According to the Independent International Commission of Inquiry on the Syrian Arab Republic (UN Commission of Inquiry), the Syrian government and Russia launched multiple air strikes and ground attacks on civilians and civilian objects in the north-east. On 2 January, an air strike attack on Arashani water station that serves Idlib city injured one civilian and temporarily cut the water supply to at least 300,000 people. On 3 January and 12 May, air strikes on two poultry farms in Idlib governorate injured a woman and her eight-year-old son, and a man, respectively. The report added that there were “reasonable grounds” to believe that pro-government forces had “intentionally targeted objects indispensable to the survival of the population”.

## **SYRIAN ARMED OPPOSITION GROUPS AND THEIR ALLY TÜRKIYE**

Syrian armed opposition groups and their ally Türkiye carried out indiscriminate attacks, including drone strikes and ground attacks, that struck residential areas, a school and a displacement camp in northern Syria.

On 24 February, a Turkish government drone strike targeting a military objective landed near a civilian bus on the Amuda-Qamishli road in north-east Syria. At least four civilians – three women and one man – were injured in the attack.

According to the UN Commission of Inquiry, heavy machine guns were likely used within areas occupied by Türkiye and controlled by the SNA in an attack against a school in a village close to Afrin, a town in northern Syria, which injured 11 children aged 6 to 12.

## **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 more than 10 years.

In February and April, the authorities partially revealed the fate of around 1,056 individuals forcibly disappeared since the start of the conflict by updating civil registry documents and issuing death certificates. These provided the date of death but did not disclose the circumstances in which the individuals died. The authorities failed to return the bodies of the deceased to their families.

On 30 April, President al-Assad issued Legislative Decree No.7 granting a general amnesty for “terrorism” crimes except for those that led to deaths. The authorities failed to announce the number of detainees released as a result, but local organizations estimated at least 150 releases.

### **AUTONOMOUS ADMINISTRATION**

The Autonomous Administration continued to unlawfully hold around 17,000 women and 37,000 children of Syrian, Iraqi and other nationalities, in al-Hol and al-Roj camps in the north-east in squalid conditions and without access to due process. On 7 February, the Asayish, the Autonomous Administration’s police force, opened fire in al-Hol camp, killing at least one child and injuring three women and three children.<sup>1</sup>

On 20 January, hundreds of children held in Ghwairan prison, an adult detention centre in Hassake, were trapped with limited access to food and medical aid for 10 days during an exchange of fire between the Autonomous Administration’s military force, the Syrian Democratic Forces (SDF), and the Islamic State. Children continued to be held in detention facilities in dire conditions in violation of the Convention on the Rights of the Child.

### **TÜRKIYE-BACKED SYRIAN NATIONAL ARMY**

In July, Hevdesti-Synergy, an association for victims in northern Syria, reported the arrest



of 79 people by the SNA and affiliated armed groups in Afrin, Ras al-Ayn and Tall Abyad – areas occupied by Türkiye – for their alleged affiliation with the Autonomous Administration, attempting to cross to Türkiye irregularly, extortion or being Kurdish. Thirteen were released while the fate and whereabouts of the others remained unknown.

In August, Syrians for Truth and Justice, a Syrian organization, recorded the arrest of 311 people in Afrin, a predominantly Kurdish town in northern Syria, during the first six months of the year on account of their ethnicity or to extort a ransom. Of these, 282 were released.

According to the UN Commission of Inquiry, the SNA held detainees incommunicado for between three months and three years, prohibited contact with a lawyer, and threatened or arrested family members for inquiring about their fate or whereabouts or only allowed them to have contact if they paid bribes.

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

On 30 March, President al-Assad enacted Syria's first ever law criminalizing torture (Law No. 16/2022), which failed to address impunity granted to military and security agents, offer redress to past victims of torture, include any protection measures for witnesses or survivors of torture, or state whether torture survivors or, in the event of their death, their families, would receive compensation.<sup>2</sup>

According to the UN Commission of Inquiry, the Syrian government authorities continued to torture and otherwise ill-treat detainees, including with “electric shocks, the burning of body parts, being folded into car tyres (*dulab*) and suspended by one or two limbs for prolonged periods (*shabeh*), often combined with severe beating with various tools, including sticks or cables.”

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

### **SYRIAN GOVERNMENT**

In April, following increasing criticism of the government's socio-economic policies, a new cybercrime law was passed that imposed harsh sentences and fines against anyone who criticized the authorities or constitution online. Articles 24 and 25 criminalize “electronic slander” defined as the sharing between two people, including in private communications, of slandering or humiliating information about other individuals, with harsher fines and a prison term if the individual is a public employee. Articles 27, 28 and 29 impose sentences of between three and 15 years in prison for publishing online content that “aims or calls to change the constitution illegally”, “undermines the prestige of the state”, and “undermines the financial position of the state.”

In June, the minister of interior said that 11 individuals had been arrested under the cybercrime law for spreading “false information” on Facebook.

### **HAY'AT TAHRIR AL-SHAM**

Hay'at Tahrir al-Sham continued to repress freedom of expression by subjecting journalists, activists or anyone who criticized their rule to arbitrary detention without access to a lawyer or family members.

Local organizations told Amnesty International that the group restricted some of the activities of humanitarian organizations or forced them to coordinate with the armed group, which led donors to temporarily withdraw or halt funding.

### **AUTONOMOUS ADMINISTRATION**

In January, the SDF opened live fire at people protesting against the deteriorating economic conditions and lack of access to essential services in Raqqa governorate. At least 50 people were injured.

On 5 February, the Autonomous Administration suspended the licence of Rudaw Media Network, a media outlet based in the Kurdistan Region of Iraq, in north-east Syria, accusing it of spreading misinformation and inciting hatred.

## **RIGHT TO TRUTH, JUSTICE AND REPARATION**

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.

On 13 January, the Higher Regional Court in Koblenz, Germany, sentenced a former Syrian intelligence officer to life in prison for crimes against humanity.

On 19 January, the trial of a doctor accused of committing crimes against humanity, including 18 counts of torture and killing of detainees in military hospitals in the capital, Damascus and Homs between 2011 and 2012, began in Frankfurt, Germany, under the principle of universal jurisdiction. German police had arrested him in June 2020.

On 4 April, the Paris Court of Appeal in France ruled in favour of prosecuting Islam Alloush, a former leader of an armed opposition group in Damascus Countryside, for committing war crimes, including torture. He was detained in Paris in 2020.

## **ECONOMIC AND SOCIAL RIGHTS**

The number of internally displaced people in Syria increased to 6.9 million. Of around 4 million people living in north-west Syria, a region under the control of armed opposition groups, 2.8 million were internally displaced. The government continued to deny and obstruct their access to essential services.<sup>3</sup>

As a result, people in the region fully depended on UN-coordinated humanitarian assistance provided through the cross-border aid mechanism, which the UN Security Council renewed in July for six months after Russia vetoed a 12-month extension.

Out of the total displaced population in north-west Syria, around 1.7 million lived in camps, 58% of whom were children and 22% were women. The overwhelming majority lived in tents that offered minimal privacy or protection from extreme heat, cold or rain, and had limited or no access to water, sanitation and healthcare. Only 40% of

camp residents had access to functioning latrines.

Domestic water needs for drinking, cooking and maintaining personal hygiene were unmet, with camp residents relying fully on humanitarian organizations to fill water tanks.

More than 8,000 displaced Syrians in al-Rukban camp, located in an isolated and desert border area with Jordan known as “the berm”, suffered dire living conditions as the Syrian government prevented entry of essential aid such as food, water and medical supplies for another year.

## **OCCUPIED GOLAN HEIGHTS**

The Golan Heights remained under Israel's occupation and illegal annexation. The number of Jewish Israeli settlers living in 35 illegal settlements in the Golan Heights surpassed the total number of its Syrian inhabitants, reaching 29,000 compared to 28,000, according to Al-Marsad, a Syrian human rights NGO based in the Golan Heights. In July, Israel's National Planning and Building Council approved two new settlements, each including 2,000 housing units, as part of a USD 293 million government plan announced in December 2021 to double the number of Jewish settlers in the Golan Heights. Meanwhile, Syrian residents faced discrimination in housing and distribution of natural resources such as water.

## **REFUGEES' RIGHTS**

By the end of 2022, 5.6 million Syrians had sought refuge outside the country since the conflict began in 2011.

In neighbouring Lebanon, the worsening economic conditions and restrictive policies imposed by the authorities continued to drive refugees back to Syria, where some faced detention, torture and other ill-treatment, and enforced disappearance (see Lebanon entry). Between February and July, the Turkish authorities arbitrarily arrested, detained and unlawfully returned hundreds of Syrian refugee men and boys (see Türkiye entry).

## FAILURE TO TACKLE CLIMATE CRISIS

The government failed to establish an NDC. There was no publicly available information on any progress made since the government's commitment in 2018 to increase the proportion of renewable energy to 10% of power production by 2030 if international donors provided support.

1. "Syria: Fatal shooting of a child in al-Hol camp must be a call to international action", 8 February
2. "Syria: New anti-torture law 'whitewashes' decades of human rights violations", 31 March
3. Syria: 'Unbearable Living Conditions': Inadequate Access to Economic and Social Rights in Displacement Camps in North-West Syria, 5 July

# TAIWAN

## Taiwan

Head of state: **Tsai Ing-wen**

Head of government: **Su Tseng-chang**

**Despite another court ruling permitting the marriage of transnational same-sex partners, limitations on same-sex marriage remained in place. A Constitutional Court ruling required the government to strengthen privacy safeguards. The government published a strategy to reach net zero greenhouse gas emissions by 2050.**

## BACKGROUND

The government launched its first National Human Rights Action Plan (2022-2024) setting out goals in eight priority areas including digital human rights, equality and non-discrimination. The third review of the implementation of the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights under Taiwan's national reporting system criticized the retention of the death penalty, lack of safeguards governing the use of facial recognition technology, and long-standing failures to protect the rights of Indigenous peoples, refugees and asylum seekers.<sup>1</sup>

## LGBTI PEOPLE'S RIGHTS

In July, the Taipei High Administrative Court issued a judgment on transnational same-sex marriage that gave a Taiwanese-Japanese same-sex couple the right to register as a married couple. Despite being the fourth court ruling supporting the registration of transnational same-sex marriage in Taiwan, it remained permissible only where the spouse was from a country where same-sex unions had been legalized. At least two other cases challenging this restriction were pending at year's end.<sup>2</sup>

## RIGHT TO PRIVACY

In August, Taiwan's Constitutional Court ruled that Article 6 of the Personal Data Protection Act, which permits government agencies and research institutions wide-ranging access to data in the National Health Insurance Database, was constitutional. The ruling nevertheless required the government to strengthen legal protections for privacy rights including on the storage and processing of data in the National Health Insurance Database and providing the right to opt out of it. It additionally required the government to establish an independent data oversight mechanism.<sup>3</sup>

## WORKERS' RIGHTS

In May, the government launched an Action Plan for Fisheries and Human Rights which set out measures to improve the working and living conditions of foreign crew working on Taiwan-registered fishing vessels. The plan also included measures aimed at developing coordinated government responses to preventing human trafficking.

## FAILURE TO TACKLE CLIMATE CRISIS

Emissions reduction targets remained inadequate. A proposal to raise the current target of reducing emissions by 50% from 2005 levels by 2050, as set in the 2015 Greenhouse Gas Reduction and Management Act, remained under review by Parliament. In March, the government published a "Pathway to Net-Zero Emissions by 2050" which set out plans to reduce

greenhouse emissions in key areas including energy production and use, industrial operations and transportation in order to meet the net zero target. In December, the government announced a new goal to reduce emissions by 23 to 25% by 2030, which still falls short of Taiwan's obligations.

1. "Taiwan: Amnesty International has taken part in the full review process on the implementation of the ICCPR and ICESCR in Taiwan", 13 May (Chinese only)
2. "Taiwan: The fourth win of transnational same-sex marriage! The Taipei High Administrative Court granted the first Taiwan-Japan same-sex couple the right to register as a married couple", 22 July (Chinese only)
3. "Taiwan: Statement about 111 Year Hsien-Pan-Tzi No. 13 Judgment (Case of National Health Insurance Database)", 16 August (Chinese only)

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# TAJIKISTAN

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## Republic of Tajikistan

Head of state: **Emomali Rahmon**

Head of government: **Kokhir Rasulzoda**

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**Tens of ethnic Pamiri protesters were killed by security forces as demonstrations were violently suppressed and an "anti-terrorist operation" was launched in the east of the country. Activists, local leaders, journalists and bloggers were arrested and sentenced in unfair trials. Many reported being tortured. Access to information, including through the media and internet, remained heavily restricted. Domestic violence remained widespread with victims rarely securing justice or support. Afghan refugees continued to be detained and deported.**

## BACKGROUND

Tajikistan's economic and political life continued to be tightly controlled by the president, in the 30th year of his rule, and his family.

Over 100 people, including dozens of civilians, were killed and homes, schools and markets destroyed during cross border clashes between Tajikistan and Kyrgyzstan in September.

In May, following months of targeted repression by the central government, longstanding tensions in the eastern Gorno-Badakhshan Autonomous Oblast (GBAO) between these authorities and the Pamiris, a small, unrecognized ethnic minority belonging to the Shia Islam Ismaili community, flared into new protests. These were brutally suppressed by the authorities, who launched an "anti-terrorist operation" on 18 May during which tens of Pamiris were killed over several weeks. Over 200 people were arrested.

## RIGHT TO LIFE AND SECURITY OF THE PERSON

The official government figure in May for those killed in the "anti-terrorist operation" in the GBAO was originally 21, although unofficial sources reported more than double that number. The circumstances of many deaths, in the absence of independent reporting from Tajikistan, prompted allegations of extrajudicial executions. Prominent activists, informal local leaders, poets, religious leaders and journalists were arbitrarily targeted for arrest.

Several prominent members of the Pamiri diaspora in Russia were abducted before resurfacing in custody in Tajikistan. By the end of the year, most of those arrested had been sentenced to long prison terms in unfair trials, typically for purported membership of a criminal organization and seeking to overthrow the constitutional order. The fate and whereabouts of some of those arrested remained unknown, prompting fears that they had been forcibly disappeared.

## ECONOMIC, SOCIAL AND CULTURAL RIGHTS

The crackdown on prominent Pamiri influencers, local leaders and activists was accompanied by a broader assault on the cultural heritage of Pamiris. Following the May-June unrest, the authorities shut down and confiscated the property of multiple local organizations linked to the Aga Khan Development Network working in the fields of

education, economic development and religious instruction.

## **FREEDOM OF EXPRESSION**

Freedom of expression remained severely curtailed. The few remaining independent media outlets, human rights defenders and bloggers were heavily targeted in the crackdown that followed the GBAO protests.

On 17 May, Mullorajab Yusufi and Anushervon Aripov, journalists working for Radio Free Europe's Tajik service and regional news outlet Current Time, were severely beaten by unknown assailants in the capital, Dushanbe, shortly after interviewing the well-known Pamiri journalist and human rights activist Ulfatkhonim Mamadshoeva about events in the GBAO.

The next day Ulfatkhonim Mamadshoeva was herself arrested and accused of "publicly calling for the overthrow of the constitutional order". In December, she was sentenced to 21 years' imprisonment following a closed, unfair trial. Following her arrest, the authorities ordered Asia-Plus, the privately owned news agency for which she reported, to cease covering events in the GBAO. Other outlets reported similar coercion.

On 19 May, Pamiri blogger and journalist Khushruz Jumayev (known online as Khush Gulyam) was arrested. He was sentenced to eight years' imprisonment in December on opaque charges relating to the May events in the GBAO.

Other activists who faced unfair trials during the year included around a dozen members of Commission 44, an independent group of lawyers and human rights defenders established to investigate the November 2021 killing of an activist that sparked protests in the GBAO. Shaftolu Bekdavlatov and Khujamri Pirmamadov were sentenced to 18 years' imprisonment each on charges of organizing a criminal group and receiving financial assistance from abroad. The head of the Pamiri Lawyers' Association, Manuchebr Kholiknazarov, was sentenced to 15 years' imprisonment on 9 December.

Journalists and bloggers also faced prosecutions for critical reporting unrelated to

the GBAO. On 15 June, two journalists and collaborators who reported widely on economic and social rights violations, Daler Imomali and Avazmad Gurbatov (also known as Abdullo Gurbati), were arrested shortly after reporting on the demolition of homes in Dushanbe.

Avazmad Gurbatov was sentenced on 4 October to seven-and-a-half years' imprisonment in a closed trial on trumped-up charges of assaulting a police officer and membership of the arbitrarily banned political organization Group 24. In a separate trial two weeks later, Daler Imomali was sentenced to 10 years' imprisonment, on equally far-fetched charges of tax evasion, disseminating false information and purported membership of Group 24.

The internet was completely shut down for the first few months of the year in the GBAO and only intermittently and partially restored during the rest of the year. Tight restrictions remained in place throughout the country.

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

Torture and other ill-treatment remained widespread both as a means of intimidation and extracting confessions. Prisoners continued to report abuse and neglect, including beatings, lack of access to food and water and cold and wet conditions within the cells.

While in pretrial detention following his arrest in July, Abdusattor Pirmuhamadzoda, a blogger who had been fired from a state radio broadcaster for criticizing the government in 2020, managed to smuggle out a letter in which he described being subjected to severe beatings, electric shocks and psychological torture, including threats against his family, in order to secure a confession. He was sentenced to seven years' imprisonment in November.

In June, while trying to attend a concert in a public park in Dushanbe, Elobat Oghalykova was arrested for wearing a black dress in mourning for the death of one of her sons – a traditional practice that was banned in 2017. She was beaten at Spitamen District Police station and required hospitalization. When

she filed a complaint, she was threatened with 15 days' detention for disobeying a police officer.

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

According to multiple indicators published during the year, including the World Economic Forum's Global Gender Gap Report, Tajikistan's gender gap was the highest of all Central Asian countries and one of the highest globally.

According to a survey published by the EU-UN Spotlight Initiative in June, 77.3% of respondents considered violence against women to be prevalent in Tajikistan and 34% of respondents (across both genders) believed it was justifiable to beat a partner who refused to obey. The accompanying report highlighted many longstanding problems: the weak legal framework; the limited range and inadequate funding of protection services; and stereotypical attitudes among public service providers, including law enforcement agencies. A draft criminal code criminalizing domestic violence, put before parliament in 2021, had not been passed by the end of the year.

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

In August, UNHCR, the UN refugee agency, raised grave concerns about the continued detention and deportation of Afghan refugees. The agency documented dozens of cases in August and September alone. Members of the nearly 14,000-strong Afghan refugee community reported that the forced expulsions were taking place without any procedure or obvious justification.

# **TANZANIA**

**United Republic of Tanzania**

Head of state and government: **Samia Suluhu Hassan**

**The government maintained its blanket ban, introduced by the late president in 2016, on political parties organizing rallies and other political activities. The state continued to target online media outlets,**

**using repressive regulations despite earlier promises to reform media laws. Security forces used excessive force in Loliondo division, in the northern Arusha region, during forced evictions of the Indigenous Maasai community while intimidating human rights defenders and journalists. The pledge to lift the discriminatory ban on pregnant girls and young mothers from attending school was not implemented. Plans to construct the East African Crude Oil Pipeline continued despite its potential threat to the environment and the livelihoods and health of local people. Individuals and organizations failed by the national legal system were blocked from seeking justice directly at the African Court on Human and Peoples' Rights.**

## **BACKGROUND**

In her first year as president, Samia Suluhu Hassan made at least 21 regional and other international trips to improve international relations and to mobilize funds for development. This was in stark contrast to her predecessor, President Magufuli, who discouraged foreign travel and isolated Tanzania from its neighbours and the international community.

In March, Tanzania engaged with the UPR and accepted 187 of 252 recommendations made by 92 states, including the implementation of the national human rights framework. It noted recommendations on ending the intimidation and harassment of human rights defenders, activists, civil society actors and journalists.

## **FREEDOM OF EXPRESSION**

On 10 February, authorities restored the licences of the Tanzania Daima, Mawio, Mwanahalisi and Mseto newspapers, which had been banned from publishing between 2016 and 2017, and the Raia Mwema newspaper which was suspended for three months in 2017, and for another month in 2021.

Despite this positive step and promises in earlier years to reform media laws, the authorities continued to use the repressive

2016 Media Services Act to restrict media freedom, and cyberspace laws such as the Electronic and Postal Communications (Online Content) Regulations 2020, to suppress expression online.

On 1 July, the Tanzania Communications Regulatory Authority (TCRA) temporarily suspended DarMpya, an online media outlet, following what it regarded as “complaints... against DarMpya’s content”. The content related to demonstrations by Indigenous Maasai people against Kenya’s role in the government’s plans to evict them from their land. However, on 14 July, it dropped the charges related to the post and said it would allow the outlet to continue operating once it had renewed its expired licence. By the end of the year, it had not responded to DarMpya’s renewal applications.

On 9 September, the TCRA ordered ZamaMpya TV Online to pay a TZS 2 million fine (about USD 855) for publishing the views of popular musician Seleman Msindi who had criticized taxation regulations and the way government leaders spent tax revenue.

Pastor Julius Kuyioni, a Kenyan journalist, was arrested on 7 July on his way to Loliondo and charged with illegal entry. His arrest coincided with the authorities’ attempts to stop journalists covering the Maasai community’s protests in Loliondo (see below, Forced evictions). The police released him on 5 August and escorted him to Namanga town on the Kenyan border.

## **FREEDOM OF ASSOCIATION**

On 4 March, the authorities released Freeman Mbowe, opposition leader of the Party for Democracy and Progress, commonly known as Chadema, after more than seven months in detention. The Corruption and Economic Crimes Division of the High Court ordered his release and the release of three of his co-accused, Halfan Bwire Hassan, Adam Hassan Kasekwa and Mohammed Abdillahi Ling’wenya, after the Director of Public Prosecution (DPP) dropped terrorism charges against them. Freeman Mbowe was arrested in 2021 in Mwanza

town, ahead of a public rally to demand constitutional reforms.<sup>1</sup>

The authorities continued to violate the right to freedom of association by prohibiting political parties from organizing rallies and other activities until the 2025 elections. The ban, put in place by the former president in 2016, was used along with public assembly laws by the police to restrict opposition gatherings.

## **FORCED EVICTIONS**

On 7 June, multi-agency state security forces, including the Tanzania People’s Defence Force, the Tanzania Police Force and the Ngorongoro Conservation Area Authority, arrived in the Loliondo division, Arusha region, to implement plans to forcibly evict Maasai community members. The authorities had not carried out genuine consultations with the community, nor given them adequate notice or provided them with adequate compensation in advance of their plans to seize 1,500km<sup>2</sup> of ancestral land belonging to over 70,000 Maasai people to make way for a tourist operation.

On 9 June, Maasai community members from the villages of Ololosokwan, Oloirien, Kirtalo and Arash in Loliondo, bordering Serengeti National Park, gathered to protest the demarcation exercise. They removed the beacons placed by the security forces to mark the boundaries of the land that the Maasai lay claim to. Security forces used tear gas and firearms against the protesters, during which a police officer was killed by an arrow and at least 32 community members were injured by gunshot.<sup>2</sup> In the days and weeks following the forced evictions, security forces also seized livestock, including hundreds of cows and sheep belonging to the community. The Maasai people were reportedly asked to pay between TZS 100,000 (about USD 43) and TZS 25,000 (about USD 11) for the return of their animals.

On 30 September, the East African Court of Justice (EACJ) ruled on a case filed by the Maasai in 2017 in which the latter argued that they were the legally registered owners of

the land and that the government had used violence while forcibly evicting them in August 2017. The court ruled that the applicants provided insufficient evidence to demonstrate that the state evicted them from village land and not from the Serengeti National Park. Maasai community members and NGOs felt that the court decision reinforced the use of state violence and forced evictions.

## **HUMAN RIGHTS DEFENDERS**

On 16 June, the authorities arrested and charged 20 members of the Loliondo Maasai community with the murder of a police officer who died during violent forced evictions (see above). Nine of them were community leaders who had been arrested a day before the police officer was killed. On 22 June, the prosecution amended the charge sheet adding five more accused people and an additional charge of “conspiracy to murder”. Later, two more people were also added to the charge sheet. On 28 July, three of the 27 detainees were released by the DPP on humanitarian grounds. The rest remained in Kisongo prison in Arusha until 22 November when the Resident Magistrates’ Court of Arusha unconditionally discharged them, and they were all released.<sup>3</sup>

## **WOMEN’S AND GIRLS’ RIGHTS**

The authorities continued to ban pregnant girls and girls with children from attending regular schools, despite the government’s 2021 announcement that it had lifted the ban. However, about 3,333 pregnant girls and girls with children were allowed to continue their education through informal education programmes such as the Institute for Adult Education and the Secondary Education Quality Improvement Program.

Since 2017, the authorities had implemented the ban under the Education Regulations Act 2002 which states that students can be expelled if they “commit an offence against morality”. The World Bank estimated that nearly 8,000 girls had been forced to drop out of school each year. The

government had yet to reflect the lifting of the ban in policy.

## **ENVIRONMENTAL DEGRADATION**

Tanzania continued to participate in plans to construct the 1,443 km East African Crude Oil Pipeline (EACOP) to transport crude oil from the Lake Albert oilfields in western Uganda to Tanga Port on Tanzania’s northern coast for export. On 1 February, EACOP shareholders, including TotalEnergies, the Uganda National Oil Company, Tanzania Petroleum Development Corporation and China National Offshore Oil Corporation, announced the final investment decision and the launch of the pipeline project. The project represented a total investment of approximately TZS 23.4 trillion (about USD 10 billion) (see Uganda entry).

The Ugandan and Tanzanian governments defended the project as being necessary for the development of both countries, despite several challenges from domestic and international climate justice activists and civil society groups who alleged that the pipeline would be environmentally unsafe and would harm the livelihoods, food security and public health of affected communities, including Indigenous people. They also claimed that it would disproportionately affect women, and displace residents as it would pass through human settlements, wildlife reserves, agricultural land, water sources and groundwater tables.

In 2017, the World Wide Fund for Nature conducted a preliminary environmental and socio-economic threat analysis of the project’s potential impacts. It concluded that it “pose[d] a significant and sometime severe threat to environmental assets and subsequently to people in the region.” A lawsuit filed by Kenyan, Ugandan and Tanzanian civil society groups at the EACJ, seeking a temporary injunction with a view to preventing the pipeline, remained pending after two years.



## RIGHT TO TRUTH, JUSTICE AND REPARATION

The government's pledge to revisit its 2019 decision to withdraw from the declaration 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 remained unrealized. This prevents NGOs and individuals, failed by the national legal system, from having direct access to the court.

1. "Tanzania: President Hassan should do more to guarantee human rights after Mbowe's release", 7 March
2. "Tanzania: Stop violent forced eviction of the Maasai", 13 July
3. "Tanzania: Prosecutors drop murder charges against 24 members of the Maasai", 23 November

## THAILAND

### Kingdom of Thailand

Head of state: **Maha Vajiralongkorn**

Head of government: **Prayut Chan-O-Cha**

**The rights to freedom of expression, association and peaceful assembly came under renewed attack. New legislation to prevent torture and other ill-treatment and enforced disappearance did not go far enough to effectively protect against these crimes. Refugees fleeing Myanmar continued to face arrest, detention and extortion by Thai authorities at the Thailand-Myanmar border. Malay Muslims in the southern border area remained subject to mass and discriminatory DNA collection.**

### BACKGROUND

In January the government resumed its official dialogue with the Barisan Revolusi Nasional (BRN), the most active separatist armed group in Thailand's restive southern border region. These two parties reached an agreement to reduce armed activities during Ramadan from 2 April to 1 May. There was limited involvement of civil society groups,

including human rights organizations, in the dialogue.

On 1 October the government mostly lifted the nationwide state of emergency which had been imposed in March 2020 during the Covid-19 pandemic and continually extended. The sweeping powers granted to the authorities under the Emergency Decree on Public Administration in Emergency Situations were used to crack down on peaceful dissent, both offline and online. Some border areas remained under a state of emergency and martial law at the end of the year.

### FREEDOM OF ASSEMBLY

Overwhelmingly peaceful protests continued to take place amid restrictions imposed by the government as part of its pandemic response. From January to August there were at least 585 small- and medium-scale protests across the country. Protesters' demands covered numerous issues, including among others the release of individuals detained for their peaceful political expression, the economic impacts of Covid-19, and respect for the rights of workers and Indigenous peoples.

Since May 2020, at least 1,468 individuals including 241 children faced criminal charges for alleged violations of the state of emergency for their involvement in these protests. Human rights defender Sitanun Satsaksit was charged following her participation in a protest in the capital, Bangkok, on 5 September 2021. She had previously presented a petition to the UN regarding the abduction of her younger brother in Cambodia.<sup>1</sup> Despite the government's revocation of the state of emergency, the cases against more than 1,000 protesters remained pending investigation or trial.

A government inquiry into the use of live ammunition during a protest in August 2021 which killed 15-year-old protester Warit Somnoi encountered significant delays resulting from the police's repeated failures to provide evidence to the public prosecutor.

Riot police used rubber bullets and beat protesters to disperse a demonstration against the Asia-Pacific Economic Cooperation (APEC) summit in Bangkok on 18 November. Nine protesters, four reporters and five police officers were injured.

## **FREEDOM OF EXPRESSION**

The authorities continued to bring criminal charges against individuals who expressed opinions critical of the government. Activists, journalists and political opponents were charged for various violations under *lèse-majesté* (defaming, insulting or threatening the monarch) and other defamation laws, sedition, and the Computer Crimes Act. Local NGO Thai Lawyers for Human Rights reported that, from mid-2020 to September 2022, at least 1,860 individuals, including 283 children, faced criminal proceedings for expressing views critical of the government. Between January and June, more than 200 individuals were charged with *lèse-majesté*, the highest number in Thailand's history.

Nine activists remained in pretrial detention at the end of the year, including three charged with *lèse-majesté*. Many others were released but with restrictive conditions on their movement or freedom of expression and assembly.

From January to September, the authorities blocked 4,735 web pages, including 1,816 deemed to be in violation of the *lèse-majesté* law. In February, the Minister of Digital Economy and Society revealed that the government was considering creating a single internet gateway to tighten official control over internet usage. In the same month, the cabinet approved the creation of "anti-fake news centres" to crack down on "false information on social media", granting authorities at ministerial and provincial levels the power to monitor and prosecute those alleged to be spreading fake news.

In July, an international digital forensic investigation verified by Amnesty International revealed that the devices of 35 Thai human rights defenders, activists and academics were infected with Pegasus spyware. Amnesty International reiterated its

call for a global moratorium on the sale of spyware in the context of Thailand.<sup>2</sup>

## **FREEDOM OF ASSOCIATION**

In January the cabinet approved the draft Act on the Operations of Not-for-Profit Organizations. In August, the cabinet further approved the 2022-2027 draft national Anti-Money Laundering/Countering the Financing of Terrorism strategy. Both measures would place vague and broad limitations on civil society activities, for example by prohibiting activities causing "division within society" or affecting "national security", "public order or morals" or "public interests" that constitute excessive restrictions on the right to freedom of association under international law.

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

In May, a court in Songkhla province ruled that there was insufficient evidence to conclude that the death of Abdullah Isomuso, a Malay Muslim detainee, was caused by military officials. Abdullah Isomuso was found unconscious in military custody and later died in hospital in August 2019.

In June, a court convicted seven police officers for the murder of Jiraphong Thanapat who was tortured and died during interrogation at Muang Nakhon Sawan police station on 5 August 2021. Six officers were sentenced to life imprisonment and one received a shorter sentence as the court found he was not directly involved with the murder.

In October, Thailand adopted the Prevention and Suppression of Torture and Enforced Disappearance Act; an important step to prevent and provide redress for these crimes. The law will come into effect in February 2023. Human rights groups, which had campaigned for years for the law to be passed, noted that it still had significant deficiencies such as the absence of the "exclusionary rule" (which prevents evidence gathered through torture, other ill-treatment or enforced disappearance being used at trial) and the prohibition of the use of amnesty laws for perpetrators of these acts.

Human rights groups also expressed concern over the composition, structure and mandate of the domestic Committee on the Prevention and Suppression of Torture and Enforced Disappearance, which was to be established under the new law, due to the Committee's lack of power to inspect places of detention.<sup>3</sup>

## INDIGENOUS PEOPLES' RIGHTS

In August, the Office of the Attorney-General indicted the former Chief of Kaeng Krachan National Park and three other park officials accused of murdering Porlajee

Rakchongcharoen, an Indigenous Karen human rights defender who disappeared while in the custody of the authorities in 2014. The charges included illegal detention, extortion, murder and concealing the victim's body.

In the same month, police summoned human rights lawyer Waraporn Utairangsee to acknowledge the charge of giving false information on a criminal offence. The former Chief of Kaeng Krachan National Park had filed a criminal complaint against her in July 2021, after she filed a case against park officials for forcefully evicting Indigenous Karen villagers residing in the national park area and burning 98 of their houses.

## REFUGEES' AND MIGRANTS' RIGHTS

In June and September, the authorities found at least 110 Rohingya refugees from Myanmar floating on boats off the shore of Satun province in southern Thailand after they were abandoned by smugglers. All were detained in an immigration detention centre. Human Rights Watch reported that Thai authorities continued to hold indefinitely at least 470 Rohingyas in immigration detention centres. In September, immigration police refused the entry of Han Lay, a Myanmar national who publicly criticized human rights violations by the military in Myanmar after the 2021 coup. She later received asylum in Canada. Refugees from Myanmar continued to face arrest, detention and extortion by Thai authorities at the Thailand-Myanmar border.

## DISCRIMINATION

In February the CERD Committee recommended that Thailand end the mass and discriminatory collection and use of DNA samples and other forms of racial profiling. This recommendation went unheeded as authorities continued to practise DNA collection, especially in the country's Malay Muslim-majority southern border area, including for the purposes of determining citizenship of stateless persons and fighting local insurgency groups.

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1. *Thailand: Sister of abducted activist charged for campaigning – Sitanun Satsaksit*, 4 July
  2. "Thailand: Pegasus spyware found on phones of dissidents involved in mass protests," 18 July
  3. *Thailand: Adoption of law to address torture and enforced disappearance is a step forward, but significant shortcomings remain*, 31 August

## TOGO

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### Togolese Republic

Head of state: **Faure Gnassingbé**

Head of government: **Victoire Tomegah Dogbé**

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**Armed groups and security forces killed villagers at the border with Burkina Faso. The rights to freedom of association and peaceful assembly were restricted on the pretext of containing the spread of Covid-19, and security. The right to freedom of expression was threatened. Arbitrary arrests and detention were documented. The president promulgated a law to protect students from sexual violence.**

## BACKGROUND

Togo was reviewed under the UPR process on 24 January.

Armed groups continued to attack villages and members of the defence and security forces in the Savanes region bordering Burkina Faso, where the state of emergency imposed on 13 June for 90 days was extended for six months on 6 September.

## UNLAWFUL KILLINGS

On 14 July, the army publicly acknowledged that overnight from 9 to 10 July, “an aircraft on night patrol had mistakenly targeted a group of people it mistook for a column of moving jihadists” in Margba village in the prefecture of Tone near the border with Burkina Faso in the Savanes region. Seven children were killed in the air strike, according to non-government media.

In a statement on 16 July, the Ministry of Defence stated that overnight from 14 to 15 July “unidentified armed individuals carried out coordinated and complex attacks in several villages” in the Savanes region, with a toll of “several deaths and some injuries”. Non-governmental media reported that more than 10 people were killed by the armed group.

## FREEDOM OF ASSEMBLY AND ASSOCIATION

The authorities used the pretext of national security to ban several assemblies organized by opposition political parties, while ruling party events were authorized. On 22 June, the Ministry of Security and Civil Protection banned a scheduled assembly of a coalition of opposition parties stating that “holding such a protest, in the current worrying sub-regional and national security context, marked in particular by volatility and unpredictability, is likely to compromise ongoing efforts to preserve public order and national security”. On 29 June, the prefect of Agoe-Nyieve used the ministry’s rationale to ban a scheduled gathering of the National Alliance for Change, an opposition party.

The government continued to impose the ban on gatherings of more than 15 people, introduced to fight the spread of Covid-19. It was maintained despite the government’s announcement on 22 February that places of worship would be reopened, and all sporting activities resumed for those who could provide proof of vaccination, given the drop in infection rates since 1 February. On 8 March it welcomed there being “no Covid-19 patients in treatment centres”.

## FREEDOM OF EXPRESSION

In June, the website belonging to the NGO Togo Debout was inaccessible for a week, after it published a report on impunity in Togo.

On 11 July, the High Authority of Audiovisual and Communication summoned the director-in-chief of the daily newspaper *Liberté* following a front page article alleging that the deaths of seven children in Margba village could have resulted from an army “blunder” (see above, Unlawful killings).

## ARBITRARY ARRESTS AND DETENTIONS

On 24 February, the government responded to a letter from three UN Special Rapporteurs regarding allegations about Abdoul Aziz Goma’s “arbitrary and prolonged detention”. The authorities refuted the arbitrary nature of his detention and maintained their accusations against Abdoul Aziz Goma, an Irish citizen of Togolese origin, that he was part of a “group of people who were planning armed operations to destabilize the institutions” in Togo. He had been charged along with others of “undermining the internal security of the State”. He denied the accusations and said he had simply been covering accommodation costs for young people who wanted to visit Lomé to participate in peaceful protests. The Special Rapporteurs considered him to be a human right defender. He remained in detention at the end of the year.

Several teachers and students were arrested and detained in connection with strikes for improved working conditions. Three leaders of the Togo Teachers’ Union were arrested in April accused of inciting students to revolt. They were provisionally released on 5 October after several civil society organizations mobilized in their support. Also in April, five students were arrested during demonstrations in the Savanes region, and were charged with “destruction of public and private property” and “disturbance of public order”. They were provisionally released on 17 October.

On 16 May, in the context of attacks by armed groups, dozens of members of the

Fulani ethnic group were arbitrarily arrested in Timbou town in the Savanes region. They were detained by the Timbou, Dapaong, Biankouri and Cinkassè military forces without access to a lawyer, photographed and released on 20 and 21 May without charge.

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

On 2 December, the president promulgated a law to protect students from sexual violence. Provisions included penalties for perpetrators of sexual harassment, cyber sexual harassment and rape. It allowed pregnant students to attend school, and granted free legal aid and forensic examinations for rape survivors.

# **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 push back people seeking asylum, in violation of international human rights law. Venezuelan women continued to be at risk of gender-based violence.**

## **BACKGROUND**

In April, a task force, appointed by the Cabinet in 2021, tabled a 307-page report detailing abuse in children's homes, re-igniting long-standing concerns about the treatment of children in state care.

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

Trinidad and Tobago remained one of the few countries in the Americas to have no national legislation on asylum, despite being party to the UN Refugee Convention and its Protocol.

Despite this, UNHCR, the UN refugee agency, continued to process asylum claims in the country and by July had registered 22,500 asylum seekers and refugees, 87% of whom were from Venezuela. Civil society organizations, with support from UNHCR,

continued to provide them with food assistance, mental health and psychosocial services, as well as healthcare services.

In February, several UN Special Rapporteurs, including the Special Rapporteur on the Human Rights of Migrants, raised concerns about the "ongoing practice of pushbacks of migrants by the Coast Guard of Trinidad and Tobago." They also highlighted the interception of a boat of 39 Venezuelans, including 10 children, which reportedly resulted in the death of a baby and injury to the mother. The UN Rapporteurs also expressed concern about the subsequent deportation of 35 of the 39 asylum seekers on the vessel, reportedly while an investigation into the death of the baby was ongoing.

In October, before a hearing at the Inter-American Commission on Human Rights, local NGO the Caribbean Centre for Human Rights expressed concern about reports of ongoing detention in inhumane conditions of Venezuelans and deportations without individualized assessments of protection needs and risk upon return.

## **VIOLENCE AGAINST WOMEN AND GIRLS**

Women fleeing the ongoing human rights and humanitarian crisis in Venezuela continued to be at heightened risk of trafficking into the sex sector, rape and other forms of sexual violence, labour exploitation and debt bondage.

In September, according to media reports, the authorities launched a new programme, Heal Empower Rise – Counter Trafficking in Persons, with support from the US government and the International Organization for Migration.

## **DEATH PENALTY**

The mandatory death penalty continued to be imposed for murder, including following virtual trials before one judge. In May, the Judicial Committee of the Privy Council in the UK, Trinidad and Tobago's highest court, upheld the constitutionality of the mandatory death penalty.

# TUNISIA

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## Republic of Tunisia

Head of state: **Kaïs Saïed**

Head of government: **Najla Bouden**

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**President Kaïs Saïed continued efforts to concentrate power in his hands following his power grab in 2021. He also issued decree-laws to dismantle key institutional safeguards for human rights, notably attacking judicial independence and the right to freedom of expression. Authorities used unlawful force to disperse protesters, and targeted high-profile critics and perceived enemies of the president with prosecutions and arbitrary detentions. The right to freedom of association was threatened. A decree-law to amend the electoral law undid legislative measures to promote women's participation in parliament. Tunisia continued to penalize consensual same-sex relations between adults.**

## BACKGROUND

On 18 February, President Saïed renewed the state of emergency until the end of the year, and on 30 December, renewed it again until 30 January 2023. He also granted himself new powers by overseeing the adoption of a new constitution on 17 August that concentrated authority in the executive branch.

On 30 March, President Saïed dissolved the then-suspended parliament after around 120 of the 217 members held an online plenary session as a gesture of defiance against him. Authorities imposed arbitrary travel bans on at least three people, including members of the recently dissolved parliament from parties that had publicly opposed President Saïed.

The economic crisis worsened, with unemployment reaching 15.3% and inflation 10.1%. There were shortages of staple foods and officials said they planned to cut long-standing energy and food subsidies. In October, the authorities reached a staff-level agreement with the International Monetary

Fund (IMF) to try to secure USD 1.9 billion in financial support. The IMF executive board postponed discussion of the loan scheduled for 19 December without immediately setting a new date.

Experts assessed the country to be extremely vulnerable to climate change and food insecurity given its limited water resources and the expectation that drought and high temperatures will become more frequent.

## RIGHT TO A FAIR TRIAL

### INDEPENDENCE OF THE JUDICIARY

President Saïed passed two new decree-laws that, with provisions in the new constitution, granted him powers to intervene in judicial careers, dismiss judges summarily and approve judicial appointments, thereby undermining judicial independence.<sup>1</sup>

On 1 June, President Saïed summarily dismissed 57 judges who he accused of misconduct, including obstructing investigations, corruption and adultery. The Administrative Tribunal overturned 49 of the dismissals, but the Ministry of Justice refused to reinstate the judges.<sup>2</sup>

As in previous years, the authorities failed to create a long-overdue constitutional court. While the new constitution includes provisions to create such a court, they grant the president final word on appointing its members.

Military courts continued to prosecute civilians, but less often than in 2021. Trials before military courts opened against at least two men in connection with their public remarks, one about the police, the other about President Saïed and the army.

## FREEDOM OF EXPRESSION

President Saïed undermined freedom of expression by issuing two decree-laws mandating prison terms for maliciously spreading “fake news” or defamatory statements. Decree-Law 2022-14, which took effect on 21 March, mandates prison terms from 10 years to life for people “engaged in economic activity” who wilfully spread “false or incorrect news or information” about

supplies of goods.<sup>3</sup> Decree-Law 2022-54, a new cybercrime law issued on 13 September, mandates prison terms of up to 10 years for wilful misuse of telecommunications networks to produce, send or spread “fake news” or other false or defamatory content, and allows authorities to dissolve entities found to have violated it. It also threatens the right to privacy by granting authorities sweeping powers to monitor how people use the internet, intercept private communications and share personal data with foreign governments.

Judicial authorities investigated or prosecuted at least 32 high-profile critics and perceived opponents of the president for exercising their right to freedom of expression. Among them were members of the now-dissolved parliament as well as lawyers and journalists.

In May, a military court convicted lawyer Abderrazak Kilani of insulting a public official and sentenced him to a suspended one-month prison term. A military prosecutor had charged him in January after he had a verbal confrontation with police officers who barred him from visiting a client. The military appeals court later overturned the conviction, but a military prosecutor lodged an appeal.

In early April, judicial authorities opened investigations into at least 20 MPs who joined an online plenary session held to protest against President Saïed’s decision to dissolve parliament, summoning at least 10 for questioning.<sup>4</sup> At the end of the year, the investigations had not progressed.

On 12 May, judicial authorities opened a criminal investigation against Ghazi Chaouachi, head of the opposition Democratic Current party, for defaming a public official and spreading false information in relation to a radio interview in which he criticized the authorities and said that Prime Minister Najla Bouden had resigned but President Saïed had refused to accept the resignation.

On 11 June, police arrested journalist Salah Attia in connection with a TV interview in which he said that the army had refused a request from President Saïed to close the

office of Tunisia’s main trade union and place political leaders under house arrest. On 16 August, a military court jailed Salah Attia for three months beginning from the time of his arrest for defaming the president and insulting the army. He was released on 16 September, having served his sentence.<sup>5</sup>

Prosecutors opened investigations under the Decree-Law 2022-54 against at least five people, including Nizar Bahloul, editor of Business News, for an article criticizing Prime Minister Najla Bouden, and lawyer Mehdi Zagrouba for a Facebook post criticizing justice minister Leila Jeffal. The justice minister initiated an investigation under the decree-law against political leader Ghazi Chaouachi for remarks made to media.

## **FREEDOM OF ASSOCIATION**

In February, a draft law on associations was leaked that would grant authorities powers to regulate the establishment, activities and overseas funding of civil society groups, and dissolve them either for inactivity or, under ambiguous provisions, at will. On 24 February, President Saïed said that he intended to ban all foreign funding for civil society groups.<sup>6</sup> In a written report and spoken remarks in November for Tunisia’s fourth UPR, authorities cited plans to amend Tunisia’s law on associations without giving clear details.

## **FREEDOM OF ASSEMBLY AND EXCESSIVE USE OF FORCE**

Demonstrations were held in the capital, Tunis, both for and against President Saïed during the year. Authorities allowed most to proceed, but used unlawful force to disperse at least three gatherings critical of the president.

On 14 January, police in Tunis violently dispersed anti-president protesters who had assembled in defiance of a two-week ban on public gatherings imposed two days earlier on grounds of combating Covid-19. Police beat protesters with batons, used water cannons against them, and arrested at least 31 people. A judge acquitted 14 of them but fined 15 for breaking health regulations.

On 4 June, police used metal barricades and chemical irritant spray to prevent anti-president protesters from gathering outside the electoral commission office.

On 22 July, police violently dispersed anti-president protesters in Tunis after several protesters tried to remove crowd-control barriers. Police used chemical irritant spray, beat some protesters with batons, and arrested at least 11. Four of those arrested told Amnesty International that police beat them after taking them into custody.

## IMPUNITY

Authorities largely failed to hold to account members of security forces credibly accused of human rights violations.

Courts did not issue verdicts or other rulings in any of the 10 trials, which opened in 2018 after the Truth and Dignity Commission referred them to specialized tribunals, of security force members accused of abuses during Tunisia's December 2010 to January 2011 revolution.<sup>7</sup>

On 13 January, the trial opened of 14 policemen accused of causing the death of Omar Laabidi, a young man who witnesses said drowned after police pushed him into a canal despite his pleas that he could not swim. On 3 November, the court sentenced 12 of them to two years in prison for manslaughter, and acquitted two.

Authorities did not effectively investigate complaints filed by the families of Noureddine Bhiri, a former justice minister, and Fathi Beldi, a security official, for their arbitrary detention that began on 31 December 2021. Authorities held both men for 67 days without access to lawyers before releasing them without charge.

## WOMEN'S AND GIRLS' RIGHTS

Decree-Law 2022-55, issued on 15 September, amended Tunisia's electoral law to remove provisions intended partly to promote women's representation in parliament. Previously, the law required that lists of candidates for parliamentary elections comprise an equal number of men and women. Under the amended law, Tunisians

will elect members of parliament individually, with no provisions to guarantee gender parity among candidates.

Tunisia law continued to discriminate against women in matters of inheritance. Under the Personal Status Law, brothers are entitled to inherit twice what their sisters inherit in cases where wealth passes to both male and female heirs.

Although Tunisia adopted a groundbreaking law on violence against women in 2017, known as Law 58, authorities continued to be slow in providing police adequate resources and training to investigate reports of abuse and provide protection to women at risk.

Women continued to face domestic abuse and other forms of gender-based violence, according to Tunisian women's rights groups, who reported a lack of up-to-date official statistics on reported killings and other violence against women.

## LGBTI PEOPLE'S RIGHTS

Tunisia continued to penalize consensual sexual activity between adults under Article 230 of the Penal Code, which mandates three years in prison for same-sex sexual relations. According to Damj, a Tunisian rights group that defends LGBTI rights, courts tried people under Article 230 in at least 47 separate cases.

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1. *Tunisia: A Year of Human Rights Regression Since President's Power-Grab*, 21 July
  2. "Tunisia: Reinstate revoked judges and prosecutors", 16 September
  3. "Tunisia: New anti-speculation law threatens freedom of expression", 25 March
  4. "Tunisia: Drop politically motivated investigation against opposition MPs", 8 April
  5. "Tunisia: Drop all charges against journalist Salah Attia", 15 August
  6. "Tunisia: Looming curbs on civil society must be stopped", 11 March
  7. "Tunisia: Struggle for justice and reparation continues for victims 10 years after the revolution", 14 January



# TÜRKIYE

## Republic of Türkiye

Head of state and government: **Recep Tayyip Erdoğan**

**Baseless investigations, prosecutions and convictions of human rights defenders, journalists, opposition politicians and others persisted. Parliament introduced draconian amendments to existing laws that further restricted freedom of expression online. Police used unlawful force to detain hundreds of participants in banned Pride marches in several provinces, and the right to peaceful assembly remained severely curtailed. The Council of State declined to overturn a 2021 decision to withdraw from the Istanbul Convention. The country continued to host the world's largest number of refugees, but violent summary returns of Afghans and others resulted in deaths and other serious injuries, against a backdrop of rising anti-refugee racist rhetoric by politicians and in the media. There were serious and credible allegations of torture and other ill-treatment.**

## BACKGROUND

In March, the European Committee on Social Rights concluded that there was “no adequate overall and coordinated approach in place to combat poverty and social exclusion” in Türkiye. At year's end the official rate of inflation reached 64.27%, deepening the cost of living crisis for millions of inhabitants.

On 13 November, a bombing in Istanbul killed six people and injured over 80. The authorities blamed the Kurdistan Workers' Party (PKK) and the Syria-based People's Protection Units. On 20 November, Türkiye launched air strikes into Syria and northern Iraq, claiming the action to be in retaliation for the bombing.

## FREEDOM OF EXPRESSION

In May, a Council of State ruling to suspend the directive banning journalists and

members of the public from recording public demonstrations became final.

Sixteen journalists from three media outlets and the co-chair of the Dicle Fırat Journalists Association were remanded in pretrial detention in Diyarbakır in June, accused of “membership of a terrorist organization”. An indictment had yet to be issued at year's end.

Pop singer Gülşen was remanded in prison in August for allegedly “inciting the public to hatred and enmity” in relation to a video circulated on social media depicting a humorous exchange between her and a band member in April. After three days she was moved to house arrest which was lifted after two weeks, but her prosecution was continuing at year's end.

In September, the Ankara Regional Appeals Court overturned the 2019 convictions of 11 members of the national board of the Turkish Medical Association on charges of terrorist propaganda and inciting hatred. In October, the prosecutor appealed against the decision at the Court of Cassation which was pending at year's end.

In October, parliament introduced amendments to several laws in a package dubbed the “censorship law”. The measures included the introduction of a new criminal offence of “publicly spreading disinformation”, increasing the powers of the Information and Communication Technologies Authority to force social media companies to take down content, provide user data or face fines and severe reduction of the bandwidth; and expanding existing stringent requirements on social media companies by adding criminal, administrative and financial liability.<sup>1</sup> In December, Bitlis-based journalist Sinan Aygül was the first person to be remanded in pretrial detention under the new criminal offence, for a tweet in which he had shared unconfirmed sexual abuse allegations. He was released after 12 days, on 22 December

In a politically motivated trial, a court convicted the Istanbul mayor Ekrem İmamoğlu in December of “insulting a public official” and banned him from politics. The prosecution was brought after he called

members of Türkiye's supreme election council "fools" in comments to the media in 2019. The verdict is subject to appeal.

## **FREEDOM OF ASSEMBLY**

The authorities continued to deprive a group dubbed the Saturday Mothers/People of their right to freedom of peaceful assembly in Galatasaray Square, where they had been gathering regularly to protest against the enforced disappearances of the 1980s and 1990s. In June, riot police prevented the group's 900th peaceful vigil, detaining human rights lawyers Öztürk Türkdoğan and Eren Keskin, and several relatives of victims of enforced disappearances.<sup>2</sup> In August, police prevented a peaceful protest by the Saturday Mothers/People to mark the International Day of the Victims of Enforced Disappearances at the Altınşehir cemetery and detained 14 people. The baseless prosecution of 46 people for taking part in the 700th gathering in August 2018 continued. In September, police prevented the group from making a statement to the press in front of the Çağlayan Courthouse before their fifth hearing and detained 16 people, including three lawyers.

Unlawful restrictions on Pride marches continued. LGBTI rights organizations documented 10 Pride events banned across the country and over 530 people detained during the Pride season, more than the total number of detentions since Istanbul Pride was first banned in 2015. On 10 June, police prevented the student Pride at the Middle East Technical University in Ankara, and detained 38 students, after the university rector's office "categorically banned" the Pride event via email to all students three days before.<sup>3</sup>

In June, the authorities arbitrarily banned all Pride Week events in Istanbul. On 26 June, police dispersed LGBTI activists gathered on İstiklal Avenue in defiance of the ban, by using tear gas and plastic bullets, and arbitrarily detained at least 370 participants.

In October, the prosecutor requested the conviction of four of the eight Boğaziçi University students prosecuted for

"damaging public property" during a protest in January 2021, despite having not provided evidence of a criminal act; the offence carries a prison sentence of up to four years. In November, all 70 Boğaziçi University students detained during the campus-based Pride march in May were indicted for "refusing to disperse despite warning".

## **FREEDOM OF ASSOCIATION**

Türkiye remained on the "grey list" of the intergovernmental Financial Action Task Force, while using its recommendations on combating money laundering and financing terrorism as a smokescreen to facilitate harassment of NGOs. The authorities also intensified the use of intrusive NGO audits under the Law on the Prevention of the Financing of the Proliferation of Weapons of Mass Destruction.

The 2021 lawsuit to close the second biggest opposition party, the Peoples' Democratic Party, and a five-year political ban on 451 of its executives and members was still pending at year's end. In November, the European Court of Human Rights (ECtHR) ruled that Türkiye had violated the rights of the party's former co-chair Figen Yüksekdağ and 13 other former members of parliament, including under Article 18, which limits states' ability to restrict human rights.

In April, closure proceedings began at the Istanbul Civil Court of First Instance No. 13 alleging that the NGO We Will Stop Femicides Platform had engaged in "illegal and immoral activities... damaging the Turkish family structure under the guise of defending women's rights".

A lawsuit which began in May, seeking the closure of the Tarlaş Community Centre in Istanbul for allegedly "attempting to influence children's sexual orientation by normalizing the sexuality of individuals known as LGBTI people in society", was ongoing at year's end. A separate court decision in February to halt the Centre's activities was lifted in April.

## **IMPUNITY**

In April, a court in Istanbul suspended the prosecution in their absence of 26 Saudi

nationals charged with the 2018 murder of journalist Jamal Khashoggi and ruled that the case could be transferred to Saudi Arabia. Subsequently, bilateral relations between the two countries improved.

The prosecution of three police officers and an alleged PKK member accused of killing human rights lawyer Tahir Elçi in 2015 continued for the second year.

The trial of 13 police officers who were indicted in 2020 for causing the death of Metin Lokumcu during a protest in the town of Hopa in 2011 also continued.

## HUMAN RIGHTS DEFENDERS

The co-chair of the IHD Öztürk Türkođan faced three separate prosecutions during the year for “membership of a terrorist organization”, “insulting a public official” and “denigrating the Turkish nation”.<sup>4</sup> Appeals against his acquittals in the first two prosecutions were pending at the Ankara Regional Appeals Court. The third prosecution continued at the end of the year.

The courts failed to implement ECtHR judgments in the cases of Osman Kavala and Selahattin Demirtaş, while the president and other high-ranking members of the government falsely claimed that such decisions were not binding on Türkiye. The failure to release Osman Kavala from prison in line with the 2019 judgment prompted the Council of Europe in February to launch infringement proceedings against Türkiye, the second time the procedure had ever been invoked against a member state.

In April, Istanbul Heavy Penal Court No. 13 found Osman Kavala and seven others guilty in the Gezi Park retrial, despite the absence of any evidence. Osman Kavala was convicted for “attempting to overthrow the government” and sentenced to life imprisonment without the possibility of parole. His co-defendants Mücella Yapıcı, Tayfun Kahraman, Can Atalay, Mine Özerden, Çiğdem Mater, Hakan Altınay and Yiğit Ekmekçi were each sentenced to 18 years in prison for allegedly aiding Osman Kavala. Appeals against the convictions of all the

defendants were pending at the Regional Appeals Court at year’s end.

Also in April, the Istanbul Regional Appeals Court upheld the conviction and sentence on human rights lawyer Eren Keskin for “membership of a terrorist organization” in the main trial linked to Özgür Gündem, a Kurdish newspaper shut down in the aftermath of the 2016 failed coup. At the end of the year, Eren Keskin’s sentences totalled 26 years and nine months following prosecutions relating to her role as a symbolic editor-in-chief of Özgür Gündem. Appeals were pending at the Court of Cassation.

In May, the ECtHR found that Taner Kılıç’s pretrial detention in 2017 and 2018 violated his rights to liberty, security and freedom of expression, concluding that his “detention occurred in the absence of plausible reasons to suspect him of having committed the alleged crimes”. In November, the Court of Cassation overturned Taner Kılıç’s unjust conviction for “membership of a terrorist organization” on grounds of “incomplete investigation”, and the convictions of the three other human rights defenders for “aiding a terrorist organization” because of “lack of evidence” in the long-standing Büyükkada prosecution.

In September, 23 people, including at least 15 members, staff and board members of the Migration Monitoring Association were indicted, accused of “membership of a terrorist organization”. The prosecution alleged that three reports published by the association aimed at “making propaganda for a terrorist organization” and that funds received from various foreign sources were funnelled to an armed group. The first hearing in the trial was held on 13 December.

In October, Professor Şebnem Korur Fincancı, head of the Turkish Medical Association, was remanded in prison for “making propaganda for a terrorist organization”.<sup>5</sup> She had called publicly for an independent investigation into allegations that chemical weapons had been used in the Kurdistan region of Iraq against the PKK. Istanbul Heavy Penal Court No. 24 accepted

the indictment on the same charge in December. The first hearing in her prosecution was held on 23 December.

## **DISCRIMINATION**

### **WOMEN'S RIGHTS**

In May, a law entered into force aiming to protect women and medical workers from violence. The law defines persistent stalking against women as a separate crime, limits courts' discretion to reduce perpetrators' sentences and increases custodial sentences, with aggravated sentences if committed against a child or a separated/divorced spouse.

Men killed at least 225 women in acts of femicide in the first 10 months of the year according to official government statistics, although some reports recorded far higher numbers. For example, the We Will Stop Femicides Platform reported that 393 women had been killed.

In March, three leading women from the Diyarbakır-based Rosa Women's Association were taken into police custody and faced baseless prosecution for "membership of a terrorist organization". Prosecutors alleged that the association's activities for International Women's Day and the International Day against Violence Against Women had been undertaken under the instructions of an armed group.

In July, Türkiye's highest administrative court, the Council of State, rejected the applications by dozens of women's organizations, bar associations and others to annul the 2021 presidential decision to withdraw from the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (the Istanbul Convention). The Court's decision effectively rubber-stamped the unilateral withdrawal by the executive from this treaty. An appeal against the Council decision to reject the applications was pending, while several separate applications by women's rights organizations had still not been heard by the end of the year.

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

Politicians, including government officials, regularly used hate speech and smear campaigns, amplified by certain media, against the LGBTI community.

Discrimination, intimidation and violence were particularly visible during Pride season when police violently attempted to disperse peaceful marches and detained participants.

In September, the state broadcasting body RTÜK endorsed an advertisement in which LGBTI people were referred to as a "virus" and accused of causing the "destruction of families". The advertisement promoted an anti-LGBTI rights demonstration in Istanbul.

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

The Turkish authorities used unlawful force including firing live ammunition to summarily return to Iran thousands of Afghans seeking protection.<sup>6</sup> This included unlawful use of firearms against Afghans trying to cross, sometimes resulting in deaths or injuries. Under the guise of "voluntary returns", some people were unlawfully deported via flights to Afghanistan.

In July, the ECtHR ruled in *Akkad v. Türkiye* that the forcible return to Syria of a Syrian man legally residing in Türkiye through the abuse of a "voluntary return" order was a violation of the prohibition of refoulement, the right to a remedy, the right to liberty and security, and a violation of the prohibition of degrading treatment due to the conditions of the applicant's transfer in the context of the return operation. Human rights organizations documented that between February and July, the Turkish authorities arbitrarily arrested, detained and unlawfully returned hundreds of Syrian refugees.

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

Eyewitnesses reported that in April a large group of guards at Istanbul's Marmara (formerly known as Silivri) prison had beaten inmates and urged the prisoners to kill themselves. One inmate, Ferhan Yılmaz, died in hospital in April after allegedly being subjected to torture and other ill-treatment at the hands of prison guards. Ten other

prisoners were allegedly transferred to different prisons around the country after they too alleged that prison guards had beaten them. The Chief Public Prosecutor's office of the district of Silivri announced an investigation into the allegations but the outcome was not known at the end of the year.

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1. "Türkiye's disinformation law tightens government control and curtails freedom of expression", 24 October
  2. "Türkiye: Police detain human rights defenders and relatives of disappeared people on Saturday Mothers/People 900th vigil", 25 June
  3. "Türkiye: Further information: Pride march dispersed with excessive force", 23 June
  4. "Türkiye: Baseless prosecution of Öztürk Türkođan an 'attack on all those who speak out for human rights'", 21 February
  5. "Türkiye: 'Free Prof Şebnem Korur Fincancı", 27 October
  6. *Afghanistan: "They Don't Treat Us Like Humans": Unlawful Returns of Afghans From Turkey and Iran*, 31 August

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## TURKMENISTAN

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### Turkmenistan

Head of state and government: **Serdar Berdymukhamedov (replaced Gurbanguly Berdymukhamedov in March)**

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**Serious human rights violations continued unabated across the board, including arbitrary detentions and politically motivated convictions of anyone daring to criticize or challenge official policy. The authorities continued to exercise strict control over the flow of information and all media. Turkmenistan failed to take meaningful action to address climate change. Women and girls saw their rights and freedoms, including bodily autonomy, restricted further. Abortion was effectively banned. Consensual sex between men remained a criminal offence.**

### BACKGROUND

In March, Serdar Berdymukhamedov succeeded his father Gurbanguly Berdymukhamedov as president following elections that were deemed neither fair nor free by international monitors. He failed to

introduce any meaningful measures to address the deteriorating socio-economic, public health and climate change crisis.

### REPRESSION OF DISSENT

The authorities continued their relentless campaign to stifle all forms of peaceful dissent and public criticism.

In May, the UN Working Group on Arbitrary Detention concluded that the real reason for lawyer Pygamberdy Allaberdyev's 2020 detention and subsequent six-year prison sentence for hooliganism was solely his peaceful exercise of the rights to freedom of expression and association. Pygamberdy Allaberdyev had been organizing a peaceful demonstration when he was detained by police for allegedly assaulting a customer in a bakery. His secret trial had lasted just two hours and he had been held incommunicado until his release in December under a presidential pardon.

The authorities also persisted in attempting to stop the peaceful protest of activists and citizens living abroad. In August, staff at the consulate of Turkmenistan in Istanbul, Türkiye, verbally and physically attacked five exiled Turkmenistani activists, their Turkish lawyer, and a Turkish human rights activist while they were trying to deliver a letter expressing their concern at the human rights situation in Turkmenistan. Atamurat Saparov, who sustained head injuries and needed first aid, and Dursoltan Taganova, were briefly detained by Turkish police.

### FREEDOM OF EXPRESSION

The state controlled the flow of information, censoring any reporting on negative developments, such as economic hardship, shortages of essential food items, the impact of climate change, and Covid-19. Access to the internet was strictly limited to prevent people from receiving alternative information from abroad. Fergana Media reported in October that the authorities had blocked 1.2 billion IP addresses. Security services closely monitored the use of virtual private networks (VPNs) and proxy servers to clamp down on those who tried to circumvent state controls.

They risked fines, detention and possible criminal prosecution.

Independent journalist Soltan Achilova, who previously worked with Radio Free Europe/Radio Liberty, reported that security services were monitoring her closely and warning people she had interviewed about economic and social problems that she was working with organizations trying to undermine the state.

On 14 July, Members of the European Parliament, human rights defenders and independent journalists marked the first anniversary of the detention of medical doctor Khursanai Ismatullaeva, who had publicly protested her unfair dismissal, with a joint statement calling for her immediate release. Khursanai Ismatullaeva had been sentenced to nine years' imprisonment on fabricated charges of fraud in 2021 following a blatantly unfair trial. She was punished after seeking the help of human rights defenders and independent journalists to expose her unfair dismissal. Khursanai Ismatullaeva was released under an amnesty in December.

## **FAILURE TO TACKLE CLIMATE CRISIS**

Despite a much-vaunted National Strategy on Climate Change introduced in 2012, Turkmenistan failed to implement laws and policies to phase out fossil fuels in a timely and effective manner, and only signed off on new NDCs in May. Turkmenistan continued to be one of the highest methane gas emitters in the world and continued to do little to fix leaks or address poor practices in oil and gas extraction. Data gathered on the International Space Station from July to October showed that Turkmenistan continued to be a “super-emitter”.

No substantive mitigation and human rights-approved adaptation measures were introduced to specifically address the impact of the climate change crisis on vulnerable groups, although Turkmenistan remained one of the countries in the world worst affected by rising temperatures and the resulting desertification of scarce arable land. In November, the UN Development Programme

singled out women in rural areas of Turkmenistan as among those most at risk of being disproportionately impacted by climate change.

## **DISCRIMINATION**

The authorities continued to discriminate against women and girls and LGBTI people, arbitrarily restricting their rights, freedoms and bodily autonomy in the name of cultural traditions and *Turkmeniçilik* (Turkmen national identity).

### **WOMEN AND GIRLS**

In April, police started enforcing new rules preventing women from sitting in the front passenger seat of a car; they also raided beauty salons following internal government guidance banning women and girls from having certain treatments, such as eyelash and nail extensions and Botox injections. These instructions lacked legal clarity, discriminated on grounds of gender and were implemented arbitrarily by police.

### **LGBTI PEOPLE**

Consensual sexual relations between men continued to be a criminal offence under Article 133 (previously Article 135) of the Criminal Code, punishable by up to two years in prison. No progress was noted on a commitment to review the article with a view to decriminalization, made by Turkmenistan in its Third Period Report to the UN Human Rights Committee in 2020.

## **SEXUAL AND REPRODUCTIVE RIGHTS**

In April, the authorities published a law, first passed in 2015 but never previously made public, restricting access to abortion to the first five weeks of pregnancy, down from 12 weeks. This effectively banned abortions since pregnancies are rarely discovered at such an early stage. Reproductive health campaigners expressed fears that women and girls would be forced into unwanted pregnancies or illegal, unsafe terminations. A 2021 study by the UN Population Fund on reproductive rights in Turkmenistan found that 60% of women could not make autonomous decisions on contraception and pregnancy. National media continued to

strengthen gender-based stereotypes, extolling the role of women as wives and mothers, subordinate to their husbands.

# UGANDA

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## Republic of Uganda

Head of state and government: **Yoweri Kaguta Museveni**

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**Ugandan authorities continued to criminalize protest without legal basis. The state used preventive detention and criminal charges to deter criticism and the authorities ordered the closure of an LGBTI umbrella rights group. The president gave district security committees greater powers to authorize evictions, increasing the risk of forced evictions. Plans to construct the East African Crude Oil Pipeline threatened to harm the environment and adversely impact communities' livelihoods and health. The country hosted almost 1.5 million refugees, with 100,000 arriving in 2022.**

## BACKGROUND

On 1 July, Uganda engaged with the UPR and accepted 139 of its 273 recommendations, including implementing the national human rights action plan and advancing the rights to health and education for girls. It failed to support key recommendations aimed at protecting human rights.<sup>1</sup>

On 20 September, the Ministry of Health declared an Ebola virus disease outbreak after a case of the Sudan ebolavirus was confirmed in Mubende district, central Uganda. There were 142 confirmed cases of infection, 56 confirmed deaths while 96 people had recovered by the end of the year.

## FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

The government did not accept UPR recommendations to end the intimidation and harassment of human rights defenders, civil society actors, bloggers and journalists.

Between 12 and 23 May, police placed opposition leader Kizza Besigye under house arrest after he attempted a protest walk in the capital, Kampala, against the high cost of living. On 23 May, the police arrested and detained him for several hours after he left home to resume his protests in Kampala. They said they were preventing him from carrying out an offence. As head of the Forum for Democratic Change and the People's Front for Transition (a political pressure group), he had been speaking at one of a series of protests against inflation and the cost of living when arrested. On 6 June, he was released on bail. On 14 June, police re-arrested him for protesting against the economic situation in downtown Kampala. He was released on 1 July on cash bail of UGX 2.5 million (about USD 650) after spending two weeks in pretrial detention on charges of inciting violence.

On 30 May, police arrested MP Anna Adeke and deputy mayor of Kampala Doreen Nyanjura, alongside four women activists Wokuri Mudanda, Susan Nanyojo, Mariam Kizito and Alice Amony, in Kampala, for protesting against Kizza Besigye's detention and the rising cost of living. They were charged with inciting violence and holding an illegal protest, and remanded at Kampala's Luzira Maximum Security Prison before being released on bail on 7 June.<sup>2</sup> The court at the Law Development Centre, Kampala, adjourned their cases at least four times before dropping all charges against them on 5 December.

On 13 October, President Museveni signed into law the Computer Misuse (Amendment) Bill 2022. It contains restrictive provisions relating to unauthorized access, interception, recording or sharing information or data, and imposes severe penalties such as fines of UGX 15 million (about USD 3,900) and/or imprisonment of up to 10 years. Leaders or holders of public office can also be dismissed or forced to vacate office upon conviction.<sup>3</sup>

## RIGHT TO A FAIR TRIAL

On 6 June, the High Court of Uganda in Kampala ruled that Kizza Besigye's bail

conditions, set by Buganda Road Chief Magistrate's Court, were harsh and excessive, reducing his bail from almost UGX 30 million (about USD 7,820) to UGX 3 million (about USD 782) (see above, Freedom of expression, association and assembly).

## **ARBITRARY ARRESTS AND DETENTIONS**

Police ignored a court order made on 4 January to release activist and author Kakwenza Rukirabashaija. The week before, Special Forces Command officers had arrested him at his home in Kampala without an arrest warrant and threatened him with violence. He was detained in Kitulya prison in Kampala in connection with Twitter posts which the police claimed were intended to disturb the peace of Lieutenant General Muhoozi Kainerugaba, the president's son.<sup>4</sup>

On 11 January, 13 days after Kakwenza Rukirabashaija's arrest, police arraigned him to a closed session before the Buganda Road Chief Magistrate's Court, where he said he had been tortured while in incommunicado detention. The police released him on 26 January, after the court granted him bail on medical grounds. In February, he fled Uganda.

On 10 March, security forces raided Digitalk TV offices in Kampala and arrested novelist Norman Tumuhimbise, journalist Farida Bikobere and seven other staff members in connection with Norman Tumuhimbise's social media post about the launch of his two novels. They were held in incommunicado detention and on 16 March seven of them were released unconditionally. On the same day, Norman Tumuhimbise and Farida Bikobere were charged in court with offensive communication and cyberstalking President Museveni, contrary to sections 25 and 26 of the Computer Misuse Act 2011, respectively. They were also accused of using their online platform "to disturb the peace and quiet of the President". They were remanded in Luzira Maximum Security Prison and released on 21 March on UGX 500,000 (about USD 130) cash bail each. They said they and their seven colleagues were tortured

in detention. Their case was ongoing at the end of the year.

## **LGBTI PEOPLE'S RIGHTS**

In July, during the adoption of the final outcome of Uganda's UPR, the government did not accept recommendations to protect LGBTI people's rights.

On 3 August, the National Bureau for Non-Governmental Organizations (NGO Bureau), an official body, ordered the closure of Sexual Minorities Uganda (SMUG), an umbrella organization that operates to protect LGBTI people's rights. The authorities claimed that SMUG had not registered with the NGO Bureau in line with the NGO Act 2016. In 2018, SMUG had challenged a decision by the Uganda Registration Services Bureau to refuse to register the organization under Section 18 of the Companies Act of 2012, citing its "undesirable and unregistrable" name. On 27 June 2018, the high court upheld the Bureau's decision.<sup>5</sup>

The move against SMUG took place amid the continued shrinking of civic space and increased attacks against the LGBTI community. On 19 May, police had arrested and detained two staff members of SMUG for "promoting homosexuality" when they went to Ntinda Police Station in Kampala to report malicious damage to property at SMUG's office. They were charged with assaulting the person they were reporting and transferred to Kira Road Police Station. They were released on police bond on 23 May, re-arrested on 7 June and presented at court on 8 June, where they were granted free bail. They were repeatedly summoned to court before their hearing was set for January 2023.

On 8 October, President Museveni said that homosexuals are still considered social deviants in Ugandan society.

## **FORCED EVICTIONS**

On 28 February, President Museveni banned all land evictions carried out without the district security committees' consent, giving the committees greater powers to authorize evictions and thereby increasing the risk of forced evictions. Indigenous peoples are



among those affected by the directive since it allows security organs increased powers to determine land disputes and may undermine the judiciary's independence.

## ENVIRONMENTAL DEGRADATION

Uganda continued to participate in plans to construct the 1,443km East African Crude Oil Pipeline (EACOP) which would pass through human settlements and wildlife areas, agricultural land and water sources (see Tanzania entry).

On 1 February, EACOP shareholders including TotalEnergies, the Uganda National Oil Company, Tanzania Petroleum Development Corporation and China National Offshore Oil Corporation, announced the final investment decision and the launch of the major crude oil pipeline project. It represented a total investment of approximately USD 10 billion (over UGX 38 trillion).

The Ugandan and Tanzanian governments defended the project as necessary for the development of both countries, despite several challenges from domestic and international climate justice activists and civil society groups. These alleged that the pipeline would harm the environment, displace local people, and adversely impact livelihoods, food security and the public health of communities, including Indigenous peoples. The findings of an environmental and social impact assessment conducted by the Netherlands Commission for Environmental Assessment and the Norwegian Oil for Development programme in partnership with the Ugandan National Environment Management Authority, between 2010 and 2013, were consistent with the climate justice activists' contentions. A lawsuit filed by Kenyan, Ugandan and Tanzanian civil society groups at the East African Court of Justice, seeking a temporary injunction with a view to preventing the pipeline, remained pending after two years.

If constructed, the pipeline would be the largest heated pipeline in the world, transporting an average of 10.9 million tonnes of crude oil a year from Lake Albert

oilfields in western Uganda to Tanga Port on the northern coast of Tanzania for export.

## REFUGEES' AND MIGRANTS' RIGHTS

According to the government and UNHCR, the UN refugee agency, Uganda hosted 1,495,688 refugees; almost 100,000 arrived in 2022 alone. With only 45% of its funding requirements having been met as of November 2022, according to UNHCR, the authorities were not equipped to respond adequately to the situation by, for example, promoting refugees' socio-economic integration or addressing the urgent need for healthcare and medicine, water, sanitation and hygiene services, and education. In September, UNHCR warned that it might be unable to continue paying teachers who worked with refugee children. Substandard, unsanitary and crowded living conditions exposed refugees to risks, including disease and gender-based violence.

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1. "Uganda: Oral statement item 6: Consideration of UPR reports: Uganda. UN Human Rights Council 50th session, 13 June – 8 July 2022", 1 July
  2. "Uganda: Authorities must stop criminalizing activists for protesting high cost of living", 6 June
  3. "Uganda: Scrap draconian law aimed at suppressing freedom of expression online", 14 October
  4. "Uganda: Further information: Activist author redetained and tortured: Kakwenza Rukirabashajja", 19 January
  5. "Uganda: Enable Sexual Minorities Uganda to operate and protect LGBTI rights", 29 August

## UKRAINE

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### Ukraine

Head of state: **Volodymyr Zelensky**

Head of government: **Denys Shmyhal**

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**Russia's full-scale invasion of Ukraine in February was a violation of the UN Charter and an act of aggression, a crime under international law. Russian forces conducted indiscriminate attacks resulting in thousands of civilian casualties, amid mounting evidence of other crimes including torture, sexual violence and**

**unlawful killings. Attacks on civilian infrastructure also led to violations of the rights to housing, health and education. A new law on the media granted excessive powers for the Ukrainian state media regulator. Promised new legislation on civil partnerships appeared to include same-sex relationships. The war exacerbated existing inequalities for women, amid a reported increase in gender-based violence. The crackdown on dissent and human rights defenders in Russian-occupied Crimea continued.**

## **BACKGROUND**

On 24 February, Russia launched a full-scale military invasion of Ukraine, including from neighbouring Belarus. Russian forces reached the outskirts of the capital, Kyiv, and made gains in the east and south of the country before being pushed back amidst fierce fighting. By the end of the year, Russian forces had retreated from much of the newly-captured territories but retained control of substantial territory in the east, south-east and south of Ukraine, including Crimea.

The war had an immense impact on Ukraine's civilian population. The UN recorded close to 18,000 civilian casualties in 2022 including at least 6,884 deaths, mostly caused by the use of explosive weapons with wide-area effects. Actual figures were likely to be significantly higher.

Almost 8 million Ukrainians, mostly women, children and older people, left the country, creating the largest refugee population in Europe since the Second World War. Almost 7 million were estimated to be displaced within the country.

In September, Russia announced the illegal annexation of four partially occupied regions of Ukraine.

Ukraine's public, political and civilian life was dominated by the war. Martial law was declared on 24 February and remained in place at the end of the year. The Ukrainian authorities took several steps to reduce Russia's media, cultural and political influence within the country, including

blocking various Russian online resources. At least 11 political parties were banned for their alleged seditious activities and ties to the Russian authorities.

One of the two principal Orthodox churches, the Ukrainian Orthodox Church (UOC), which, unlike the Orthodox Church of Ukraine, had retained formal subordination to the Moscow Patriarchy, amended its statutory documents in May to remove all respective subordination clauses, although its relationship with Moscow remained ambiguous. Nonetheless, in December, the authorities committed to banning its activities in Ukraine, and opened an investigation into its allegedly subversive activities, carrying out raids on churches and monasteries across the country.

The World Bank predicted that the Ukrainian economy would contract by around 45% and reported a tenfold rise in the country's poverty rate, as nearly half a million children were pushed into poverty. In December, a World Bank official cited latest estimates of the cost of reconstruction as EUR 500 – 600 billion. The unemployment rate exceeded 30% at the end of the year.

## **VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW**

Russia's invasion of Ukraine triggered an extensive human rights, humanitarian and displacement crisis. Russian forces conducted indiscriminate attacks, using weapons with wide-area effects which resulted in thousands of civilian casualties. On 30 September, a Russian missile strike on a humanitarian convoy in Zaporizhzhia killed at least 25 civilians.<sup>1</sup> Russian forces also occupied large swathes of territory, and denied civilians access to humanitarian aid. As Ukraine retook control of some territories, mounting evidence emerged of unlawful deprivation of liberty, torture, sexual violence, unlawful killings and other crimes by Russian forces.

In Russian-occupied territories, Russian authorities disabled or disrupted Ukrainian communication channels, including by replacing mobile networks with their own,

and persecuted local residents who reported on attacks in the occupied territories, including through abduction, unlawful imprisonment and torture. There were reports of extrajudicial executions of civilians. In Bucha, for example, Amnesty International investigated five apparent extrajudicial executions carried out during the Russian occupation in March.<sup>2</sup>

Due to the restrictions on communication, and lack of access for independent media and monitors into Russian-occupied territories, reports of military strikes attributed to Ukrainian forces, including those resulting in casualties and damage to civilian infrastructure, were difficult to verify.<sup>3</sup> Russian officials and state-controlled media made regular allegations about unlawful Ukrainian strikes, some of which were shown to be false. The Russian authorities blamed Ukrainian forces for the destruction of the theatre in Mariupol on 16 March, despite compelling evidence that this building, which was sheltering hundreds of civilians, was deliberately targeted by the Russian air force.<sup>4</sup>

### **PRISONERS OF WAR**

Prisoners of war were subjected to ill-treatment and possible extrajudicial execution. Russian forces and their proxies mostly denied humanitarian access to prisoners they held. In August, the UN announced a fact-finding mission into the July attack in Olenivka that killed dozens of Ukrainian prisoners of war held by Russian proxy forces, but the mission was unable to deploy to the site. Ukraine denied carrying out the attack, and claimed it was a deliberate killing of prisoners by their captors.

Photos and videos circulating on social media depicted torture and other ill-treatment of prisoners, and possible extrajudicial executions, which would constitute a war crime. Videos emerged in July showing a Russian soldier castrating a Ukrainian captive before killing him. Reportedly, Russian security services questioned the suspected perpetrator and dismissed the video as fake, although it was independently verified by open-source investigators.

Ukraine faced calls to investigate the abuse and killing of prisoners. In November, videos and photos were published on social media of a possible extrajudicial execution, in which at least 10 surrendered Russian soldiers appeared in one video to be alive and being held face down on the ground, while a later aerial video showed them dead. Ukraine opened an investigation but did not report its findings before the year's end.

### **UNFAIR TRIALS**

In violation of international humanitarian law, in June, a separatist “court” in Russian-occupied Donetsk “convicted” three members of the Ukrainian regular forces (one Moroccan and two British) of being foreign mercenaries and taking part in hostilities and “sentenced” them to death.<sup>5</sup> In July, Russian authorities claimed they had already charged 92 Ukrainian prisoners of war with “crimes against peace and humanity”, and planned to try them at an “international tribunal” in occupied Mariupol, thereby depriving prisoners of war of their fair trial rights.<sup>6</sup>

### **FORCED DISPLACEMENT**

In Mariupol and elsewhere, Russian authorities forcibly transferred and deported civilians from occupied areas of Ukraine in what amounted to war crimes and likely crimes against humanity.<sup>7</sup> This was accompanied by a screening process, known as “filtration”, during which some civilians were subjected to torture and other ill-treatment, including being beaten, electroshocked and threatened with execution. Others were denied food and water, and held in dangerous and overcrowded conditions. In some cases, children were separated from their parents. After being forcibly transferred or deported, older people, people with disabilities, and unaccompanied, separated or orphaned children often lacked the financial means, necessary support or the legal right to leave Russia or Russian-occupied areas.

### **RIGHT TO TRUTH, JUSTICE AND REPARATION**

On 2 March, the ICC Prosecutor announced an investigation into the situation in Ukraine, which still had not ratified the Rome Statute, after receiving referrals from 39 ICC states

parties. The investigation was ongoing at the year's end. On 4 March, the UN Human Rights Council voted to establish an independent international commission of inquiry.

On 17 November, a Dutch court convicted in their absence two Russian and one Ukrainian nationals affiliated with so-called "Donetsk People's Republic" of murdering all 298 passengers and crew of the Malaysian Airlines MH17 flight that was shot down over eastern Ukraine in July 2014.

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

Russia's war of aggression imposed immense, deliberate hardship on the Ukrainian people, resulting in a dramatic deterioration in their standards of living, housing, health and education.

In the second half of the year, Russia increased its attacks on essential civilian infrastructure, including power and water installations, adding significantly and intentionally to the economic hardship. As colder months approached, missile and drone strikes seriously damaged at least 40% of Ukraine's energy infrastructure, regularly causing massive blackouts. These regularly and simultaneously deprived several million Ukrainians of electricity, disrupted critical services, including healthcare as well as education, and impacted the heating and water supply in freezing temperatures. At times, 80% of the residents of Kyiv were deprived of running water.

According to the Kyiv School of Economics, over 126,700 houses and 16,800 apartment buildings around the country had been destroyed or severely damaged by the end of October. According to the Ukrainian Ministry of Health in December, 1,100 healthcare facilities had been damaged and 144 destroyed.

## **WORKERS' RIGHTS**

In July, two laws were adopted that undermined labour rights and were estimated to affect around 70% of the Ukrainian work force. They were presented by the Ukrainian

authorities as necessary war-time measures. Various similar provisions had been proposed in 2020-21 but withdrawn in the face of trade union opposition and criticism from the ILO. The first law legalized zero-hours contracts for up to 10% of a company's employees, subject to a minimum guaranteed 32 paid hours a month. The second exempted companies with no more than 250 workers from various protections set out in the Labour Code, including collective agreements previously negotiated by unions. Many provisions were to remain in force for as long as the country was under martial law.

## **OLDER PEOPLE'S RIGHTS**

Older people were disproportionately impacted by war-related death and injury, with people over 60 accounting for 34% of deaths among civilians whose age was known. Older people, particularly those with disabilities or health conditions, were often unable to access private or communal shelter facilities or evacuate from conflict-affected areas. In occupied areas, where Russian forces prevented the transport of humanitarian aid, older people did not have access to medications or other health services. Older people also struggled to access accommodation in displacement, where temporary shelters were largely physically inaccessible, and poverty-level pensions locked them out of the private housing market. After February, at least 4,000 older people were placed in overstretched state institutions such as care homes, in inferior conditions, while others continued living in damaged homes without electricity, heating or water.<sup>8</sup>

## **FREEDOM OF EXPRESSION**

National TV channels with substantive news and analytical content were merged in March by presidential decree into a United News platform broadcasting pooled round-the-clock news content. Compulsory at first, this arrangement was relaxed later in the year.

On 13 December, a law on the media was adopted which extended excessive powers for the official media regulator, the National

Council of Television and Radio Broadcasting, to warn, fine, delicense and suspend any media outlet, and temporarily extrajudicially block access to non-media online resources.

## **LGBTI PEOPLE'S RIGHTS**

The pressures of war prompted greater solidarity with some previously marginalized groups. In stark contrast to 2014, when the fighting in eastern Ukraine began and the presence of LGBTI people in the Ukrainian forces was discouraged, openly gay, lesbian and transgender volunteers and conscripts reported being welcomed and respected within the ranks.

In July, a petition calling for the legalization of same-sex marriage received over 25,000 signatures, obliging a presidential response. In August, President Zelensky indicated that he supported the move but noted it required constitutional change, which was not possible during martial law. Instead, he promised new legislation on registration of civil partnerships, implying it would extend to same-sex couples.

Transgender people with identity documents bearing incorrect gender markers reported being stopped, and sometimes harassed, as they sought to leave the country, on account of the martial law prohibition on the departure of men between the ages of 18 and 60.

## **WOMEN'S RIGHTS**

While women increasingly took on roles previously dominated by men, particularly within the armed forces, they remained under-represented in political and decision-making structures.

Some existing inequalities were exacerbated. According to UN Women, more than a third of female-headed households in conflict affected areas struggled to secure sufficient food.

The conflict also had a significant impact on maternal health. Russian strikes on healthcare facilities and power networks and the shortage of trained staff greatly reduced the services available, and the incidence of babies born pre-term increased markedly.

Many of those working with victims of domestic violence reported an increase in gender-based violence and a reduction in the services available.

War crimes of rape and sexual assault in Russian-occupied areas were reported. However, their documentation presented a challenge for the authorities and NGOs, for multiple reasons including mistrust by survivors and the associated social stigma.

In July, Ukraine ratified the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention) and became a full member on 1 November.

## **ENVIRONMENTAL DEGRADATION**

The war had a devastating impact on the environment, using huge quantities of fossil fuels, destroying habitats and causing forest fires, and polluting Ukraine's air, water and soil with toxic substances.

Russia's conduct of hostilities raised the risk of a nuclear incident. After seizing control of the Zaporizhzhia nuclear power plant on 4 March, Russian troops and military hardware were stationed within the site. Mortar or other explosions were repeatedly reported in its immediate vicinity, for which both sides blamed each other, and some infrastructure was damaged. By September, all six reactors were shut down. Negotiations on the establishment of a demilitarized zone around the plant led by the International Atomic Energy Agency (IAEA) were ongoing at the end of the year.

In November, Russian strikes on Ukraine's wider power network prompted the emergency shutdown of all of Ukraine's nuclear reactors. The dangers inherent in repeatedly shutting down and restarting nuclear reactors prompted the IAEA to describe the situation as "precarious, challenging and potentially dangerous."

## **CRIMEA**

Unlike other Russian-occupied territories, Crimea, which had been illegally annexed in 2014, was less immediately affected by the war, although it suffered occasional Ukrainian

strikes against targets ranging from sea vessels to airports, and an explosion that partly damaged the bridge connecting the peninsula with Russia.

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

The crackdown by the de facto authorities on the rights to freedom of expression, peaceful assembly and association continued, with prominent members and activists of the Crimean Tatar community, individuals with pro-Ukrainian views, and members of minority faith-based groups, facing ongoing reprisals. Displays of Ukrainian culture and music were effectively criminalized, and several people were given administrative detention or heavy fines for playing Ukrainian songs during private functions.

Local lawyers who represented victims of politically motivated prosecutions were targeted with unlawful searches, arbitrary arrests, hefty fines and administrative detention. On 15 July, lawyers Liya Gemedzhi, Rustem Kyamilev and Nazim Sheikmambetov were disbarred in apparent retaliation for defending Crimean Tatar activists.<sup>9</sup>

Prisoner of conscience Nariman Dzhelyal, the most prominent remaining former member of the arbitrarily banned Mejlis (representative body) of the Crimean Tatar People, was convicted under false charges of sabotage in September and sentenced to 17 years' imprisonment. His co-defendants also received long prison sentences.

7. *Ukraine: "Like a Prison Convoy": Russia's Unlawful Transfer of Civilians in Ukraine and Abuses During 'Filtration'*, 10 November
8. *Ukraine: "I used to have a home": Older People's Experience of War, Displacement, and Access to Housing in Ukraine*, 6 December
9. "Russia: Crimean human rights lawyers disbarred: Liya Gemedzhi, Rustem Kyamilev and Nazim Sheikmambetov", 22 August

## **UNITED ARAB EMIRATES**

### **United Arab Emirates**

Head of state: **Mohamed bin Zayed Al Nahyan (replaced Khalifa bin Zayed Al Nahyan in May)**

Head of government: **Mohammed bin Rashid Al Maktoum**

**The United Arab Emirates (UAE) put into effect new laws that significantly curtail freedom of expression and assembly. The authorities extended the arbitrary detention of tens of mass trial victims past the end of their prison terms, and subjected one human rights defender and one dissident to extended ill-treatment. The government renewed its stance against recognizing the rights of refugees.**

### **BACKGROUND**

In May, Mohamed bin Zayed became president after his brother, President Khalifa bin Zayed, died and the Federal Supreme Council, consisting of the rulers of the country's seven emirates, appointed Mohamed to replace him.

The UAE continued to participate in the military coalition committing frequent and serious violations of international law in Yemen (see Yemen entry).

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

The government exercised control over expression, at times censoring content in the media or cinema deemed to be immoral. At least 26 Emirati prisoners remained behind bars because of their peaceful political criticism.

1. "Ukraine: Missile attack on humanitarian convoy in Zaporizhzhia further proof of Russia's 'utter disregard for civilian lives'", 30 September
2. *Ukraine: "He's not coming back". War Crimes in Northwest Areas of Kyiv Oblast*, 6 May
3. "Ukraine: Russia's military activities at nuclear plant risk safety in region", 6 September
4. *Ukraine: "Children": The Attack on the Donetsk Regional Academic Drama Theatre in Mariupol*, 30 June
5. "Ukraine/Russia: 'Death sentences' against three foreign members of Ukrainian forces by separatists' courts a blatant violation of international law", 9 June
6. "Russia: Charging 92 members of Ukraine's military with 'crimes against humanity' brazenly undermines fair trial rights", 25 July

In January, the Office of Public Prosecution announced that it had summoned “a number” of people who had posted videos online simply reporting rocket attacks on the UAE by Yemen’s Huthi militia, warning that any reporting of such incidents on social media violates the country’s laws.

In June, the Media Regulatory Office banned Lightyear, a US-produced film because it depicted a same-sex kiss.

Also in June, the newspaper Al Roeya, which is published by a company owned by Deputy Prime Minister Mansour bin Zayed Al Nahyan, fired almost all its journalists and editors because the paper had reported on how Emiratis were reacting to the rising price of energy. The print newspaper then ceased publication, with the website kept online by a skeleton staff and publishing only business news.

In August, the Media Regulatory Office and Telecommunications and Digital Government Regulatory Authority instructed Netflix to remove same-sex content from its services in the UAE or face prosecution.

The new Code of Crimes and Punishments, which went into effect on 2 January, brought in some reduction of sentences but retained overly broad provisions that criminalize free expression and assembly, and added a new clause punishing unauthorized transmission of governmental information. Article 178, a new provision, forbids transferring “without a licence” any official “information” to any “organization”, which taken literally criminalizes most transmission of governmental information. Article 184 decreased the punishment for “anyone who mocks, insults, or damages the reputation, prestige or standing of the state” or “its founding leaders” from 10-25 years to a maximum of five years. Article 210 decreased the punishment for participating in any public gathering “tending to damage public security” from up to 15 years to a maximum of three years.

Article 26 of the new Law on Combating Rumours and Cybercrimes, which also went into effect on 2 January, imposes up to three years’ imprisonment on anyone who uses the

internet to encourage a demonstration without prior permission from the government.

## **ARBITRARY DETENTION**

The UAE was responsible for dozens of new and ongoing arbitrary detentions. The authorities refused to release at least 41 prisoners who completed their sentences during the year, bringing the total number, including those from previous years, to 48. All 41 were part of the “UAE-94” mass trial of 2012-2013. The government characterized such detentions as ongoing “counselling” for those who have “adopted extremist thought,” a procedure authorized under Article 40 of the 2014 counter-terrorism law. The law requires the Office of Public Prosecution to obtain a court order for such detentions, but does not give the detainee the right to challenge their continued detention.<sup>1</sup>

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

In July, in its first review of the UAE, the UN Committee against Torture stated its “concern that reports received detail a pattern of torture and ill-treatment against human rights defenders and persons accused of offences against state security.”

Authorities held human rights defender Ahmed Mansoor in solitary confinement for the entire year and deprived him of glasses, books, a bed, mattress and pillows, and personal hygiene items.<sup>2</sup> Such prolonged solitary confinement, especially in combination with the degrading and inhuman treatment, rises to the level of torture.

In one case, authorities denied Mohamed al-Siddiq, imprisoned since 2012 for exercising his right to freedom of expression, all phone calls with his nuclear family who live abroad.

## **DISCRIMINATION**

The authorities continued to deny members of the UAE’s native-born stateless population, who have ancestral origins in East Africa, South Asia and the Arabian Peninsula, the state-paid healthcare and education provided to nationals. Stateless Emiratis must pay to

receive education and healthcare through the private market. Stateless people also had to find “sponsors” to obtain temporary residence permits, without which they are considered “illegal residents”, and are ineligible to work in the higher-paid government sector.<sup>3</sup>

## LGBTI PEOPLE’S RIGHTS

In September, the government directed schools across the UAE to ensure that teachers “refrain... from discussing gender identity, homosexuality or any other behaviour deemed unacceptable to UAE society” in classrooms. UAE law criminalizes consensual same-sex relations between adults.

## FAILURE TO TACKLE CLIMATE CRISIS

The UAE raised oil production, contrary to the UN conclusion that countries must begin reducing production to meet their obligations under the Paris Agreement on climate change, to which the UAE is a party. According to World Bank data, the UAE has one of the world’s top five highest levels of per capita carbon dioxide emissions.

## WOMEN’S AND GIRLS’ RIGHTS

In July, the CEDAW Committee, in its concluding observations, found that UAE law discriminates against women in the transmission of nationality to children, and that the government maintains reservations to the CEDAW that are incompatible with the purpose of the treaty.

## REFUGEES’ AND MIGRANTS’ RIGHTS

In July, cabinet regulations revising immigration laws once again did not recognize the right of refugees to claim asylum.

# UNITED KINGDOM

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**United Kingdom of Great Britain and Northern Ireland**  
Head of state: **Charles III (replaced Elizabeth II in September)**

Head of government: **Rishi Sunak (replaced Liz Truss in October, who replaced Boris Johnson in September)**

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**Legislation was passed or tabled that seriously undermined human rights, including replacing the UK’s primary human rights protection instrument and attacks on the rights to freedom of assembly and expression and to asylum. Further proposals were launched that would provide impunity for grave human rights violations. Effective access to sexual and reproductive support remained inconsistent across the UK.**

## BACKGROUND

In June the government launched a bill to repeal the Human Rights Act, the country’s primary legal protection for human rights, and replace it with a “bill of rights”. This bill of rights was widely criticized as being deeply regressive from a human rights standpoint, including for attacking positive obligations to protect rights; being flawed in its drafting; and being likely to lead to breaches of the Belfast/Good Friday Agreement in Northern Ireland.

## FAILURE TO TACKLE CLIMATE CRISIS

In September, the government updated its NDC under the Paris Agreement. In its 2020 NDC, the UK committed to reducing greenhouse gas emissions by at least 68% by 2030 and only made a net-zero target for 2050. The 2022 update did not revise these figures. The Scottish government set a net-zero target for 2045 and a higher 2030 emissions reduction target of 75%.

## CORPORATE ACCOUNTABILITY

The British mining giant Anglo-American was subject to an ongoing class action lawsuit in the South Gauteng High Court, South Africa. The case was brought by a large number of Zambian children and women who reported

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1. “UAE: Dissidents who served sentences still behind bars”, 30 May
  2. *United Arab Emirates: Dissidents Imprisoned and Migrants Racially Targeted*, 25 October
  3. *United Arab Emirates: Dissidents Imprisoned and Migrants Racially Targeted*, 25 October



suffering injury from lead exposure as a result of the company's century-long mining operations in the District of Kabwe. Residents have some of the highest lead levels in the world and health studies in Kabwe have recorded alarmingly high levels of lead in the blood of children aged five and under (see Zambia entry).

## **WORKERS' RIGHTS**

Workers' rights to speak out and bargain collectively through a trade union of their choice were not always respected. In September, a settlement was reached with a trade union organizer who had lodged a claim for unfair dismissal with an independent employment tribunal. He had been dismissed in 2021 after trying to improve the working conditions of cleaners at Meta's London offices.<sup>1</sup>

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

In April, parliament passed legislation attempting to avoid the UK's international obligations stemming from the UN Refugee Convention, including refusing to recognize fully the Convention's definition of refugee and the prohibitions on the penalization of asylum seekers for irregular entry, discrimination and refoulement, and its demand that states share responsibility for hosting refugees.

The government also adopted a policy to expel people seeking asylum from the UK to Rwanda under a Memorandum of Understanding with the Rwandan government. Legal action halted the expulsions. The policy remained under challenge in the higher courts at the end of the year.

The government's commitment to resettle Afghan refugees remained effectively unfulfilled. Over many months, visa schemes for Ukrainian refugees were undermined by delays and inadequate arrangements. By mid-December, however, more than 152,000 Ukraine Scheme visa-holders had finally arrived in the UK.

Government hostility persisted towards people crossing the Channel by boat to seek

asylum. Backlogs in the asylum system grew further. People remained in wholly inadequate accommodation. Harmful consequences included an outbreak of diphtheria from October onwards and more than 200 unaccompanied children going missing.

Wider immigration policy continued to exacerbate the homelessness, destitution and exploitation facing migrants, particularly people without regular status. Expulsion powers were used as an additional punishment for criminal offending, including against people who had lived all or most of their lives in the UK.

## **FREEDOM OF ASSEMBLY**

The Police, Crime, Sentencing and Courts Act 2022 increased police and ministerial powers to restrict further the right to freedom of peaceful assembly, including new policing powers to implement restrictions on the grounds of noise and nuisance, which risk being disproportionate.

The Public Order Bill was pending approval at the end of the year. This criminalizes a wide range of peaceful protest activities, expands police stop-and-search powers and removes the rights to peaceful assembly for individuals subjected to specific protest banning orders.

## **EXCESSIVE USE OF FORCE**

Official guidance on the appropriate thresholds and circumstances for Taser use by police remained weak. In August, two police officers used a Taser, baton and incapacitant spray against a 93-year-old disabled man with dementia at a care home; he later died. The officers were handed gross misconduct notices and were under investigation for manslaughter at the end of the year.

In June, police used a Taser against a Black man believed to be experiencing a mental health crisis on Chelsea Bridge, London, resulting in him falling into the River Thames; he died two days later. Home Office statistics showed that Black people were eight times

more likely than white people to have a Taser drawn or discharged against them.

## **VIOLENCE AGAINST WOMEN AND GIRLS**

The UK finally ratified the Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention), which entered into force on 1 November. The government maintained a reservation against Article 59 of the Convention, which sets out state obligations to provide protection to migrant women.

## **IRRESPONSIBLE ARMS TRANSFERS**

Arms exports continued to be allowed, following a December 2021 change to the UK's export licensing criteria, in cases where the government believed the wider benefits of the transfer outweighed the risks of the equipment contributing to further conflict and instability.

A legal challenge continued throughout the year over the lawfulness of UK arms exports to Saudi Arabia in relation to UK-sold arms being used to commit violations of international humanitarian law in Yemen.

## **DISCRIMINATION**

### **RACISM**

A series of scandals about institutional racism and misogyny in the Metropolitan Police occurred throughout the year, some of which contributed to the forced resignation in February of the Metropolitan Police Commissioner. In March reports emerged of an incident in 2020 when a 15-year-old Black girl was strip searched by two police officers while at school. Subsequent investigations revealed that, over a two-year period, 650 children had been strip searched by the Metropolitan Police, 58% of them Black.

The Police, Crime, Sentencing and Courts Act was passed in April and further entrenched racist policing. It included an expansion of stop-and-search powers and the targeting of the Roma and Traveller communities via new measures to curb unauthorized encampments and trespass.

In February, it was reported that instances of antisemitic hate speech and attacks had reached a record high. The Community Security Trust, which monitors antisemitism in the UK, recorded a 34% increase in such incidents from one year to the next.

### **NATIONALITY LAW**

British nationality law was amended to enable some people long excluded by discrimination in that law to acquire British nationality. This included many descendants of inhabitants of the Chagos Islands whose exile from their homeland had also deprived them of British nationality. Their exile continued.

### **GENDER**

In December, the Scottish Parliament passed liberalizing reforms to the gender recognition certification process.

## **ARBITRARY DEPRIVATION OF NATIONALITY**

The government continued to use powers to strip British citizens of their citizenship, particularly people who had left the UK to join ISIS. This included people who left during their childhood and, UK media reported, with the encouragement of agents working for the Canadian security services. Challenges in the higher courts continued, including against the government's refusal to repatriate British citizens from Syria.

The Nationality and Borders Act 2022, passed on 28 April, included powers permitting the government to strip an individual of citizenship without informing them.

## **RIGHT TO TRUTH, JUSTICE AND REPARATION**

Despite a commitment from the Northern Irish government in November 2021, an independent public inquiry was not established 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 at that time were sent to these institutions and suffered arbitrary detention, forced labour, ill-treatment and the forced adoption of their babies.

## SEXUAL AND REPRODUCTIVE RIGHTS

Despite the decriminalization of abortion in Northern Ireland, there was an ongoing failure to deliver fully commissioned and funded abortion services. In October, the secretary of state for Northern Ireland announced that he would commission the services directly from health trusts, given the failure of the Northern Ireland minister for health to do so. Northern Ireland is currently the only part of the UK without telemedicine provision.

There was still no provision for late-term abortions in Scotland, resulting in women having to travel to England.

In March, the independent inquiry into maternity practices at Shrewsbury and Telford Hospital NHS Trust was published. The inquiry found that, over the course of 20 years, 201 babies and nine mothers who died in or following childbirth could or would have survived if the trust had provided better care. A police investigation was launched.

## IMPUNITY

In May, the government introduced the Northern Ireland Troubles (Legacy and Reconciliation) Bill. The bill included an end to all criminal, civil and coronial judicial activity for all conflict-related incidents, amounting to a de facto amnesty for human rights violations during the conflict, which took place from 1966 to 1998.

## FREEDOM OF EXPRESSION

Threats of violence by armed groups continued against named journalists in Northern Ireland, particularly those investigating illegal paramilitary and criminal activity. In June, a reporter for the Sunday World newspaper was warned by police that “criminal elements” had been monitoring their movements with a view to “some form of violent attack” in which firearms could be used.

Legal academic Professor Colin Harvey, who participated in debates on the constitutional future of Northern Ireland, was the target of a years-long campaign designed to intimidate him and undermine his academic standing.<sup>2</sup>

## INHUMANE DETENTION CONDITIONS

In April, the Mental Welfare Commission for Scotland raised serious concerns about inconsistent and inadequate access to mental health support for Scotland’s prison population, including the use of segregation for prisoners with mental disorders and delayed hospital transfers for acutely unwell prisoners to specialist hospital care.

## RIGHT TO HOUSING

Hundreds of thousands of people in England remained homeless, many because of bureaucratic, policy and legal barriers in the country’s housing and homelessness prevention systems. These included measures associated with immigration control, qualifying criteria for the status of “priority need”, and determinations of intentionality where a person was regarded as having made themselves homeless.<sup>3</sup>

The state of housing for both social housing and private tenants was in many instances dangerously poor. In November a coroner found that the death of an infant in 2020 was caused by prolonged exposure to mould in his family home. No new legislation to address this was passed during the year.

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1. “United Kingdom: Meta, workers’ rights matter!”, 1 September
  2. “Northern Ireland: Authorities must protect Professor Colin Harvey and academic freedom”, 26 January
  3. *UK: An Obstacle Course: Homelessness assistance and the right to housing in England*, 7 June

# UNITED STATES OF AMERICA

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## United States of America

Head of state and government: **Joseph Biden**

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**The USA re-engaged with international human rights institutions when it was reviewed by the UN CERD Committee for the first time since 2014. In its concluding observations, the Committee commented upon the lack of progress by the USA on**

**several issues, including the prevalence of hate crimes, gun violence, excessive use of force by law enforcement and violence against women. Courts limited human rights protections by striking down abortion rights and gun regulations and preventing the administration from ending exclusions of asylum seekers at the US-Mexico border.**

## **SEXUAL AND REPRODUCTIVE RIGHTS**

In June, the US Supreme Court ended federal protections for abortion rights by overturning *Roe v. Wade*, reversing nearly 50 years of jurisprudence. Many states immediately moved to implement standing or new laws to ban entirely or severely curtail access to abortion. At least one state subsequently arrested and prosecuted a woman who aided a self-managed abortion.

Several state legislatures passed laws to protect the right to abortion and increase access to abortion. President Biden signed executive orders in July and August that further promote access to medical abortion and support those travelling between states to access abortion services, among other mechanisms to promote reproductive rights. In August, in the first popular vote on abortion since the US Supreme Court decision, Kansas voters overwhelmingly rejected a state amendment to restrict abortion. During the November elections, voters in California, Michigan and Vermont passed ballot initiatives providing abortion protection, while voters in Kentucky and Montana rejected further abortion restrictions.

## **GENDER-BASED VIOLENCE**

Indigenous women continued to experience disproportionately high levels of rape and sexual violence and lacked access to basic post-rape care, while also experiencing high rates of disappearances and killings. 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.

Congress passed, and President Biden signed into law, the previously lapsed Violence Against Women Act (VAWA), the main funding mechanism for preventing and responding to violence against women. VAWA includes new provisions that restore limited criminal jurisdiction in certain circumstances over non-Native perpetrators of sexual violence against Native women. Even though 96% of Indigenous survivors of sexual violence have experienced sexual violence by at least one non-Indigenous partner, current US law continues to restrict local tribal governments from prosecuting such cases, effectively creating a system in which non-Indigenous perpetrators of sexual violence are never tried.

## **LGBTI PEOPLE'S RIGHTS**

The Biden administration directed government agencies to protect LGBTI families and children from attacks on their healthcare, address impacts of state laws that target LGBTI students and lead an initiative to reduce the risk of exposure to so-called "conversion therapy". Additionally, the Department of State announced that US passport holders could apply to self-select their gender without providing medical documentation. Applicants may now choose "X" as their gender marker. The Respect for Marriage Act was enacted in December, providing some federal protection for same-sex marriages.

Individual states continued to introduce anti-LGBTI bills at record levels. Notably, Florida passed a bill prohibiting any instruction or discussion of sexual orientation or gender identity for students between kindergarten and third grade, where students are predominantly under 10 years old. Additionally, states introduced dozens of bills focused on restricting gender-affirming healthcare access for trans youth. Arizona passed a bill that prohibits gender-affirming surgery before the age of 18. The Texas Supreme Court allowed the state to investigate gender-affirming care for trans youth as child abuse.

## REFUGEES' AND MIGRANTS' RIGHTS

The Migrant Protection Protocols (MPP) and Title 42 of the US Code continued to drastically limit access to asylum at the US-Mexico border. The Biden administration attempted to terminate both programmes, but federal courts ordered them to continue throughout 2022. These programmes resulted in irreparable harm to tens of thousands of asylum seekers by expelling them to danger in Mexico or to their countries of origin. Under Title 42, there was no access to asylum or screenings for risk. Under the MPP, asylum seekers were forced to navigate the asylum system while remaining in Mexico.

US authorities subjected Haitian asylum seekers to arbitrary detention and discriminatory and humiliating ill-treatment that amounted to race- and migration-related torture, rooted in systemic anti-Black discrimination.<sup>1</sup>

The US administration designated Temporary Protected Status for Cameroonian, Ethiopian, South Sudanese, Sudanese and Ukrainian nationals, providing protection from removal from the USA. The US administration implemented a pilot private sponsorship programme, enabling communities to directly resettle refugees through the US Refugee Admissions Program.

Congress failed to pass the Afghan Adjustment Act, leaving Afghan evacuees in a precarious situation, as they were admitted under only a temporary status conferred by humanitarian parole.

Authorities continued a system of arbitrary, mass immigration detention, with funding to detain 34,000 people daily in 2022. The multi-billion dollar industry of using private prisons to detain people seeking safety continued, while the use of surveillance-based alternatives to detention, such as electronic monitoring, were utilized on nearly 285,000 families and individuals.

## FREEDOM OF ASSEMBLY

More than 75 protesters were arrested in connection with protests following the death

in June of Jayland Walker, a Black man who was fatally shot by police 46 times in Akron, Ohio. Local community organizers and activists organized protests and held events demanding police accountability. Local authorities issued a curfew in Downtown Akron that remained in effect for two weeks following Jayland Walker's death.

Lawmakers in Congress and at least 11 states introduced at least 16 bills limiting freedom of assembly, with two states enacting such bills into law in 2022. Proposed legal restrictions on freedom of assembly included creating a new federal offence for blocking an interstate highway during a protest and, at state level, introducing increased penalties for acts of civil disobedience relating to infrastructure projects such as pipelines, obstructing roads, and defacing monuments or public property.

## EXCESSIVE USE OF FORCE

At least 1,093 people were killed by police using firearms in 2022. The limited public data available suggested that Black people were disproportionately impacted by police use of lethal force.

The US Department of Justice failed to accurately document the number of people who died in custody, as required by the 2013 Death in Custody Reporting Act, announcing that it had undercounted the number of deaths in prisons, jails and during arrests by 990 people in fiscal year 2021.

The US Senate failed to introduce the George Floyd Justice in Policing Act which was passed by the House in 2021. The bill would address a wide range of policies and issues regarding policing practices and law enforcement accountability, which were demanded during widespread protests in 2020.

Following its review of the USA, the CERD Committee expressed concern over the use of excessive or deadly force by law enforcement officials against racial and ethnic minorities, and the continued impunity for abuses by police officers.

It recommended a review of federal and state laws regulating the use of lethal force to

ensure alignment with international law and standards and to create or strengthen independent oversight bodies to ensure accountability.

## **DEATH PENALTY**

While abolition bills were introduced in multiple states and at the federal level during the 2021-2022 legislative session, no bill was passed in any of these jurisdictions. However, the Governor of California signed the Racial Justice for All Act which applies the 2020 Racial Justice Act retroactively. The 2020 law allows for a person charged or convicted of a crime to challenge racial bias in their case. It could offer relief to some of the 682 people on California's death row in 2022.

In July, the Oklahoma Court of Criminal Appeals set execution dates for 25 of the state's 43 people on death row, scheduling nearly an execution a month from August 2022 through to December 2024. If carried out, Oklahoma would execute 58% of those on the state's death row. Alabama and South Carolina continued to attempt to restore methods of executing people that would be cruel under international standards, such as gas chambers or firing squads, respectively.

## **ARBITRARY DETENTION**

Thirty-five Muslim men remained arbitrarily and indefinitely detained in the detention facility at the US naval base in Guantánamo Bay, Cuba, in violation of international law. The Biden administration made little progress in closing the facility, despite its intention to do so.

In 2022, nine detainees held in Guantánamo Bay were approved for transfer by the Periodic Review Board, bringing to 20 the number of detainees remaining at the facility without charge after being cleared for transfer, some for over a decade. Another detainee who had pleaded guilty to the charges against him and served his sentence also remained detained. Three detainees were transferred from the facility in 2022. The remaining detainees did not have access to adequate medical treatment, and survivors of torture and other ill-treatment by US

agents were not given adequate rehabilitative services.

Ten detainees continued to face 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 remained stalled, after repeated suspensions in recent years. Military commission prosecutors attempted to negotiate guilty plea agreements with some of those charged.

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

More than 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 crimes under international law and 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**

Gun violence remained widespread throughout the country and authorities released figures showing that nearly 49,000 people were killed in 2021, based on early official estimates, continuing a sharp increase in firearm-related deaths during the Covid-19 pandemic. Gun violence became the leading cause of death among children and teenagers for the first time in the 40 years that such data has been collected.

Increased unregulated gun acquisition and possession combined with rising political extremism, xenophobia and racism led to a number of mass killings. In May, an 18-year-old targeted a Black neighbourhood grocery

store in Buffalo, New York, killing 10 people. Weeks later, another 18-year-old killed 21 people at an elementary school in Uvalde, Texas; 19 of the victims were children. In July, a 21-year-old man opened fire on a crowd celebrating Independence Day in Highland Park, Illinois, killing seven people.

In June, the US Supreme Court issued an opinion on its first case regarding gun rights in over a decade. It ruled New York's 100-year-old law requiring a licence to carry concealed weapons in public, as well as similar laws in seven other large population states, unconstitutional.

Congress passed the first law regulating elements of firearm acquisition, possession and use in nearly 30 years. The Bipartisan Safer Communities Act includes provisions for funding for state crisis intervention protection orders and community-based gun violence intervention programmes, protections for victims of domestic violence and an enhanced review process for gun purchasers under 21 years old. It also establishes straw purchasing (acquiring a firearm on behalf of someone who cannot legally do so or for someone who does not want their name associated with the purchase) and gun trafficking as federal criminal offences. The law represented progress but failed to enhance basic critical firearm safeguards like universal background checks on all gun purchases or bans on assault weapons and large-capacity magazines, among others.

## **EXTRAJUDICIAL EXECUTIONS**

The US government continued to use lethal force in countries around the world, including with armed drones. The government continued to withhold information regarding the legal and policy standards and criteria applied by US forces when using lethal force. Authorities also failed to provide justice, truth and reparation for past civilian killings.

The Biden administration commenced a review of lethal force policies and, in September, released a new Civilian Harm Mitigation Response and Action Plan, which set forth a plan for the Department of

Defense to develop practices and procedures to better protect civilians and improve investigations of civilian harm in the future. However, the details of the new policy remained to be developed and it will not apply to lethal strikes conducted by the CIA.

The USA did not address many past cases of civilian harm and continued to deny well-documented cases of civilian deaths, injuries and other harm, despite strong evidence presented by NGOs.

In order to improve US civilian protection policies, in November in Dublin, Ireland, the USA endorsed the international Declaration on the Protection of Civilians from the Use of Explosive Weapons in Populated Areas.

## **FAILURE TO TACKLE CLIMATE CRISIS AND ENVIRONMENTAL DEGRADATION**

In 2022, Congress only approved USD 1 billion for international climate finance, far short of the country's level of capacity and responsibility as well as President Biden's 2021 pledge to provide USD 11.4 billion a year by 2024.

The Inflation Reduction Act of 2022 was enacted in August with a simultaneous focus on green energy and the fossil fuel industry, the first package of climate change legislation in US history. While the law implemented the pledge to meet the USA's NDC goals in reducing emissions by 2030, those goals fail to meet requirements for keeping temperature increases to 1.5 degrees and the USA's level of responsibility for the climate crisis and capacity to tackle it. It also reinstated old auctions of oil and gas leases on federal land and the Gulf of Mexico that the Biden administration had tried to cancel, and forced the administration to hold several new auctions, which began in September.

Non-stop rain in July caused flash flooding throughout eastern Kentucky, a region where strip mining and mountaintop removal mining is prevalent, killing at least 44 people and leaving thousands homeless. The country experienced its most active wildfire season in more than 10 years, predominantly in western states, fuelled by extreme heat and persistent drought caused by climate change.

In September, Hurricane Ian caused immense damage in south-west Florida, a flood-prone region which was developed through the removal of mangroves and the filling of swamps, leaving at least 144 people dead in Florida alone.

## RIGHT TO WATER AND SANITATION

In August, Jackson, Mississippi, a predominantly Black city, experienced flooding that damaged the city's water treatment facility, leaving nearly 150,000 residents without drinkable water or adequate water for sanitation. Historically, the city had not received sufficient funding from the state to address its decades-long issues with delivering clean water to its residents.

1. USA: *"They Did Not Treat Us Like People": Race and Migration-Related Torture and Other III-Treatment of Haitians Seeking Safety in the USA*, 22 September

# URUGUAY

## Eastern Republic of Uruguay

Head of state and government: **Luis Alberto Lacalle Pou**

**The social and economic consequences of the Covid-19 pandemic continued to impact groups in vulnerable situations. There were several attacks on journalists and the media, threatening freedom of expression. Record rates of imprisonment resulted in inhumane prison conditions. Deaths in prison remained a concern. Violence against women and girls continued to escalate, with a rise in the number of reported femicides and child killings. Although some military personnel were prosecuted for ordinary offences amounting to 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.**

## BACKGROUND

Socio-economic inequalities deepened as a consequence of the Covid-19 pandemic. According to the UN Food and Agriculture Organization, 7.3% of the population was severely food insecure. In October, the University of the Republic Faculty of Social Sciences presented a report indicating that, although the number of food banks decreased compared to 2021, the monthly food portions served remained the same, with little variation.

Following the indictment of the president's security chief for passport forgery, alleged acts of espionage against two opposition senators, illegal surveillance of civilians, as well as alleged acts of police corruption, came to light, indicating worrying signs of an institutional crisis.

The election of a new National Human Rights Institution (NHRI) board in August did not follow the required legal procedures and was marred by interference from political parties. According to local organizations and OHCHR, the UN's human rights office, this weakened the NHRI. Some prosecutors publicly criticized interference and investigations by the Executive Branch in the Public Prosecutor's Office.

Uruguay's review by the UN Committees on Torture, Human Rights and Enforced Disappearances found a weakening of the National Mechanism for Reporting and Follow up and a lack of dialogue with civil society.

## FREEDOM OF EXPRESSION

Uruguay fell 26 places in Reporters Without Borders' ranking on freedom of expression, dropping from 18<sup>th</sup> to 44<sup>th</sup> on its list of countries.

A report issued in 2022 stated that 51 cases of threats to journalists were reported during 2021 and at least two journalists and media outlets faced legal actions for the content of their research. Public officials, ministers and senators continued to use stigmatizing language in relation to journalists and media.

In July, the UN Human Rights Committee expressed its concern about the increase in



criminal prosecutions, threats and restrictions on freedom of expression.

In September, the Police Union requested that the Ministry of the Interior carry out an urgent investigation as they had received information that many police officers had had their mobile phones tapped. In December, journalists from the newspaper *El Observador* had to disseminate information of high public interest through channels outside the institution where they worked, affecting their right to freedom of press. The information that came to light related to the possible irresponsible and dangerous use of the state security system for illegal surveillance and espionage.

The National Administration of Public Education banned students from demonstrating inside secondary schools in Montevideo to demand better school funding. Authorities threatened to use the police to evict protesting students.

### **ACCESS TO PUBLIC INFORMATION**

According to a number of NGOs, several public information requests received no or unsatisfactory responses. A bill to amend Law No. 18.381 on access to public information remained before parliament at the end of the year. If approved, this would create further obstacles to transparency.

In September, the president's security chief was charged with forging documents. During the arraignment the judge did not allow the press to be admitted and declared it a closed hearing, in breach of Code of Criminal Procedure provisions on public hearings.

### **INHUMANE DETENTION CONDITIONS**

Already harsh prison conditions deteriorated during the year. The penitentiary system experienced severe overcrowding with the number of inmates reaching 120% of intended capacity. According to the Parliamentary Commissioner for the Penitentiary System, the prison population increased steadily, reaching 14,497 by the end of the year. During the year, 42 inmates died in custody.

In 2022 Uruguay had the highest rate of incarceration per capita in South America

(411 per 100,000 inhabitants), according to the Office of the Parliamentary Commissioner. In the context of intense overcrowding and insanitary conditions, 13 people died in prison from non-violent causes during the year. The number of women deprived of their liberty continued to increase, reaching 1,034.

### **IMPUNITY**

Fourteen current or retired members of the military and police were convicted of torture, kidnappings and killings under the civil-military regime in the 1970s and 1980s. Authorities made no substantive progress in the search for victims of enforced disappearances during that time as no new evidence was found at the excavation sites and those suspected of criminal responsibility did not provide any new information.

Legislators presented a bill proposing that detainees over 65 be placed under house arrest. If approved, this could benefit as many as 200 people, including more than 20 people serving prison sentences for crimes against humanity. There were concerns that the bill would act as a pardon for those convicted of crimes under international law during the military regime.

### **RIGHT TO HEALTH**

According to the Ministry of Health, in the first half of 2022 there was a 25% increase in the suicide rate compared to the same period in 2021. Five years after the mental health law (No. 19.529) was passed, the law had yet to be properly implemented, negatively impacting access to mental health services.

### **VIOLENCE AGAINST WOMEN**

According to the Observatory on Gender-Based Violence and Access to Justice, the number of femicides increased in 2022; 24 femicides were recorded and at least eight children were killed in incidents related to gender-based violence, most of them femicides. 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.

## **SEXUAL AND REPRODUCTIVE RIGHTS**

Public policy regarding pregnancy among children under 15 did not make significant progress. According to the State Health Services Administration, 108 girls and adolescents under 15 were pregnant in 2021, of whom 50 gave birth and 58 had abortions. Violence and sexual abuse were factors in most of these pregnancies.

Comprehensive sexuality education programmes were not implemented on a mandatory basis and there was no plan to change the curriculums in primary or secondary public, private, religious or secular schools.

# **UZBEKISTAN**

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**Republic of Uzbekistan**

Head of state: **Shavkat Mirziyoyev**

Head of government: **Abdulla Aripov**

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**Security forces used unlawful force to suppress predominantly peaceful protests in the Republic of Karakalpakstan and 22 alleged organizers of the protests faced an unfair trial on politically motivated charges. Legislative reforms encouraged greater participation by civil society in public policy discussions, although the rights to freedom of expression, association and peaceful assembly remained tightly controlled. Discriminatory gender stereotypes impeded access to protection against violence and justice for women, girls and LGBTI people. Consensual sexual relations between men remained criminalized.**

## **BACKGROUND**

Constitutional amendments proposed in June included one which would strip Karakalpakstan of its autonomy within Uzbekistan. This provoked unprecedented mass public protests throughout Karakalpakstan, culminating in tens of

thousands of people peacefully gathering in the centre of the region's capital, Nukus, on 1 July. At least 21 people were killed, including four law enforcement officers, and hundreds injured when security forces dispersed the protesters. The amendment was subsequently withdrawn. The trial of 22 alleged organizers of the protests on politically motivated charges began in the city of Bukhara, outside Karakalpakstan, on 28 November.

## **EXCESSIVE USE OF FORCE**

Research published by Human Rights Watch in November supported claims by activists and human rights defenders that security forces had used excessive force and “unjustifiably lethal force” to disperse overwhelmingly peaceful protesters in Nukus and other localities in Karakalpakstan. Their evidence pointed to “the use of small arms and various types of grenades, weapons that can cause severe injuries and death when used recklessly”. Video footage verified by independent experts showed protesters with severe injuries, such as skin lacerations and gaping flesh wounds, consistent with trauma caused by explosives including grenades. Hundreds of protesters were also arbitrarily detained and scores were held incommunicado and faced torture and other ill-treatment.

Following an information request by a parliamentary committee of investigation established in July, the Prosecutor General confirmed in December that a separate investigation had been opened into the reports of excessive use of force.

## **FREEDOM OF EXPRESSION**

Legislative reforms provided for enhanced public consultations on legislative, political and social reform and greater engagement between government and civil society organizations. Restrictions on the right to freedom of expression remained, however, with a draft Information Code proposing to regulate information which is “insulting” or “disrespecting society and the state”. Critical voices, typically bloggers, continued to face

prosecution, fines and imprisonment. Media outlets continued to exercise self-censorship.

In the wake of the mass protests in Karakalpakstan, the authorities effectively controlled access to information and targeted Karakalpak bloggers and journalists who had criticized the constitutional amendments on their media platforms or participated in the protests.

Lolagul Kallykhanova, an independent Karakalpak journalist, was detained in the capital, Tashkent, in July and held incommunicado until the start of the group trial of the alleged protest organizers in Bukhara in November. Supporters claimed that she had been tortured to confess to a charge of planning the violent overthrow of the constitutional order.

The authorities accused Dauletmurat Tazhimuratov, a lawyer and former newspaper editor, of being the leader of a Karakalpak “separatist group” and of having organized the protests in collusion with foreign based “agents” in order to seize power. Video footage recorded in Nukus on 1 July showed him urging the crowds not to resort to violence. He was detained on 2 July and held incommunicado in pretrial detention in the north-western region of Khorezm. He told the court that he had been tortured in detention.

## **FREEDOM OF ASSOCIATION**

In November a coalition of NGOs and civil society activists called on the government to repeal a decree forcing NGOs to have government appointed “national partners” to coordinate projects and implement foreign grants. NGOs expressed concern that the decree, introduced in June without prior public consultation, imposed additional and excessive bureaucratic requirements to the already burdensome foreign grant approval process.

## **DISCRIMINATION**

Gender stereotypes and an emphasis on discriminatory traditional family values and cultural norms continued to significantly

hinder progress in the realization of the rights of women, girls and LGBTI people.

In August, the Ministry of Internal Affairs proposed a new law that would give police the authority to conduct mandatory testing, for sexually transmitted infections, of sex workers, men who have sex with men and people who use drugs, all of whom were labelled “dangerous groups of people”.

On 11 November, a court in Tashkent imposed five days’ administrative detention on blogger Sevinch Sadullayeva after she posted videos and photos that allegedly showed her flouting social and cultural norms of behaviour and dress for women. She was released a day early after promising to delete all the material.

## **GENDER-BASED VIOLENCE**

The authorities admitted that violence against women, including domestic violence, remained pervasive, but insisted that improving women’s access to justice and protection services were policy priorities.

A presidential decree on accelerating “systemic support of family and women”, which purported to provide for the “protection of rights and legitimate interests of women”, instead prioritized family mediation and reconciliation over prosecution in cases of gender-based violence. This was despite a recommendation to the contrary by the CEDAW Committee in March.<sup>1</sup>

In March the UN Committee on Economic, Social and Cultural Rights (CESCR) recommended that the authorities accelerate adoption of the draft Bill on Domestic Violence, but no progress had been made by December.

The Ministry of Internal Affairs reported that, as of October, it had issued protection orders to 32,783 women and girls subjected to violence. Women’s rights activists noted that this represented a fraction of the actual number of incidents as shame and the fear of retaliation stopped many women from reporting abuse.

## LGBTI PEOPLE'S RIGHTS

Some 30 men remained imprisoned for consensual sexual relations between men. The CESCR urged the authorities to decriminalize such relations and remained deeply concerned at “the prevalence of intimidation, harassment, violence and stigma against LGBTI people”. In December the authorities proposed a ban on the promotion of “unnatural same-sex relations”.

## FAILURE TO TACKLE CLIMATE CRISIS

The dramatic shrinking of the Aral Sea continued to have severe environmental, social, economic and health consequences for millions of people. The authorities sought to mitigate the effects of climate change by large scale environmental projects, but conditioned climate action on economic growth. In March the CESCR noted that Uzbekistan had taken “insufficient adaptation measures... to address the impact of climate change on the population.” Activists remained concerned at a lack of meaningful consultation with stakeholders most impacted by climate change.

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1. *Violence Against Women in Eastern Europe and Central Asia: Protect Women from Violence During Crisis and Beyond*, 14 December

## VENEZUELA

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**Bolivarian Republic of Venezuela**

Head of state and government: **Nicolás Maduro Moros**

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**Lack of access to economic and social rights remained a serious concern, with the majority of the population experiencing severe food insecurity and unable to access adequate healthcare. The security forces responded with excessive force and other repressive measures to protests, involving various sectors of the population, to demand economic and social rights, including the right to water. Impunity for ongoing extrajudicial executions by the security forces persisted. Intelligence services and other security forces, with the acquiescence of the judicial system,**

**continued to arbitrarily detain, torture and otherwise ill-treat those perceived to be opponents of the government of Nicolás Maduro. A report by the UN Fact-Finding Mission (FFM) on Venezuela exposed patterns of crimes against humanity and called for investigations into several named government officials. Prison conditions remained a major concern, especially regarding overcrowding and the use of illegal detention centres, as well as access to basic rights such as water and food. Despite the adoption of legal reforms regarding the administration of justice, access to the right to truth and reparations for victims of human rights violations remained a challenge. Between 240 and 310 people remained arbitrarily detained on political grounds. The state's repressive policies targeted journalists, independent media and human rights defenders. Illegal mining and violence threatened Indigenous peoples' rights in the Orinoco Mining Arc. Abortion was still criminalized in almost all circumstances. Violence against women persisted, despite the existing legal framework. There was no progress in ensuring the rights of LGBTI people. By the end of the year more than 7.1 million Venezuelans had fled the country.**

## BACKGROUND

Judicial reform implemented in 2021 and 2022 did not result in improvements in the administration of justice.

Hyperinflation and the alarming lack of purchasing power to buy essential goods resulted in most of the population, particularly those living outside the capital, Caracas, experiencing a profound humanitarian crisis.

Authorities continued to impose arbitrary inspections and administrative sanctions on business and commerce in an attempt to control the private sector.

Negotiations between the government and opposition regarding future elections continued but failed to reach agreement during the year.

Venezuela resumed diplomatic relations with Colombia and the two countries announced a progressive opening of the Venezuela-Colombia border.

The mandate of the UN Fact-Finding Mission (FFM) was renewed for a period of two years and the Office of the Prosecutor of the ICC requested the Court's authorization to resume the investigation into crimes against humanity in Venezuela.

## **REPRESSION OF DISSENT**

The policy of repression continued. Political opponents, real and perceived, were constantly under attack and at risk of arbitrary detention, torture and other human rights violations. Several thousand people continued to be subject to restrictions on their freedom because of current or past politically motivated judicial procedures.

## **FREEDOM OF EXPRESSION AND ASSEMBLY**

The number of mass demonstrations demanding civil and political rights fell compared to previous years. In response, the authorities adopted more targeted, but nevertheless systematic, repressive tactics. These included using the judicial system to silence dissent and criminalize human rights defenders.

According to the Venezuelan Observatory on Social Conflict, there were 7,032 protests, of which 77% were demanding economic and social rights. Authorities often responded to these demonstrations with excessive force and arbitrary detentions. For example, six activists were arbitrarily detained in Caracas in June at a vigil in memory of Neomar Lander, a teenager killed during a protest in 2017.

As of August, the local organization Public Space had registered 228 attacks on freedom of expression in the form of censorship, verbal attacks and intimidation targeting journalists. By December, the National Telecommunications Commission had closed down 78 radio stations; police and military officers were involved in implementing the closures.

The telecommunications company Telefónica admitted having received and complied with government requests to block access to several websites and to tap phone lines without judicial warrants.

According to Public Space, the Director of the community radio station Frontera 92.5 FM, José Urbina, was killed, allegedly by armed groups, in the state of Apure, which borders Colombia. He had reported receiving death threats following his work highlighting alleged human rights violations by the Bolivarian National Guard in the area.

## **EXTRAJUDICIAL EXECUTIONS**

In September, the FFM issued a report expressing concern at continuing extrajudicial executions, consistent with previously documented patterns, in the context of security operations in low-income, urban neighbourhoods.

According to the human rights organization COFAVIC, as of September, security forces had carried out 488 alleged extrajudicial executions in various parts of the country. Those responsible remained unpunished.

The OHCHR, the UN's human rights office, reported in June that authorities had dissolved the Bolivarian National Police's Special Actions Forces (FAES); the FAES had been implicated in several hundred alleged extrajudicial executions. However, the government did not make any public statement on this and civil society organizations continued to report that FAES officials remained operational.

## **ENFORCED DISAPPEARANCES, ARBITRARY DETENTIONS AND TORTURE**

Arbitrary detentions remained widespread and those held were often subjected to torture or other ill-treatment. Authorities also carried out short-term enforced disappearances as part of this pattern of violations.

Several local NGOs reported that, as of November, between 240 and 310 people were in arbitrary detention for political reasons.

At the beginning of July, in a period of 72 hours, Néstor Astudillo, Reynaldo Cortés, Alcides Bracho, Alonso Meléndez and Emilio Negrín, all activists of the Bandera Roja, an opposition party linked to the trade union movement, and Gabriel Blanco, a grassroots activist, were arbitrarily detained and subjected to grave violations of their right to due process. No judicial warrants were issued for their arrests, a pattern consistent with such violations documented by the FFM.

Also in July, Bolivarian National Intelligence Service (SEBIN) officers arbitrarily detained Ángel Castillo, a member of the Venezuelan Communist Party, which is not aligned with government policies, while he was participating in a protest in support of labour rights. He was released later the same day.

According to the human rights NGO Foro Penal, by July authorities had carried out 23 arbitrary detentions.

In August, Emirlendis Benítez, arbitrarily detained for political reasons since 2018 and suffering from several health conditions, was sentenced to 30 years in prison. The judgment was not made public, preventing her lawyer from lodging an appeal. The UN Working Group on Arbitrary Detention had called for her immediate release.

In September, the FFM reported that the structures of the General Directorate for Military Counterintelligence (DGCIM) and SEBIN remained in place and that previously documented patterns of violations, including torture and other ill-treatment, by these agencies persisted. It also identified a group of individuals in these intelligence agencies that carried out arbitrary detentions, torture and other ill-treatment and a chain of command linking them directly to Nicolás Maduro, and called for them to be investigated for crimes against humanity.

## **INHUMANE DETENTION CONDITIONS**

Conditions in detention centres continued to deteriorate. Detention centres were overcrowded and did not provide adequate food or water, leaving detainees reliant on relatives to obtain the basic essentials for survival.

Prolonged detention in police stations and other illegal detention centres remained a concern.

Women's detention conditions were a particular concern due to the lack of facilities and conditions with a gender perspective.

## **IMPUNITY**

Human rights violations went unpunished. Reports by the FFM highlighted the manipulation of the judicial system to shield police and military officers responsible for violations from justice.

Venezuela requested that the ICC Office of the Prosecutor defer its investigation on grounds that the Venezuelan authorities were already investigating domestically human rights violations and crimes under international law. However, the Office of the Prosecutor submitted a request to resume its investigation on the grounds that Venezuela had not provided any additional information on how internal procedures in the country satisfied the standards of the Rome Statute of the ICC and questioning the genuineness of the procedures it had been notified of by Venezuela. A decision by the ICC's Pre-trial Chamber on whether or not the investigation should continue was pending at the end of the year, although it called victims to submit their views into Venezuela's allegations of investigative measures by March.

## **UNFAIR TRIALS**

The FFM reiterated its concern about the use of the justice system to facilitate human rights violations, such as arbitrary detention, and crimes under international law, such as persecution.

The Prosecutor's Office informally accused a number of people through social media, compromising their human rights, such as the right to a fair trial and the presumption of innocence. Among those accused were children and adolescents.

## **RIGHT TO TRUTH, JUSTICE AND REPARATION**

At the end of the year, UN special rapporteurs and treaty bodies were still waiting for official invitations to visit the country.

The FFM's mandate was renewed, although Venezuelan authorities had not granted the FFM access to the country by the end of the year.

Despite the judicial reform announced in 2021, the main problems around access to justice remained. These included lack of judicial independence, the political use of judicial procedures against those perceived to be opponents of the government, and obstacles hindering victims' access to justice such as denying people access to case files, arbitrarily denying people the right to designate their own legal representatives and unjustified delays.

## **INDIGENOUS PEOPLES' RIGHTS**

Illegal mining in the Orinoco Mining Arc area seriously affected human rights in Bolívar State, in particular impacting Indigenous peoples' rights to self-determination and a healthy environment. In its report, published in September, the FFM documented grave human rights violations and abuses in the Mining Arc, indicating the collusion of some state authorities with criminal groups operating, and at times exerting control, in mining areas and the failure to investigate and punish those responsible.

In March, in the locality of Parima B on the southern border of Amazonas State, an incident involving members of the military and Yanomami Indigenous people resulted in the deaths of four Indigenous people and the wounding of two members of the military and at least two Indigenous people who were believed to be witnesses to the killings, who were then taken to an unidentified place. Although later the witnesses appeared and were given medical treatment, there were concerns over how authorities transferred them to Caracas without legal accompaniment and the lack of measures to

avoid revictimization and ensure cultural appropriateness.<sup>1</sup>

In June, Virgilio Trujillo, an Indigenous leader and defender of the territory, land and environment, was shot dead in the city of Puerto Ayacucho, the Amazonas State capital. No progress was known to have been made in the investigation into his death during the year.

## **HUMAN RIGHTS DEFENDERS**

Crackdowns on civil society increased and intensified. According to the Centre for the Defenders and Justice, there were 396 attacks on human rights defenders, including intimidation, stigmatization and threats.

Javier Tarazona, a prisoner of conscience and human rights defender from the organization Fundaredes, remained arbitrarily detained and faced terrorism-related charges.

Human rights defenders Marino Alvarado and Alfredo Infante received notification of a defamation lawsuit filed against them by the Governor of Carabobo State, Rafael Lacava. The lawsuit was in response to a report published in March by the NGOs PROVEA and Centro Gumilla, of which the two men are members, respectively, exposing possible extrajudicial executions in Carabobo State and calling for full accountability.<sup>2</sup>

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

By the end of the year, more than 7.1 million people had left the country. Venezuelan refugee women faced heightened barriers to accessing international protection in host countries, including Colombia, Ecuador, Peru and Trinidad and Tobago.<sup>3</sup> This lack of protection exposed them to a high risk of multiple forms of gender-based violence, including sexual violence and human trafficking for sexual and labour exploitation.

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

Lack of access to food, water and healthcare remained a serious concern.

## RIGHT TO HEALTH

Access to medical treatment and health services for those with chronic diseases remained a critical challenge. Solidarity Action, a local organization providing humanitarian aid, reported that 33% of people aged over 60 with a chronic condition were not receiving any treatment.

During the year, several organizations defending children's rights highlighted the deaths of children in the J.M. de Los Rios Hospital due to the suspension of the organ transplant programme, despite the precautionary measures granted by the Inter-American Commission on Human Rights concerning patients at this healthcare centre.

## RIGHT TO FOOD

According to the Centre for Documentation and Analysis for Workers, by November, the cost of the basic monthly basket of food was equivalent to about USD 386, while the monthly minimum wage, set in March, was just USD 13, leaving the majority of the population facing food insecurity. In December, the situation was further exacerbated by a drastic devaluation of the national currency.

According to the World Bank, by August, Venezuela had the third highest inflation rate for food prices in the world.

## RIGHT TO WATER

Negligence and lack of maintenance continued to reduce access to water for the population, despite official announcements that promised 95% coverage throughout the country by the end of the year. This situation resulted in repeated and widespread community protests regarding access to water and sanitation.

## SEXUAL AND REPRODUCTIVE RIGHTS

The impact of the ongoing humanitarian emergency on sexual and reproductive health services contributed to obstacles to access to sexual and reproductive rights.

The Inter-American Commission on Human Rights also reported that the lack of access to sexual and reproductive services, such as reproductive planning, was impacting maternal mortality rates.

In September, a civil society initiative called Ruta Verde marched to the National Assembly to present a document demanding the decriminalization of abortion, which is permitted only when there is a risk to life and for which medical protocols had yet to be established. By the end of the year there had not been any significant progress on the issue.

## LGBTI PEOPLE'S RIGHTS

LGBTI people continued to face discrimination. Several organizations called on the authorities to include the right to non-discrimination for LGBTI people in the legal framework. At the end of the year, they were still waiting for any progress to be made regarding LGBTI rights.

A 2021 appeal to annul Article 565 of the Organic Law of Military Justice, which criminalizes intimate same-sex relationships between adults in the military, was still pending at the end of 2022.

## VIOLENCE AGAINST WOMEN AND GIRLS

Early in the year, the National Assembly approved an amendment to the Organic Law on Women's Right to Live Free of Violence. Civil society organizations and the feminist movement criticized this amendment on the grounds that it fails to meet the state's obligation to prevent and punish violence against women because public policies do not include a gender perspective and state officials are not trained to provide first-line assistance to women survivors of sexual and gender-based violence.

According to the local human rights organization CEPAZ, 199 alleged femicides were reported between January and September. The authorities failed to gather and publish official data on femicides, hindering the implementation of informed efforts to prevent these crimes.

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1. "Venezuela: Whereabouts and wellbeing of Indigenous Yanomani people must be clarified urgently and ensured", 6 April (Spanish only)
  2. "Venezuela: Further Information: Lawsuit against defenders reaches settlement", 24 June



# VIET NAM

**Socialist Republic of Viet Nam**

Head of state: **Nguyễn Xuân Phúc**

Head of government: **Phạm Minh Chính**

**A crackdown on both online and offline dissent raised concerns about a new wave of repression against civil society. Independent journalists, activists, religious practitioners and other government critics were arrested and charged under repressive laws. Human rights defenders were subjected to widespread harassment, digital surveillance, arbitrary arrest and politically motivated prosecution. Torture and other ill-treatment continued to be reported at an alarming rate.**

## BACKGROUND

The sixth meeting of the Central Committee of the Communist Party of Viet Nam (CPV) in October further cemented General Secretary Nguyễn Phú Trọng's grip on power, signalling continued control and repression of civic space. Viet Nam was elected to the UN Human Rights Council despite a requirement that elected members uphold the highest human rights standards. The government made several pledges on human rights but, after declaring Viet Nam's candidacy for the Council, it detained, arrested or sentenced at least 48 journalists, activists and NGO leaders. Viet Nam updated its NDC to tackling climate change in October with higher emissions reduction targets but arrested several leading climate observers and activists, putting into question its commitment to addressing the climate crisis.

## FREEDOM OF EXPRESSION

Intolerance of dissent continued throughout 2022 with the right to freedom of expression continually restricted. Articles 117 and 331 of the 2015 Criminal Code continued to be used to arbitrarily detain and prosecute human

rights defenders, journalists, religious practitioners and others who criticized the government or the CPV.<sup>1</sup> Fears of further imminent crackdowns were raised in August with the publication of Decree 53 which, among other provisions, ordered tech companies to store users' data and, potentially, share it with investigating authorities. It created a cyber security taskforce to help ensure implementation of these and other repressive measures enacted in the 2019 Law on Cybersecurity.

Six practitioners of the Tịnh Thất Bồng Lai temple were arrested under Article 331 of the Criminal Code and charged with "abusing democratic freedoms" for posting videos deemed to have "published false information" and "defamed the dignity" of local police and a monk from a government-controlled Buddhist Sangha. On 21 July, the six received prison sentences ranging from three to five years.

Husband and wife, Nguyễn Thái Hưng and Vũ Thị Kim Hoàn, were also arrested under Article 331 after criticizing the government on a livestream video. They were sentenced in November to four years' and two and a half years' imprisonment respectively.

In July, prominent activist and independent journalist Nguyễn Lâm Thắng was arrested under the vaguely defined Article 117 offence of "making, storing or spreading" information "against the Socialist Republic of Viet Nam". Three more activists – Bùi Tuấn Lâm, Đặng Đăng Phước and Phan Sơn Tùng – were arrested in September on the same charge. Facing up to 20 years' imprisonment if convicted, all four remained in pretrial detention at year's end.

In August, three people were each fined VND 7.5 million (approximately USD 300) for comments posted on Facebook – one for commenting about police activities, the other two for "sharing fake, untrue, slanderous, information that offends the reputation of agencies and organizations, honour and personal dignity". A total of 35 fines for Facebook posts were reported by state media over the course of the year.

## HUMAN RIGHTS DEFENDERS

Prolonged sentences were used as a tactic to silence the country's most prominent activists. An appeals court upheld journalist Phạm Đoàn Trang's nine-year prison sentence,<sup>2</sup> as well as the sentences of four land rights activists ranging from six to 10 years' imprisonment and three to five years' probation. The activists had spoken out about a high-profile land dispute in Dong Tam 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.

Two other activists – human rights defender Đỗ Nam Trung and journalist Lê Văn Dũng – convicted under Article 117 for reporting and sharing information about human rights abuses and corruption on social media, lost appeals against their prison sentences of 10 and five years respectively and probation periods of four and five years.

In April 2022, Nguyễn Thuý Hạnh, a prominent human rights defender who founded the 50K Fund to support families of unlawfully detained people in Viet Nam, was transferred from prison to a mental health hospital for forced treatment a year after her arrest under Article 117, while still awaiting notice of a date for her trial.

## FREEDOM OF ASSOCIATION

The arrest of the leaders of three key environmental NGOs demonstrated active undermining by the authorities of the right to freedom of association.<sup>3</sup> Legislation also signalled the government's intention to further restrict or close down the activities of NGOs.

On 31 August, the authorities introduced Decree 58 to regulate foreign NGOs. Regulations on the organization, operation and management of domestic NGOs were also drafted. Both sets of regulations would allow for the termination of NGOs on vague grounds, such as the protection of “national interest” and “social order”, providing the authorities with almost indefinite scope to silence their critics and those engaging in non-approved activities. Another decree was

drafted to prohibit “undermining” of the state by local NGOs.

## TORTURE AND OTHER ILL-TREATMENT

Reports of torture and other ill-treatment of prisoners and detainees remained widespread.

In September, land rights activist Trịnh Bá Tư reported being beaten, placed in solitary confinement and shackled for days while serving part of an eight-year sentence for spreading “propaganda against the state”.<sup>4</sup> Despite calls by NGOs, no independent investigation took place. Tư's family visited him in No 6 prison and reported that he was recovering after having been on a hunger strike for 22 days. Journalist Huỳnh Thục Vy also reported being beaten and choked in detention while serving a two years and nine months' sentence under Article 276 of the Criminal Code for defacing a national flag.

## RIGHT TO HEALTH

On 9 August, days after the death in detention of journalist Đỗ Công Dương, who was reportedly healthy before his conviction for “disturbing public order”, family members of 24 prisoners wrote an open letter to the authorities raising concerns over prisoner treatment. Despite recurring requests from his family, Dương was denied timely access to healthcare while in prison. His cause of death remained unknown.

Nguyễn Tường Thụy, a 72-year-old journalist sentenced in 2020 to 11 years' imprisonment for “conducting propaganda against the state”, was refused medical treatment by prison authorities despite being reportedly in poor health. Similarly, Lê Hữu Minh Tuấn, a member of the Association of Independent Journalists convicted of the same charge, was reported to be in poor health. His sister, who had been unable to visit him in prison for more than two years due to Covid-19 restrictions, reported in May that Tuan had suffered hearing loss and was malnourished. Activist Trần Văn Bang, who had been detained under Article 117 since March, awaiting trial, was denied healthcare

despite fears that he had developed a large tumour.

1. *Viet Nam: UN Human Rights Council candidacy demands progress on human rights*, 10 October
2. "Viet Nam: Immediately release journalist and human rights defender Pham Doan Trang", 24 August
3. *Vietnam: Joint Letter to call on the Vietnamese government to release the four environmental human rights defenders*, 20 October
4. "Viet Nam: Imprisoned activist 'beaten and shackled'", 23 September

## YEMEN

### Republic of Yemen

Head of state: **Rashad Mohammed al-Alimi (replaced Abd Rabbu Mansour Hadi in April)**

Head of government: **Maeen Abdulmalik Saeed**

**All parties to the long-standing conflict in Yemen continued to commit violations of international humanitarian and human rights law with impunity. Despite a ceasefire agreement, parties to the conflict continued to carry out unlawful attacks that killed and injured civilians, interfered with their access to humanitarian aid and destroyed civilian objects. The internationally recognized government of Yemen and the Huthi de facto authorities continued to harass, arbitrarily detain, and prosecute journalists and activists for peacefully exercising their right to freedom of expression or because of their political affiliation. All parties perpetrated gender-based violence and discrimination. The Huthi de facto authorities banned women from travelling without a male guardian, increasingly hindering Yemeni women from working and giving or receiving humanitarian aid. All parties continued to target LGBTI people with arbitrary arrest; torture, including rape and other forms of sexual violence; threats; and harassment. All parties to the conflict contributed to environmental degradation.**

### BACKGROUND

On 2 April, parties to the conflict agreed to a UN proposal for a two-month nationwide

ceasefire, which was subsequently renewed every two months until 2 October. The parties agreed to halt offensive military operations inside Yemen and across its borders, and facilitated fuel shipments to enter Hodeidah port and commercial flights to operate in and out of the international airport in the capital, Sana'a, to predetermined destinations. However, during the ceasefire and after it came to an end, parties to the conflict sporadically carried out attacks on civilian areas and frontlines in Ma'rib, Hodeidah, Ta'iz and Dhale' governorates.

On 7 April, President Abd Rabbu Mansour Hadi ceded power to a new eight-member presidential leadership council led by the former interior minister, Rashad al-Alimi. The council included representatives of a range of key military and political figures opposing the Huthi de facto authorities.

Yemenis' access to food remained highly restricted. This was aggravated by the depreciation of the Yemeni riyal, high inflation rates and soaring global food prices. According to the World Food Programme, food insecurity reached critically high levels in 20 out of the 22 governorates.

### UNLAWFUL ATTACKS AND KILLINGS

Before April, the Saudi Arabia-led coalition and Huthi forces conducted indiscriminate attacks that killed and injured civilians and destroyed and damaged civilian objects, including health and education facilities and telecommunication infrastructure.

On 20 January, the Saudi-led coalition launched air strikes on Hodeidah city, killing at least three children, and destroyed a telecommunication building causing a nationwide internet blackout for four days. On 21 January, the Saudi-led coalition fired a US-made precision-guided munition at a detention centre in Sa'adah, north-western Yemen, which killed at least 80 civilians and injured over 200.<sup>1</sup>

On 4 May, four mortar shells were dropped from a drone on the Ta'iz governorate police administration building and the adjacent street in al-Ardhi neighbourhood, Sala district. The neighbourhood includes a

cancer centre, a playground, the College of Arts and two football fields. The attack injured six civilians.

On 23 July, an artillery shell killed a three-year-old boy and injured 11 children in Zaid al-Moshki residential neighbourhood, Ta'iz governorate. The Huthis denied responsibility for the attack.

On 21 October and 9 November, the Huthis conducted two drone attacks on Al Dhabah oil terminal port in Hadramout governorate and Qana oil port in Shabwa governorate, respectively, to disrupt oil exports.

## **FREEDOM OF EXPRESSION**

Parties to the conflict continued to harass, threaten, arbitrarily detain and prosecute individuals for peacefully exercising their right to freedom of expression.

### **HUTHI DE FACTO AUTHORITIES**

In January, the Huthi de facto authorities raided at least six radio stations in Sana'a and shut them down. The owner of Sawt al-Yemen radio station appealed against the closure before the Journalism and Publishing Court in Sana'a and obtained a court order in July in favour of reopening the station. On 11 July, however, security forces raided and shut down the station again and confiscated its broadcasting devices.

The Huthi de facto authorities continued to imprison at least eight journalists, four of them on death row, following a grossly unfair trial in 2020. From May onwards, the appeal court in Sana'a repeatedly adjourned the appeal hearing of the four journalists on death row, Akram Al-Walidi, Abdelkhaleq Amran, Hareth Hamid and Tawfiq Al-Mansouri.<sup>2</sup> In July, Tawfiq al-Mansouri was denied urgent medical treatment despite his critical health condition.

On 22 February, the Sana'a-based Specialized Criminal Court (SCC) – a court traditionally reserved for security-related crimes – sentenced journalist Nabil al-Sidawi to eight years in prison following a grossly unfair trial on trumped-up, serious charges including spying. On 28 June, the Hodeidah-based SCC sentenced journalists Mohammed al-Salahi and Mohammed al-Juniad each to

three years and eight months in prison following secret proceedings in the absence of their lawyer on trumped-up spying charges.<sup>3</sup>

### **GOVERNMENT OF YEMEN**

The internationally recognized government harassed, summoned for investigation, or arbitrarily detained at least seven journalists and activists in areas under its control, including in Ta'iz and Hadramout governorates. Judicial authorities prosecuted at least three journalists for publishing content critical of officials and public institutions. Charges included “insulting” a public employee, which carries up to two years in prison, “mocking” army officials, and “offending a symbol of the state”.<sup>4</sup>

On 4 July, security forces in Ta'iz governorate arbitrarily arrested a writer because of a social media post in which he criticized corruption in aid delivery to internally displaced people in Ta'iz governorate. Security forces held him at the security department of Jabal Habashi district for eight hours and only released him after forcing him to sign a pledge stating that he would refrain from posting any opinions on social media.

## **DENIAL OF HUMANITARIAN ACCESS**

Parties to the conflict continued to restrict movement and aid delivery, including by imposing bureaucratic constraints such as travel permit denials or delays, cancellation of humanitarian initiatives, and interference in the project design and implementation of humanitarian activities.

The Huthi de facto authorities continued to close the main roads in and out of the city of Ta'iz. The closures severely inhibited the efficient movement of food, medicines and other essential goods in and out of Ta'iz governorate.<sup>5</sup>

Throughout 2022, there was an alarming increase in attacks on aid workers and violence against humanitarian personnel assets and facilities by parties to the conflict. In the first half of the year, according to the UN Yemen office, one aid worker was killed, two were injured, seven were kidnapped and

nine were detained. In the same period, there were also 27 incidents of threats and intimidation, and 28 incidents of carjacking, leading to temporary suspensions of movement and aid delivery in several governorates.

## **RIGHT TO TRUTH, JUSTICE AND REPARATION**

Parties to the conflict failed to provide any justice for victims of the widespread violations and abuses of international human rights and humanitarian law during the ongoing conflict or to remedy the harms they inflicted on civilians.<sup>6</sup>

On 2 June, Mwatana for Human Rights, the European Center for Constitutional and Human Rights and Sherpa, supported by Amnesty International, submitted a criminal complaint to the Paris Judiciary Tribunal against French arms companies Dassault Aviation, Thales and MBDA France. The organizations called for a criminal investigation into the companies for their possible complicity in alleged war crimes and crimes against humanity in Yemen, by exporting arms to Saudi Arabia and the United Arab Emirates.

On 7 October, the UN Human Rights Council once again failed to establish a credible independent and impartial monitoring and accountability mechanism in the resolution it adopted on Yemen.

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

The Huthi de facto authorities continued to impose their *mahram* (male guardian) requirement, which bans women from travelling without a male guardian or evidence of their written approval, across governorates under Huthi control or to other areas of Yemen. From April, tightened Huthi restrictions increasingly hindered Yemeni women from working, especially those required to travel for their job.<sup>7</sup> This had a direct impact on the access of Yemeni women and girls to healthcare and reproductive health rights as Yemeni women humanitarian workers increasingly struggled to conduct fieldwork in Huthi-controlled areas

and were forced to cancel field visits and aid deliveries.

In March, the government's Ministry of Interior issued a circular to facilitate Yemeni women's access to a passport as per Yemeni law. This followed a Yemeni women-led campaign, "My passport without guardianship", which opposed the customary practice that denies women the right to acquire a passport without the permission of their *mahram*.

The Huthi and government authorities continued to arbitrarily detain women past completion of their sentences when they did not appear to have a male guardian to escort them home from the prison.

The Huthi de facto authorities continued to detain actress and model Intisar al-Hammadi, who was sentenced in 2021 to five years in prison on charges of committing an "indecent act".

## **LGBTI PEOPLE'S RIGHTS**

The security forces of the Southern Transitional Council (STC), the Huthis and the internationally recognized government continued to target people with non-conforming sexual orientation, gender identity or expression, or sex characteristics (SOGIESC) with arbitrary arrest, torture, including rape and other forms of sexual violence, threats and harassment.

The STC and the Huthis arrested at least five people and detained them on grounds of their non-conforming "feminine" or "masculine" appearance and/or behaviour in public or on social media, or based on their LGBTI-rights activism. Plain clothes Security Belt forces arrested a third-gender person in the street, took him to an official facility and interrogated him on accusations of sodomy and being an agent for Security Belt enemies. The Security Belt forces then transferred the person to another official facility where a member of the Security Belt forces beat and raped him.

A queer man was arrested in the street by Huthi security forces for being a "sexual deviant". Huthi security forces detained him for several hours in a military vehicle and only

released him on condition that he agree to assist in their surveillance of people with non-conforming SOGIESC. They ordered him to entrap men in sexual encounters and inform on them to the Huthi authorities. After they released him, he subsequently refused to do this. In response, Huthi security forces contacted him and his acquaintances, threatened him and told him that he was wanted for arrest.

## ENVIRONMENTAL DEGRADATION

Parties to the conflict continued to fail to take measures that protect the environment. Severe fuel shortages made Yemenis increasingly rely on firewood. This environmentally damaging coping mechanism contributed to deforestation and biodiversity loss.

According to the UN Environment Programme, ambient air quality did not meet the WHO guideline levels for air pollutants that adversely impact health.

The mismanagement of oil infrastructure in Shabwa governorate continued to pollute al-Rawda district. In April, damage in the oil supply pipeline polluted large areas of agricultural land and groundwater sources in Wadi Ghourayr and Ghail al Saidi areas, according to Holm Akhdar, a local environmental organization.

In July, a decaying oil tanker caused oil spills in the port of Aden, in Southern Yemen, further worsening the coastal and marine pollution in the area.

In September, a UN crowdfunding campaign raised the USD 75 million required for the first phase of the emergency operation concerning the FSO Safer, a decaying oil tanker moored off Yemen's port city of Hodeidah in the Red Sea. The tanker posed an increasing risk of spilling its cargo of 1.14 million barrels of oil, threatening an environmental and humanitarian catastrophe that would exacerbate the already severe humanitarian crisis in Yemen.<sup>8</sup>

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1. "Yemen: US-made weapon used in air strike that killed scores in escalation of Saudi-led coalition attacks", 26 January

2. "Yemen: Huthi authorities must release four journalists sentenced to death", 20 May
3. "Yemen: Huthis Must End the Prosecution of Journalists and Crackdown on Media", 20 December
4. "Yemen: Government must stop prosecution and harassment of journalists", 18 August
5. "Yemen: Houthis should urgently open Taizz roads", 29 August
6. "Yemen: Joint NGO letter: International accountability critical to achieving justice for victims and promoting lasting peace in Yemen", 6 September
7. "Yemen: Huthis 'suffocating' women with requirement for male guardians", 1 September
8. "Yemen: Joint response to Yemen's supertanker crisis: An open letter to US, UK, EU member states, and other UN donor countries", 18 July

## ZAMBIA

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### Republic of Zambia

Head of state and government: **Hakainde Hichilema**

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**The government committed to repealing the Defamation of the President law, amend the Public Order Act and abolish the death penalty. People with albinism suffered violent attacks, and LGBTI people's rights were increasingly threatened. There was an increase in gender-based violence which disproportionately affected women and girls. Children and women continued to seek compensation for damage to their health caused by lead mining. The government fulfilled its promise to introduce free education. The right to housing was violated through forced evictions.**

### BACKGROUND

Amnesty International's Secretary General visited Zambia in March to review the government's progress towards implementing its electoral manifesto on human rights protection, among other things.

### FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

Positive developments were registered in the safeguarding of rights to freedom of peaceful expression, association and assembly. On 9 September, President Hichilema announced that amendments to the Public Order Act

(POA) and the repeal of the Defamation of the President law would be tabled at the next parliamentary session in January 2023. The POA has long been used to restrict the right to freedom of peaceful assembly of opposition parties and civil society organizations. Section 5(4) of the Act requires that anyone intending to assemble or convene a public meeting, procession, or demonstration, gives the police seven days' notice, although formal approval from the authorities is unnecessary. However, the police interpreted this provision to mean that permission is required before any public assembly can proceed.

Historically, the Defamation of the President law, provided for under section 69 of the Penal Code Act, has been used to silence any criticism of the president. It carries a maximum three-year prison sentence for anyone found guilty of publishing defamatory or insulting materials, in writing, print, or by word of mouth with the intent to incite hatred, ridicule, or contempt of the president.

The police continued to use the law to arrest government critics and opposition leaders, further threatening the right to freedom of expression. In January, Raphael Nakacinda of the main opposition party, the Patriotic Front, was arrested for defaming the president. This followed his alleging, while on the campaign trail in the Mapoloto area in Chilenje (a residential township area in the capital, Lusaka), that the president and his "foreign friends" were planning to evict Mapoloto residents to make way for a shopping mall.

On 24 June, Justine Chimpinde and Danny Kapambwe of Chienge district, Luapula Province, were sentenced to 24 months' imprisonment with hard labour for insulting the president on TikTok. Before sentencing, they were beaten in detention by armed Zambian Army officers. On 1 September, Sean Tembo, leader of the opposition Patriots for Economic Progress party, was arrested for criticizing the president's monthly fuel increases. He spent six days in Woodlands Police Station in Lusaka before being charged and released on bond. The police

blamed him for his prolonged detention, saying he did not want to be charged in the absence of his lawyers.

## **DEATH PENALTY**

On 24 May, President Hichilema committed to working with the National Assembly to abolish the death penalty and commuted the sentences of 30 death row prisoners to life imprisonment. He reiterated this commitment on 9 September in his speech at the opening of parliament's second session.

## **DISCRIMINATION**

### **PEOPLE WITH ALBINISM**

People with albinism were subjected to violent attacks and mutilation due to superstitious misconceptions about albinism. In January, a member of a local crime prevention unit discovered the vandalized grave of a 12-year-old boy whose hand had been chopped off. Police who visited the scene in Mungwalala Village Cemetery in Chama district, Eastern Province, confirmed that the grave and body had been tampered with. The perpetrators had not been identified at the end of the year.

On 25 June, three men severed a 10-year-old boy's forefinger in Mkushi district, Central Province, while his parents were at church. Police launched a search for a suspect identified only as "Kendrick" and believed to be a local resident, and two other as yet unidentified men, for grievous bodily harm.

### **LGBTI PEOPLE**

LGBTI people's rights were increasingly threatened as government officials, leaders of faith-based organizations, and other citizens publicly condemned consensual same-sex sexual relations in online and offline media. Members of the homophobic #BanNdevupaNdevu #BanHomosexuality movement, established by Brian Sampa, held a protest and used WhatsApp to call for violence against and the killing of people suspected of being gay. In May, President Hichilema said that while his government respects and upholds human rights it does not support gay rights, justifying his stance on the basis that Zambia is a Christian

nation. He said this after the Swedish and Finnish embassies in Zambia reportedly flew the rainbow flag along with their national flags in solidarity with LGBTI people's rights.

In September, Lusaka July, an annual fashion and lifestyle event, sparked more attacks against LGBTI people's rights. Homophobic commentary in the media and on social media platforms identified the event as a platform for the LGBTI agenda, and implied it was a western-sponsored attack on Zambian religious and cultural values. Calls were made for anyone who "dressed, behaved, and looked" like a gay or lesbian person during the event to be arrested and charged. Other commentary blamed LGBTI people for an increase in reports of cases of rape of boys and men. Lusaka's Catholic archbishop accused the president and law enforcement agencies of ignoring what he alleged was a rise in incidents relating to consensual same-sex sexual relations.

## **GENDER-BASED VIOLENCE**

Violence against women and children remained widespread. Statistics released by the Zambian Police Service for the first quarter of 2022 revealed that there were 6,915 reports of gender-based violence, compared to 4,254 in the first quarter of 2021. Of the 6,915 survivors, 58.7% were women and 25.6% were children of which 72.6% were girls. Women and girls represented 77.3% of all survivors. The increase continued in the second quarter, with 7,589 reported cases, an increase of 1,441 compared to the second quarter in the previous year. Between January and August, 1,066 cases of child sexual abuse were recorded.

## **ENVIRONMENTAL DEGRADATION**

On 9 May, Amnesty International and the Southern Africa Litigation Centre applied to intervene in an ongoing class action lawsuit in South Africa, brought by Zambian children and women against the global mining giant Anglo American. The claimants sought compensation for the widespread and long-

term effects of lead poisoning caused by mining in Kabwe, Central Province.<sup>1</sup>

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

### **RIGHT TO EDUCATION**

In January, the government fulfilled its election pledge to introduce free primary and secondary school education. In July, the Ministry of Education announced the recruitment of 30,496 teachers in a further commitment towards improving the education system and guaranteeing the right to education.

### **RIGHT TO HOUSING**

On 20 August, the Chingola municipal council demolished over 300 houses built on land belonging to the Civil Aviation Authority and surrounding the Kasompe Airstrip located in Chingola District on the Copperbelt. The municipal council asserted that it had not allocated the land and that the structures were erected without local authority planning permission. Affected residents were not afforded an opportunity for genuine consultation, as Chingola council reportedly held a meeting on 19 August to plan for the demolitions and carried them out at 2am the following day. The state failed to take appropriate measures to ensure the availability of adequate alternative housing or resettlement ahead of the forced evictions. Nor did they provide residents with any form of legal remedies, or legal aid for those who needed it to seek redress from the courts.

While the demolitions were ongoing, the local mayor's house and lodge were set on fire. Police arrested a 23-year-old man and a 15-year-old boy, believed to have been among those responsible. Affected residents accused the mayor of having illegally allocated the plots to them.

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1. "South Africa: Human rights groups intervene in historic class action for lead poisoning launched by Zambian children", 9 May



# ZIMBABWE

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## Republic of Zimbabwe

Head of state and government: **Emmerson Dambudzo Mnangagwa**

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**The right to freedom of expression was threatened with the cybercrimes law used to arrest journalists. Meanwhile the Private Voluntary Organization Amendment Bill would undermine the right to freedom of association if adopted. Members and supporters of the main opposition party were violently attacked at political rallies, leading to at least two deaths. Students were arrested for protesting against high fee increases and the government weaponized the law to persecute political opposition members. Two young men were unlawfully killed by law enforcement officers in August in separate incidents. The authorities took measures to control the spread of a measles outbreak that led to the deaths of hundreds of children. Legislation outlawing early and child marriage was introduced.**

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

The rights to freedom of expression, association and peaceful assembly were increasingly threatened. Journalists were arrested under the cybercrimes law; the Private Voluntary Organization (PVO) Amendment Bill was introduced to parliament; and members and supporters of the Citizens Coalition for Change (CCC), the main opposition party, were intimidated, harassed, attacked and assaulted during parliamentary and local government by-elections which took place in March.

Between August and September, three journalists became the first people to be arrested under the new Cyber and Data Protection Act, which had been enacted in December 2021. Wisdom Mdzungairi, the editor-in-chief for Alpha Media Holdings and editor of NewsDay newspaper, and Desmond Chingarande, a senior reporter at NewsDay, were summoned to Harare Central Police

Station. They were questioned in connection with a story they had published on a private business enterprise believed to be run by individuals with connections to the government. They were charged with transmitting “false data intending to cause harm” and released three hours later after their lawyer assured officers that they would be available for further questioning when needed.

On 29 September, freelance sports journalist Hope Chizuzu was arrested on the same charges after board members of the Dynamos Football Club filed a complaint against him. Hope Chizuzu’s mobile phone and iPad were confiscated and kept by the police for “further investigations”. He was released the same day after police issued him with a warning and told him that he would soon be summoned to appear in court.

In June, the minister of public service, labour and social welfare introduced the PVO amendment bill in parliament. Its provisions threatened the right to freedom of association and the very existence of civil society organizations and their operations. Clause 2 gives the minister discretionary and overly broad powers to designate organizations as being at “high risk of, or vulnerable to misuse by terrorist organizations”. However, PVOs and their representatives would not have a say in the assessment of their vulnerability to risk. Clause 5 provides for the cancellation of a PVO’s registration if it is found to be engaged in political activities. This provision would pose a particular threat to organizations working in defence of human rights.

The right to freedom of peaceful assembly was continuously violated and undermined as police and supporters of the ruling party, Zimbabwe African National Union – Patriotic Front (Zanu-PF), disrupted the CCC party’s political rallies and attacked its members. On 27 February, a gang of Zanu-PF youths allegedly armed with machetes, beer bottles, iron bars, spears and bricks, disrupted a CCC rally in Kwekwe and tried to stop people from attending. Mboneni Ncube, a 30-year-old CCC supporter, died after he was stabbed

and at least 17 others were seriously injured in the attack. Speaking at a Zanu-PF rally in Mbizo Stadium in Kwekwe the day before, Zimbabwe's vice-president, Constantino Chiwenga, sent a chilling warning that Zanu-PF would "crush the [CCC] party like lice".

On 17 March, Godfrey Karembera, a CCC supporter, was assaulted by members of the Zimbabwe Republic Police (ZRP) in the capital, Harare, ahead of the parliamentary by-elections. The ZRP justified the assault in a statement that said he was "engaging in unsanctioned political activities in the Harare Central District".

On 12 September, police arrested 14 students at the University of Zimbabwe after they embarked on peaceful #FeesMustFall demonstrations against the university's steep tuition fee increases. Twelve of them were released late on 13 September after paying fines equivalent to USD 3.31. The remaining two appeared in court on 14 September and were released on bail. Five more students were arrested on 14 September, taken to Avondale police station and charged with "disorderly conduct".

## **ARBITRARY DETENTION**

Authorities weaponized the law to persecute CCC members and supporters by subjecting them to arbitrary arrest, unlawful detention and unfair trials. On 6 February, police arrested 10 party supporters in Mkoba, Gweru, during a roadshow to canvass for votes ahead of the by-elections. They were released without charge two days later.

On 14 June, two CCC MPs Job Sikhala (also the party chairman) and Godfrey Sithole (MP for Chitungwiza North) were arrested and charged with inciting violence at the wake of Moreblessing Ali in Nyatsime, Chitungwiza. Moreblessing Ali was a party activist who was abducted in Nyatsime on 24 May, allegedly by a Zanu-PF supporter. In June her body was found dumped in a well. The police accused Job Sikhala of inciting party supporters to violence at the wake to avenge her death, after he read out the family's statement about the circumstances of her death. Fourteen other CCC members

attending the wake were also arrested. The "Nyatsime 16", as they became known, were all denied bail when they appeared at the magistrate's court and subsequently denied access to their lawyers while on remand. After several appeals at the lower and higher courts, Godfrey Sithole was granted bail equivalent to USD 470 on 10 November by a Harare magistrate; 14 others were also granted bail equivalent to USD 78 each by the High Court on 15 November after spending more than 150 days in detention. However, Job Sikhala remained in detention and his trial was ongoing at the end of the year.

Members of civil society groups were also subjected to arbitrary arrests. On 8 February, police arrested 10 members of the Zimbabwe Election Support Network in Mbare, Harare. They were detained at Mbare police station for providing voter education without official clearance and later released without charge. On 8 July, Obert Masaraure, the president of the Amalgamated Rural Teachers Union of Zimbabwe (ARTUZ), was arrested by ZRP officers and charged with incitement to cause public violence after publishing a tweet demanding the release of his ARTUZ colleague, Robson Chere. Robson Chere had been arrested on 5 July and charged with the murder of a fellow ARTUZ member in 2016, a charge on which Obert Masaraure himself had previously been arrested, and for which charges against him remained outstanding. In connection with the charges related to his tweet, Obert Masaraure was released on bail equivalent to USD 107 on 4 August by the High Court in Harare after being denied bail by a magistrate's court.

## **UNLAWFUL KILLINGS**

On 17 August, Tawanda Zvinowanda was killed by ZRP officers in custody after being arrested that morning on robbery allegations. He was arrested at his home in Chitungwiza, Mashonaland East province, by three plain-clothes Criminal Investigation Department police officers. According to his wife's witness account he was brutally beaten by the three officers prior to his arrest; he was then

handcuffed and thrown into the boot of a vehicle. The police officers did not inform him or his family of the reasons for his arrest. When his family looked for him at the local police station in Makoni, officers said they had no record of him. His family were informed on the morning of 18 August that he had died on 17 August at Unit L Cemetery in Chitungwiza, where he had been taken by police officers to reveal an alleged weapon stash. Although he was handcuffed at the time, the police claimed that at the cemetery he had tried to strike an officer with a machete, and that the officer shot him.

On 20 August, Levy Musendo, a mental health patient, was killed by members of the Presidential Guard (a military unit) after he was accused of attempting to break into State House, the president's official residence, in Harare. Levy Musendo left home in Mufakose on 19 August and when he failed to return, his family filed a missing person's report. The next morning, an unidentified police officer contacted the family and told them that Levy Musendo had been arrested and was at Harare Central Police Station. However, when they went to the police station that morning, they were unable to locate him for several hours. Eventually, officers informed them that he had been taken to Parirenyatwa Hospital "with severe injuries and was bleeding profusely from the nose and mouth." Nurses at the hospital allegedly told his family that Levy Musendo's body was brought in by uniformed military personnel who warned them against disclosing that he was dead on his arrival there. His parents accused the police and Presidential Guard officers of trying to cover up their son's murder. On 25 August, the police announced that it was investigating the death.

## **RIGHT TO HEALTH**

In April, the Ministry of Health and Child Care declared a measles outbreak in Mutasa District in Manicaland province. The virus spread to other areas and killed more than 750 children under the age of five. The government and its partners UNICEF and WHO responded to the outbreak by

instituting the Social and Behaviour Change Communication model within Apostolic religious communities to promote understanding of and improve access to modern health services and treatments. The authorities also initiated emergency measles vaccination and re-vaccination programmes for more than 2 million children under the age of five.

## **CHILDREN'S RIGHTS**

In March, the Marriage Amendment Act, which outlaws early and child marriage, was passed in parliament. According to Zimstat, the national statistics agency, 33.7% of girls under the age of 18 were married, while only 2% of boys were married before reaching 18.

# AMNESTY INTERNATIONAL

## REPORT 2022/23

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

2022 saw new, renewed and protracted conflicts that led to appalling tragedies. Some of them amounted to war crimes and crimes against humanity. When people attempted to flee these conflicts or other crises, some states failed to treat them humanely. Across the world, authorities continued their heavy-handed repression of universal freedoms. And over the year, international reactions to these serious abuses varied. Some were condemned, some supported, and many others ignored.

Economic crises led to rocketing price rises for food and fuel and increased pressure on health and other social services. The most marginalized were hit the hardest, and inequality rose. Women, girls and LGBTI people faced gender-based violence and discrimination. However, governments failed to support people as their position worsened.

The Amnesty International Report 2022/23 connects these issues at global and regional levels. It analyses the 2022 human rights situation in 156 countries and calls for action. It demonstrates what steps governments and others can take to meet these challenges and improve people's lives across the world. This report makes essential reading for government leaders, policymakers, advocates, activists and anyone interested in human rights.

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