

# REGIONAL OVERVIEWS

## AFRICA

The human rights situation in many parts of Africa remained precarious in 2006. Armed conflict, under-development, extreme poverty, widespread corruption, inequitable distribution of resources, political repression, marginalization, ethnic and civil violence, and the HIV/AIDS pandemic continued to undermine the enjoyment of human rights across the region.

Although armed conflicts generally were on the decrease, they still affected many countries. As a result, several million refugees and internally displaced people, including children and the elderly, remained without basic shelter, protection and care.

Most states suppressed dissent and the free expression of opinion. Some governments authorized or condoned extrajudicial executions, arbitrary arrests, torture and other ill-treatment, or harassment of opposition political activists, human rights defenders and journalists. Across the region, suspects in criminal investigations continued to be at high risk of torture in part because of poor police training and supervision, as well as public pressure on police to tackle high rates of crime.

The enjoyment of economic, social and cultural rights such as the rights to food, shelter, health and education remained a mere illusion for the vast majority of people in

Africa. Corruption and under-investment in social services contributed to entrenched poverty.

### ARMED CONFLICTS

At least a dozen countries in Africa were affected by armed conflict. Marginalization of certain communities, small arms proliferation and struggles for geo-political power and control of natural resources were some of the underlying causes of the conflicts.

Although there were numerous peace and international mediation processes, Burundi, Central African Republic (CAR), Chad, Côte d'Ivoire, Democratic Republic of the Congo (DRC), Eritrea, Ethiopia, the Republic of Congo, Senegal, Sudan and Somalia were among the countries still engaged in or affected by conflict. In all these countries, civilians continued to suffer human rights abuses, and the most affected were women, children and the elderly. The conflicts in CAR, Chad, Sudan and Somalia (with the involvement of Ethiopia), represented an escalation of conflict in central and east Africa.

Even in countries where peace processes were under way, such as in Côte d'Ivoire, the DRC and Sudan, civilians continued to face attacks and were inadequately protected by their governments.

Conflict continued in the Darfur region of Sudan, despite the Darfur Peace Agreement. The Sudanese government failed to disarm the armed militia known as the Janjawid, which attacked civilians in Sudan and eastern Chad. Tens of thousands of Darfuris who escaped the killing, rape and pillage were living in refugee camps in CAR and Chad, unable to return to their villages. At least 200,000 people had died and 2.5 million internally displaced by the end of 2006.

Armed opposition groups in Chad, Côte d'Ivoire and Sudan carried out human rights abuses, and in CAR, Chad and Sudan they continued to launch attacks against their respective government forces using other countries as bases.

Despite presidential and legislative elections in the DRC in July and October, the peace process and future stability of the country remained under serious threat, particularly because of the failure to reform the new national army into a professional and apolitical force that respects human rights. The new army committed numerous serious human rights violations and the government failed to exclude suspected perpetrators from its ranks. Congolese armed groups, as well as foreign armed groups from Burundi, Rwanda and Uganda present in the DRC, also threatened the peace and committed human rights abuses. Lack of security limited humanitarian access to many areas in the east.

Proliferation of small arms remained a serious problem, particularly in Burundi, the DRC, Somalia and Sudan, contributing to a vicious cycle of violence, instability, poor human rights situations and humanitarian crises.

In Angola, the Memorandum of Understanding for Peace and Reconciliation in Cabinda was signed by the government and the Cabindan Forum for Dialogue, formally ending the armed conflict in Cabinda. However, sporadic attacks by both sides against civilians persisted.

Despite intense diplomatic efforts, notably by the UN and the African Union (AU), human rights abuses continued to be reported in Côte d'Ivoire. Government security forces and the Forces Nouvelles (New Forces), a coalition of armed groups in control of the north since September 2002, were implicated. Both protagonists repeatedly postponed disarmament and demobilization, and the reintegration programme remained deadlocked because of disagreement over the timetable.

In Somalia, the militias of the Union of Islamic Courts, which had conquered

Mogadishu in June, were defeated in December by an Ethiopian force supporting the internationally recognized Transitional Federal Government. Uncertainties remained about the deployment of an AU peace support force to protect this government, as authorized by the UN Security Council.

The border dispute between Ethiopia and Eritrea continued to be a source of tension.

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

The realization of economic, social and cultural rights remained illusory in virtually all countries in Africa. Struggling economies, under-development, under-investment in basic social services, corruption, and marginalization of certain communities were some of the factors behind the failure to realise these basic human rights. In countries such as Angola, Chad, the DRC, Equatorial Guinea, Nigeria, the Republic of Congo and Sudan, the presence of oil and other minerals continued to blight rather than enhance people's lives because of conflicts, corruption and power struggles.

Hundreds of thousands of people in many African countries were deliberately rendered homeless. By forcibly evicting people without due process of law, adequate compensation or provision of alternative shelter, governments violated people's internationally recognized human right to shelter and adequate housing.

Such evictions, which were often accompanied by disproportionate use of force and other abuses, were known to have taken place in Angola, Equatorial Guinea, Kenya, Nigeria and Sudan. In one incident in August, bulldozers arrived unannounced in Dar al-Salam, a settlement for displaced people 43 kilometres south of Khartoum, Sudan, and began demolishing the homes of some 12,000 people, many of whom had fled drought, famine, the north-south civil war and, most recently, the conflict in Darfur. Some 50,000 other people in Sudan continued to face eviction as a result of the building of the Meroe dam; in 2006 a total of 2,723 households in the

Amri area were given six days to evacuate their homes and reportedly given no shelter, food or medicine.

The HIV/AIDS pandemic continued to pose a threat to millions of Africans. According to UNAIDS (the Joint UN Programme on HIV/AIDS), the virus caused 2.1 million deaths in 2006 and 2.8 million people were newly infected, bringing to 24.7 million the total number of people living with HIV/AIDS on the continent.

Women and girls in Africa remained 40 per cent more likely to be infected with the virus than men, and often carried the main burden as carers. Violence against women and girls in some countries also increased their risk of HIV infection.

National responses to HIV/AIDS continued to be scaled up throughout the continent. The roll-out of anti-retroviral treatment continued, albeit unevenly. In June UNAIDS estimated that more than one million people on the continent were receiving life-saving anti-retroviral therapy – 23 per cent of those who required it.

In South Africa, the country with the largest number of people living with HIV/AIDS, the government showed signs of greater openness to the participation of civil society organizations in achieving a more effective response to the pandemic.

At the AU Special Summit on HIV/AIDS, Tuberculosis and Malaria in Abuja, Nigeria, in May, African governments committed themselves to "universal access to treatment, care and prevention services for all people by 2010." This call was reiterated, albeit with few tangible commitments, at the UN General Assembly High Level Review Meeting on HIV/AIDS (UNGASS Review) shortly afterwards. UN member states committed themselves to working towards achieving universal access to treatment, care and prevention by 2010. Countries throughout the region were developing national targets and indicators for achieving this aim.

Tuberculosis and malaria also posed a serious threat in many areas. In 2006 tuberculosis killed over 500,000 people across

the region and around 900,000 people in Africa, most of them young children, died from acute cases of malaria.

### **REPRESSION OF DISSENT**

Repression of dissent continued in many countries. The authorities in Eritrea, Ethiopia, Rwanda, Sudan, Uganda and Zimbabwe were among those that used a licensing/accreditation system to restrict the work of journalists and consequently impinged on the freedom of expression. The promulgation and use of anti-terror and public order laws to restrict dissent and the work of human rights defenders continued in some states, and human rights defenders were particularly vulnerable in Burundi, the DRC, Ethiopia, Rwanda, Somalia, Sudan and Zimbabwe.

In Ethiopia, for example, opposition party leaders, journalists and human rights defenders who were prisoners of conscience were tried on capital charges such as treason, attempted genocide and armed conspiracy. In Eritrea, members of minority evangelical churches were imprisoned because of their faith, and former government leaders, members of parliament and journalists continued to be held without trial, many of them feared dead.

### **DEATH PENALTY**

The death penalty continued to be widely applied and prisoners remained under sentence of death in several countries in the region, including around 600 people in Rwanda. However, the Tanzanian authorities commuted all death sentences during 2006, and the ruling party in Rwanda recommended abolition of capital punishment.

In the DRC military tribunals continued to pass the death penalty after unfair trials, although there were no reports of state executions. In Equatorial Guinea, one person was publicly executed for murder.

### **IMPUNITY**

Police officers and other law enforcement personnel in many parts of the region continued to commit human rights violations,

including unlawful killings, torture or other ill-treatment, with impunity. However, there were important developments in the efforts to end impunity for war crimes and other serious crimes under international law.

Following the referral of the situation in Darfur by the UN Security Council in March 2005, the Office of the Prosecutor of the International Criminal Court (ICC) visited Khartoum in 2006.

Warrants of arrest issued in 2005 against senior members of the Ugandan armed political group, the Lord's Resistance Army (LRA) – including Joseph Kony, Vincent Otti, Okot Odhiambo and Dominic Ongwen – remained in force, but the accused were not apprehended. The LRA leaders argued that the warrants should be withdrawn before they would commit to a peace agreement, but the warrants remained in force at the end of the year.

In the DRC, Thomas Lubanga Dyilo, leader of an Ituri armed group, the Union of Congolese Patriots, was arrested and charged with war crimes – specifically, recruiting and using in hostilities children aged under 15. He was subsequently transferred to the ICC in The Hague, the Netherlands.

In March, former Liberian President Charles Taylor was handed over to Liberia by Nigeria, where he had been living. He was then transferred to the Special Court for Sierra Leone to face trial on charges of war crimes and crimes against humanity committed during the armed conflict in Sierra Leone. In addition, three trials before the Special Court continued of those bearing the greatest responsibility for crimes against humanity, war crimes and other serious violations of international law committed in the civil war in Sierra Leone after 30 November 1996.

In Ethiopia, the 12-year trial of former President Mengistu Hailemariam ended in December with his conviction for genocide, mass killings and other crimes. Along with 24 other members of the Dergue military government (1974-1991), he was tried in his absence while in exile in Zimbabwe. Zimbabwe President Robert Mugabe had refused to extradite him for trial.

In July 2006, the AU Assembly of Heads of State and Government asked Senegal to try Hissène Habré, Chad's former President, for crimes against humanity he committed while in power (1982-1990). He had been living in Senegal since he was ousted from office. In 2005 a Belgian judge issued an international arrest warrant for torture and other crimes committed during his rule. In November 2006 Senegal's Council of Ministers adopted a draft law allowing Hissène Habré to be tried.

Trials of prominent genocide suspects continued before the International Criminal Tribunal for Rwanda (ICTR), which held 57 detainees at the end of 2006. Ten trials were ongoing. The UN Security Council asked the ICTR to complete all trials by the end of 2008. However, the ICTR failed to indict or prosecute leaders of the former Rwandese Patriotic Front widely believed to have authorized, condoned or carried out war crimes and crimes against humanity in 1994.

In Rwanda, concerns remained about the impartiality and fairness of gacaca tribunals (a community-based system of tribunals established in Rwanda in 2002 to try people suspected of crimes during the 1994 genocide).

## **VIOLENCE AGAINST WOMEN AND GIRLS**

Violence against women and girls remained pervasive and only a few countries were considering laws to address the problem. Parliaments in Kenya, Nigeria, South Africa and Zimbabwe continued to discuss draft legislation on domestic violence and sexual offences.

In South Africa and Swaziland in particular, the pervasiveness of gender-based violence continued to place women and girls at risk of HIV/AIDS directly or through obstructing their access to information, prevention and treatment. Gender-based violence, as well as stigma and discrimination, also affected access to treatment for those already living with HIV/AIDS.

The practice of female genital mutilation remained widespread in some countries, particularly Sierra Leone, Somalia and Sudan.

In the DRC, women and girls were raped by government security forces and armed groups and had little or no access to adequate medical treatment. In Darfur, rape of women by Janjawid militias continued to be systematic. The number of women attacked and raped while searching for firewood around Kalma Camp near Nyala, South Darfur, increased from about three or four a month to some 200 a month between June and August.

In Nigeria there were frequent reports of sexual violence, including rape, by state officials. Such abuses were committed with impunity. In Côte d'Ivoire there were continuing reports of sexual violence against women in the government-controlled areas and the region held by the Forces Nouvelles.

### **REGIONAL INSTITUTIONS AND HUMAN RIGHTS**

Although the Constitutive Act of the AU underscores the centrality of the promotion and protection of human rights throughout the continent, the AU fell short of its commitment to human rights generally. The AU continued to demonstrate a deep reluctance to publicly criticize African leaders who failed to protect human rights, especially in Sudan and Zimbabwe.

A combination of lack of political will and capacity of the AU to halt continuing conflicts in places such as Darfur, and the apathy of an international community that had the capacity but lacked the will to act, left millions of civilians at the mercy of belligerent governments and ruthless warlords.

Many of the institutions referred to under the Constitutive Act of the AU became fully operational in 2006 but they made little or no impact on people's lives. However, the election of 11 judges to the newly established African Court on Human and Peoples' Rights enhanced the prospects of developing a culture that would respect the rule of law and human rights regionally. The Court held its first meeting in July and the judges began drafting the Court's rules of procedure. A draft legal instrument relating to the establishment of a merged court comprising the African Court on

Human and Peoples' Rights and the African Court of Justice was being negotiated at the end of the year.

The African Peer Review Mechanism completed the review of Ghana, Rwanda and South Africa but failed to make its findings public. The African Commission on Human and Peoples' Rights, which remained the only functional regional human rights body, continued to be denied the much needed human, material and financial resources to fully respond to the many human rights problems in the region.

Overall, widespread and massive corruption in Africa continued to contribute to a vicious cycle of extreme poverty, manifesting itself in violations of internationally recognized human rights, especially economic and social rights, weak institutions and leadership, and marginalization of the most vulnerable sectors of the population, including women and children.

# AMERICAS

The Americas remained an extraordinarily diverse region, encompassing some of the world's most economically advantaged populations in North America as well as some of the world's poorest countries in the Caribbean and Latin America. Common to the whole region, however, were a range of complex and pressing political, social and economic challenges that impinge on the fulfilment of fundamental human rights.

The USA, unrivalled in military and economic terms in the region and the world, continued to maintain a dual discourse on human rights as it pursued its "war on terror". It claimed to be the leading force for the promotion of human rights and the rule of law, while simultaneously pursuing policies and practices that flouted some of the most basic principles of international law. In so doing, it undermined not only long-term security of which the rule of law is a central pillar, but also its own credibility on the international stage.

Nowhere was the erosion of US credibility and influence more marked than in Latin America. Growing numbers of South American countries in particular have sought to dissociate themselves from political, economic and security policies promoted by the USA, and relations between the US and several Latin American governments have become increasingly fractious. Political tensions and mutual criticisms were sharpest between the USA and Venezuela.

A key feature of 2006 was the continuing strengthening of democratic processes and the consolidation of democratic institutions. Eleven countries held presidential elections, some combined with legislative and state elections. The transition of power was peaceful, despite legal challenges by some losing candidates, such as in Mexico. In general, the elections were judged by observers to have been fair.

Cuba, the only one-party state in the region, also underwent a transfer of power as Fidel Castro's brother Raúl was temporarily appointed President.

The peaceful transfer of government power in so many countries was a significant achievement in a region that has been plagued by political instability and violent electoral campaigns. Many of the new governments were elected on anti-poverty agendas imposed by electorates increasingly frustrated by the failure of prevailing economic policies to reduce poverty. The consolidation of democratic processes provided an unprecedented opportunity for the region's governments to tackle persistent human rights violations and pervasive poverty.

Indeed, after decades of neglect of deep-rooted social and economic problems, there were encouraging signs that some governments in Latin America in particular were moving beyond a rhetorical commitment to human rights towards the adoption and implementation of social and economic policies that could begin to address the region's long-standing inequities.

Among the promises made by some new governments were reforms to address structural flaws, such as inequitable land tenure, entrenched discrimination in the justice system and lack of access to basic services, which underpin violations of human rights.

However, progress was slow and Latin America remained one of the most economically inequitable parts of the world. Poverty remained endemic and access to basic services such as health and education continued to be denied or limited for most people. The poor rural populations in particular were denied access to justice and basic services – vast rural areas were neglected by the state leaving large numbers of people isolated and insecure.

High expectations risk being dashed as democracy and good governance were threatened by chronically weak institutions and undermined by lack of independence of the judiciary, impunity and endemic corruption.



Civil society in the Americas continued to play an increasingly prominent role in challenging governments' lack of accountability and the lack of access to public services and to the justice system for the region's poor. Human rights defenders were key in the struggle for political, economic and social rights. Their work contributed to highlighting the social and economic inequalities in the region and they played a crucial role in legitimizing the struggle of the most vulnerable sectors of society, including Indigenous peoples, women, and lesbian, gay, bisexual and transgender (LGBT) people.

Public opposition to governments frequently led to massive and protracted social protests, which often met a repressive response from security forces. For example, the political crisis in Oaxaca, Mexico, sparked by a mass strike by teachers, resulted in huge protests against the state governor over many months. Despite the fact that only some protesters were violent, the state authorities and their sympathizers reportedly responded by targeting all individuals and organizations perceived as sympathetic to the opposition movement.

### **INSECURITY AND CONFLICT**

High levels of violent crime and lack of public security continued to be major public concerns. Poverty, violence and the proliferation of small arms – daily realities for millions of people in the Americas – created and sustained environments where human rights abuses flourished.

Governments have traditionally resorted to repressive law enforcement strategies to deal with the consequences of state neglect, discrimination and social exclusion. Such policies have resulted in poor communities sinking deeper into violence and insecurity, particularly in urban centres. In cities in Brazil, El Salvador, Guatemala, Haiti, Honduras and Jamaica, youth and armed criminal gangs posed a serious threat. Several states increasingly resorted to military "containment" of neighbourhoods, leaving many inhabitants exposed to the violence of

both the gangs that dominate the communities and repressive state forces.

One of the more visible consequences of states' repressive security measures was rampant violence in the region's overcrowded and out-of-control prisons. The phenomenon of prisons as "no go" areas to the security forces spread in Central and South America. In Brazil, for example, a criminal gang in São Paulo's prison system orchestrated simultaneous riots in around 70 prisons in the state. At the same time, the gangs' leaders from within the detention system ordered criminal attacks across the state, which resulted in the killing of over 40 law enforcement officers and widespread damage. Police killed over 100 suspects during the confrontation, and many others died in suspected "death-squad"-style retaliations.

In Colombia, which has endured one of the world's most intractable conflicts, the humanitarian crisis continued. The security forces, army-backed paramilitaries and guerrilla groups were responsible for many human rights abuses, including war crimes and crimes against humanity. Human rights defenders, trades unionists, and indigenous and community leaders were particularly vulnerable.

In addition, the Colombia conflict continued to affect the rights of people living near the borders in neighbouring countries. In Ecuador, Panama and Venezuela, rural populations were particularly exposed to threats from armed forces, both state and non-state, and the risk of forced recruitment into armed groups.

### **'WAR ON TERROR'**

Further evidence emerged of a systematic pattern of abuse by the USA and its allies in the context of the "war on terror", including secret detention, enforced disappearance, prolonged incommunicado and arbitrary detention, and torture or other cruel, inhuman or degrading treatment. At the end of 2006, thousands of detainees continued to be held in US custody without charge or trial in Iraq, Afghanistan and Guantánamo Bay, Cuba.

Despite several adverse judicial rulings, the US administration persisted in pursuing policies and practices inconsistent with human rights standards. The US Congress, despite some positive initiatives, gave its stamp of approval to human rights violations committed by the USA in the "war on terror" and turned bad executive policy into bad domestic law.

In sharp contrast to positive developments in Latin America, there was a continued failure to hold senior US government officials accountable for torture and ill-treatment of "war on terror" detainees, despite evidence that abuses had been systematic.

A shift in the balance of power in the US Congress as a result of the November mid-term elections raised the possibility of greater congressional oversight and investigation of executive actions, and of improved legislation.

### **DISCRIMINATION: STEPS FORWARD, STEPS BACK**

Violence against women continued to be widespread throughout the Americas. Governments failed to uphold laws that criminalize violence against women in the home and the community, nor did they provide support and protection for victims of violence. Lack of judges and prosecutors specialized in gender-based violence as well as a lack of gender-sensitive police units and adequate and sufficient shelters demonstrated a fundamental lack of political will to end the endemic violence against women.

Despite national and international indignation, the pattern of killings of women continued in Colombia, El Salvador, Guatemala, Honduras and Mexico, among other countries.

However, women's rights, including their sexual and reproductive rights, were high on the agendas of political and civil society. In Chile, for example, the authorities successfully petitioned in the courts to allow the distribution without parental consent of the "morning-after pill" to girls over the age of 14. In Peru, the Constitutional

Tribunal ruled that the "morning-after pill" should be available to every woman. In Colombia, abortion was decriminalized in cases of rape in certain situations.

In contrast, the Constitutional Court in Ecuador ruled that emergency contraception should not be available, and the authorities in Nicaragua repealed the law that had allowed abortion in certain cases of rape.

Violations of the rights of Indigenous peoples, including violence against women and girls, were reported throughout the region. Indigenous peoples continued to face entrenched racism and discriminatory treatment. Denied adequate protection of their right to live on and use the lands and territories vital to their cultural identity and their daily survival, Indigenous communities were often driven into extreme poverty and ill-health.

During 2006 the trend of reassertion of Indigenous identity continued to grow. In the Andean countries in particular, this trend was reflected in the emergence of Indigenous peoples as a political force at the national level, as in Bolivia, and at a local level. Parallel to this, growing ethnic divisions became apparent in Andean countries with the largest proportion of Indigenous people. In Bolivia, ethnic divisions were aggravated by demands for greater regional autonomy by the mainly non-Indigenous departments of Santa Cruz, Tarija, Beni and Pando.

The LGBT community continued to suffer stigma, discrimination and abuse in many countries in the Americas, although they also gained visibility and some acceptability, particularly in major cities.

In Nicaragua, lesbian and gay relationships remained criminalized and in Caribbean countries a number of "sodomy laws" were still in force. However, there were positive moves in some countries to ensure equality before the law. Mexico City passed a landmark ruling recognizing same-sex unions. The Congress in Colombia discussed a bill that if approved would give same-sex couples the same social security rights as those enjoyed by couples of the opposite sex.



### IMPUNITY ROLLED BACK

Several countries in Latin America faced the painful legacy of past human rights violations. The issues of truth, justice and reparation were high on the agenda of civil society, the judiciary and some governments, and action was taken against several former senior officials.

In Argentina, Miguel Etchecolatz, former Director of Investigations of the Buenos Aires Province Police, was convicted of murder, torture and kidnappings during the period of the military government (1976-1983) and sentenced to life imprisonment in September. The three judges in the case ruled that he was responsible for crimes against humanity.

Former Peruvian President Alberto Fujimori was granted bail in May in Chile pending a decision by the Chilean Supreme Court of Justice on whether to extradite him to Peru to face charges of corruption and human rights violations. The Supreme Court established that Alberto Fujimori was not allowed to leave the country until a decision was reached.

The prosecution in Mexico of former senior officials accused of crimes against humanity committed in the 1960s, 1970s and 1980s continued to collapse. However, in November a federal court ordered the rearrest of former President Luis Echeverría to stand trial on the charge of genocide in connection with the murder of students in Tlatelolco Square in 1968.

In November, a Uruguayan judge ordered the detention and trial of former President Juan María Bordaberry (1971-1976) and former Minister of Foreign Affairs Juan Carlos Blanco. They were charged in connection with the killings of legislators Zelmar Michelini and Héctor Gutiérrez Ruiz, as well as Rosario Barredo and William Whitelaw, members of the Tupamaro guerrilla group Movement of National Liberation, in Argentina in 1976. The judicial decision was appealed.

The need for speedier justice was thrown into stark relief by the death on 10 December of former Chilean ruler Augusto Pinochet before

he had faced trial for atrocities during his 17-year rule. Just weeks before his death he faced new charges in connection with 35 kidnappings, one homicide and 24 cases of torture. Former Paraguayan President Alfredo Stroessner died in exile in Brazil without ever having been brought to trial for the widespread human rights violations committed during his rule between 1954 and 1989.

Universal jurisdiction continued to play a key role in tackling the legacy of past human rights violations in Latin America. A judge in Spain issued arrest warrants for Guatemala's former President General Efraín Ríos Montt and several former senior army officials, who faced charges of genocide, torture, terrorism and illegal detention. However, former General Efraín Ríos Montt remained free after the Guatemalan authorities considered only part of the case presented by the Spanish National Court. Two other former officials were in custody and a third was a fugitive from justice.

### REGIONAL DEVELOPMENTS

The Inter-American Commission on Human Rights and the Inter-American Court of Human Rights, the human rights mechanisms of the Organization of American States (OAS), issued a number of significant decisions. If implemented by states parties, these should not only address particular cases of denials or violations of human rights of individuals but also set important precedents for systematic change across the region.

No progress was made on negotiations for a free trade agreement for the Americas; such an agreement was viewed in many countries with scepticism or rejection. However, progress was made on strengthening trading partnerships within Latin America.

# ASIA-PACIFIC

2006 was a year of dramatic events and much change in Asia and the Pacific. Political upheavals provided the context for accounts of fear, deprivation and discrimination. These included political unrest in Timor-Leste, Tonga and the Solomon Islands, and the declaration of a state of emergency in the Philippines that sparked fears of increased political killings. In Bangladesh, politically motivated violence marred the run-up to delayed elections, and in Myanmar the authorities continued their policy of incarceration and repression of political opposition. Sri Lankan peace talks collapsed and a ceasefire barely held; thousands of killings and mass displacement occurred through the year and in November the ceasefire was declared "defunct" by the opposition armed group Liberation Tigers of Tamil Eelam (LTTE). Coups took place in Thailand and Fiji. Alongside the anxiety, suffering and despair was hope and opportunity in Nepal where, after years of conflict and political stalemate, people came together to demand peace, human rights and democratic transition. Their voices were heard and the opportunity for peaceful transition appeared to have been seized when the King and political parties agreed a way forward that saw a comprehensive peace agreement signed in November.

The Asia-Pacific region is home to six of the 10 most populous states in the world, and alone they account for half the world's people. Several events in 2006 reflected the region's growing role on the world stage. China's global commercial and political influence grew, and its preparations for the 2008 summer Olympic games generated a climate of pride and some debate. Viet Nam was set to become the World Trade Organization's (WTO's) 150th member in January 2007 after its membership was

approved by the WTO's General Council in late 2006. A South Korean, Ban Ki-Moon, was chosen to be the next UN Secretary-General.

In terms of human rights developments, governments' words and deeds were not always well matched. Ten countries in the region joined the new UN Human Rights Council and made admirable statements on human rights. The Association of Southeast Asian Nations (ASEAN) took steps towards a greater role for human rights in its work. However, Asia and the Pacific remained alone in having no regional human rights mechanism, and on the ground improvements in human rights protections were patchy.

## GLOBALIZATION: PROSPERITY, POVERTY AND MIGRATION

Globalization continued to have a profound impact in the region. China and India in particular notched up envied rates of economic growth while strengthening their economic ties with each other. However, such developments did not bring benefits to everyone. Some industrialization and development projects brought displacement and human rights abuses, and millions of the most disadvantaged people remained in poverty as the benefits of development were enjoyed disproportionately by those better educated, housed and skilled. According to the UN, more than 28 per cent of people in India remained below the national poverty line. The figures were 50 per cent in Bangladesh, 40 per cent in Mongolia and 33 per cent in Pakistan.

In particular, the rural-urban divide meant that economic development had yet to have a positive effect on the lives of many rural populations. In India, for example, overall unemployment increased, despite the booming service sector, and desperation in rural areas was reflected in a disturbingly high number of suicides by farmers – the government reported that 16,000 took place annually between 2003 and 2006, and 100,000 in the preceding 10 years.

China continued to witness vast numbers of people moving out of poverty as well as shocking disparity between living standards in

rural and urban communities. Reports published in 2006 estimated that earnings in towns were almost four times higher than in rural areas. Life expectancy in urban China was reportedly between 10 and 15 years longer than that for a farmer, despite appalling health and safety conditions for many industrial workers in various sectors.

Economic development held great promise but failed to improve the lives of the many who are marginal or suffer discrimination, such as women and ethnic minorities, as underlying structures of inequality remained deeply embedded. The processes of wealth creation benefited limited numbers, as large swathes of the region's population remained in poverty with little or no access to adequate health care, education or housing.

Although globalization and the freer flow of goods, services and finance across borders was largely welcomed in the region, migration was often the only way for people to benefit from the new employment and earning opportunities but such movement remained limited and dangerous. Migrants were treated badly in many Asian and Pacific states, with governments failing to protect their rights.

Other dynamics affecting the movement of people were conflicts and pervasive forms of discrimination. In 2006, armed conflicts displaced at least 213,000 people in Sri Lanka and 16,000 in Myanmar's Karen state. Some 150,000 refugees remained on the Thai/Myanmar border; 100,000 North Koreans were reportedly in China, having fled hunger; and around 7,000 Lao Hmong refugees remained in a camp in Thailand.

## SECURITY CONCERNS

The "war on terror" continued to claim lives and to be associated with enforced disappearances, particularly in Afghanistan and Pakistan.

In Afghanistan, the security situation in the south and south-east deteriorated rapidly. The spread of the insurgency in the country, coupled with lawlessness, led to increased social unrest. The escalating conflict resulted in the deaths and injuries of thousands of

civilians. Serious breaches of international humanitarian law were committed by all parties to the conflict, including international and Afghan security forces, and the Taleban. The continuing inability of the international community and the Afghan government to ensure good governance and the rule of law added to the culture of impunity, further fuelling local resentments. Government administrators, teachers and human rights defenders, many of them women, faced threats and violent attacks, sometimes leading to death, by the Taleban and local power-holders. Pervasive poverty, food shortages and a lack of safe drinking water exacerbated by drought added to the suffering of people and internal displacement.

In Thailand, violence continued in the mainly Muslim southern provinces. Armed groups bombed, beheaded or shot Muslim and Buddhist civilians, including monks and teachers, and members of the security forces. Those who tried to take action on these and other abuses faced death threats and violent attacks, sometimes leading to death. Under the Emergency Decree, scores of people were detained arbitrarily without charge or trial, denied access to lawyers, and some were tortured or otherwise ill-treated during interrogation.

In Australia anti-terror legislation raised many concerns about the protection of human rights, and in India the debate continued about the introduction of a "war on terror" law.

A nuclear test by North Korea in October heightened tension in north-east Asia and beyond, prompting fears of an arms race in the region, while hunger continued to blight the lives of untold numbers in the country. There were also calls for changes to Japan's anti-war constitutional provisions, while across Asia and beyond, the survivors of Japan's system of military sexual slavery — before and during World War II — continued their dignified call for justice, despite their dwindling numbers and lack of full reparations.

**HUMAN RIGHTS: WORDS AND DEEDS**

Ten states from the Asia-Pacific region became members of the new UN Human Rights Council – Bangladesh, China, India, Indonesia, Japan, Malaysia, Pakistan, the Philippines, South Korea and Sri Lanka. Each promised to respect human rights, cooperate with UN human rights mechanisms and special procedures, create or maintain strong national human rights frameworks, and ratify and uphold international human rights standards. However, many of these pledges had yet to bear fruit in practice by the end of 2006. Relatively few states in the region, and only one of the new Human Rights Council members, had ratified the Rome Statute of the International Criminal Court. Applications by UN Special Rapporteurs to visit several states in the region remained pending; in some cases requests had been pending for over a decade, such as that made in 1993 by the Special Rapporteur on torture to visit India.

The dire human rights situation in Myanmar was placed on the agenda for the first time by the UN Security Council in 2006, and the UN Under-Secretary-General for Political Affairs, Ibrahim Gambari, visited the country in May. Meanwhile, Nobel Peace Prize winner and opposition leader Aung San Suu Kyi remained under house arrest in Myanmar, and there was continuing conflict, harassment of political activists, use of forced labour and defiance by the authorities of international criticism, including by ASEAN.

The Asia-Pacific region also lagged behind the steady global march towards abolition of the death penalty and hosted shocking numbers of executions, although some progress was made. China, India, Japan, Malaysia, North Korea, Pakistan, Singapore, Thailand and Viet Nam featured among an alarmingly long list of countries in the region that retained the death penalty despite continued campaigning for abolition from within and beyond their borders. However, the Philippines abolished capital punishment in 2006 and South Korea spent another year considering legislation to abolish the death

penalty while maintaining an unofficial moratorium on its use.

In various parts of the region the space for dissent was limited during 2006, and there was a continuing need to strengthen protections for human rights activists. For example, political killings in the Philippines created widespread fear among political activists as well as human rights defenders wanting to speak out against unlawful killings and the lack of investigations into them.

Entrenched traditional practices that curtail the rights of women and often result in them suffering violence and even death remained widespread across the region but were often marginalized in public debate and policy. Rape, forced marriage, "honour" crimes and the abuse of women and girls in conflicts all continued. In Papua New Guinea, for example, sexual violence remained an everyday experience for many women, and accusations of sorcery resulted in the killing or abduction of women. Despite this, the authorities did little to stop such crimes. In Afghanistan, early and forced marriage and traditional practices such as exchange of girls as a means of dispute settlement remained a continuing threat to the well-being of girls and women.

However, the work of women activists in the region did bear some fruit. In Pakistan, the crimes of rape and sexual violence were amended to ensure that a complaint of rape can no longer be converted into a charge of adultery or fornication. In India, a law on violence against women was finally introduced.

The human rights of lesbian, gay, bisexual and transgender (LGBT) people continued to be regarded as a sensitive subject in many parts of the region. However, LGBT rights activism increased in several countries, including China, India and the Philippines. In India, a hundred public figures, including writers, academics and celebrities, signed an open letter calling for the repeal of Article 377 of the Penal Code which criminalizes homosexuality; in Hong Kong, a young gay activist successfully challenged a law which

provides for a higher age of consent for same-sex couples than for heterosexual couples; and in the Philippines, activists lobbied hard for the adoption of a proposed Anti-Discrimination Bill aimed at preventing discrimination against LGBT people.

Leadership on human rights issues emerged in different countries at different levels across the region. At the state level, the Philippines heeded calls to abolish the death penalty. At a popular level, the people of Nepal provided an inspiring demonstration of their strength in moving towards peace and an end to the abuses linked to conflict. Human rights defenders, including women, environmental, indigenous and many other activists, continued to challenge powerful interests to defend basic rights. Collectively, the forces for human rights reform showed courage and determination in confronting resistance to progress from within their own societies as well as multiple forms of state repression. Ultimately, the Asia-Pacific region showed strong demand and great potential for progress across the full spectrum of human rights, with the primary challenge one of political will by governments. The dynamic that made states declare their human rights credentials when contending for membership of the UN Human Rights Council in 2006 should build the momentum towards delivering the full range of economic, social and cultural as well as civil and political rights.

# EUROPE - CENTRAL ASIA

Issues of statehood, security and migration continued to be major preoccupations across the region.

Europe's newest state, Montenegro, emerged in June from the continuing break-up of the former Yugoslavia, but a decision on the final status of Kosovo, which formally remained part of Serbia, was postponed until early 2007. No significant progress was made in resolving the status of the region's internationally unrecognized entities, situated within the borders of Azerbaijan, Georgia and Moldova, but remaining outside these states' de facto control. Cyprus continued to be a divided island. In Spain the armed Basque group Euskadi Ta Askatasuna (ETA) declared a "permanent ceasefire" in March but dialogue with the government ended in December after an airport bomb killed two people. In Turkey, there was an overall increase in 2006 in fighting between security forces and the armed Kurdistan Workers Party (PKK), and a rise in bomb attacks on civilians by other armed groups. Impunity as a result of conflicts across the region persisted.

Many countries remained a magnet for those attempting to escape poverty, violence or persecution. Changing migration patterns from Africa saw over 30,000 people arrive on the Canary Islands, with an unknown number of others feared lost on the journey in unsafe boats. However, European states continued to disregard the rights of refugees and migrants, adopting repressive approaches to irregular migration that included forcible detention and expulsion without access to fair and individualized asylum procedures. In the context of the "war on terror", governments also violated their international obligations by

returning people to countries despite the risk that they faced serious human rights violations including torture.

Two further countries – Bulgaria and Romania – were set to join the European Union (EU) at the beginning of 2007. While enlargement continued to profile human rights as a prime symbol of candidates' readiness to join, the EU as a beacon "union of values" looked increasingly ambivalent. Further evidence emerged of the EU Council's reluctance to confront the USA in its conduct of the "war on terror" and its failure to "practice what you preach" in relation to migration. An institutional minimalist approach to human rights within the EU's borders, which saw the establishment of a Fundamental Human Rights Agency largely barred from addressing human rights abuses by member states, added to the erosion of credibility domestically and globally on human rights issues.

Racism and discrimination continued across the region. There was a failure of leadership in many countries to convincingly challenge racist and xenophobic ideas and ideologies, to implement comprehensive programmes to combat them, and to act with due diligence to prevent, investigate and prosecute racially motivated attacks. In some countries it was the authorities themselves that discriminated against minorities by failing to uphold their rights. Discrimination was frequently on grounds of identity and legal status – or lack of it – and led to barriers in access to a range of human rights, including economic, social and cultural rights.

## SECURITY AND HUMAN RIGHTS

Further evidence emerged of complicity by Europe's governments in the US programme of renditions – an unlawful practice in which numerous men have been illegally detained and secretly flown to countries where they have suffered additional crimes, including torture and enforced disappearance. It became increasingly clear, including through inquiries actively pursued by the Council of Europe and the European Parliament, that



many European governments had adopted a "see no evil, hear no evil" approach when it came to rendition flights using their territory.

Some were willing partners with the US Central Intelligence Agency (CIA) in facilitating abuses. Complicity by states such as Bosnia and Herzegovina, Germany, Italy, Macedonia, Sweden and the UK ranged from acceptance and concealment of renditions, secret detentions and torture or other ill-treatment (and use of information gained from such treatment) to direct involvement in abductions and illegal transfers. There was evidence, furthermore, that security forces of Germany, Turkey and the UK had taken advantage of the situation by interrogating individuals who had been subjected to rendition.

In other areas too, security drove the agenda over fundamental human rights – to the detriment of both. There were grave concerns that the governments of Kazakhstan, Kyrgyzstan, Russia and Ukraine, in co-operating with Uzbekistan in the name of regional security and the "war on terror", were violating their obligations under human rights and refugee law by returning people to Uzbekistan despite the risk that they faced serious violations including torture.

The UK government continued to undermine the universal ban on torture by trying to deport people they deemed to be terror suspects to countries with a history of torture or other ill-treatment. The UK authorities sought to rely on inherently unreliable and ineffective "diplomatic assurances" featured in memorandums of understanding agreed with states that had a well-documented record of torture.

In Turkey, the new Law to Fight Terrorism contained sweeping and draconian provisions that could in practice contravene international human rights law and facilitate violations. People charged under existing anti-terrorism legislation in Turkey continued to face unending trials, with some people still detained for more than a decade pending a final verdict in their case.

However, there were other indications – aside from the inquiries into renditions – of a refusal to tolerate such abuses. In a landmark case in Spain, the Supreme Court in July quashed a six-year prison sentence and ordered the immediate release of a man previously held in US detention at Guantánamo Bay, Cuba, on the grounds that evidence obtained while he was there was inadmissible. The court ruled that Guantánamo Bay constituted a legal limbo without guarantees or control and therefore all evidence or procedures originating from it should be declared null and void.

In November, a UN human rights body confirmed that the Swedish authorities had been responsible for multiple human rights violations in connection with a summary expulsion to Egypt. The Swedish government reacted by reiterating that any such finding was not legally binding, and continued to refuse to provide reparation, including compensation, to the victims. In December, Italian prosecutors asked a judge to indict 26 CIA agents accused of kidnapping an Egyptian cleric in the Italian city of Milan and participating in his rendition to Egypt where he was allegedly tortured.

## REFUGEES, ASYLUM-SEEKERS AND MIGRANTS

There remained a consistent pattern of human rights violations linked to the interception, detention and expulsion by states of foreign nationals, including those seeking international protection. One year on, there was still no outcome to investigations into the deaths in 2005 of 13 migrants killed while trying to enter the Spanish enclaves of Ceuta and Melilla from Morocco. Three other people died in similar incidents in July 2006.

Men, women and children continued to face obstacles in accessing asylum procedures. Some in Greece, Italy, Malta and the UK were unlawfully detained and others were denied necessary guidance and legal support. Many were unlawfully expelled before their claims could be

properly heard, including from Greece, Italy, Malta and Spain. Some were sent to countries where they were at risk of human rights violations.

In response to shifting migration patterns, joint sea patrol missions by various EU countries and co-ordinated by the EU external border control agency Frontex were set up, intended to intercept migrants' boats at sea and return the migrants to their country of origin. This raised serious concerns with respect to fundamental rights, such as the right to seek and enjoy asylum, the right to leave one's own country, and the principle of *non-refoulement*.

New legislation in some countries further restricted the rights of asylum-seekers and migrants. In Switzerland this included refusal of access to the asylum procedure for people without national identity documents. In France a new law tied residence permits for migrants to pre-existing work contracts, putting migrants at risk of exploitation in the workplace.

### **RACISM AND DISCRIMINATION**

Across the region identity-based discrimination was rife against Roma, who remained largely excluded from public life and unable to enjoy full access to rights such as housing, employment and health services. In some countries the authorities failed to fully integrate Romani children into the education system, tolerating or promoting the creation of special classes or schools, including those where a reduced curriculum was taught. Roma were also among those subjected to hate crimes by individuals, as were Jews and Muslims. In Russia, violent racism remained widespread.

Many people faced discrimination on account of their legal status. In Azerbaijan people internally displaced by the Nagorny Karabakh conflict had restricted opportunities to exercise their economic and social rights, including by a cumbersome internal registration process linking eligibility for employment and social services to a fixed place of residence. In Montenegro over 16,000

Roma and Serbs displaced from Kosovo continued to be denied civil, political, economic and social rights because they were refused civil registration. Similar problems faced thousands of people in Slovenia – all from other former Yugoslav republics – who had been unlawfully “erased” from the register of permanent residents. In Estonia, members of the Russian-speaking minority faced limited access to the labour market owing to restrictive linguistic and minority rights.

Authorities in Latvia, Poland and Russia continued to foster a climate of intolerance against the lesbian, gay, bisexual and transgender (LGBT) communities, obstructing public events organized by LGBT groups amid openly homophobic language used by some highly placed politicians.

### **IMPUNITY AND ACCOUNTABILITY**

Although some progress was made in tackling impunity for crimes committed on the territory of the former Yugoslavia during the wars of the 1990s, a lack of full co-operation with the International Criminal Tribunal for the former Yugoslavia together with insufficient efforts by domestic courts meant that many perpetrators of war crimes and crimes against humanity continued to evade justice.

Torture and other ill-treatment, often race-related and frequently used to extract confessions, continued to be reported across the region – routinely so in some countries. Victims described a catalogue of abuses, including mock executions; beatings with fists, plastic bottles full of water, books, truncheons and poles; suffocation; deprivation of food, water and sleep; threats of rape; and electro-shocks to different parts of the body. Obstacles to tackling impunity for such abuses included police circumvention of safeguards, lack of prompt access to a lawyer, victims' fear of reprisals, and lack of a properly resourced and independent system for monitoring and investigating complaints. In Russia, Turkey and Uzbekistan in particular, failures to conduct prompt, thorough and impartial investigations perpetuated an entrenched culture of impunity. Such failures at domestic

level in some countries meant that people continued to seek redress at the European Court of Human Rights, adding to its overburdened case load.

### DEATH PENALTY

Significant progress continued to be made towards abolition of the death penalty throughout the region. In June, Moldova abolished the death penalty in law, and in November Kyrgyzstan adopted a new Constitution which removed previous provisions on the use of the death penalty.

When the Soviet Union collapsed, all 15 newly independent states retained the death penalty. At the close of 2006, only two of them continued to apply the death penalty in law and practice. These were Belarus and Uzbekistan, both of which continued to cloak in secrecy the exact number of people sentenced to death and executed annually. Uzbekistan even insisted that no death sentence had been passed for two years, even though credible non-governmental organizations in the country reported that at least eight such sentences had been handed down.

While Europe in general followed the global trend towards abolition, the President of Poland sought to buck it by calling in July for the reintroduction of capital punishment in Poland and throughout Europe. Another less positive note were conditions on death row in the region, with some prisoners believed to have been kept in very harsh conditions for many years. In addition, death row inmates in countries (and unrecognized entities) with a moratorium on executions continued to suffer uncertainty about their ultimate fate.

### VIOLENCE AGAINST WOMEN

Violence in the home against women and girls remained pervasive across the region for all ages and social groups. It was manifested through a range of verbal and psychological abuse, physical and sexual violence, economic control and killings. Commonly, only a small proportion of women reported this abuse, deterred among other things by fear of

reprisals from abusive partners; fear of prosecution for other offences; self-blame; fear of bringing "shame" on their family; financial insecurity; lack of shelters or other effective measures such as restraining orders to ensure protection for them and their children; and the widespread impunity enjoyed by perpetrators. Women also frequently lacked confidence that the relevant authorities would regard the abuse as a crime, rather than a private matter, and deal with it effectively as such. Failure to bridge that confidence gap in reporting not only hampered justice in individual cases but also impeded efforts to tackle such abuses across society by hiding the full extent and nature of the problem.

While there were some positive moves on legislative protection in this area, other crucial gaps remained. These included the absence in some countries of laws specifically criminalizing domestic violence and a failure to collect comprehensive statistical data. While the new domestic violence law in Georgia was welcome, the failure to approve a national action plan on domestic violence – as stipulated by the law – raised doubts about the authorities' commitment to eradicate domestic violence. In Switzerland, a new law permitted expulsion of an aggressor from the shared home if requested by the victim of domestic violence. However, migrant women living in Switzerland for less than five years remained vulnerable to expulsion if they stopped cohabiting with the partner named on their residence permit.

Trafficking of human beings, including of women and girls for forced prostitution, continued to thrive on poverty, corruption, lack of education and social breakdown. Trafficking of human beings in and to Europe was widespread. Many states failed to ensure that the focus of policy and action in this area was on respect for and protection of the rights of trafficked persons. However, a positive development towards that end included the ratification in 2006 by three countries of the

Council of Europe Convention on Action against Trafficking in Human Beings, which will enter into force when 10 countries become parties.

### **REPRESSION OF DISSENT**

In many areas across the region, there was shrinking space for independent voices and civil society as freedom of expression and association remained under attack. Turkey's restrictive law on "denigrating Turkishness" muzzled peaceful dissenting opinion, with a steady flow of prosecutions against individuals from across the political spectrum.

In Uzbekistan, in the wake of the 2005 Andizhan clashes in which hundreds of people died, fewer and fewer independent or dissenting voices were able to find an outlet to express their opinion without fear of reprisal. Reprisals came in the form of harassment, intimidation and imprisonment. In Azerbaijan, the authorities encouraged a climate of impunity for physical attacks on independent journalists, imprisoned others on questionable charges, and harassed independent media outlets through a range of administrative measures. The clampdown on civil society continued in Belarus, with an increase in the number of activists convicted as legal changes limiting freedom of association came into effect. The outright assault on any form of peaceful dissent intensified in Turkmenistan, where people were dismissed from their jobs and barred from travelling abroad simply because they were related to a dissident, and where the authorities targeted human rights defenders, portraying their activities as "treason" and "espionage".

Controversial new legislation in Russia undermined rather than enabled civil society by giving the authorities increased power of scrutiny of funding and activities of Russian and foreign non-governmental organizations. The legislation introduced a regulatory framework that could be arbitrarily applied, had key provisions which lacked a precise legal definition, and imposed sanctions that were disproportionate. In Chechnya and the wider

North Caucasus region of Russia, people seeking justice faced intimidation and death threats, with the murder of leading activist and human rights journalist Anna Politkovskaya in October sending a chilling message about the dangers facing all those who dared to speak out as she had done.

In spite of threats, intimidation and detention, however, human rights defenders across the region remained resolute in continuing their work, inspiring others to join them in aiming for lasting change and respect for the human rights of all.

# MIDDLE EAST- NORTH AFRICA

Armed conflict and the legacy of former conflicts overshadowed other developments in the Middle East and North Africa region in 2006. Throughout the year, against the backdrop of foreign military presence, Iraq continued its inexorable descent into civil war as long-standing political, ethnic and religious fault lines were increasingly exposed amid unrelenting sectarian violence. By the end of the year, the country was enmeshed in killings and other violence, primarily by Sunni and Shi'a groups, that threatened the stability of the whole region.

The long struggle between Israelis and Palestinians in the Occupied Territories continued to take a heavy toll in civilian lives despite wide international recognition that the conflict was a major cause of political instability in the region and beyond. The 40-year unresolved struggle entered a new phase after Hamas won January's Palestinian elections, defeating the Fatah party led by Palestinian President Mahmoud Abbas. Frequent Israeli air and artillery attacks resulted in the deaths of more than 650 Palestinians, mostly in the Gaza Strip and mostly in the second half of the year. Further deaths of Palestinians, again mostly in the Gaza Strip, resulted from internecine fighting between members of armed groups linked to the rival Hamas and Fatah parties. Meanwhile, social and economic conditions for Palestinians living under Israeli occupation continued to go from bad to worse as Israel pushed forward its construction of settlements and the building of a 700-kilometre fence/wall in the West Bank, increased or tightened the blockades and

restrictions on Palestinian movements, and withheld customs duties due to the Palestinian Authority.

The uneasy relationship between Israel and Arab countries exploded into open conflict in July, when an attack on Israeli soldiers by members of the armed wing of Hizbullah sparked off a 34-day war involving Israel and Lebanon. Around 1,300 people were killed before an internationally negotiated ceasefire took effect on 14 August. Civilians on both sides bore the brunt of the conflict, particularly in Lebanon, where some 1,200 people, including more than 300 children, were killed in Israeli air attacks and artillery bombardment. Much of Lebanon's infrastructure was destroyed or damaged. After the fighting ended, civilians in south Lebanon continued to be killed and maimed by cluster bomblets, some four million of which were fired into the area by Israeli forces in the last days of the war. Both Israeli forces and Hizbullah combatants showed a wanton disregard for civilians and committed gross violations of human rights and international humanitarian law, including war crimes.

Tensions between Iran and the international community continued to grow over the Iranian government's determination to pursue its nuclear enrichment programme. In December the UN Security Council agreed a programme of sanctions against Iran.

## IMPUNITY AND ACCOUNTABILITY

The war between Hizbullah and Israel was a war fought without accountability. When the peace came, neither side took any steps to hold to account those who had committed war crimes and other grave abuses during the conflict, and there was virtually no pressure from the international community for them to do so. But this was not surprising. Rather, it reflected a wider pattern of impunity that remained deeply entrenched throughout the Middle East and North Africa region.

In many countries, security forces were allowed virtual *carte blanche* to detain, intimidate and torture political opponents and criminal suspects. By failing to hold them to

account, the governments to whom these forces reported betrayed their own willingness to condone or acquiesce in such abuses. In Egypt, Jordan, Syria, Tunisia and Yemen, political and terrorism suspects were tried before special and military courts. In many cases they were convicted on the basis of contested confessions by judges who rarely showed any inclination to investigate allegations that defendants had been tortured in pre-trial detention. Such courts were intended to provide a veneer of legitimacy, but the abusive systems of which they formed a part – based on prolonged incommunicado detention, torture or other ill-treatment and the extraction of confessions – were fundamentally rotten. They delivered convictions, long sentences and even, in some cases, the death penalty, but they did not deliver justice.

Impunity was also the watchword in Algeria, which through the 1990s experienced an internal conflict estimated to have claimed as many as 200,000 lives. Many were killed by armed groups or by government security forces, while thousands of others were tortured in custody or became victims of enforced disappearances after arrest. In most cases, the individual perpetrators remained unknown and in 2006 there was further evidence that the Algerian authorities intended to keep it that way. President Bouteflika's government enacted amnesty measures to confer legal immunity on members of armed groups and the security forces responsible for serious abuses, and on their political masters. At the same time, it was made a crime to accuse the security forces of violating human rights, raising the prospect that victims and survivors of such violations could be imprisoned for demanding justice.

In neighbouring Morocco, the government continued to address directly some of the wrongs of the past. The Human Rights Advisory Board was charged by King Mohamed VI with following up on the groundbreaking work undertaken previously by the Equity and Reconciliation Commission, which had

investigated enforced disappearances and other grave human rights violations committed between 1956 and 1999. The Board began to inform some families of the results of the investigation but progress was disappointingly slow even though the process aimed only to obtain and disseminate the truth, not to bring accountability and justice.

In Iraq, former President Saddam Hussain and seven others were tried for human rights violations in connection with the killings of 148 people from the town of al-Dujail following an assassination attempt on Saddam Hussain in 1982. The trial was billed as an exercise in accountability, and so it should have been. In practice, however, the trial was unfair and undermined by political interference. Its outcome was a foregone conclusion, with the tribunal's appeal chamber acting as little more than a rubber stamp body, and Saddam Hussain was sentenced to death and in December executed. The trial had represented an opportunity to turn the page in Iraq and establish accountability through justice and without recourse to the death penalty. It was an opportunity missed.

### TERROR AND TORTURE

Torture and other ill-treatment continued to be widespread in several countries in the region, including Algeria, Egypt, Iraq, Iran and Jordan. Such abuses were also reported in Kuwait, Libya, Morocco, Saudi Arabia, Syria, Tunisia and Yemen.

The USA and some of its European allies remained keen to collaborate with the Algerian authorities in the "war on terror", despite Algeria's shameful amnesty measures and human rights record. The UK government strove unsuccessfully to obtain a "memorandum of understanding" such as it had previously agreed with Lebanon, Libya and Jordan, whereby untried terrorism suspects could be returned forcibly from the UK despite the risk that they would be tortured. Such agreements, based not on law but on mere "diplomatic assurances" that a returnee would not be tortured or executed, were



symptomatic of the willingness of the USA and some European countries to engage actively in eroding key human rights safeguards that they had previously helped to develop and to which they had long proclaimed allegiance.

The main symbols of this corrosive pattern were the US detention camp at Guantánamo Bay, Cuba, the majority of whose inmates came from countries in the Middle East and North Africa region, and the secret renditions of suspected terrorists by the US government, in which a range of Middle Eastern and North African governments were complicit. Little by little, information continued to emerge about this murky multilateral conspiracy of secret detention and interrogation of terrorist suspects and their unlawful transfer from one country to another, pointing to the close involvement of Egyptian, Jordanian and Syrian security and intelligence agencies among others with the US Central Intelligence Agency (CIA). Three Yemeni nationals, who were released more than a year after they were returned to Yemen from US custody, reported that they had been held for long periods at unknown locations as suspects in the US "war on terror". Other such suspects were repatriated to Kuwait, Libya, Morocco, Saudi Arabia, Yemen and other states after years spent at Guantánamo Bay. Some were subsequently released but others were charged with terrorism-related offences in their home countries.

In Iraq, the US-led Multinational Force continued to hold thousands of detainees without charge or trial, although batches of detainees were released periodically during the year. After the scandal of torture and other abuses at Abu Ghraib in 2004, greatest concern focused on the plight of those detained by Iraqi police and other security forces, some units of which were largely drawn from supporters of Shi'a armed groups. There were continuing reports of torture and other ill-treatment of detainees held by some of these forces, and the Iraqi authorities showed little appetite to investigate or take action against those who abused prisoners.

### WOMEN'S RIGHTS

Women remained in a subordinate position – legally, politically and in practice – across the region as a deep-seated culture of gender discrimination continued to hold sway. However, some advances were achieved that offered encouragement to a growing women's rights movement.

In Kuwait, women participated for the first time in national elections and in Bahrain 18 women candidates stood in elections for the House of Representatives, although only one was successful. The Moroccan government announced that it would withdraw its reservations to the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and took steps to strengthen legislation on domestic violence, and Oman acceded to CEDAW. In Saudi Arabia, there was some movement towards establishing a specialized court to deal with cases of domestic violence, but women continued to face pervasive forms of discrimination, including severe restrictions on their freedom of movement.

These and other developments represented a step forward but only a small and halting one, underlining just how much more needs to be done to give real substance to the notion of women's rights. "Honour killings" persisted in Jordan, the Palestinian Authority, Iraq, Syria and other states in which the perpetrators benefited from laws that belittled their crimes. Throughout the region women were inadequately protected against other violence within the family. There were also worrying reports of trafficking of women in Oman, Qatar and other states.

In Iran, the all-male Council of Guardians ruled ineligible at least 12 women who wished to stand as candidates in elections for the important Assembly of Experts. Demonstrators who called for an end to legal discrimination against women were violently dispersed by the security forces. Despite this, the country's resilient women's rights activists were anything but deterred; they launched a

campaign to collect a million signatures nationally in support of their demand for an end to legal discrimination.

### DISCRIMINATION

Discrimination on the basis of religion, ethnicity, sexual orientation and other grounds was prevalent in a number of countries in the region, while the religious sectarianism of the Iraq conflict raised tensions between Sunnis and Shi'as. In Iran, members of the Arab, Azerbaijani, Kurdish and Baluchi minorities were increasingly repressed in the face of continuing discrimination and repression, while members of religious minorities – Baha'is, Nematollahi Sufis and Christians – were detained or harassed on account of their faith. Baha'is were also subject to discrimination in Egypt, where they were required to present themselves as members of other faiths in order to obtain official documents such as identity cards and birth certificates. In Syria, discrimination continued against the Kurdish minority, with thousands of Syrian Kurds effectively made stateless and so denied equal access to basic social and economic rights, while in Qatar the cases of some 2,000 people deprived of their nationality in previous years remained unresolved.

The Israeli authorities imposed further discriminatory measures against Palestinians living under Israeli military occupation, including by reinforcing the system of segregated roads and checkpoints established on behalf of Israeli settlers residing in the Occupied Territories.

### REFUGEES, ASYLUM-SEEKERS AND MIGRANTS

Unsurprisingly, the conflict in Iraq and the war between Hizbullah and Israeli forces caused widespread internal displacement and large outflows of refugees into neighbouring countries. In both Israel and Lebanon, most of those displaced returned to their villages and neighbourhoods once the fighting stopped, although many Lebanese people did so only to find that their homes had been destroyed and their fields and orchards contaminated by

unexploded cluster bomblets. Some 200,000 other Lebanese people were still displaced at the end of the year. Syria, together with Jordan, absorbed most of the refugees who fled the violence in Iraq; estimates suggested that more than half a million Iraqis had taken refuge in Syria by the end of 2006. In Lebanon, around 300,000 Palestinian refugees, in most cases refugees from events surrounding the creation of the state of Israel and the Arab-Israeli war of 1948, maintained a precarious existence, tolerated but far from fully accepted by Lebanese authorities who continued to deny or limit their access to certain basic rights.

In North Africa, refugees and migrants from countries to the south, many of them seeking entry to European Union states, were liable to detention and summary expulsion by security forces in Morocco, Algeria and Libya. There were three further deaths of migrants at the hands of security forces at the border fence between Morocco and the Spanish enclave of Melilla. Even recognized refugees were swept up and expelled by police in Morocco and allegedly abused and robbed in the process. In Libya, the authorities announced that they had increased expulsions of migrants tenfold compared to 2004.

In the Gulf and elsewhere, migrant workers had their rights abused amid a mix of inadequate legal protection, exploitative employers and government complacency. However, in Kuwait, where there were complaints about the treatment of South Asian and Filipino nationals, new legislation was introduced to afford some protection to migrant domestic workers, and in the UAE the government announced new measures to improve living and working conditions for migrant workers. In Oman, the right of workers to form trade unions was set out in law for the first time, although domestic workers were excluded.

### DEATH PENALTY

This ultimate form of cruel, inhuman and degrading punishment was used extensively throughout much of the region, although

Algeria, Morocco and Tunisia continued to refrain from carrying out executions. In Iran, at least 177 people were executed, including one minor and three others whose crimes were committed when they were minors, and there were at least 39 executions in Saudi Arabia, mostly of foreign nationals. Bahrain carried out three executions, the first since 1996. Here too, those executed were foreigners. The execution of Saddam Hussain at the very end of the year was particularly significant and controversial, due to its timing, its especially grotesque and degrading manner, and the widespread sense within the region and beyond that it represented no more than "victor's justice" and an act of vengeance, rather than true justice or accountability.

### DISSENT

The limits of dissent remained tightly drawn in most of the region by governments intolerant of opposition and by other forces anxious to control debate. In most countries, the media operated within strict constraints and under threat of criminal prosecution should they cause insult or offence to government leaders or officials. Journalists were prosecuted under defamation laws in Algeria, Egypt and Morocco, while in Iran, newspapers continued to be closed down and journalists detained and abused. State controls also extended to use of the Internet. In Bahrain, the government banned several sites; the Syrian authorities blocked access to sites providing news and comment on Syria; and bloggers who criticized the authorities were detained in Egypt and Iran.

The publication in Denmark of cartoons offensive to many Muslims sparked violent reactions, and in Jordan, Lebanon and Yemen editors and journalists were prosecuted for republishing them. Subsequently, Iran's President caused similar offence by publicly questioning the Holocaust. However, the Iranian authorities promptly closed *Iran* newspaper after it published a cartoon found to be offensive to the country's Azerbaijani minority.

Human rights defenders continued to speak up for tolerance in the face of intolerance, and for freedom of expression and the right to dissent, despite harassment and intimidation, the threat of arrest and prosecutions. They did so at particular risk to themselves in Iran, Syria, Tunisia and Western Sahara, but also faced threats and intimidation in other countries, including Algeria and Lebanon.