In August, a private company started turning Boeung Kak Lake, Phnom Penh, Cambodia, into a landfill. No prior notice was given to the 4,000 families who face displacement. Thousands of Cambodians were forcibly evicted in 2008 due to land disputes and commercial development projects.
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Irene Khan, Secretary General of Amnesty International, in Chiu-Chiu, Chile. An Atacameño Indigenous leader points out the damage done to land and livelihoods of local Indigenous community by water shortages and pollution resulting from copper mining in the region.
IT’S NOT JUST THE ECONOMY, IT’S A HUMAN RIGHTS CRISIS

Irene Khan

In September 2008 I was in New York to attend the UN high-level meeting on the Millennium Development Goals (MDGs), the internationally agreed targets to reduce poverty by 2015. Delegate after delegate talked about the need for more funds to eradicate hunger, to cut preventable deaths of infants and pregnant women, to provide clean water and sanitation, to educate girls. The life and dignity of billions of people were at stake, but there was only limited will to back up the talk with money. As I left the UN building I could see the ticker tapes running a very different story coming from another part of Manhattan: the crash of one of the largest investment banks on Wall Street. It was a telling sign of where world attention and resources were really focused. Rich and powerful governments were suddenly able to find many more times the sums that could not be found to stem poverty. They poured them with abundance into failing banks and stimulus packages for economies that had been allowed to run amok for years and were now running aground.

By the end of 2008, it was clear that our two-tier world of deprivation and gluttony – the impoverishment of many to satisfy the greed of a few – was collapsing into a deep hole.
As with the case of climate change, so too with global economic recession: the rich are responsible for most of the damaging action, but it is the poor who suffer the worst consequences. While no one is being spared the sharp bite of the recession, the woes of the rich countries are nothing compared with the disasters unfolding in poorer ones. From migrant workers in China to miners in Katanga in the Democratic Republic of the Congo (DRC), people desperately trying to drag themselves out of poverty are feeling the brunt sharply. The World Bank has predicted 53 million more people will be thrown into poverty this year, on top of the 150 million hit by the food crisis last year, wiping out the gains of the last decade. International Labour Organization figures suggest that between 18 and 51 million people could lose their jobs. Skyrocketing food prices are leading to more hunger and disease, forced evictions and foreclosures to more homelessness and destitution.

While it is too early to predict the full impact on human rights of the profligacy of recent years, it is clear that the human rights costs and consequences of the economic crisis will cast long shadows. It is also clear that not only have governments abdicated economic and financial regulation to market forces, they have failed abysmally to protect human rights, lives and livelihoods.

Billions of people are suffering from insecurity, injustice and indignity. This is a human rights crisis.

The crisis is about the shortages of food, jobs, clean water, land and housing and also about growing inequality and insecurity, xenophobia and racism, violence and repression. Together they form a global crisis that requires global solutions based on international co-operation, human rights and the rule of law. Unfortunately, powerful governments are focusing inward on the narrow financial and economic consequences in their own countries and ignoring the wider world crisis. Or, if they are considering international action, they are limiting it only to finance and economy, and so recreating the mistakes of the past.

The world needs a different kind of leadership, a different kind of politics as well as economics – something that works for all and not just for a favoured few. We need leadership of the kind that moves states from narrow national self-interest to multilateral collaboration, so that the solutions are inclusive, comprehensive, sustainable and respectful of human rights. Alliances between governments and corporations built on expectations of financial enrichment at the expense of the most
marginalized must be dismantled. Alliances of convenience that protect abusive governments from accountability must go.

**Many faces of inequality**

Many experts point to the millions lifted out of poverty by economic growth, but the truth is that many more have been left behind, the gains have been far too fragile – as the recent economic crisis shows – and the human rights costs too high. Human rights were too often relegated to the backseat as the juggernaut of unregulated globalization swept the world into a frenzy of growth in recent years. The consequences are clear: growing inequality, deprivation, marginalization and insecurity; voices of people protesting suppressed with audacity and impunity; and those responsible for the abuses – governments, big business and international financial institutions – largely unrepentant and unaccountable. There are growing signs of political unrest and violence, adding to the global insecurity that already exists because of deadly conflicts which the international community seems unable or unwilling to resolve. In other words: we are sitting on a powder keg of inequality, injustice and insecurity, and it is about to explode.

Despite sustained economic growth in many parts of Africa, millions of people remain below the poverty line, struggling to meet their basic needs. Latin America is possibly the most unequal region in the world, with Indigenous and other marginalized communities in rural and urban areas denied their right to health care, clean water, education and adequate housing despite the impressive growth of their national economies. India is emerging as an Asian powerhouse giant but has yet to address the deprivation of its urban poor or marginalized communities in rural areas, while in China the gap in living standards between rural and migrant workers and affluent urban classes is becoming even starker.

The majority of the world’s population today is urban and of them, more than a billion live in slums. In other words, one in every three city-dwellers lives in inadequate housing with little or no basic services, and with the daily threat of insecurity, violence and forced evictions. Sixty per cent of the population of Nairobi, Kenya, lives in slums – one million of them in Kibera, the largest slum in Africa. To give another example, some 150,000 Cambodians are at risk of forced eviction in the wake of land disputes, land grabbing, agro-industrial and urban redevelopment projects.

**Amnesty International Report 2009**
Inequality as a by-product of globalization has not been limited only to those living in developing countries. As the October 2008 report of the Organisation for Economic Co-operation and Development (OECD) showed, in industrialized countries too “the economic growth of recent decades has benefited the rich more than the poor.” The USA, the richest country in the world, came 27th out of 30 OECD member states in terms of entrenched poverty and growing income disparity.

From the urban poor in the favelas of Rio de Janeiro in Brazil to Roma communities in European countries, the dirty truth is that many people are poor because of overt and covert policies of discrimination, marginalization and exclusion, perpetrated or condoned by the state, with the collusion of business or private actors. It is no mere coincidence that many of the world’s poor are women, migrants, ethnic or religious minorities. It is not by chance that maternal mortality remains one of the biggest killers of our times, although a minimal expenditure on emergency obstetric care would save the lives of hundreds of thousands of women of child-bearing age.

A clear example of the collusion between business and state to deprive people of their land and natural resources and impoverish them is the case of Indigenous communities. In Bolivia, large numbers of Indigenous Guarani families in the Chaco region are living in what the Inter-American Commission on Human Rights has described as a state of bondage analogous to slavery. Following his visit to Brazil in August 2008, the UN Special Rapporteur on indigenous people criticized “the persistent discrimination [that is] underlying the formation of policies, delivery of services, and administration of justice” to Indigenous People in that country.

Inequality extends into the justice system itself. In an effort to strengthen the market economy and encourage investment by foreign business and private actors, international financial institutions have funded legal reform in the commercial sector in a number of developing countries. But there has been no comparable effort to ensure that poor people are able to assert their rights and seek redress through the courts for the violations committed by governments or companies. According to the UN Commission on Legal Empowerment of the Poor, around two thirds of the world’s population have no meaningful access to justice.

Many forms of insecurity
The numbers of people living in poverty and subjected to human rights abuse are likely to grow as several factors come together in a
recessionary economic climate. First, structural adjustment policies, led by the International Monetary Fund (IMF) and World Bank until a decade ago, have eviscerated social safety nets in both developing and developed countries. Structural adjustment policies were designed to create conditions within states which would support a market economy and open national markets to international trade. These led to the promotion of the minimal state in which governments abrogated their obligations on economic and social rights in favour of the market. In addition to calling for economic liberalization, structural adjustment policies also pushed for privatization of public services, deregulation of labour relations, and the cutting of social security nets. User fees promoted by the World Bank and the IMF in areas such as education and health care often put these services out of the reach of the poorest. Now, with the economy in shambles and unemployment rising, too many people are facing not just loss of income, but also social insecurity with no safety nets to support them through troubled times.

Second, the global food insecurity, despite its gravity, is getting insufficient attention from the international community. Nearly one billion people suffer from hunger and malnutrition, according to the Food and Agriculture Organization. There has been a sharp spike in hunger, as a result of food shortages caused by decades of under-investment in agriculture; trade policies encouraging dumping and the consequent devastation of local farmers; climate change leading to growing water shortages and degradation of land, increasing population pressure; rising energy costs and the rush for biofuels.

In many places, the food crisis has been aggravated by discrimination and political manipulation of food distribution, obstruction of much-needed humanitarian aid, insecurity and armed conflict, which destroy the possibilities for farming or deny people the access to the resources they need to produce or buy food. In Zimbabwe, where five million people were in need of food aid by the end of 2008, the government used food as a weapon against its political opponents. In North Korea, food aid was deliberately restricted by the authorities to oppress and keep people hungry. “Scorched earth” counterinsurgency tactics by Sudanese armed forces and government-backed Janjawid militia destroyed livelihoods as well as lives of people in Darfur. Displaced civilians trapped by the conflict in northern Sri Lanka were deprived of food and other humanitarian assistance because the LTTE armed group would not let the people leave and the Sri Lankan armed forces would not give full access to aid organizations. Possibly one of the most outrageous cases of denial of the right to food in 2008 was the...
Overcrowding in the Pamandzi migration detention centre in Mayotte (a French overseas territory), December 2008. The UN Human Rights Committee has expressed concerns about the conditions in French detention centres.
refusal of the Myanmar authorities to allow desperately needed international assistance to 2.4 million survivors of Cyclone Nargis for three weeks, even as the government diverted its own resources to promote a flawed referendum on an even more flawed Constitution.

Add to the higher food prices, the lay-off of hundreds of thousands of migrant or foreign workers as export-driven economies slow down and economic protectionism raises its head. The remittances from foreign workers totalling some US$200 billion annually – twice the global level of overseas development aid – are an important source of income to a range of low and middle income countries like Bangladesh, Philippines, Kenya and Mexico. Falling remittances mean less revenue for these governments and so less cash to spend on basic goods and services. Furthermore, in some countries the fall in the export of labour leaves more disillusioned, angry, young men idle in their home villages and an easy prey to extremist politics and violence.

Meanwhile, even as labour markets shrink, the pressure to migrate continues to rise, and receiving countries resort to ever-harsher methods to keep people out. In June 2008, I visited the public cemetery of Tenerife in the Canary Islands where unmarked graves bear silent testimony to the failed endeavour of African migrants to enter Spain. In 2008 alone, 67,000 people made the perilous crossing across the Mediterranean to Europe, with unknown numbers drowning in the process. Those who made it live a shadowy existence, without identity papers, open to exploitation and abuse, and with the threat of deportation preceded by prolonged detention hanging over their heads as a result of the 2008 European Union (EU) directive on returns of illegal immigrants.

Some EU member states, such as Spain, have entered into bilateral agreements with African countries to return migrants, or stop them from leaving in the first place. Countries such as Mauritania see these agreements as a licence to arbitrarily arrest, detain in sub-standard conditions and deport without any legal remedy large numbers of foreigners on its territory, with no evidence of their intentions to leave the country and even though it is no crime to leave Mauritania irregularly.

As more and more people are pushed into ever-more precarious conditions, social tensions are increasing. One of the worst instances of racist and xenophobic violence in 2008 occurred in South Africa in May, when 60 people were killed, 600 injured and tens of thousands
were displaced, even as tens of thousands more entered the country to seek refuge from political violence and deprivation in neighbouring Zimbabwe. Although official inquiries failed to establish the causes of the attacks, it is widely believed that they were motivated by xenophobia and the competition for jobs, housing and social services, exacerbated by corruption.

Economic recovery depends on political stability. Yet those very same world leaders who are scrambling to put together stimulus packages to revive the global economy continue to ignore the deadly conflicts around the world that are spawning massive human rights abuses, entrenching poverty and endangering regional stability.

The economic and social conditions in Gaza, blockaded and battered by military attacks, are appalling. The political and economic fall-out of the conflict in Israel and the Occupied Palestinian Territories reverberates far beyond its immediate vicinity.

The conflicts in Darfur and Somalia are playing out in areas with fragile ecosystems where increased pressure on water and the ability to provide food to sustain the population are both a cause and consequence of the continuing wars. The massive displacement they have generated has put enormous pressure on the neighbouring countries, which now have to cope also with the additional consequences of the global economic crisis.

In eastern DRC, greed, corruption and economic interests have vied with regional power politics to impoverish the people and entrap them in a persistent cycle of violence. A country of immense natural wealth, it now finds reconstruction and recovery efforts set back by a fall in foreign investment in the wake of the economic downturn.

In Afghanistan, pervasive insecurity has restricted the ability of people living there to access food, health care and schooling, particularly women and girls. The insecurity has seeped across the border to neighbouring Pakistan, already suffering from the government’s failure to uphold human rights, tackle poverty and address youth unemployment, and is driving the country into a downward spiral of extremist violence.

If there is one lesson to be learned from the financial crisis it is that international borders do not insulate us from harm. Finding solutions to the world’s worst conflicts and to the increasing threat of extremist violence through greater respect for human rights is part and parcel of the bigger picture of getting the global economy on its feet.
From recession to repression

On the one hand, we face the grave danger that rising poverty and desperate economic and social conditions could lead to political instability and mass violence. On the other, we may well end up in a situation where recession could be accompanied by greater repression as beleaguered governments – particularly those with an authoritarian bent – clamp down harshly on dissent, criticism and public exposure of corruption and economic mismanagement.

We had a taste in 2008 of what could lie ahead for 2009 and beyond. When people took to the streets to protest against rising food prices and the dire economic conditions, in many countries even peaceful protests were met with tough responses. In Tunisia strikes and protests were put down with force, causing two deaths, many injuries and more than 200 prosecutions of alleged organizers, some culminating in long prison sentences. In Zimbabwe, political opponents, human rights activists and trade union representatives were attacked, abducted, arrested and killed with impunity. In Cameroon, following violent demonstrations as many as 100 protesters were shot dead and many more imprisoned.

In times of economic stress and political tensions, there is need for openness and tolerance so that dissatisfaction and discontent can be channelled into constructive dialogue and the search for solutions. Yet, it is precisely in these circumstances that the space for civil society is shrinking in many countries. Human rights activists, journalists, lawyers, trade union representatives and other civil society leaders are being harassed, threatened, attacked, prosecuted without justification or killed with impunity in every region of the world.

Media censorship is likely to increase as governments seek to stifle criticism of their policies. This will add to the threats that journalists already face in many countries. Sri Lanka holds one of the worst records, with 14 journalists killed since 2006. Iran has tightened internet expression and Egypt and Syria imprisoned bloggers. China relaxed media control in the run-up to the Beijing Olympics but soon after that reverted to old habits of blocking websites and other forms of censorship. The Malaysian government banned two prominent opposition newspapers, fearing criticism in the run-up to elections.

Open markets have not necessarily led to open societies. Emboldened by its economic power derived from high oil and gas prices, the Russian government increasingly adopted a nationalistic and
authoritarian stance in recent years and sought actively to erode freedom of expression and attack its critics. As the Russian economy runs into trouble with falling oil prices and rising inflation, and social discontent spreads, the authoritarian tendencies could become even more pronounced.

China continues to suppress harshly those who criticize its official policies and practices. The result is that official corruption and corporate malpractices are not tackled until the scandal can no longer be suppressed and much damage has occurred, as shown by the SARS/bird flu scare or the HIV/AIDS epidemic a few years ago or the more recent scandal about melamine in powder milk products. The Chinese government has reacted with high profile executions of those found guilty of corruption but that has done little or nothing to change corporate or official behaviour in China.

An informed citizenry empowered to demand accountability is a better guarantee that governments and companies will do their job well. Freedom is an asset to be encouraged, not suppressed, at a time when governments are seeking to stimulate the economy.

New kind of leadership
Deprivation, inequality, injustice, insecurity and oppression are the hallmarks of poverty. They are clearly human rights problems and will not yield to economic measures alone. They demand strong political will and a comprehensive response integrating political, economic, social and environmental issues within an overarching framework of human rights and the rule of law. They demand collective action and a new kind of leadership.

Economic globalization has brought about a shift in geopolitical power and a new generation of states, in the form of the G-20, is claiming the mantle of world leadership. Composed of China, India, Brazil, South Africa and other emerging economies from the global South as well as Russia, USA and leading western economies, the G-20 claims to be a more accurate representation of political power and economic clout in the world today. That may be so, but to be truly global leaders, the G-20 must subscribe to global values and confront their own tarnished records and double standards on human rights.

True, the new US administration is striking a markedly different path on human rights as compared to the George W. Bush administration.
President Barack Obama’s decision, within 48 hours of taking office, to close Guantánamo prison camp within a year, unequivocally denounce torture and end secret detention by the CIA, was commendable, as was the administration’s decision to seek election for the USA to the UN Human Rights Council. However, it is too early to tell whether the administration will call as frankly and forcefully on countries like Israel and China – as it does others like Iran and Sudan – to uphold human rights.

The EU remains ambivalent on its commitment to human rights. Although strong on issues like the death penalty, freedom of expression and protection of human rights defenders, many EU member states are less willing to live up to international standards on protection of refugees and elimination of racism and discrimination within their borders or to own up to collusion with the CIA on the extraordinary rendition of terrorist suspects.

Brazil and Mexico are strong supporters of human rights internationally but unfortunately often fail to practice within their own borders what they advocate abroad. South Africa consistently blocked international pressure on the Zimbabwean government to end political persecution and electoral manipulation. Saudi Arabia detains thousands of terrorist suspects without trial, locks up political dissidents, and severely restricts the rights of migrant workers and women. China has a deeply flawed criminal justice system, uses punitive forms of administrative detention to silence critics and is the world’s top executioner. The Russian government has allowed arbitrary detention, torture and other ill-treatment, and extrajudicial executions to flourish with impunity in the North Caucasus regions of Russia, and threatens those who dare to criticize it.

The G-20 governments have an obligation to uphold international human rights standards to which the international community has subscribed. Otherwise, they undermine their own credibility and legitimacy as well as effectiveness. The goal of the G-20 is to find a way out of the global economic crisis. They also claim that their efforts will benefit people living in poverty. But economic recovery will be neither sustainable nor equitable if it does not include a strong focus on human rights.

It is incumbent on those sitting at the world’s top table to set an example through their own behaviour. A good start would be for the G-20 members to send a clear signal that all human rights, economic,
social or cultural rights, political or civil rights, are equally important. The USA has long denied the validity of economic and social rights and is not a state party to the International Covenant on Economic, Social and Cultural Rights. China, on the other hand, is not a state party to the International Covenant on Civil and Political Rights. The two countries should accede immediately to the respective treaties. All G-20 members should ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights adopted by the UN General Assembly in December 2008. Signing up to international treaties, however, is only one step in what needs to be done.

**New opportunities for change**

Global poverty – exacerbated by the economic situation – has created a burning platform for human rights change. At the same time, the economic crisis has triggered a paradigm shift that opens up opportunities for systemic change.

For the past two decades, the state has been retreating or reneging on its human rights obligations in favour of the market in the belief that economic growth would lift all boats. With the tide receding and boats springing leaks, governments are radically changing their positions and talking about a new global financial architecture and international governance system in which the state plays a stronger role. That opens up an opportunity to also halt the retreat of the state from the social sphere and re-design a more human rights friendly model of the state than the one that has characterized international policy-making for the past 20 years. It creates the possibility to radically rethink the role of international financial institutions in terms of respecting, protecting and fulfilling human rights, including economic and social rights.

Governments should invest in human rights as purposefully as they are investing in economic growth. They should expand and support health and educational opportunities; end discrimination; empower women; set universal standards and effective systems to hold corporations accountable for human rights abuses; build open societies where the rule of law is respected, social cohesion is strong, corruption is eradicated and governments can be held to account. The economic crisis should not become a pretext for wealthier countries to cut back on their development assistance. International aid is even more important now in the economic downturn to support some of the poorest countries deliver core services on health, education, sanitation and housing.
Governments should also work together to resolve deadly conflicts. Given the inter-relationships, ignoring one crisis to focus on another is a sure recipe for aggravating both.

Will governments seize these opportunities to strengthen human rights? Will corporate actors and international financial institutions accept and live up to their human rights responsibilities? So far, human rights have barely figured in the diagnoses or the prescriptions being proposed by the international community.

History shows that most struggles for great change – such as the abolition of slavery or the emancipation of women – started not as the initiative of states but as the endeavour of ordinary people. Successes in establishing international justice or controlling the arms trade or abolishing the death penalty or fighting violence against women or putting global poverty and climate change on the international agenda are all largely due to the energy, creativity and persistence of millions of activists from around the globe.

It is to people power that we must now turn to bring pressure to bear on our political leaders. That is why, together with many local, national and international partners, Amnesty International is launching a new campaign in 2009. Under the banner of “Demand Dignity”, we will mobilize people to seek accountability of national and international actors for human rights abuses that drive and deepen poverty. We will challenge discriminatory laws, policies and practices, and demand concrete measures to overcome the factors that impoverish and keep people poor. We will bring the voices of people living in poverty to the centre of the debate to end poverty and insist that they are allowed to participate actively in decisions that affect their lives.

Almost 50 years ago, Amnesty International was created to demand the release of prisoners of conscience. Today we also “demand dignity” for prisoners of poverty so that they can change their own lives. I am confident that with the help and support of our millions of members, supporters and partners around the world we will succeed.
Kibera slum outside Nairobi, Kenya, is home to over one million people. Rapid urbanization and widespread poverty in many African countries means that large numbers of people find themselves without adequate housing, often living in slums. © Amnesty International
Soldiers wearing red berets travelled 300 kilometres north from the Guinean capital Conakry, to Khoréra, near Boké. They were looking for Karamba Dramé, a youth leader in the town. When they found him, one of the soldiers shot him. He died before he reached hospital on 31 October 2008.

As in many countries across Africa, Guinea’s population was hit hard by rising food and commodity prices during the year. Demonstrations erupted and the authorities believed that Karamba Dramé was one of the organizers of the protests. So they killed him.

The food crisis, which marked 2008 in Africa, had a disproportionate impact on vulnerable population groups, especially those already living in poverty. Across the Africa region, people demonstrated against the desperate social and economic situation and the sharp rise in living costs. While some demonstrations turned violent, leading to the destruction of private and public property, the authorities often repressed protests using excessive force. Security forces injured and killed numerous people who were claiming their right to an adequate standard of living, including the right to food. Protesters were arbitrarily arrested and detained. Some were ill-treated in detention or sentenced to prison terms after unfair trials. Most of the time, no investigations were carried out to identify those among the security forces responsible for the human rights violations committed while responding to the protests.

Deprivation

Millions across the region continued to be deprived of their basic needs in spite of the sustained economic growth in many countries in Africa during past years. People faced enormous challenges in securing a daily livelihood, often aggravated by marginalization or political repression, attempts to muffle their voices and render them powerless.

Despite such repression, demonstrators against the dire social and economic situation and the sharp rise in living costs took to the streets in numerous countries, including Benin, Burkina Faso, Cameroon, Côte d’Ivoire, Guinea, Mali, Mozambique, Senegal, Somalia and Zimbabwe. The demonstrations, sometimes violent themselves, were usually met with yet more violence by the state. In late February security forces in Cameroon killed up to 100 people in response to violent protests in various towns against the escalating cost of living.
and low wages. Some of those killed were apparently shot in the head at close range. In Mozambique, the police killed three people and injured 30 others in February when live ammunition was used against people protesting against an increase in transport costs.

In Mali, marches were organized against the rise in the price of basic commodities and against plans to privatize the supply of water in Lere, in the north-west of the country. At least six people were injured in November, one of whom died later in hospital, when security forces shot at the demonstrators. In Burkina Faso, security forces arrested several hundred people, after demonstrations against rising living costs in Ouagadougou and Bobo-Dioulasso erupted into violence. At least 80 of those arrested were sentenced to prison terms without having had access to a lawyer.

In Zimbabwe, hundreds of activists protesting against the dramatic decline in the economy and social infrastructure were arrested and detained without charge. Many protests were broken up by the police, often using excessive force. The government continued to manipulate access to food for political motives even though by the end of the year the UN estimated that about five million people were in need of food aid. Thousands of people, mostly in rural areas, became displaced as a result of the state-sponsored political violence and no longer had access to their food stocks, land or other forms of livelihood.

Thousands of people continued to migrate to other countries hoping to improve their families’ lives. Many, in desperation, took to the sea, putting their lives in the hands of ruthless traffickers. Hundreds of people leaving the Horn of Africa across the Gulf of Aden, in an attempt to reach Yemen, died during the journey. In Mauritania, hundreds of migrants, believed to be heading to Europe, were arbitrarily arrested and detained in the country. Many were detained in inhuman conditions and ill-treated before being expelled, frequently not to their countries of origin and without being able to challenge the expulsion decision.

The rapid urbanization and prevailing poverty in many African countries means that many people find themselves without adequate housing, often living in slums. They are at risk of being forcibly evicted by the authorities and while living in the slums frequently have no access to basic facilities, such as water and sanitation. In Lagos, Nigeria, numerous people were forcibly evicted without due process and subsequently did not receive compensation or alternative housing. In Chad, a presidential decree, issued during the state of emergency early in 2008, ordered the demolition of thousands of homes in the capital N’Djamena, as the authorities considered they had been built on government land without authorization. Tens of thousands of people became homeless and had to seek alternative accommodation. In
WE HAVE BEEN HIT WITH A DOUBLE MISFORTUNE. FIRST WE HAD TO FLEE BECAUSE OUR CITY CAME UNDER ATTACK. NOW WE HAVE NOWHERE TO RETURN TO BECAUSE THE GOVERNMENT HAS DESTROYED OUR HOMES. WILL THE MISFORTUNE EVER END?

Chadian refugee, Maltam refugee camp, Cameroon, May 2008.

Kenya, hundreds of families living close to the Nairobi River faced the threat of forced evictions after the government announced that people living in informal settlements close to the river needed to leave these areas.

Prison conditions in many countries remained well below international standards, often linked to overcrowding. As ever, prisoners from poor families were worst affected as they often lacked the resources to ensure their basic needs while in detention.

**Insecurity**

Armed conflict and insecurity in several African countries forced hundreds of thousands of people to flee from their homes, trying to find international protection across borders or some form of security within their own country. In some of the worst armed conflicts still affecting the region, government forces and armed groups completely disregarded the dignity and physical integrity of the population. The civilian population was routinely the object of attacks by parties to the conflict; rape and other forms of sexual violence remained widespread; children were often recruited to take part in hostilities; and humanitarian workers were targeted. Those responsible for crimes under international law, committed in the context of these armed conflicts, were hardly ever held to account.

The role of UN and regional peacekeeping missions in Africa increased during 2008, but failed to make a significant impact in terms of protecting the civilian population. This was partly, but not entirely, the result of inadequate resources. The UN and regional bodies, such as the African Union, made little progress in resolving the armed conflicts in Sudan (Darfur), Chad, Somalia and the Democratic Republic of the Congo (North Kivu).

The proliferation of small arms remained a significant contributing factor to the continuation of armed conflicts and to widespread human rights abuses. UN arms embargoes have not been effective.

The international community mobilized unprecedented resources to combat piracy off the coast of Somalia and to protect its commercial interests. It made no such efforts, however, to halt the flow of arms to Somalia – despite a UN embargo. Nor did it act effectively to stop the widespread violations of international humanitarian law by all parties to the conflict; nor to hold those responsible for crimes under international law accountable.

Hundreds of thousands of people were also newly displaced as a result of the conflict in Somalia. Fighting in and around the capital Mogadishu has led to 16,000 deaths, and undocumented numbers of wounded, among the civilian population since January 2007. The
Transitional Federal Government was not able to establish its authority across south central Somalia and lost ground to armed opposition groups. Humanitarian organizations had only limited access to provide emergency assistance to an estimated 3.2 million people in need. Aid workers, as well as journalists and human rights defenders, were often targeted for political and criminal reasons.

The armed conflict in the eastern Democratic Republic of the Congo escalated again during the second half of 2008. Numerous human rights abuses were committed by all the parties to the conflict, including killings and abductions of civilians, rape and other forms of sexual violence, and the recruitment and use of children as armed fighters. Hundreds of thousands of people fled the fighting.

The armed conflict in Darfur intensified throughout the year with no political resolution in sight. Attacks against civilians continued, as well as rape, looting and the destruction of villages. Millions of people remained internally displaced and humanitarian organizations often had no access to those in need because of the overall insecurity and the attacks on humanitarian convoys. As a result, thousands of people remained beyond the reach of emergency aid. People lacked protection from violence, even in internally displaced sites. In just one example in August, the authorities surrounded Kalma camp in South Darfur, opened fire and reportedly shelled the camp, killing 47 people.

The armed opposition group, Justice and Equality Movement (JEM), launched an attack against Omdurman, on the outskirts of the capital Khartoum in May. In the aftermath of the attack, the Sudanese authorities persecuted people thought to be of Darfuri origin. Hundreds of people were arbitrarily arrested and detained – many were tortured or otherwise ill-treated. There were also reports of extrajudicial executions.

Fighting also erupted in Abyei, South Sudan, between the Sudanese Armed Forces and forces of the Sudan People’s Liberation Movement (SPLM), resulting in the destruction of the town, the displacement of 50,000 people, and additional strains on the Comprehensive Peace Agreement between North and South Sudan.

Tensions between Chad and Sudan rose again during 2008, especially after an attack in early February by Chadian armed opposition groups on N’Djamena. After two days of intense fighting, Chadian government forces repelled the attack. Subsequently, the government declared a state of emergency and arrested various members of the opposition, one of whom has become a victim of enforced disappearance. There were also reports of extrajudicial executions immediately after the attack. An estimated 50,000 people
fled the violence in N’Djamena and sought refuge in neighbouring Cameroon.

Armed conflict was not the only source of widespread insecurity in the region in 2008. Political violence following elections also played its part in a number of countries. In Kenya, more than 1,000 people died as a result of politically motivated ethnic violence and associated police killings after the elections on 30 December 2007. Hundreds of thousands of people fled their areas of origin and some fled to neighbouring countries such as Uganda. In Zimbabwe, at least 180 people were killed and thousands injured as a result of state-sponsored political violence before and after the second round of presidential elections. Many continued to flee to neighbouring countries, particularly South Africa. In both Kenya and Zimbabwe, the violence and insecurity not only affected the people’s physical security, but also their capacity to earn a livelihood as thousands lost their homes, food supplies, access to land and other sources of income. Hundreds of thousands of people became dependent on humanitarian assistance for their basic needs as a result of political violence.

Tens of thousands of people fleeing xenophobic attacks in South Africa in May also became dependent on humanitarian assistance as they had to flee from their homes and lost all their possessions. Over 60 people were killed and more than 600 were injured after people were beaten, sexually assaulted and killed in various provinces, often by people living in the same community. These xenophobic attacks against individuals, targeted because of their perceived nationality, ethnicity or migrant status, were fuelled partly by the deprivation in which many South Africans still live. Official investigations failed to bring the perpetrators to justice, or to clarify the causes of the violence.

Exclusion
Many groups in African societies continued to face discrimination and exclusion from protection or the means to get redress for the abuses they suffered. In Uganda, for example, victims of numerous human rights abuses during the armed conflict in the north of the country remained destitute and traumatized, often excluded from any means of redress.

Across the Africa region, people suffered discrimination within their families and communities because of their gender or their HIV status, exacerbated by their poverty. In South Africa for example, where 5.7 million people were living with HIV, poor rural women continued to face barriers in accessing health services for HIV and AIDS due to unmanageable distances from health facilities and

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Revisited

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transport costs. Stigma and gender-based discrimination, including violence, also affected the women’s ability to protect themselves against HIV infection and to seek health care and support.

Women were also discriminated against in various societies under customary laws and traditional practices. The customary laws of certain ethnic groups in Namibia, for example, discriminate against women and girls, specifically laws on marriage and inheritance.

In various countries, notably Tanzania, albino people were murdered in what were believed to be ritual killings. Although the government of Tanzania denounced the killings, nobody was prosecuted in relation to them during 2008, even though a number of people were arrested.

People were persecuted for their (perceived) sexual orientation in countries including Cameroon, Gambia, Nigeria, Rwanda, Senegal and Uganda. In various countries, same-sex sexual relationships were a criminal offence.

In many African countries the judicial system lacks independence. In addition, the justice system is often under-resourced, poorly equipped and understaffed, leading to excessive delays in hearing criminal cases. For those with little access to financial resources, negotiating the criminal justice system can prove a nightmare.

In Nigeria, for example, those who are poor face numerous obstacles to obtaining a fair trial within an acceptable period of time. Although some efforts have been made to provide legal aid, it is not nearly enough to grant legal representation for all who need it but cannot afford to pay for a lawyer – even in cases carrying the death penalty. The more than 700 people living on death row in Nigeria in 2008 all had one thing in common – they were poor.

However, in a landmark decision, the Community Court of Justice of the Economic Community of West African States (ECOWAS) ordered the government of Niger to pay reparations to a woman who had been held in domestic and sexual slavery for a decade, on the basis that the authorities had failed to implement existing laws against slavery.

Voice

Governments continued to restrict, without justification, the rights to freedom of expression, association and peaceful assembly. However, efforts by governments to control information were also countered by increasingly vibrant civil societies, often working in partnership with each other, and stronger independent media.

Legislation or other forms of regulation were frequently used to restrict the work of civil society and the media. In Ethiopia, the authorities prepared a draft bill that criminalizes human rights
activities and gives authorities an excessive level of control over civil society organizations. In Swaziland, the new Suppression of Terrorism Act, with its impermissibly broad definitions of terrorism, had a chilling effect on the activities of civil society organizations and infringed the rights of freedom of expression, peaceful assembly and association. In Chad, a presidential decree to limit press freedom remained in place even after the state of emergency was lifted. In Sudan, censorship over privately owned media outlets was reinforced. In Rwanda, the space for independent media workers, including foreign journalists, remained restricted. In Lesotho, restrictive broadcasting regulations and the use of criminal defamation, sedition and similar charges continued to take their toll on individual media workers and infringed the right to freedom of expression. In Kenya, parliament passed a media bill, and in Uganda, the authorities were drafting legislation: both laws would further restrict press freedom. In Niger, the government imposed a media blackout on the conflict in the north of the country and banned journalists from travelling there.

In numerous countries, including Angola, Cameroon, Chad, Equatorial Guinea, Gambia, Niger, Nigeria, Senegal, Sudan, Tanzania and Togo, media outlets were suspended because the authorities disapproved of their stories. Journalists were routinely arrested and sometimes charged with criminal offences, purely for carrying out their work.

Political opponents of the government were arbitrarily arrested and detained in Burkina Faso, Burundi, Cameroon, Chad, Equatorial Guinea, Ethiopia, Gambia, Mauritania, Republic of Congo, Swaziland and Zimbabwe. In some cases members of the political opposition were subjected to enforced disappearance or unlawfully killed. In other countries the space for political opposition, free speech and civil society was non-existent, such as in Eritrea.

Human rights defenders remained at risk in various countries and were often harassed and sometimes arrested for defending their rights as well as the rights of others. Journalists and human rights activists regularly had to flee their country because of security risks.

In Zimbabwe, numerous human rights activists, trade union representatives and political opposition members were arrested. Some were abducted and killed by government security forces as well as non-state actors working on behalf of the authorities. In Cameroon, Central African Republic, Chad and Sudan, human rights defenders were also arrested. In some cases those detained were tortured or otherwise ill-treated. In a number of countries civil society organizations were closed down, or threatened with closure, by the authorities.
Accountability

Unless governments address impunity in a serious manner the widespread human rights violations across this region will continue. At the moment, those who abuse others’ rights can continue to do so freely. Occasionally, after large-scale human rights violations, commissions of inquiry or other types of investigative panels are set up, but they are often more to appease public opinion than to establish the truth and identify those responsible.

In Chad, a national commission of inquiry into hundreds of killings and other human rights violations in February 2008 published its report in September – no action was taken by the government to implement its recommendations. A commission of inquiry set up in Guinea to investigate human rights violations committed in 2006 and 2007 did not conduct any investigations. In Liberia, the Truth and Reconciliation Commission concluded its public hearings and its findings were pending by the end of the year. The commission of inquiry in Kenya, set up to investigate the post-election violence, made its findings public in October. Even though the government pledged to implement the recommendations in the report it had not, by the end of the year, put in place a comprehensive plan of action to do so.

Unfortunately, governments often use commissions of inquiry, or truth and reconciliation commissions, as surrogates for judicial inquiries, which are essential for establishing individual criminal responsibility.

The International Criminal Court (ICC) continued to pursue a number of cases from Africa. The application by the ICC Prosecutor for an arrest warrant to be issued against President Omar Al Bashir of Sudan for war crimes, crimes against humanity and genocide triggered efforts to undermine the work of the ICC by various states and regional bodies, including the African Union (AU). The AU, the League of Arab States and the Organization of the Islamic Conference called on the UN Security Council to defer the case. On the initiative of Rwanda, the AU adopted a decision criticizing what it called the abuse of universal jurisdiction.

While the ICC continued to pursue a number of cases from Africa, it can only prosecute a limited number of individuals. It is essential that national jurisdictions also investigate and prosecute those suspected of being responsible for crimes under international law, including by exercising universal jurisdiction. Regrettably, Senegal has only made limited progress in the case of former Chadian President Hissène Habré, indicating a lack of political will to initiate serious investigations.

On a more positive note, the AU adopted the Protocol on the
Statute of the African Court of Justice and Human Rights in July. Once operational, the Court could contribute to ending impunity in Africa if AU member states agree to allow victims of human rights violations to approach the Court directly for an effective remedy.

**Conclusion**

There is still an enormous gap between the rhetoric of African governments, which claim to protect and respect human rights, and the daily reality where human rights violations remain the norm.

In 2008, Africans deprived of their rights took to the streets. Protests often became violent, with resentment fuelled by the repressive attitudes of governments towards dissent and protest. These protests are likely to continue.

So many people are living in utter destitution; so few of them have any chance to free themselves from poverty. Their dire situation is exacerbated by the failure of governments in the Africa region to provide basic social services, ensure respect for the rule of law, address corruption and be accountable to their people.

As the global economic outlook appears more and more gloomy, hope lies in the continuing vitality of civil societies across the region, and the determination of human rights defenders willing to challenge entrenched interests despite the risks they face.

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Even the short man can see the sky. When will the international community see what is happening in Somalia?

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Women queuing outside a health centre in rural Huancavelica, Peru. Maternal mortality rates in Peru are among the worst in the region. They are disproportionately high among the country’s poor and Indigenous rural communities.
The Enxet Indigenous communities of Yakye Axa and Sawhoyamaxa in the Bajo Chaco region of Paraguay have been living at the side of the Pozo Colorado-Concepción highway for more than 15 years. Despite rulings in their favour by the Inter-American Court of Human Rights, they remain excluded from their lands. Deprived of their traditional livelihood and way of life, without adequate health care or sanitation, and dependent on irregular government food supplies, they face an insecure present and an uncertain future.

From the northernmost reaches of the Arctic, to the southern tip of Tierra del Fuego, Indigenous Peoples in the Americas have long experienced marginalization and discrimination. Denied a voice in decisions which affect their lands, lives and livelihoods, Indigenous Peoples are disproportionately affected by poverty, even when living in areas rich in minerals and other natural resources. Many still do not enjoy constitutional recognition and their rights to ancestral lands are ignored or dealt with in ways that fail to provide adequate protection to Indigenous economic and cultural traditions. Resource extraction, forestry, agro-industry and other development projects on Indigenous lands are often accompanied by harassment and violence as powerful corporations and private interests flout international and domestic laws in pursuit of profit. A persistent and entrenched cycle of deprivation and social exclusion puts Indigenous people, especially women, at increased risk of attack while helping ensure that their persecutors are rarely held to account.

Faced with this legacy of appalling human rights violations, Indigenous Peoples throughout the Americas region have mobilized to make themselves heard. Their demands for respect for their land rights and cultural identity, for their right not to face discrimination, indeed for their entitlement to all human rights, are increasingly being brought to the heart of, and reinvigorating, the human rights discourse in the region.

The Yakye Axa and Sawhoyamaxa communities were able to take their case to a regional court and were helped in doing so by a number of NGOs. This reflects the increasing collaboration and co-ordination of the Indigenous and human rights movement in the region, which allows defenders, campaigners and activists to draw strength, support and inspiration from each other’s experiences and successes.
Insecurity

In Colombia, many of the human rights abuses committed in the internal armed conflict – including killings and enforced disappearances – are aimed at displacing civilian communities from areas of economic or strategic importance. Many Indigenous communities live in regions rich in mineral and other resources on lands legally and collectively owned by them. Such communities are often attacked in an effort to force them to flee so that the area can be opened up for large-scale economic development. Those communities that campaign against such development are accused of being “subversive” – an accusation which is often followed by paramilitary attacks. Guerrilla groups also threaten and kill members of Indigenous communities whom they accuse of siding with the enemy. However, Indigenous Peoples in Colombia are becoming increasingly militant in defence of their human rights. In the last few months of 2008, thousands of Indigenous people staged large-scale protests across various parts of the country, culminating in a march to the capital, Bogotá, in November to protest at continued human rights abuses and in support of their land rights.

In Mexico, members of the community of Huizopa, in the northern state of Chihuahua, which includes Pima and Raramuri Indigenous Peoples, demanded a mining company’s operations on communal lands comply with agreements made with the community. Those supporting the protests faced threats and police operations to break up protests.

In Chile, the continuing expansion of the extractive and forestry industries combined with the slow progress in resolving land claims continued to provoke tensions between the authorities and Indigenous Peoples, particularly the Mapuche. In a worrying development in 2008, a regional prosecutor sought to use an anti-terrorism law against protesters supporting the Mapuche claims. The government had given repeated assurances that the law, which dates from the period of military government under General Augusto Pinochet, should not be used against Indigenous people seeking recognition of their rights.

In Bolivia, entrenched racism and discrimination persisted. Efforts by the government of President Evo Morales to promote the rights of Bolivia’s Indigenous Peoples and other marginalized sectors of society met opposition from powerful landowning families and the business elite, fearful of losing long-held privileges. Tensions exploded into violence which culminated in the killing of 19 campesinos (peasant farmers) in Pando department in September. Investigations by the Union of South American Nations (UNASUR) and the Ombudsman’s Office found that local officials were directly involved in the killings and that police had failed to protect the Indigenous and campesino protesters.

However, some states are increasingly having to recognize the
legitimate claims of Indigenous Peoples and take steps to make them a reality. A Supreme Court decision in Brazil to recognize the constitutional rights to their ancestral lands of the Makuxi, Wapixana, Ingarikó, Taurepang and Patamona Peoples marked an important step in a 30-year battle and was widely seen as a landmark victory for the rights of Indigenous Peoples in Raposa Serra do Sol reservation. However, positive outcomes remained an exception and many Indigenous Peoples continue the struggle for their land.

In Nicaragua the government finally recognized the land rights of the Awas Tingni Indigenous community, thereby complying with a 2001 decision of the Inter-American Court of Human Rights. In Suriname, the Saramaka People, descendants of escaped African slaves who established settlements in the rainforest interior in the 17th and 18th centuries won a judgment in their favour by the Inter-American Court of Human Rights. In a ruling by the Court regarding logging and mining concessions on the territory of the Saramaka People, the Court established that: “The State violated, to the detriment of the members of the Saramaka people, the right to property.”

Violence against women and girls
Women’s groups continue to demand action over an increasing number of homicides in the region. Many of the women’s bodies bore marks of torture and in particular sexual violence. However, the response of many governments, particularly those in Central America, remains woefully inadequate and few of the killings have been properly investigated.

Laws to improve respect for women’s rights and in particular the right to freedom from violence in the home, community and workplace, exist in most countries in the region, with the notable exceptions of Haiti and some other Caribbean countries. Nevertheless, progress on preventing violence against women and punishing those responsible remained limited. In Nicaragua, for example, specialist police investigation teams dealing with gender-based violence against women remain woefully under-resourced and in Venezuela specialist training for law enforcement officials on dealing with violence in the home has failed to materialize.

Nicaragua and Haiti stood out in the region as two countries where more than 50 per cent of all reported victims of sexual abuse were 18 years old or younger. In the vast majority of cases, the perpetrators were adult men, many holding positions of power. The sexual abuse of girls, some as young as nine or 10, was intrinsically linked to poverty, deprivation and exclusion which left the girls at risk of sexual exploitation as their only means of survival. Despite the widespread nature of the problem, the stigma associated with sexual violence condemned many survivors to silence.

Amnesty International Report 2009

REGIONAL OVERVIEWS
AMERICAS

BEING RAPED, IT MAKES YOU... A PERSON WITHOUT RIGHTS, A PERSON REJECTED FROM SOCIETY AND NOW, IN THE NEIGHBOURHOOD I LIVE IN, IT’S AS THOUGH I AM RAPED EVERY DAY BECAUSE EVERY DAY SOMEONE REMINDS ME THAT I SHOULD PUT MYSELF IN A CORNER, THAT I SHOULDN’T SPEAK, I SHOULD SAY NOTHING.

Rose (not her real name), interviewed by Amnesty International in Haiti, March 2008.
Given the high levels of sexual violence, it is particularly worrying that Nicaragua, along with Chile and El Salvador, continued a prohibition of abortion in all circumstances – even in cases where the pregnancy was the result of rape or where continued pregnancy could put the woman or girl’s life at risk. There were reports of efforts by religious pressure groups in Peru and Ecuador to seek a similar ban. In Uruguay, despite widespread popular support for abortion to be decriminalized, President Tabaré Vázquez vetoed proposed reforms on the grounds of his personal religious beliefs. In contrast, in Mexico the Supreme Court voted to allow legislation decriminalizing abortion in the District of Mexico City.

Of the five countries in the Americas where a reduction in maternal mortality by 2015 is a government priority, national maternal mortality ratios (there is no disaggregated data for different maternal groups) decreased in Bolivia, Brazil, Mexico and Peru, but not in Haiti, where only 26 per cent of births were supported by a skilled attendant in 2008.

Deprivation

Many Latin American and Caribbean countries have made efforts in the last decade to reduce poverty. However, despite some progress, more than 70 million people were living on less than US$1 a day and levels of social inequality and disparities in wealth remained high. According to the UN Development Programme, Latin America remained the most unequal region in the world.

Marginalized and dispossessed communities in rural and urban settings in many countries continued to be denied their rights to health care, clean water, education and adequate housing. This already critical situation risked being exacerbated by the global economic crisis.

In relation to health indicators, figures published by the UN Population Fund showed that the Dominican Republic and Guatemala were among the countries with the lowest level of spending on public health care – a mere 1.7 per cent and 2 per cent of GDP respectively. This was in stark comparison with Cuba which spends 6.9 per cent of GDP on health and the USA where spending stood at 7.2 per cent of GDP. Nevertheless, thousands of people in the USA remained without health insurance, with many poor and marginalized people finding it difficult to access adequate health care.

Death penalty

Most countries in the region have abolished the death penalty either in law or in practice. However, in the USA, a notable exception in the region, the death penalty and deprivation remained inextricably interlinked; the vast majority of the more than 3,000 people on death
row are too poor to pay for legal representation of their choice.

In April, the US Supreme Court issued a decision that execution by lethal injection did not violate the US Constitution. Executions resumed in May after a seven-month hiatus. By the end of the year, 37 prisoners had been put to death, bringing to 1,136 the number of executions since the USA resumed judicial killing in 1977.

The Supreme Court’s decision is notable for the separate opinion by Justice John Paul Stevens, who has served on the Court since December 1975 and has therefore witnessed the entire “modern” era of the death penalty in the USA. He wrote that his experience had led him to the conclusion that “the imposition of the death penalty represents the pointless and needless extinction of life with only marginal contributions to any discernible social or public purposes. A penalty with such negligible returns to the State is patently excessive and cruel and unusual punishment”. He added that racial discrimination continued “to play an unacceptable role in capital cases”.

In December, Saint Kitts and Nevis carried out the first execution in the English-speaking Caribbean since 2000. Charles Elroy Laplace was hanged on 19 December 2008, ending a 10-year moratorium. He had been convicted of murder in 2006 and his appeal was dismissed in October 2008 for being filed out of time.

Exclusion

The trend towards improved political stability witnessed in the previous 10 years was overshadowed by the worsening crisis in public security.

Levels of police abuses and crime and gang violence were worse in areas where the state was largely absent, allowing criminal gangs to dominate much of the life of the community. In Brazil, for example, many impoverished urban communities continued to be denied basic services and state involvement remained largely limited to periodic military-style incursions by the police. These operations, often involving hundreds of officers in armoured vehicles and helicopters, were characterized by excessive use of force, extrajudicial executions, torture, and abusive behaviour towards residents. In Jamaica, the majority of police killings, many of which were unlawful, occurred in poor inner-city areas.

In Mexico, where criminal violence has spiralled, large numbers of military personnel have been deployed with police to combat crime. Few governments have made the connection between rising crime and abuses by state officials. However, ministers in some countries admitted publicly in 2008 that the quality of policing had fallen below both national and international standards. Mexico, the Dominican Republic, and Trinidad and Tobago all acknowledged significant failings...
in their police forces and their limited ability to offer reasonable levels of protection and effective law enforcement in many communities as a result. Nevertheless, the steps taken to remove officials responsible for human rights abuses or corruption in no way matched the magnitude of the problem and were bedevilled by procedural and administrative obstacles.

Too many governments have contributed to worsening standards of policing by closing their eyes to reports of torture or unlawful killings. Some have even sought to justify such abuses as necessary in the current public security climate. Independent police complaints commissions or police ombudsmen offices remained largely confined to the USA and Canada. In the few other countries where such bodies exist, they continued to be largely ineffective.

In some countries, such as Guatemala and Brazil, more evidence emerged during the year of the involvement of police officers and former officers in the killing of suspected criminals. In Pernambuco in Brazil, 70 per cent of all homicides in 2008 were attributed to death squads or so-called extermination groups mostly composed of agents of the state, particularly police. In Guatemala, the killing of hundreds of young men reminded many of the social cleansing campaigns of the 1990s when street children suspected of being petty thieves were tortured and killed. The targeting by police and others of groups of young men and boys from poor communities on the basis of their appearance and age aggravated feelings of exclusion from mainstream society.

In some instances, the disregard for life in excluded communities was particularly shocking. For example, dozens of young men from Soacha, near Bogotá, Colombia, were killed by members of the military in order to claim bonuses offered by the government for each “guerrilla” killed.

‘War on terror’
There was continuing concern over the treatment of foreign nationals detained by US forces in the “war on terror”; more than 200 men were held in the US Naval Base at Guantánamo Bay in Cuba. However, there was some progress in 2008 in challenging the government’s attempts to exclude them from the protections of the law. In June, in a landmark ruling, the US Supreme Court rejected the government’s arguments that the Guantánamo detainees should be denied their right to habeas corpus on the grounds that they were non-US nationals captured and held outside US sovereign territory. In November, President-elect Barack Obama confirmed his commitment to take early action after taking office in January 2009 to close the Guantánamo detention facility and to ensure that the USA did not resort to torture.
Voice

Human rights defenders in Latin America remained in the forefront of efforts to make the voices of victims heard, often despite sustained efforts to silence them. On 4 February and 20 July, millions of people marched in Colombia and around the world in protest at kidnappings by the Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia, FARC). Thousands of people had also taken to the streets in Colombia on 6 March to demand an end to human rights abuses by the security forces and paramilitary groups. Four months later, Jhon Fredy Correa Falla, a member of the National Movement of Victims of State Crimes (Movimiento Nacional de Víctimas de Crímenes de Estado), which organized the March protest, was shot dead by four gunmen on motorbikes. Several human rights defenders in Guatemala and Honduras were killed on account of their human rights work.

In several other countries, human rights defenders also faced increasingly hostile reactions from the authorities. In Venezuela, for example, the expulsion of the Director for the Americas of Human Rights Watch in September following publication of a critical report was followed by an upsurge in public statements accusing local NGOs and defenders of being “pro-Yankees”, “anti-Bolivarian revolution” and “unpatriotic”.

Some governments resorted to misuse of the criminal justice system to frustrate the work of human rights defenders. In Mexico, for example, five Indigenous leaders from the Me’phaa Indigenous People’s Organization (Organización del Pueblo Indígena Me’phaa, OPIM) in Guerrero State, were detained in April and charged with murder. Despite a federal decision in October that there was no evidence implicating four of them and despite eyewitness testimonies that the fifth was elsewhere at the time of the murder, the five remained in detention at the end of 2008.

In Nicaragua, nine women human rights defenders faced legal proceedings for their involvement in the case of a nine-year-old Nicaraguan girl who obtained a legal abortion after she was raped in 2003. Although many professionals and officials were involved in the girl’s case, the legal complaint focuses only on the women human rights defenders who have a background in promoting sexual health and women’s rights.

Defenders promoting the rights of communities long consigned to the margins of society – Indigenous Peoples, Afro-descendant communities, and lesbian, gay, bisexual and transgender people – were often at particular risk. For example, in Honduras, leaders of the Afro-descendant Garifuna community in the village of San Juan Tela, were threatened and forced to sign over community land to a private
company at gunpoint. In Ecuador, Esther Landetta, a leading environmental and women’s rights activist, was the target of repeated threats and intimidation because of her crucial role in voicing community concerns about the possible negative consequences of irregular mining activities in Guayas Province.

The repression and intimidation of human rights defenders in the region may have varied, but one aspect remained worryingly consistent – in almost all the cases investigated by Amnesty International, those responsible were not brought to justice.

However, justice for the long-silenced victims of gross human rights violations during the military regimes of the 1970s and 1980s moved several steps closer in a number of countries during 2008.

In Paraguay, President Fernando Lugo made a public apology to the victims of human rights violations under the military government of General Alfredo Stroessner. In December, the Truth and Justice Commission published its report and recommendations on human rights violations committed during the military government (1954-1989) and transition to democracy. It identified more than 20,000 victims and recommended that the Public Prosecutor investigate all cases.

In Uruguay, scores of former military officers were called to testify against General Gregorio Alvarez, head of the military government between 1981 and 1985, and Juan Larcebeau, a retired naval officer, accused of the enforced disappearance of more than 30 people.

In Argentina, in the first judgment of its kind, two people were convicted and sentenced to prison terms for the “appropriation” of the daughter of a couple who were the victims of enforced disappearance in 1977. The ex-army captain who stole the child and gave her to the couple was sentenced to 10 years’ imprisonment in April.

In El Salvador, two human rights organizations filed a suit in a Spanish court in November against El Salvador’s former President, Alfredo Cristiani (1989-1994), and 14 military officers in connection with the murder of six Jesuit priests, their housekeeper and her daughter in 1989.

Brazil stood out as one of the few countries in the region that had yet to confront the scars left by past abuses. By neglecting those who had suffered torture and other abuses, the Brazilian state had not only failed to respect the human rights of these victims, but had allowed abuses to become entrenched.

In Mexico, the 40th anniversary of the massacre of students in Tlateloco square, Mexico City, was commemorated but this was not accompanied by advances in bringing those responsible to justice.

In other cases, there was some progress in holding to account those
responsible for more recent human rights violations. In Colombia, dozens of members of the armed forces, many of them senior officers, were dismissed for their alleged involvement in the extrajudicial execution of civilians. In Bolivia, the unprecedented speed with which the international community moved to ensure investigations into the killing of 19 campesinos in September raised hopes that those responsible would be brought to justice. In October, the Bolivian government filed an extradition request with the US government regarding former President Gonzalo Sánchez de Lozada and two former ministers who were accused of involvement in genocide for their role in the killing of 67 people during demonstrations in El Alto in 2003.

In the USA, a Senate committee concluded, after an 18-month inquiry into the treatment of detainees in US custody, that senior officials in the US government had “solicited information on how to use aggressive techniques, redefined the law to create the appearance of their legality, and authorized their use against detainees”. Among other things, the committee found that the authorization by former Secretary of Defense Donald Rumsfeld of aggressive techniques for use in Guantánamo “was a direct cause of detainee abuse there” and had contributed to the abuse of detainees in US custody in Afghanistan and Iraq.

Conclusion
Throughout the Americas region, human rights defenders continue to work for a world where everyone is able to live with dignity and where all human rights are respected. To do this, defenders often have to challenge powerful social and economic elites, as well as the inertia and complicity of governments that are failing to honour their obligations to promote and defend human rights.

Cynthia Tomlinson, Lubicon Cree member, Alberta, Canada, April 2008.
Displaced civilians moving to safety in the Kilinochchi District, Wanni, Sri Lanka, September 2008. Hundreds of thousands of civilians displaced as a result of fighting lack access to adequate food, shelter, sanitation and medical care.
On 20 May, in Kawhmu township, near Yangon, the Myanmar authorities prevented desperate survivors of Cyclone Nargis from coming out onto the street to beg while punishing people who tried to help them – effectively cutting them off from any informal assistance. Almost three weeks earlier, the cyclone had devastated much of southern Myanmar, killing tens of thousands of people and displacing hundreds of thousands more from their homes and livelihoods.

The cyclone should have also wiped away any lingering doubts over whether repressive government policies can impoverish a population. The world watched in horror as Myanmar’s government, the State Peace and Development Council (SPDC), refused to acknowledge the scope of the disaster and provided little assistance to the estimated 2.4 million survivors of the cyclone. For three weeks, the SPDC also rejected international assistance and blocked access to the Ayeyarwady delta when survivors most needed food, shelter and medicine. Instead, a week after the cyclone, as victims were still struggling to survive, the SPDC diverted crucial resources towards a rubber stamp referendum to approve a new and deeply flawed Constitution. By deliberately blocking vital aid while failing to provide adequate assistance itself the SPDC violated the rights of hundreds of thousands to life, food, and health.

In countries throughout the Asia-Pacific region, hundreds of millions of people suffered from government policies they were either unable or afraid to challenge. Millions more slid into poverty as the cost of food, fuel, and other commodities rose, in part as a result of a global financial crisis. Most of these people were denied the right to help shape an appropriate response to these crises by their own governments.

But the events around Cyclone Nargis were so extreme they elicited action from Myanmar’s neighbours in the Association of South East Asian Nations (ASEAN), as well as from China, the country’s chief international backer. Although these governments have previously claimed that international human rights clash with “Asian values”, threaten national sovereignty, and deny the primacy of economic development, in the face of such large-scale disaster, ASEAN publicly called on the Myanmar authorities to provide access to aid, and went on to mediate between the SPDC and the international community.

Even more notably, the Chinese government responded to the scope
of the catastrophe (and the desire to protect its image in the run-up to
the 2008 Olympics in Beijing) by deviating from its long-held position
of not interfering in the affairs of other sovereign states and seems to
have used its significant influence to persuade the SPDC to cooperate
with international offers of aid.

The Beijing Olympics, and China’s resulting heightened sensitivity
to its image, raised hopes for real and sustained improvements in the
country’s overall human rights situation. Indeed, this had been one of
the reasons offered by the International Olympics Committee for awarding
Beijing the Games. Instead, the run-up to the Olympics was marred by
increased repression throughout the country as authorities tightened
control over human rights defenders, religious practitioners, ethnic
minorities, lawyers and journalists. The Chinese authorities forcibly
evicted thousands of Beijing residents from their homes and punished
those who dared challenge the government’s actions.

As a sporting event, the Games were widely praised for their
magnificence. They showed the government’s ability to marshal massive
resources and proved, as they were intended to, that China has assumed
its position as one of the world’s leading powers. But the Games also
served to point out that a country capable of mounting such a spectacle
cannot justify the failure to meet many of the human rights aspirations
of its people, and in particular the rights of tens of millions of citizens
who have not been allowed to share in the country’s phenomenal
economic development.

Deprivation
For years, the Chinese government advanced its economic policies upon
the back of some 150 million migrant workers, most of whom flocked
from the countryside into slums in China’s rapidly growing cities. But
with the end of the building boom associated with the Olympics, and the
growing impact of the global economic crisis, China’s millions of migrant
workers faced an uncertain future as 2008 waned and they returned to
their villages, without the promise of a constantly growing economy, and
aware of how much their lives differed from those of China’s increasingly
affluent urban middle classes. The social tensions caused by this growing
rift and awareness of the disparities between rich and poor, urban and
rural, led to thousands of protests throughout China.

The Asia-Pacific region as a whole houses some of the world’s
wealthiest areas (in Australia, China, Japan, South Korea) next to some
of the most impoverished populations (Afghanistan, Bangladesh, Laos,
Myanmar, North Korea, Papua New Guinea). Throughout 2008, the
differences in the wellbeing of these people seemed much more to do
with government policy, than the distribution of natural resources.
Asia’s other giant, India, has tried to achieve economic progress while maintaining a solid commitment to civil and political rights internally. But the Indian authorities have not managed to ensure the rights of the urban poor and already marginalized communities in rural areas, including landless farmers and adivasi communities who oppose exploitation of their land and other resources for industrial projects. In several states, authorities ignored existing constitutional provisions demarcating areas as exclusively adivasi territories and allotted them to mining and other industries. In Orissa, one of India’s poorest states, the competition over limited resources was intertwined with political struggles about the rights of the adivasis, freedom of religion, and the government’s development policies. The result was ongoing communal violence that led to at least 25 deaths and displaced at least 15,000 people, mostly Christians facing persecution – and prevented thousands of people from receiving adequate health care, education, and housing.

Indigenous communities in Bangladesh also suffered from government policies. While the political struggle between a military-backed caretaker government and veteran political leaders dominated the headlines, behind the scenes the government continued its steady support for the Bengali settlers seizing land from Jumma Indigenous inhabitants of the Chittagong Hill Tracts.

In October, the Asian Development Bank warned that 2 million Cambodians may have been thrust into poverty as the cost of food, fuel and other commodities rose amid the global financial crisis. This was in addition to the 4.5 million, around a third of the population, already living in poverty. More than 4,000 Phnom Penh families living around Boeung Kak Lake, many of them in basic housing, faced displacement as the lake was turned into a landfill site. Residents were given no notice before the landfill began on 26 August 2008, and protesters faced widespread threats from local authorities and company workers. Meanwhile, Phnom Penh’s police increased night-time raids among those living in poverty and on the margins of society, arbitrarily arresting sex workers, homeless people and beggars.

In North Korea, millions of people experienced hunger on a scale not seen in a decade. Women, children and the elderly were the most vulnerable. Thousands continued to cross the border into China mainly for food and economic reasons. Those arrested and forcibly repatriated were subjected to forced labour, torture and other ill-treatment in prison camps. The North Korean government took no action to address the situation, and did not even request assistance from South Korea, one of the biggest donors of rice and fertilizer in previous years, due to strained relations.
Insecurity

No countries in the Asia-Pacific region were officially at war with each other during 2008, but conflicts between governments and armed opposition groups threatened the lives of tens of thousands across Asia and prevented millions more from accessing health care, education, housing and food. These conflicts were at least partially based on ethnicity, with one group often taking up arms against another to demand equal, or greater, access to resources.

Regardless of the cause of the conflict, it was civilians, especially those already marginalized by gender, ethnicity, religion, caste or social class, who were particularly vulnerable in such conflicts.

Residents of Afghanistan, Pakistan, Sri Lanka, Myanmar, southern Thailand and the southern Philippines faced significant threats from armed forces – government and anti-government – that frequently trampled on even the basic laws of armed conflict.

Millions of Afghans living in southern and eastern Afghanistan, terrorized by the Taleban and other insurgent groups as well as local militias ostensibly allied with the government, faced persistent insecurity, further restricting their already limited access to food, health care, and schooling, especially for girls and women. The year set another bloody record of violence in Afghanistan – the death of around 1,400 civilians as a direct result of the fighting, while tens of thousands of people fled their homes to avoid it, many gravitating to the relative security and prosperity of major cities such as Kabul and Herat, huddling in new slums. The Taleban and other anti-government groups were responsible for most of the injuries to civilians, but the nearly 60,000 international troops in Afghanistan continued to carry out air strikes and night raids that harmed civilians and their property, predictably fostering tremendous popular anger.

The Afghan government failed to maintain the rule of law or to provide basic services to millions of Afghans even in areas under its control. The Taleban and other anti-government groups extended their sway over more than a third of the country, again barring girls from education and health care, and imposing their own brutal brand of justice, which frequently relied on public executions and flogging. As a result, despite some gains in terms of children’s enrolment in school and basic health care, most Afghans lived short lives of great hardship. Life expectancy was just 42.9 years, the country again experienced one of the highest recorded levels of maternal mortality on the planet and the average per capita income was just US$350 per year – one of the lowest in the world.

The insecurity in Afghanistan overflowed the border and engulfed large parts of Pakistan; not just in the tribal areas bordering Afghanistan
but increasingly in other areas of Pakistan, as members of the Pakistani Taleban took hostages, targeted and killed civilians, and committed acts of violence against women and girls. By the end of the year, Pakistani Taleban groups had entrenched their hold over large parts of the frontier tribal areas, as well as the Swat valley, a settled area outside the tribal territories and within easy distance of Islamabad. The Taleban shut down dozens of girls’ schools, health clinics, and any business deemed insufficiently devout, such as music shops. Not surprisingly, people – especially women and girls – living in the tribal areas of Pakistan lived shorter lives than in other parts of Pakistan, suffered higher rates of infant and maternal mortality, and experienced significantly lower rates of education.

A newly elected civilian government came to power in Pakistan in February and made many promises to improve the country’s human rights situation. The government of President Asif Ali Zardari followed through on some of those promises, but proved as hapless in addressing the country’s growing crisis of insecurity as the military government of General Pervez Musharraf. By the end of the year, it was simply repeating the former’s disastrous vacillation between abandoning significant portions of Pakistan’s citizens to the rule of brutal insurgent groups, and pursuing a scorched earth policy – punishing the local populace without significantly diminishing the fighting ability of anti-government groups.

The pattern of civilians caught between pro- and anti-government forces disdainful of their wellbeing occurred throughout Asia. In southern Thailand, violence has simmered intermittently for a century, reflecting the long-standing disenfranchisement of the area’s population, which is predominantly Malay in ethnicity and language, and Muslim in religion. The area is one of the poorest and least developed in Thailand, and the population has long resented efforts at assimilation by the country’s Thai Buddhist central government and majority. Insurgent forces have resorted to brutal tactics, such as decapitating and otherwise targeting Buddhist citizens, and attacking schools. But the government’s heavy-handed security response, including torture and other ill-treatment of Muslim suspects, has led to widespread human rights violations and has alienated the local population.

A somewhat similar dynamic fuelled the conflict in the southern Philippines island of Mindanao, where the Muslim population, feeling disenfranchised from the country’s predominantly Christian population and leadership, suffered significantly lower rates of economic development. The failure of peace negotiations between the Philippine government and the Moro Islamic Liberation Front (MILF) led to a resumption of violence in August that continues to be accompanied by abuses by both sides. The number of civilians directly affected by this most recent escalation of hostilities has increased dramatically, with no

**REGIONAL OVERVIEWS ASIA-PACIFIC**

**ARRESTING ONE MAN IS TO THREATEN HUNDREDS OF THOUSANDS OF PEOPLE, SCARING THEM FROM STRUGGLING AND ADVOCATING AGAIN... I SEE THIS AS AN INJUSTICE FOR THE CAMBODIAN PEOPLE.**

Oeun Sarim, farmer and human rights defender, talking about the systematic arrest of land activists in Cambodia, February 2008.
clear end in sight. After attacks by the MILF on civilians in predominantly Christian and sometimes mixed Christian and Muslim neighbourhoods in August 2008, more than 610,000 people fled their villages to escape - both from MILF direct attacks and from fighting between the MILF and security forces. Around 240,000 of them have subsequently gone back to their homes after the Philippine military declared their villages safe. Many returned to find their houses burned and their livestock stolen, and they continue to live in fear.

In Myanmar, even as the government’s policies pauperized the entire population, the SPDC acted with particular venom in its treatment of the country’s 135 ethnic and religious minority groups – nearly a third of the entire population. The Myanmar army continued its offensive against the Karen civilians of Kayin (Karen) State and Bago (Pegu) Division. Since November 2005, when the current government offensive began, more than 140,000 Karen civilians have been killed, tortured, forcibly displaced, sexually violated, forced to work, including dangerous work related to military exercises, like clearing landmines, and otherwise subjected to widespread and systematic violations of their human rights. These violations amount to crimes against humanity.

Another ‘forgotten conflict’ of 2008 raged between the Sri Lankan government and the Liberation Tigers of Tamil Eelam (LTTE). The island’s large Tamil population had long complained of political and economic discrimination by the ruling Sinhalese majority. The LTTE had used a range of brutal tactics, such as bomb attacks on civilians and forced recruitment of children as soldiers to carve out a de facto independent state in the north and east of the island for nearly a decade. But this hardly proved a haven for the Tamil population, as the LTTE brooked no opposition. As 2008 waned, the Sri Lankan government was on its way to overrunning this enclave in a series of military victories. Nearly the entire Tamil population of the northern area known as the Wanni, more than a quarter million, fled their homes in a search for safety. Many, if not most, of this population had already been displaced several times by the fighting, including in previous years, and some had survived the ravages of the 2004 Indian Ocean tsunami.

The Sri Lankan government prevented international aid workers or journalists from reaching the conflict zone to assist or witness the plight of those caught between the two sides. For their part, the beleaguered LTTE exploited this population as a ready source of forced labour, military personnel, and a buffer against approaching Sri Lankan troops.

Exclusion

Even where ethnic discrimination did not give rise to armed conflict, it remained a common feature of the social landscape in the Asia-Pacific
region, from the wealthiest societies to the most impoverished. In February, the Australian government made an historic apology to the ‘Stolen Generations’: Aboriginal and Torres Strait Islander people who as children were forcibly removed from their families under government laws and policies. But the government announced it would not set up a compensation fund nor any other form of redress.

The government of the world’s newest republic, Nepal, struggled to meet its promise to improve the lives of Nepalis who had suffered generations of officially sanctioned deprivation. The Maoists controlling the government had built much of their appeal on championing the rights of women, lower castes, and the poor. However, they met the most significant challenge to their rule from the country’s large population of Madhesis, residents of the flat southern third of the country, who felt the new government did not sufficiently take account of their long-standing grievances.

China’s large ethnic minorities in the west of the country, in Tibetan-populated areas and the predominantly Muslim province of the Xinjiang Uighur Autonomous Region, continued to suffer systematic discrimination. Both areas witnessed some of the worst unrest of recent years in 2008. Protests by Tibetan monks on 10 March and subsequent protests by more monks urged a halt to government-imposed political education campaigns and easing of restrictions on religious practice. Violence erupted as lay Tibetans joined the protests, expressing long-term grievances including perceived exclusion from the benefits of economic development and the weakening of Tibetan culture and ethnic identity through government policies. Some of the protesters attacked Han migrants and their businesses in Lhasa but protests continued largely peacefully throughout Tibetan areas.

Chinese authorities ultimately reported that 21 people had been killed by violent protesters and that more than 1,000 individuals detained in the protests had been released, and overseas Tibetan organizations reported that more than 100 Tibetans had been killed, and estimated that at least several hundred remained in detention at the end of the year. Exact numbers were difficult to determine because the authorities denied access to media and independent monitors.

In Xinjiang, on 14 August, Wang Lequan, Secretary of the Communist Party in Xinjiang, announced a “life and death” struggle against Uighur Muslim “separatism”. The authorities cited a series of violent incidents by alleged terrorists to justify a sweeping crackdown and continued their tight control over religious practice, including prohibiting all government employees and children from worshipping at mosques. The Chinese authorities reported that more than 1,300 people had been arrested during the year on charges of terrorism, religious extremism or other

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violations of state security laws, and 1,154 were formally charged or faced trials or administrative punishments.

**Voice**

As the year ended and the effects of a downturn in the global economy were manifested in lost jobs, less food on the table, and less income for necessities, such as housing, education, and health care, more people throughout the Asia-Pacific region demanded accountability from their governments. Rather than responding to their needs, their governments tried to silence them. This trend aggravated the long-standing, prevalent intolerance of free expression by many governments in the Asia-Pacific region, nowhere clearer than in North Korea and Myanmar, which have effectively banned freedom of expression absolutely for years.

Chinese authorities temporarily eased restrictions on freedom of the press in the run-up to the Olympics. They allowed foreign journalists unprecedented latitude to report and unblocked access to websites such as that of Amnesty International and the BBC. By the end of the year, however, with popular discontent on the rise, Chinese authorities reverted to silencing and intimidating critics. Signatories of Charter 08, which had called for fundamental legal and political reform, came under intense government scrutiny and several members of the group were harassed and subjected to ill-treatment. At least one signatory, Liu Xiaobo, remained in arbitrary detention at the end of the year. By the start of 2009, Amnesty International’s website was one of many again banned.

Similarly, Viet Nam continued its crackdown of supporters of Bloc 8406, an Internet-based pro-democracy movement, as well as other unauthorized groups calling for democracy and human rights, many charged under Article 88 of the Penal Code, “conducting propaganda against the Socialist Republic of Viet Nam” or laws criminalizing “abusing democratic freedoms to infringe upon the interests of the State”.

Assaults on free speech were not limited to socialist states. The government of Singapore continued its misuse of libel laws to silence criticism: the *Far Eastern Economic Review* was convicted of defaming Prime Minister Lee Hsieng Lee, while the *Wall Street Journal Asia* faced legal action in September for challenging the judiciary’s independence. Some 19 anti-poverty campaigners faced charges for holding unauthorized public street gatherings.

In Thailand, there was a sharp increase in the number of people charged with lese-majesty, a law prohibiting any word or act that defames, insults or threatens the royal family. Fiji’s interim government announced in August that it would establish a media tribunal to provide “stronger regulation” of the media.

In Sri Lanka, what was once a vibrant media environment suffered
tremendously as the wave of attacks on journalists and media workers continued. At least 14 media workers have been unlawfully killed in Sri Lanka since the beginning of 2006. Others have been arbitrarily detained, tortured or reported to have become victims of enforced disappearance, while in the custody of security forces. More than 20 journalists have left the country in response to death threats.

Conclusion
Under increasing political and economic pressure, many people in the Asia-Pacific region turned to the international human rights framework to bolster their efforts to secure greater dignity for themselves and others.

Setting aside its historic reluctance to speak in the language of human rights, ASEAN’s valuable efforts in the wake of Cyclone Nargis helped those devastated receive critical assistance. With longer-term effect, the ASEAN Charter came into force in November when it was ratified by all 10 ASEAN member states. The Charter asserts members’ commitment to human rights and provides ASEAN with an unprecedented opportunity to create a strong human rights body.

Parliamentarians at the Pacific Parliamentarians Conference in December unanimously supported moves to establish a Pacific regional human rights mechanism – a serious step forward for the Pacific Islands and for the Asia-Pacific region as a whole.

Both these initiatives are a credit to human rights activists in Asia and the Pacific, who have been at the forefront of pushing for such change. And despite heavy-handed responses by governments, placing human rights defenders at great personal risk, such individuals continued to work to secure the rights of people suffering deprivation and abuse. In many places, a growing number of activists and government critics began using the internet as a tool to voice dissent and mobilize support.

In China, internet usage has grown tremendously, enabling people to share information about their government’s actions and, in the case of a few, daring individuals, to call for reform. Similarly, in Viet Nam, brave activists increasingly took to blogs to call for change and voice dissent.

In Malaysia and Singapore, countries where repression of free speech continues unabated, bloggers are the main source of independent information, analysis, and criticism – and pay the price for it.

At the root of all these efforts is the notion that all individuals have a claim to human rights and dignity. Although often honoured in the breach, the events of 2008 strongly indicated that this belief now has taken firm root among many communities in the Asia-Pacific region.
Bombed building in Gori, 29 September 2008. The five-day conflict between Georgia and Russia and the subsequent pillage and arson of Georgian villages caused extensive damage to homes and displaced almost 200,000 people.
At the beginning of August 2008, two European states went to war for the first time in almost a decade. Since the conflicts of the early 1990s, Europe had assumed a degree of stability in terms of its economy, security and embedding the rule of law, but these events showed how potentially fragile the security assumptions underpinning post-Cold War Europe could be. And how – as so often – civilians and their human rights pay the price when such assumptions fail.

The five-day conflict between Georgia and Russia over the disputed region of South Ossetia resulted in hundreds of civilian deaths, thousands of injuries and, at its peak, the displacement of almost 200,000 people. Georgian-Russian hostilities and subsequent pillage and arson also caused extensive damage to civilian homes in South Ossetia and adjacent areas. Cluster munitions, devastating to civilians’ lives and livelihoods both at the time of their use and after hostilities, were used.

By the end of the year, the global economic crisis had also shown how the assumed stability of the region’s economic architecture was likewise subject to challenge. Several European states required interventions from the International Monetary Fund to support their economies, amid wider fears that the downturn would push more people – particularly those already made vulnerable from conflict, discrimination or insecurity – deeper into poverty.

Deprivation

Across Europe in 2008, those already in poverty continued to lack access to many basic needs. Despite the festering economic crisis, Europe was home to some of the wealthiest countries in the world in 2008. It also, however, housed serious failings in the implementation of its inhabitants’ rights to education, health care, secure housing and livelihoods.

Across the region the divide between rich and poor remained gaping, and from either side of that divide, the experience of accessing human rights was markedly different. As it was for different groups within countries – in Tajikistan, for example, poverty and unemployment affected women disproportionately and made them more vulnerable to human rights abuses.
When external events or internal mismanagement led to shortages, it was the poorest who felt them first and keenest. In Albania, for example, people living below the national poverty line – more than 18 per cent of the population – suffered most acutely from the country’s already limited access to education, clean water, health and social care. One of the harshest winters to hit Central Asia in several decades beset vital infrastructure and left vast swathes of the region facing severe energy and food shortages, with the UN moved to launch emergency appeals for the inhabitants of Tajikistan and Kyrgyzstan.

Insecurity
As in previous years, the watchword of security was used to drive policies and practices that delivered the opposite – undermining human rights in the name of fighting terrorism, shrouding abuse with impunity, and fortifying barriers against those seeking to flee persecution, violence or poverty.

There continued to be a failure of political will to reveal the truth about the rendition of detainees by the USA to countries where they faced abuses, in spite of evidence that put the complicity of European states beyond doubt. The need for full, independent investigations into allegations of involvement in rendition flights was highlighted in February when the UK admitted that contrary to repeated assurances, the USA had used the UK overseas territory of Diego Garcia on at least two occasions in 2002 for the purposes of transferring detainees in its programme of rendition and secret detention.

States such as Denmark, Germany, Italy, Spain and the UK, were prepared to allow unenforceable “diplomatic assurances” as a justification to deport terrorism suspects to countries where there was a real risk of torture and other ill-treatment. In Turkey convictions under anti-terrorism laws were often based on insubstantial or unreliable evidence. Secrecy in the implementation of counter-terrorism measures in the UK led to unfair judicial proceedings.

In a landmark ruling in February, and an indication of the sort of leadership needed on other human rights concerns in the region, the European Court of Human Rights reaffirmed the absolute prohibition of torture and other inhuman or degrading treatment or punishment. The ruling forbids states to send anyone – including those suspected of terrorism and/or those who are alleged to pose a risk to national security – to countries where there is reason to believe they would face such violations.

Victims of torture and other ill-treatment, often race- or identity-based and frequently used to extract confessions, were likewise too often failed by justice systems which did not hold to account those
charged with ensuring security and the rule of law. Obstacles to accountability included lack of prompt access to a lawyer, failure by prosecutors to vigorously pursue investigations, victims’ fear of reprisals, low penalties imposed on convicted police officers, and the absence of properly resourced and independent systems for monitoring complaints. In countries such as Bosnia and Herzegovina, Greece, Kazakstan, Russia, Spain, Turkey, Ukraine and Uzbekistan, such failures perpetuated a culture of impunity.

Across the region, women faced personal insecurity, as states failed to protect them from the violence they faced in the home and from intimate partners. This abuse remained pervasive across the region for all ages and social groups, and was manifested through women enduring a range of verbal and psychological attacks, physical and sexual violence, economic control and even murder. There were gaps in protection, existing laws against such violence were often not fully implemented, and resources including for shelters and training of relevant law enforcement officials often remained woefully inadequate. The Council of Europe decided in December to draft one or more treaties setting binding standards for the prevention, protection and prosecution of violence against women and domestic violence against women.

Other marginalized groups also frequently found obstacles blocking their path to redress or to protection – as usual, it was groups such as Roma, migrants, women, those in poverty, who suffered the most insecurity.

Some people thrived on such insecurity, and made money in and across Europe by trafficking human beings. Feeding off those in poverty and exploiting corruption, lack of education and social breakdown, they forced men, women and children into domestic work, farming, manufacturing, construction, hospitality and sexual prostitution.

A major step forward in the protection of these individuals’ rights came when the Council of Europe Convention on Action against Trafficking in Human Beings entered into force in February. By the end of the year 20 of the 47 member states had ratified the treaty and 20 more had signed it. Now states must implement its requirements and protections, so that in years to come this ‘modern’ form of slavery becomes history.

Refugees 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. In some
countries, people were denied the security of access to asylum procedures, and in others the level of protection given to Iraqi asylum-seekers was reduced, with some deported. Russia, Turkey and Ukraine, were among those that forcibly returned asylum-seekers to countries where they were at risk of serious human rights violations.

The UN’s refugee agency (UNHCR) reported that 67,000 people made the perilous crossing by sea to Europe in 2008, with hundreds – the exact number is impossible to know – perishing along the way. Around 38,000 people arrived in Italy and Malta alone, mostly after transiting through Libya. The vast majority claimed asylum, and over half of those who did were granted international protection. Across the region, however, the signature response to the challenges of such large and mixed flows of irregular migration remained repressive.

In a deeply disappointing move, the European Union adopted a Directive on the return of irregular migrants. It instituted an excessive maximum period of detention for asylum-seekers and other irregular migrants of up to 18 months. The directive risks lowering existing standards in EU member states and setting a poor example to other regions in the world.

Exclusion and Discrimination

Many asylum-seekers and migrants were also subject to discrimination and exclusion from services and employment, and experienced extreme poverty. In some countries such as Switzerland, rejected asylum-seekers were excluded from the welfare system, resulting in marginalization and destitution. In Germany, migrants continued to suffer restricted access to health care and judicial remedies in cases of violation of their labour rights, and migrant children’s access to education was limited.

Many countries routinely detained migrants and asylum-seekers, and in inappropriate conditions. The UN Human Rights Committee expressed its concern at conditions in French migration detention centres, which suffered from severe overcrowding and poor hygiene. In the Netherlands, alternatives to detention were used infrequently, even for unaccompanied minors and victims of trafficking or torture. Malta’s policy of systematically detaining all migrants and asylum-seekers was linked by the European Commission against Racism and Intolerance with the rise of racism and intolerance on the island.

Others faced discrimination and exclusion on account of their legal status – or lack of it, including those displaced by conflicts in the former Yugoslavia and Soviet Union whose access to a range of rights
was restricted or denied linked with issues of their registration and residency. The continuing use in some areas of the Soviet era system of propiska – registration in the place of permanent residence – was also a breeding ground for corruption and exploitation as many of its restrictive regulations could be overcome by paying bribes. The result of this was, of course, that those without the wealth to pay were excluded from the sinister system.

Many minority returnees to parts of the former Yugoslavia continued to face discrimination in accessing a number of services, finding employment – including in public institutions – and regaining their property or tenancy rights. In Turkmenistan the policy of checking people’s Turkmen origin up to the third generation continued, and restricted access by ethnic minorities to work and higher education.

A climate of racism and intolerance in many countries helped to keep people excluded from society or government, and fostered further discrimination.

Migrants, Roma, Jews and Muslims were among those subjected to hate crimes by individuals or extremist groups. Often, a failure to acknowledge the gravity of racially motivated crimes and a lack of political will led to impunity for those responsible. Following the rise in anti-Roma sentiment and violent incidents in several European countries, such as the Czech Republic and Hungary, the UN Special Rapporteur on racism stated in November that “such actions reveal serious and deep-rooted problems of racism and discrimination against Roma at the heart of modern Europe that must be addressed in the most vigorous manner and through the rule of law.”

Perhaps the most profound illustration of systematic discrimination in the region was against Roma, who remained largely excluded from public life in all countries. Roma families were unable to enjoy full access to housing, education, employment and health services. Many lived in what amounted to segregated ghettos, physically isolated from other parts of the community, and often with limited or no water or electrical supplies, sanitation systems, paved roads or other basic infrastructure. Unlawful forced evictions of Roma in places such as Italy drove them deeper into poverty. Some Roma remained displaced in camps in northern Kosovo where their health was seriously affected by lead contamination.

In some countries, the authorities failed to integrate Romani children fully into the education system, tolerating or promoting Roma-only schools, and placing Roma in special schools or classes for pupils with mental disabilities where a reduced curriculum was taught. In Bosnia and Herzegovina, according to the international NGO Save the Children, only 20 to 30 per cent of Romani children attended primary education,
and only 0.5 to 3 per cent attended pre-school education.

Poor housing conditions, physical and cultural isolation, poverty and lack of transport also hindered Romani children’s ability to attend school. Negative stereotyping likewise blighted their future prospects and led to further denial of rights.

The Albanian authorities again failed to implement legislation providing priority access to housing for orphans completing secondary education or reaching adulthood. Around 300 adults who were orphaned as children continued to share rooms in dilapidated and inadequate housing – conditions which aggravated their social exclusion. With few qualifications, they were often unemployed or undertook casual labour for low wages, surviving on minimal state assistance.

Recognizing the ongoing discrimination faced by many in the region, the European Union proposed in July to upgrade its anti-discrimination legislation.

Voice
In many ways, large areas of the region have traditionally been a beacon for free speech and participatory government. Human rights defenders, NGOs and local community activists have achieved many successes in Europe and Central Asia over the decades. But in 2008, in countries where the space for dissent was already small, those seeking to publicize abuses, articulate alternative views, or hold governments and others to account, remained unheard. Or repressed. Freedoms of expression and association remained under attack – as did human rights defenders themselves.

In Turkey, dissenting views were still met with prosecution and intimidation. The work of human rights defenders was hampered by unjustified prosecutions, some high-profile human rights defenders were subjected to regular criminal investigations, and others were threatened by unknown individuals or groups as a result of their work. Human rights NGOs also faced excessive administrative scrutiny of their work, and courts acted disproportionately when shutting down websites. Some demonstrations were banned without legitimate reason and those held without permission, particularly in the Kurdish-populated south-eastern region of Turkey – one of the poorest areas in the region – were dispersed with excessive force, often before peaceful methods had been tried.

In Belarus, the government continued to exert excessive control over civil society, denying freedom of association and expression. State control over the media increased, and restrictions on independent media continued. Some public events were banned; peaceful demonstrators were subjected to fines and to short periods of detention; and civil society activists and journalists were harassed.
There was little improvement in freedoms of expression and assembly in Uzbekistan. Human rights defenders, activists and independent journalists continued to be targeted for their work, despite claims to the contrary by the authorities. At least 10 human rights defenders remained in prison there in cruel, inhuman and degrading conditions, having been sentenced to long prison terms after unfair trials. They had limited access to relatives and legal representatives, and reportedly they had been tortured or otherwise ill-treated. Some were reported to be gravely ill in prison.

The authorities in Turkmenistan launched a new wave of repression against independent civil society activists and journalists. Independent journalists and media outlets in Armenia and Azerbaijan that covered opposition activities were harassed.

Libel and slander laws and legislation combating extremism were used in Russia to stifle dissent and to silence journalists and human rights activists. Independent journalists, media and NGOs were targeted by the authorities for reporting human rights violations in the volatile North Caucasus region. In a climate of growing intolerance towards independent views, several human rights defenders and supporters of opposition groups faced criminal charges for expressing dissenting views or criticizing government authorities.

Representatives of religious groups or confessions outside officially endorsed structures, or from non-traditional groups, continued to be harassed in Armenia, Azerbaijan, Kazakhstan, Tajikistan and Uzbekistan.

Authorities in a number of countries continued to foster a climate of intolerance against the lesbian, gay, bisexual and transgender (LGBT) communities, making it harder for their voices to be heard and their rights to be protected. Authorities obstructed public events, failed to provide adequate protection to participants, and in some cases highly placed politicians used openly homophobic language. Public events in support of LGBT communities were banned in Belarus, Lithuania and Moldova. In Bosnia and Herzegovina the first such event closed earlier than planned owing to death threats against the organizers and physical attacks on participants. The festival had been surrounded by an atmosphere of intimidation as some politicians and media outlets ran a homophobic campaign. In Turkey discrimination based on sexual orientation and gender identity persisted, as did allegations of violence by law enforcement officials against transgender people. A court there also ordered the closure of an organization that supports LGBT rights, on the grounds that its objectives were “against moral values and family structure”.

I PUT UP WITH HIS BEATINGS FOR 14 YEARS BECAUSE THAT’S WHAT’S EXPECTED HERE IN ARMENIA. IN THE ARMENIAN FAMILY THE WOMAN HAS TO PUT UP WITH EVERYTHING, SHE HAS TO KEEP SILENT.

Conclusion

Despite worrying developments hindering the full realization of human rights for all Europe and Central Asia’s people, 2008 saw some positive steps that must be built on in the coming years. In a continuing positive trend, Uzbekistan joined its neighbours in abolishing the death penalty – leaving Belarus as the lone, last executioner – not just in Europe, but now across the Central Asia region as well.

In the first such statement of its kind, the Turkish Justice Minister apologized in October to the family of a man who had died in custody, and acknowledged that the death may have been due to torture. A step towards accountability and redress that must be replicated by others.

Many abusers across the region continued to evade justice, but the arrest and transfer of former Bosnian Serb leader Radovan Karadžić to the institutions of international justice was a significant step in tackling impunity for war crimes committed in the former Yugoslavia. The challenge now is to replicate this at the local level, where insufficient or partial efforts by domestic courts were too often the cause or reason for continuing impunity in the successor Balkan states.

Europe too often lacked political leadership to ensure the protection of human rights in the region, with many of its states also lacking the political will to live up to their obligations.

Accountability systems must ensure effective protection of human rights. Together with the Council of Europe, the European Union must shoulder its responsibility in fighting against discrimination, poverty and insecurity.

The year ended on a high for accountability: it proved how individual struggles to be heard, to be counted, and to be included, can achieve success. On 25 December, the government of Montenegro officially recognized its responsibility for the “deportation” of Bosniak refugees in 1992.

The relatives of these refugees had filed lawsuits against the government, seeking compensation for the enforced disappearance of their loved ones, but the government had appealed against each decision by the courts to award compensation to the relatives. In effect it blocked the victims’ right to access to redress and reparations. However, in December the government informed the lawyers representing the families that they would provide reparations for all 193 people affected by the enforced disappearances. They include nine survivors of the Bosnian Serb army concentration camp at Foća, 28 of their family members and 156 women and children, and the parents and siblings of 83 men who were killed after their enforced disappearance by the Montenegrin police, into the hands of Bosnian Serb military forces.
In a letter to Amnesty International, Dragan and Tea Prelevic, the lawyers who represent the families of 45 victims, said: “All families feel relieved from an enormous burden of a 16-year-long state denial, and they indeed finally feel some justice. A milestone has been moved and we expect it to have a positive effect on all victims of war crimes in Montenegro and the region … We are much aware that all those brave and devastated women, children and men would not have reached this day without your support.”


Aksinia Gencheva, Director of Bulgarian LGBT organization BGO Gemini, June 2008.
Women from surrounding towns and cities converge on Rabat, Morocco, to celebrate International Women’s Day in March 2008. Despite some positive steps during the year, the authorities need to do more to address discrimination and violence against women.
On 27 December, as 2008 drew to a close, Israeli jets launched an aerial bombardment of the Gaza Strip, where 1.5 million Palestinians live, crowded into one of the most densely populated areas of the planet. In the following three weeks, more than 1,400 Palestinians were killed, including some 300 children, and some 5,000 were wounded. Israeli forces repeatedly breached the laws of war, including by carrying out direct attacks on civilians and civilian buildings and attacks targeting Palestinian militants that caused a disproportionate toll among civilians.

Israel said it launched the attacks in order to stop Hamas and other Palestinian armed groups firing rockets at towns and villages in southern Israel. In 2008, seven Israeli civilians were killed by these mostly homemade, indiscriminate rockets or in other attacks by Palestinians from Gaza; three Israeli civilians were killed during the three-week conflict that began on 27 December.

The sudden conflict followed an 18-month period in which the Israeli army had subjected the inhabitants of Gaza to an unremitting blockade, preventing virtually all movement of people and goods in and out of the territory and stoking a growing humanitarian catastrophe. The blockade throttled almost all economic life and led growing numbers of Palestinians to become dependent on international food aid; even terminally ill patients were prevented from leaving to obtain medical care that could not be provided by Gaza’s resource- and medicine-starved hospitals.

This latest round of bloodletting again underscored the high degree of insecurity in the region and the failure of military forces, on both sides, to abide by the basic requirements of distinction and proportionality that are fundamental to the principles of international humanitarian law. It underlined also the continuing failure of the two sides, and of the international community, to resolve the long, bitter conflict, to bring peace, justice and security to the region, and to enable all people in the region to live in the dignity that is their human right.
Insecurity

This continuing struggle between Israelis and Palestinians, together with the presence of US troops in Iraq, anxieties about Iran’s nuclear intentions, evident divisions between Islamists and secularists, and the tension between some cultural traditions and rising popular aspirations, all contributed to a climate of political insecurity across the Middle East and North Africa region. Added to this in 2008 was growing economic and social insecurity as the global financial crisis took hold and rising food prices impacted those already living in or close to poverty. This was highlighted by a rash of strikes and other protests by workers in the private and public sectors, such as in Egypt, and months of unrest in Tunisia’s phosphate-rich Gafsa region. In these countries and others, many people lived in extreme poverty, living on the margins as rural poor or in heavily congested urban slums, victims in practice of gross inequalities in access to basic rights – adequate housing and shelter, health care and education, work and the opportunity to secure a better, rights-rich life for themselves and their families.

In Iraq, a now much less reported war continued to blight the lives of millions, notwithstanding a welcome reduction in the number of attacks on civilians. The almost constant state of conflict in the country prevented many from pursuing their livelihoods and providing a secure future for their families. More than two million people were still internally displaced within Iraq while two million others were refugees abroad, principally in Syria and Jordan. Violent religious and ethnic sectarianism continued to divide communities and impact on daily life. Armed groups opposed to the government carried out suicide and other bomb attacks, often targeting places such as crowded markets. Meanwhile, thousands of Iraqis continued to be detained without charge or trial by US forces, some for more than five years. Thousands more were detained by Iraqi government forces; many were tortured, some were sentenced to death for alleged terrorist crimes, often after trials that were grossly unfair, including some who were executed. At the end of 2008, all detainees held by US forces were due to be handed over to Iraqi government custody under a joint agreement between the USA and Iraq. The agreement contains no human rights safeguards.

The death penalty was used extensively by the authorities in Iran, Iraq, Saudi Arabia and Yemen, but there were welcome signs of a growing repugnance of it among other Arab states. This was most evident in December when eight Arab states decided not to vote against a key UN General Assembly resolution calling for a worldwide moratorium on executions, helping secure its adoption by a large majority. Increasingly, the authorities in Iran, one of a tiny minority of states where juvenile offenders continue to be executed, and in Saudi
Arabia, where a discriminatory justice system resulted in the execution of a disproportionately high number of poor foreign nationals, appeared out of step with the views of the wider international community.

Violence against women and girls
Women within the region faced additional insecurity, through discrimination under the law and in practice, and violence, often at the hands of their male relatives. At its most acute, such violence saw women killed in so-called honour crimes, as in Iraq, Jordan, the Palestinian Authority and Syria. Women migrant domestic workers were particularly vulnerable to sexual and other abuse by employers as they were often unprotected by labour laws. In both Jordan and Lebanon women domestic workers died in suspicious circumstances amid speculation that some had been killed, had fallen to their deaths while attempting to escape their places of work, or had resorted to suicide in desperation. In the Kurdistan Region of northern Iraq, the high incidence of cases of women being burned to death, either at their own hand or others’, suggested the same.

In other states there were positive developments reflecting growing appreciation among governments that women cannot continue to be relegated to a form of second-class status. The Egyptian authorities banned the practice of female genital mutilation; the governments of Oman and Qatar made legal changes to give women equal status with men in various housing and compensation matters; and the Tunisian government acceded to a key international treaty on women’s rights and introduced a “hotline” for women facing domestic violence.

Asylum-seekers, refugees and irregular migrants
Nowhere in the region was insecurity more evident than among the communities of refugees and asylum-seekers who still had no permanent status or home – many after decades of waiting in poverty.

Thousands of Iraqi refugees lived a hand-to-mouth existence in Syria, Jordan, Lebanon and other countries, increasingly poverty stricken and desperate but threatened with deportation if they took paid work. In Iraq, the government demanded that 3,000 Iranian émigrés, long resident at Camp Ashraf, should leave the country, although it seemed unlikely that any country would be willing to receive them and that they would be at serious risk if forcibly returned to Iran. Some 80 Iraqi refugees who fled their country in 1991, at the time of the first Gulf War, spent a further year confined in a fenced and guarded camp established by the Saudi Arabian authorities, who continued to refuse them asylum. In Lebanon, around half of the hundreds of thousands of Palestinian refugees there remained in overcrowded camps dotted about the country...
60 years after they or their forebears first arrived. The government began action to rectify the status of the most vulnerable – those who exist without official papers and so are barred from legally marrying or registering their children’s births – but there were continuing legal and other obstacles that prevented Palestinian refugees accessing their rights to health, work and adequate shelter.

In various states, authorities forcibly returned refugees and others, in breach of international law, to countries where they risked torture or execution. The Yemeni authorities returned hundreds of asylum-seekers and sent at least eight people back to Saudi Arabia despite fears for their safety. In January, the Libyan government announced its intention to deport all “illegal migrants” and later carried out mass expulsions of Nigerians, Ghanaians and others. In June, it was reported that the government had attempted to deport more than 200 Eritreans by informing them that they were to be flown to Italy, when the real intention was to return them to their own country, from which many had fled to avoid military conscription.

The Egyptian authorities also took abusive action. As well as mass deportations – summarily sending at least 1,200 asylum-seekers back to Eritrea – border guards shot dead at least 28 people who tried to cross from Egypt and seek sanctuary in Israel. Hundreds more were apprehended and jailed after trials before military courts. The Israeli authorities were no less uncompromising; they deported back to Egypt scores of asylum-seekers and migrants who did make it across the border, despite fears some of them would then be sent back to Sudan, Eritrea or other countries in which they could face torture or execution.

In Morocco/Western Sahara, the authorities rounded up and expelled thousands of suspected irregular migrants; some were reported to have been subjected to excessive force or other ill-treatment, and some to have been dumped without adequate food or water in inhospitable terrain close to the country’s southern borders. The Algerian authorities tightened their controls on migrants, equipping themselves with new legal powers to summarily expel foreigners deemed to be in the country illegally.

Exclusion, discrimination and deprivation

In many countries, particular communities were excluded from accessing their human rights on an equitable basis with the mainstream population. Some of these communities comprised foreign nationals, refugees and asylum-seekers and legal and irregular migrants, exacerbating their insecurity – as illustrated above. Others were members of ethnic, religious or other minorities, stigmatized on account of their beliefs or identity.

In the Gulf, the Qatar government continued to deny nationality to hundreds of members of the al-Murra tribe, some of whom were involved
in a failed coup attempt in 1996. As a consequence, they were barred from accessing social security, health care and employment rights. In Oman, people belonging to two tribes, Aal Tawayya and Aal Khalifayn, remained marginalized and were hampered from obtaining official identity documents, settling family matters such as divorce or inheritance, and registering businesses due to a government decision in 2006 to reduce their status to that of akhdam, servants.

In Iran, the authorities continued to prohibit the use of minority languages in schools and to crack down on minority activists – Ahwazi Arabs, Azerbaijani Iranians, Baluchis, Kurds and Turkmen – who campaigned for greater recognition of their rights, and to arbitrarily exclude members of suspect minorities from state employment. In Syria, the Kurdish minority, comprising up to 10 per cent of the population, was subject to continuing repression. Tens of thousands of Syrian Kurds continued to be rendered effectively stateless and so denied equal access to social and economic rights.

Personal religious beliefs that differed from the state were not tolerated in some countries, and their practitioners excluded from full participation in society, or physically punished. In Algeria, evangelical Christian converts from Islam were prosecuted although freedom of conscience is guaranteed by the Constitution; in Egypt, Christian converts from Islam and Baha‘is were reported still to face difficulties in practice in obtaining official cards recognizing, or at least not misrepresenting, their faith, despite Supreme Administrative Court rulings; in Iran, the authorities continued to harass and persecute Baha‘is and members of other religious minorities, detaining Sunni clerics and sentencing one Sufi religious leader to five years in prison and flogging for “spreading lies”.

In the Gulf states, migrant workers from the Indian sub-continent and other parts of Asia were a mainstay of the oil-rich economies, providing labour and skills for construction and in the service industries. Often, however, such contract workers were required to live and work in grossly unsatisfactory conditions, excluded from any state protection against exploitation and abuse. If they protested against their conditions, as in Kuwait and the United Arab Emirates (UAE), the authorities’ response was to round them up and deport them.

Homosexuality remained a taboo subject throughout most of the region and men suspected of being gay were targeted in several countries. In Egypt, men suspected of consensual sexual acts with other men were assaulted in detention, forced to undergo anal examinations and HIV-testing against their will. Some were chained to their beds when confined to hospital before being sentenced to prison terms on charges of debauchery. In Morocco/Western Sahara, six men
were imprisoned for “homosexual conduct” after being publicly accused of attending a “gay marriage” in 2007.

In September, a rockslide killed more than 100 residents of an informal settlement in Cairo, highlighting the precarious existence of the already deprived urban poor in cities across the region. The tragedy, it seems, was a predictable one. Water leaking from a nearby hillside had given warning of possible disaster – and in fact the area had experienced landslides before – but the authorities failed to take action until it was too late. Throughout the region, there were other communities of both urban and rural poor who appeared condemned to a cycle of deprivation – lacking adequate housing, health care or access to paid work – and disempowerment, with little or no say in the decisions that affected their lives. Certainly, they had no say in how to protect themselves from further impoverishment.

In the Israeli-occupied Palestinian territories, Palestinians already living in poverty were made homeless as a matter of deliberate policy. In the West Bank, including East Jerusalem, Israeli forces demolished many Palestinian homes on the grounds that they had been built without permits, while generally refusing to issue such permits to Palestinians, evicting hundreds of people. In the Jordan Valley, they brought in bulldozers to flatten villagers’ homes and animal pens, depriving them of their livelihood, while elsewhere Palestinians were cut off from their agricultural lands by the construction of the fence/wall and were prevented from travelling to work, study or even to obtain hospital treatment by numerous Israeli army checkpoints and road-blocks. In the Gaza Strip, the three-week Israeli offensive that began on 27 December destroyed or badly damaged some 20,000 Palestinian homes and damaged schools and workplaces, as well as killing hundreds of Palestinian civilians. Meanwhile, Israeli settlements in the occupied West Bank continued to expand and develop, in breach of international law.

Voice

All across the region, those who spoke up in defence of their own or others’ rights ran the risk of persecution at the hands of over-powerful secret police who were frequently allowed by their political masters to break the law with impunity. Governments generally were intolerant of dissent and appeared fearful of criticism and challenge, and the public exposure of corruption or other misdoings.

Throughout the region, state authorities used the need to be “secure” against “terrorism” as a means of sowing fear, insecurity and repression. Armed groups carried out violent attacks in several countries, including Algeria, Iraq, Lebanon, Syria and Yemen, but governments used often
deliberately vague and sweeping counter-terrorism laws to clamp down on their political opponents and to stifle legitimate criticism and dissent. The overweening power of the Mukhabarat, security and intelligence services, permeated the region. Usually, these secret police reported directly to the heads of state or government and were allowed licence to arrest, detain and interrogate suspects, and often to torture and otherwise ill-treat them with impunity. Amnesty International received substantive reports of torture from several countries, including Bahrain, Egypt, Iran, Iraq, Jordan, Lebanon, Saudi Arabia, Syria, Tunisia, the UAE and Yemen. There were also reports of torture of Palestinians arrested by Israeli forces, and in the West Bank and Gaza respectively, of Palestinians being detained and tortured with impunity by rival Fatah and Hamas security forces.

One main purpose of torture was to obtain confessions for prosecutions before politically pliable courts, whose judges either feared or had no wish to check how evidence had been obtained. In a number of countries, trials of government opponents were held before “special” courts whose procedures failed to satisfy international fair trial standards. In Egypt, Muslim Brotherhood leaders, all civilians, were tried before a military court and international observers were excluded. Others accused were prosecuted before a court established under Egypt’s long-running state of emergency. In Libya, 11 men arrested after they planned a peaceful protest to commemorate the killing of a dozen demonstrators by police were sentenced to imprisonment for up to 25 years by the State Security Court, although all but two were then released before the end of the year. In Syria, at least 300 people faced trial before the notoriously unfair Supreme State Security Court or other courts in which they would not receive fair trials, and 12 leading pro-democracy activists were sentenced to imprisonment on charges such as “weakening national sentiment”. They complained they had been beaten in pre-trial detention to force them to sign “confessions” but the trial court took no steps to investigate. In other cases, a UN body ruled that prisoners were being detained arbitrarily as they had been convicted, in unfair trials, of acts that amounted to the legitimate exercise of their right to freedom of expression – the Syrian authorities took no action. The Saudi Arabian authorities detained hundreds of people on security grounds, including peaceful critics of the government, and thousands arrested in previous years remained in prison in virtual secrecy. In October, the government announced it would set up a special court to try more than 900 people accused of terrorist offences, but gave no details of the defendants, their trial dates, whether they would be allowed lawyers or whether the court would be open to international observers.

Everywhere, even in relatively more open states, journalists and
editors knew they had to operate within certain margins if they were not to place themselves at risk of prosecution, closure of their newspaper or worse. In Egypt, an editor was sentenced to imprisonment for commenting on the health of the President; in Algeria, journalists were prosecuted after reporting on alleged corruption in official circles and a leading human rights lawyer was harassed on a charge of bringing the judiciary into disrepute. In Libya, a political dissident detained in 2004 after calling for political reform in a media interview remained in custody. In Morocco/Western Sahara, where criticism of the monarchy remains taboo, human rights defenders were prosecuted for a peaceful protest deemed offensive to the King, although he subsequently issued them a royal pardon, and an 18-year-old student received a prison sentence after a slogan he wrote on a wall about his favourite football team was deemed to insult the monarchy. In Syria, where the government is intolerant of virtually any dissent, those targeted included bloggers accused of “spreading false news” or “weakening national sentiment”, under catch-all laws designed to deter and suppress expression. The governments of Kuwait and Oman moved to tighten controls on expression through the internet, while the authorities in Iran, Tunisia and other states routinely blocked critical internet sites and cut internet connections between local human rights NGOs and the outside world.

In Egypt and Tunisia, the authorities’ response to workers’ protests about economic conditions was to put them down with excessive force and mass arrests. Similarly, Moroccan security forces broke up a protest blockade of the port of Sidi Ifni and launched a crackdown against those suspected of organizing or supporting it.

Human rights defenders and those advocating for greater rights – for women, minorities and others – or greater political freedom or access to social and economic rights, were very much in the frontline, all across the region. In most countries, however, human rights defenders continued to face major obstacles. In Syria and Tunisia, independent human rights organizations had to operate in a legal limbo, required by law to obtain an official registration that the state authorities, in practice, refused to allow. In Iran, a leading human rights NGO jointly founded by UN Peace Prize laureate Shirin Ebadi was closed down by government order, ironically as it was about to host an event commemorating the 60th anniversary of the Universal Declaration of Human Rights.

Conclusion
Accountability remained sorely lacking in the region for any of the human rights abuses people faced on a daily basis. Plunged further into insecurity,
excluded from decision-making processes, ignored – or repressed – when attempting to be heard, people in the Middle East and North Africa saw their hardships perpetuated throughout 2008.

Impunity remained a cornerstone of policy in much of the region. In Morocco/Western Sahara, for example, the process of establishing the truth about enforced disappearances during the rule of King Hassan II appeared to have stalled. In Algeria, the authorities continued to block any investigation of the grave abuses committed during the internal conflict of the 1990s. In Iran, Lebanon, Libya and Syria, the authorities failed to take any effective steps to investigate or remedy gross abuses of the past. Unsurprisingly, these were also among a number of governments who failed to show any enthusiasm for investigating new allegations or incidents, such as the reported killing of 17 prisoners and others by Syrian security forces at Sednaya Military Prison.

But in the face of such varied, and often seemingly insurmountable problems, all across the region, many individuals – men, women and even children – worked to realize their and others’ rights. Many were indomitable, even in the face of serious risks to their lives and livelihoods. In Algeria, relatives of victims of enforced disappearances during the country’s “dirty war” of the 1990s continued to press for the truth and for justice in the face of unrelenting government obduracy and harassment. In Iran, women – and men – promoted a One Million Signatures petition to demand an end to legal discrimination against women, despite repeated harassment, arrests and assaults by state officials acting in breach of the law, while others campaigned for an end to executions of juvenile offenders.

In these countries and others, human rights defenders were in the vanguard of promoting change, but there were also signs that some of those holding political power also recognize the need for change, for reform, and for doing more to uphold human rights. The Bahrain government, for one, used the opportunity of the UN Universal Periodic Review process to kick start a programme of human rights reform that, if implemented, will stand as a powerful example to its neighbours. In Lebanon, the Minister of Justice promoted a law to abolish the death penalty, while the Algerian government was one of the key supporters of the call for a global moratorium on executions. Slowly but surely, there were signs in 2008 that a new generation is emerging, more aware of their rights and of what should be open to them, and with a growing resolve to achieve them.
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An overhead view of the remains of the burned-out village of Abu Suruj, Sudan, which was bombed on 8 February 2008 by the Sudanese army in an attempt to regain control of Western Darfur. Attacks on a number of villages in the area displaced an estimated 30,000 people.
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