

AMNESTY

INTERNATIONAL

REPORT 2021/22

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



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In July, the government proposed a new bill on criminal responsibility and national security, which again included a provision allowing video recordings by drones in a wide range of circumstances. While the provision explicitly ruled out the use of facial recognition technologies, it fell short of subjecting the use of drones to an independent oversight mechanism. At the end of the year, the bill was still pending before parliament.

FREEDOM OF MOVEMENT

In May, the Riom Appeal Court confirmed the administrative control measures in place against Kamel Daoudi and his conviction for missing a curfew in 2020, having agreed in February to release him on bail while re-examining his case. Kamel Daoudi had been subject to administrative control measures restricting his rights to freedom of movement and private life since 2008.

DETAINEES' RIGHTS

In June, the European Committee for the Prevention of Torture (CPT) raised concerns over violence and abuse suffered by people in pre-charge detention, including alleged racist and homophobic insults by police.

The CPT also expressed concerns over overcrowding and other conditions in French prisons, as well as the detention of mentally ill people in regular prisons due to a lack of suitable facilities.

IRRESPONSIBLE ARMS TRANSFERS

In September, civil society organizations launched court proceedings to ensure transparency and access to information on arms transfers from France to Saudi Arabia and the United Arab Emirates, which had a substantial risk of being used to commit or facilitate serious violations of international human rights or humanitarian law in the conflict in Yemen. The government and parliament failed to reach an agreement to establish a parliamentary oversight mechanism on arms transfers.

CORPORATE ACCOUNTABILITY

In September, the Senate adopted an amendment to the bill on “trust in the judicial system” to give commercial courts competence to hear disputes over the corporate duty of vigilance – a legal duty obliging larger companies to publish annual vigilance plans to address any adverse impacts of their activities on human rights and the environment. Civil society organizations expressed concern as they had called for civil courts to have competence on these matters. On 21 October, a joint committee rejected the Senate’s amendment, thereby ensuring that companies’ human rights and environmental impacts would be adjudicated in the Paris civil court. In December, a Court of Cassation ruling recognized the jurisdiction of civil courts in the first legal action brought under the duty of vigilance law.

FAILURE TO TACKLE CLIMATE CRISIS

In February, an administrative court ruled for the first time ever that the authorities’ inaction in failing to tackle the climate emergency was illegal and that the government could be held responsible for not fulfilling its commitments.

GAMBIA

Republic of the Gambia

Head of state and government: **Adama Barrow**

People were arbitrarily arrested in Sanyang, and protests continued to be restricted. The Access to Information bill was signed into law. The long-awaited report by the Truth, Reconciliation and Reparations Commission was submitted to the government. Fishmeal factories had a negative economic and environmental impact on local populations. Women and LGBTI people continued to face discrimination. The torture bill was still pending at the end of the year and death sentences continued to be handed down by courts.

BACKGROUND

Gambia held a presidential election in December, which was won by Adama Barrow. The Truth, Reconciliation and Reparations Commission report made public in December recommended prosecution of former president Yahya Jammeh for crimes committed during his presidency.

ARBITRARY ARRESTS AND DETENTIONS

On 15 March, violent protests erupted in Sanyang after a Senegalese national killed a local Gambian man. The police arrested at least 50 people over the course of the following seven days. Most were released without charge, and 22 were initially charged with criminal offences including arson, rioters demolishing buildings, unlawful assembly and conspiracy to commit felony. At the end of the year, 19 people still had charges pending against them, including 14 charged with conspiracy to commit misdemeanour, unlawful assembly and riot, and five charged with going armed in public, shop breaking, theft, arson, damage to property, conspiracy to commit arson, unlawful assembly and riot.

In May, the Attorney General dropped the charges pending against leaders of the Three Years Jotna protest which the police violently repressed in 2020. The protest called for President Adama Barrow to honour his promise to step down after three years in power.

FREEDOM OF ASSEMBLY

Section 5 of the Public Order Act requiring permission to protest remained in force. The provision was used to deny permission to organize protests. In June, the inspector general of police denied permission to the organization Gambia For Five Years and Peace Building to protest against a decision by the electoral commission to allow the mayor of Banjul to issue attestations for the purposes of voter registration.

FREEDOM OF EXPRESSION AND RIGHT TO INFORMATION

In July, parliament enacted the Access to Information bill, which the president signed

into law on 25 August. The bill was the result of a collaborative effort between civil society and the government, and allowed the public and journalists to access information from public institutions.

At the end of the year, bills modifying provisions of the Criminal Code and the Information and Communications Act which restricted the right to freedom of expression were still pending. As a result, sedition against the president and administration of justice was still criminalized, with stiff penalties including imprisonment. Investigating authorities and the Public Utilities Regulatory Authority retained the power to intercept communications for surveillance purposes without effective judicial oversight.

RIGHT TO TRUTH, JUSTICE AND REPARATION

The Truth, Reconciliation and Reparations Commission (TRRC), which was launched in October 2018 to look into alleged human rights violations during the 22-year rule of former president Yahya Jammeh, held its last public session on 28 May. The TRRC submitted its final report to the government on 25 November. On 24 December, the minister of justice made the report public.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Local populations complained about the environmental and economic impacts of fishmeal factories in coastal regions, including in Gunjur and Sanyang.

Fishmeal factories led to overfishing, and the government remained unable to control illegal fishing by foreign boats due to limited sea surveillance capacity. The resulting scarcity of fish led to a rise in fish prices. In June, Greenpeace published a report highlighting the impact of fishmeal and the fish oil industry in the region. The people most affected were women selling smoked fish, artisanal fishermen and the people who depended on fish for their protein intake. The report concluded that the practice threatened food security in the region.

DISCRIMINATION

WOMEN'S RIGHTS

Violence against women persisted. In July, the minister of women, children and social welfare stated that the Network against Gender-based Violence had recorded 251 cases of gender-based violence, 240 of these against women, over the last 12 months.

Women remained under-represented in public offices. According to UN Women, as of February 2021 only 8.6% of the parliament's seats were held by women.

LGBTI PEOPLE'S RIGHTS

LGBTI people still lived under the threat of oppressive laws, which created an unsafe environment. Section 144 of the Criminal Code provided for a 14-year prison sentence for anyone who has "carnal knowledge of any person against the order of nature [...] or permits any person to have carnal knowledge of him or her against the natural order." Section 147 criminalized an "act of gross indecency" between two people of the same sex with five years in prison. Section 144A created the crime of "aggravated homosexuality" for "serial offenders" and those living with HIV, punishable by life imprisonment.

TORTURE AND OTHER ILL-TREATMENT

The Prevention and Prohibition of Torture bill was still pending at the National Assembly. As such, at the end of the year there were no national laws defining torture and establishing it as an offence.

DEATH PENALTY

Despite the establishment of an official moratorium on executions, and the country's accession to the Second Optional Protocol to the ICCPR aiming at the abolition of the death penalty, courts continued to hand down death sentences. On 14 July, the High Court in Banjul found Yankuba Touray, former junta member and ally of former president Yahya Jammeh, guilty of the murder of Ousman Koro Ceesay, former minister of finance. He was sentenced to death by hanging. Two other men – one in

July and one in October – were sentenced to death for murder.

GEORGIA

Georgia

Head of state: **Salome Zurbishvili**

Head of government: **Irakli Garibashvili**

Members of the opposition, media critical of the government and NGOs were attacked, intimidated and wiretapped amid an atmosphere of impunity. Concerns persisted over a lack of judicial independence, selective justice and politically motivated prosecution of government opponents. Construction of the controversial Namakhvani hydropower plant was halted following protests. Labour rights abuses and violations were widespread and amplified by Covid-19 related restrictions. Violations in the breakaway territories of Abkhazia and South Ossetia/Tskhinvali Region included restrictions on freedom of movement and torture and other ill-treatment.

BACKGROUND

The political crisis continued. In July, the ruling party withdrew from an April deal brokered by the EU to resolve a stand-off with the opposition. The deal had proposed electoral and judicial reforms and to address perceptions of politicized justice.

The ruling party won local elections in October amidst widespread reports of electoral irregularities. The opposition called for renewed protests from November against the election results and the arrest of Georgia's former president Mikheil Saakashvili.

The ruling party increasingly undermined the independence of the institutions ensuring human rights and government accountability. In December, parliament hastily disestablished the State Inspector's Service, which investigated police abuses, and passed amendments undermining judicial independence.

In September, the government backtracked on its commitment to end politicized

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From a human rights perspective, 2021 was largely a story of betrayal and hypocrisy in the corridors of power. Promises to “build back better” after the Covid-19 pandemic were little more than lip service, with some governments even redoubling their exploitation of the pandemic to bolster their own positions.

Hopes of global cooperation withered in the face of vaccine hoarding, reluctance to confront climate change and narrow self-interest. Promises of economic recovery were undercut by lacklustre debt relief and entrenched income inequality. Advances in science and technology were undermined by corporate greed and governments’ complicity or exploited to stifle dissent and keep refugees and migrants from crossing borders.

But hopes for a better post-pandemic world were kept alive by courageous individuals, social movements and civil society organizations. Their efforts and limited hard-won victories should prompt governments to live up to their promises.

The Amnesty International Report 2021/22 highlights the impact of these dynamics at a global, regional, and national level, covering the human rights situation in 154 countries in 2021. It presents Amnesty International’s documented concerns and recommendations for governments and others. It is essential reading for policy makers, advocates, activists and anyone with an interest in human rights.

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