

## DEATH PENALTY

Death sentences continued to be handed down and executions were carried out. On 12 February, the Supreme Court upheld the Court of Appeal's 2020 decision to quash the death sentence against Magai Matiop Ngong, and also ordered an age assessment and retrial. Magai Matiop Ngong was 15 at the time of the incident and conviction.

## RIGHT TO HEALTH

The right to health remained under serious threat and public health facilities were under-resourced. South Sudanese continued to die in high numbers of preventable diseases, and other conditions, due to inadequate health services, and attacks on healthcare facilities. In Tambura county, armed men ransacked and looted health facilities, depriving civilians of crucial care and violating international law. In November, 13 out of 20 medical facilities across the county were rendered unusable after being vandalized, and those that remained were barely functional.

At the end of the year, only 1.52% of the population was fully vaccinated due to factors including the unequal distribution of vaccines globally; insufficient supplies and unpredictable arrival times; short shelf life of vaccines; and obstacles to reaching some areas due to flooding and conflict.<sup>8</sup>

### MENTAL HEALTH

Access to mental health services was severely limited and healthcare providers were unable to meet the widespread and significant needs. There were just three psychiatrists serving the entire country, who were also responsible for providing training and supervision to health staff. Juba Teaching Hospital was the only public medical facility providing in-patient psychiatric care, and demands exceeded beds available for psychiatric patients. The availability of psychotropic drugs was both sporadic and limited.

1. *South Sudan: UN Security Council's Extension of Arms Embargo on South Sudan a Welcome Step but Weak Benchmarks a Let-Down* (Index: AFR 65/4291/2021), 24 June

2. "South Sudan: Survivors describe killings, mass displacement and terror amid fighting in Western Equatoria", 9 December
3. *Letter of Appeal for Truth and Trials in South Sudan* (Index: AFR 65/4305/2021), 7 June
4. *South Sudan Must Respect the Right to Freedom of Peaceful Assembly* (Index: AFR 65/4760/2021), 23 September
5. "South Sudan: End new wave of repression against peaceful protests", 3 September
6. *South Sudan: Unfreeze Civil Society and Political Activist's Bank Accounts* (Index: AFR 65/5017/2021), 19 November
7. *South Sudan: "These Walls Have Ears": The Chilling Effect of Surveillance in South Sudan* (Index: AFR 65/3577/2021), 2 February
8. "Address the Access Issue and the Pandemic Will Be Managed Tomorrow": *Global Vaccine Inequity's Impact in East Africa* (Index: AFR 04/5084/2021), 14 December

## SPAIN

### Kingdom of Spain

Head of state: **Felipe VI**

Head of government: **Pedro Sánchez**

**The authorities failed to ensure adequate access to health during the pandemic. Violence against women persisted, although steps were taken to strengthen legal safeguards. Women continued to face challenges in accessing abortion. The right to housing was not sufficiently protected. Undue restrictions on the rights to freedom of expression and peaceful assembly continued unamended in law. Excessive use of force by law enforcement officials persisted. The authorities failed to ensure adequate reception conditions and a fair and effective asylum procedure for people arriving irregularly in the Canary Islands. The government approved a bill on rights for victims of the Civil War and Francoism, while the courts continued to deny them access to justice.**

### BACKGROUND

The final state of emergency to contain the spread of Covid-19 ended in May. In July, following a complaint filed by VOX, a far-right political party, the Constitutional Court issued a controversial ruling regarding the first such state of emergency. It found that the government should have used a different

form of state of emergency, known as a “state of exception”, which would have required a vote in parliament. In October, the Constitutional Court found the second state of emergency had also breached constitutional rules.

In September, Carles Puigdemont, the former President of the Catalan government, was arrested in Italy on a warrant issued by the Spanish Supreme Court for his involvement in the 2017 referendum in Catalonia and subsequent declaration of independence. The Italian authorities released him the following day and suspended the extradition proceedings, pending decisions on his parliamentary immunity by EU courts.

### **RIGHT TO HEALTH**

The Covid-19 pandemic continued to place the national healthcare system under unprecedented pressure. However, the authorities failed to put in place adequate measures to guarantee everyone’s right to health.<sup>1</sup> Older people, people with chronic illnesses and those with mental health conditions faced the greatest difficulties in accessing care and treatment. Migrant women were particularly affected by a weakened primary care service as they shouldered the greater burden of caring for the sick with a less accessible healthcare system.<sup>2</sup>

During the Covid-19 vaccination campaign, non-nationals, in particular people with an irregular migration status, encountered greater barriers to accessing the health service and vaccines due to a lack of clear protocols regarding identification and access to information for these groups.

There was an increase in mental health needs during the pandemic, which exposed the lack of adequately resourced mental health services. Healthcare workers were particularly impacted by increases in stress-related illnesses, due to working conditions and care overload. In October, the government announced the adoption of a Mental Health National Strategy after seven years without one.

### **OLDER PEOPLE**

Thanks to the vaccination campaign, death rates in care homes and as percentage of the total Covid-19 deaths decreased dramatically.

Throughout the year, relatives of people who had died of Covid-19 in care homes demonstrated against insufficient investigations to hold the authorities accountable for decisions which may have contributed to their deaths.

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

Violence against women persisted. Forty-three women were killed by their partners or ex-partners. Seven children were killed by their fathers to punish their mothers.

In May, parliament passed the Law for comprehensive protection against violence for children and adolescents. This extends the time for initiating investigations in cases of serious sexual offences against children and provides for the statute of limitation to start only once the victims reach the age of 35.

In July, parliament began discussing a bill to strengthen protection for victims of sexual violence. The bill includes a proposal to redefine rape as based solely on lack of consent. The bill was pending at the end of the year. Sex-worker-led and other organizations were concerned that proposed reforms in the same bill to address exploitation in the sex industry risked undermining sex workers’ rights and had been approved by the government without meaningful consultation and their participation.

### **SEXUAL AND REPRODUCTIVE RIGHTS**

Abortion for girls between 16 and 18 years of age still required parental permission. The persistently high number of “conscience-based refusals” from healthcare providers continued to limit women’s access to abortion in the national health system.

### **RIGHT TO HOUSING**

Despite the pandemic, between January and June, there were 22,536 evictions. Nearly 5,400 concerned people who were unable to

pay their mortgages and nearly 16,000 people who could no longer afford their rents. The government did, however, extend the suspension of evictions for economically vulnerable people until 28 February 2022.

In March, the UN Committee on Economic, Social and Cultural Rights upheld a complaint that Spain had violated the right to housing of a family evicted without the provision of alternative, adequate accommodation. Over 100 other complaints concerning the right to adequate housing against Spain remained pending before this Committee.

### **EXCESSIVE USE OF FORCE**

Instances of unnecessary and excessive use of force by the security forces continued. In February, a law enforcement official used a firearm against protesters during demonstrations in Linares (Andalucía) after a man and his daughter were assaulted by two off-duty police officers. An internal investigation concluded that no individual agent could be identified as the shooter. In June, the Ministry of the Interior rejected an Ombudsman's recommendation to adopt mechanisms to prevent misallocation of ammunition and to ensure that agents can be identified.

Also in February, a woman lost her eye, allegedly because of the impact from a foam bullet fired by the Catalan police during protests following the detention of the rapper Pablo Hasél. A judicial investigation was initiated.

In April, law enforcement officials fired rubber balls at migrants to quell a protest in a reception centre in the Canary Islands. Eight migrants were detained, and at least 10 required medical assistance.

Investigations into allegations of unlawful use of force by law enforcement officials during the October 2017 protests in Catalonia remained open at the end of the year.

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

In November, the European Committee for the Prevention of Torture noted numerous credible reports of ill-treatment by prison and

police officers. It also noted that the practice of mechanical fixation of people to a bed persisted, including for juvenile detainees, and recommended its abolition.

### **FREEDOM OF EXPRESSION AND ASSEMBLY**

The 2015 Law on Public Security and provisions of the Criminal Code which unduly restrict the rights to freedom of expression and peaceful assembly were not amended and continued to be enforced.

In February, the rapper Pablo Hasél began serving a nine-month prison sentence for the criminal offences of "glorification of terrorism" and "insulting the crown and state institutions", following a conviction in 2018 for the content of some tweets.

In June, Jordi Cuixart and Jordi Sànchez, civil society leaders of the movement for Catalonia's independence, were released from prison following a government pardon. They had spent almost four years in detention, following an unjust conviction on sedition charges in connection with peaceful protests and the 2017 referendum on Catalan independence.

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

The government evacuated 2,026 Afghan nationals following the Taliban seizure of power in Afghanistan. For the first time, the government allowed Afghan nationals to apply for asylum in the Spanish embassy in Pakistan. Some 48 people were subsequently transferred to Spain in October.

A total of 22,200 asylum seekers and migrants arrived by sea in the Canary Islands. At least 955, including at least 80 children, died at sea while attempting the journey from west African coasts. Poor management and lack of reception capacity on the islands resulted in unnecessary suffering for the refugees and migrants, including many unaccompanied children, due to avoidable overcrowding and sub-standard conditions in reception facilities. The authorities also failed to ensure access to a fair and efficient asylum procedure. Asylum seekers could not access adequate information about their

rights and the authorities did not ensure the timely registration and processing of asylum claims. By September, around 1,000 unaccompanied children were awaiting assessment of their cases and documentation.

In May 8,000 people, including 2,000 unaccompanied children, entered the Spanish enclave of Ceuta from Morocco irregularly, while Moroccan guards waved them in past their checkpoints. Shortly afterwards, the Spanish authorities illegally and collectively returned 2,700 people to Morocco. There were reports of excessive use of force.

In August, the authorities illegally returned 55 unaccompanied children to Morocco. Spanish courts deemed the returns unlawful and suspended them. Soon afterwards, however, the Prime Minister reiterated the government's intention to continue expelling unaccompanied children to Morocco.

In October, the government reduced the time needed for unaccompanied children to obtain a residence permit and relaxed the requirements for renewing work and residence permits after the age of 18 to prevent them losing their regularized status.

## IMPUNITY

In September, the government presented in parliament a bill to ensure the rights to truth, justice and reparations of the victims of the Civil War and Francoism. The UN Special Rapporteur on the Promotion of the Right to Truth, Justice and Reparation and the UN Committee on Enforced Disappearances called on parliament to strengthen some areas before its adoption.

In February, the Supreme Court delivered its second judgment on the crimes of the Civil War and Francoism, following its 2012 landmark ruling. It reiterated that the Spanish judiciary could not investigate these past human rights violations, due to the expiry of the deadline within which the investigations should have been initiated and because they would breach the principle of legality and the 1977 Law on Amnesty.

In September, the Constitutional Court rejected an appeal by a victim of torture during the late Franco period, stating that Spain had no obligation under international law to investigate and prosecute the case because the prohibition of crimes against humanity could not be applied retroactively.

1. ["Spain: The other pandemic. Between abandonment and dismantling: right to health and primary care in Spain"](#), 26 February (Spanish only)
2. ["Spain: NGOs demand that vulnerable populations have guaranteed access to Covid-19 vaccines in Spain"](#), 29 April (Spanish only)

## SRI LANKA

**Democratic Socialist Republic of Sri Lanka**  
Head of state and government: **Gotabaya Rajapaksa**

**The government continued its crackdown on dissent, targeting multiple groups. Impunity continued in a number of emblematic cases. Excessive use of force and brutality by law enforcement officers were widely reported, and there were deaths in custody. The UN Human Rights Council set up a mechanism to consolidate evidence of serious human rights violations for future prosecutions after the Sri Lankan government withdrew its support for transitional justice. Existing transitional justice mechanisms did not progress. The Prevention of Terrorism Act continued to be used to target critics from minority communities through arbitrary arrests and prolonged detention without judicial oversight. New regulations issued under the Act would effectively deny suspects a judicial hearing and force them to attend mandatory "rehabilitation". Discrimination and marginalization of the Muslim community increased because of government policies specifically targeting them. The government failed to prioritize health workers, older populations, people with comorbidities or marginalized groups during its Covid-19 response.**