

AMNESTY INTERNATIONAL REPORT 2020/21

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



**AMNESTY
INTERNATIONAL**



AMNESTY INTERNATIONAL

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Amnesty International is impartial. We take no position on issues of sovereignty, territorial disputes or international political or legal arrangements that might be adopted to implement the right to self-determination. This report is organized according to the countries we monitored during the year. In general, they are independent states that are accountable for the human rights situation on their territory.

First published in 2021 by
Amnesty International Ltd

Peter Benenson House,
1, Easton Street,
London WC1X 0DW
United Kingdom

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Index: POL 10/3202/2021

ISBN: 978-0-86210-501-3

A catalogue record for this book
is available from the British
Library.

Original language: English

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This report documents Amnesty
International's work and
concerns through 2020.

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Investigations revealed that police had used excessive force during arrests and failed in their duty of care to detainees.

BACKGROUND

To prevent the spread of COVID-19, the government enforced a state of emergency from 25 March until 13 May and restricted movement, mass gatherings and entry into the country.

In August, the High Court ruled that during the first nine days of the nationwide lockdown the government acted in a necessary, reasonable and proportionate way but exercised powers which lacked legal basis for those nine days.

TORTURE AND OTHER ILL-TREATMENT

In July, an inquiry into New Zealand Defence Force (NZDF) in Afghanistan operations in 2010 found that the NZDF gave erroneous information to ministers and the public about civilian casualties over a number of years and failed to follow up on credible allegations of torture of a prisoner they had delivered into Afghan detention.

In August, reports from recent inspections of five secure mental health units within hospitals under the Optional Protocol to the UN Convention against Torture (OPCAT) found that two units had practices amounting to cruel, inhuman or degrading treatment, including one unit which used seclusion rooms as long-term bedrooms when facilities were over capacity.

Prison inspections under OPCAT in April and May observed that while the prisons' overall COVID-19 response had been well-resourced, balanced and efficient, four out of the nine prisons "had difficulties ensuring that all prisoners received one hour of fresh air on a daily basis". A Department of Corrections review of this practice in May found that inconsistent manual documentation practices meant that it was unclear whether minimum entitlements had been met in all instances.

EXCESSIVE USE OF FORCE

In February, the Independent Police Conduct Authority (IPCA) found that a police officer had unjustifiably kicked a 13-year-old boy in the head during arrest. In April, the IPCA found in a separate incident that a police officer was not justified in punching a 13-year-old boy during arrest, and that the police had failed in their duty of care to arrange immediate medical attention for an obvious head injury after the arrest.

In August, the IPCA found the police had failed in their duty of care to a man who died after being in police custody. It found insufficient assessment and monitoring, and incorrect application of a spit hood.

REFUGEES AND ASYLUM-SEEKERS

The Community Sponsorship of Refugees pilot, a community-led complementary pathway to the government-led Refugee Quota Programme, received a further three years of funding in the government budget.

SEXUAL AND REPRODUCTIVE RIGHTS

In March, the Abortion Legislation Act was enacted, allowing women to seek an abortion without restrictions within the first 20 weeks of their pregnancy. After 20 weeks, women must consult a qualified health practitioner to assess their physical and mental health and well-being.

NICARAGUA

Republic of Nicaragua

Head of state and government: **Daniel Ortega Saavedra**

Nicaragua's human rights crisis continued throughout 2020, as did the authorities' strategy of repressing dissent. The government's response to the COVID-19 pandemic ignored the health recommendations of international organizations. Arbitrary arrests and detentions of political activists continued

and new threatening laws against dissent were adopted. Hundreds of migrant workers and asylum-seekers from Nicaragua seeking to return to the country in the context of the pandemic faced obstacles imposed by the government. Impunity persisted for those suspected of criminal responsibility for violence against Indigenous Peoples.

RIGHT TO HEALTH

Despite recommendations of international organizations in the context of the COVID-19 pandemic, the Nicaraguan authorities promoted mass gatherings where social distancing was not possible. In April, the Pan American Health Organization (PAHO) expressed concern about the Nicaraguan government's response to COVID-19, which did not include promoting social distancing measures, but rather called for mass gatherings. PAHO also described the prevention and control processes implemented by the authorities as inadequate.¹ In May, PAHO added that, despite repeated requests and the government's response that it would allow PAHO to visit health facilities and provide detailed information, the authorities took no action.

Local groups highlighted the lack of information that the government provided about the pandemic and public policies for prevention, diagnosis and containment. The OHCHR also noted with concern the lack of state transparency regarding official information about the response to COVID-19.

By August, at least 31 health workers had been dismissed from their jobs in the public sector, according to the Citizen Observatory COVID-19 Nicaragua and local lawyers. These dismissals occurred after workers expressed concerns about their working conditions, the lack of personal protective equipment (PPE), or made public their concerns about the state response to the pandemic.²

In the context of COVID-19, the situation of political activists and those perceived as government opponents who remained detained in Nicaragua's precarious,

overcrowded and unsanitary prison system was especially concerning. Moreover, reports of the poor supply of drinking water and lack of adequate medical care and medicine within the prison system continued.³

Local organizations and relatives of individuals whose detention was politically motivated reported that some of these detainees suffered from serious pre-existing health problems that render them especially vulnerable to COVID-19. In addition, they reported that none of them was tested for COVID-19 or receiving proper health care.⁴ In May, the OHCHR expressed concern over reports that approximately 40 of these detainees had presented symptoms consistent with COVID-19 and/or suffered from chronic health conditions.

FREEDOMS OF ASSOCIATION, ASSEMBLY AND EXPRESSION

The authorities continued targeting journalists, human rights defenders and local NGOs. By the end of 2020, the legal registration of nine human rights organizations, which had been cancelled by the National Assembly in December 2018, had not been restored and their assets remained confiscated. In June, the National Assembly cancelled the legal registration of an additional NGO that worked in the municipality of Camoapa. Later, in August, Fundación del Río reported that six of its properties, including reforestation areas and nature reserves, had been arbitrarily confiscated.

Throughout the year, reports of illegitimate restrictions on the right of peaceful assembly continued. The OHCHR and the Inter-American Commission on Human Rights (IACHR) received reports of different demonstrations and public events that were repressed or restricted by the government or pro-government groups.

Between March and mid-July, the Observatory of Aggressions on the Independent Press of Nicaragua reported 351 aggressions, including the criminalization of journalists, arbitrary detentions and the harassment of media

workers and their families. Additionally, between mid-July and mid-December the Observatory received reports of 943 aggressions.

In October, the National Assembly approved the Law for the Regulation of Foreign Agents and the Special Law on Cyber-crimes. The following month, the National Assembly approved, on first reading, a reform of the Constitution that would allow lifetime imprisonment. In the current context, there was a well-founded fear that these laws would be used to target people who speak out against repressive policies and call for respect for human rights.

In December, the Law for the Defence of the Rights of the People to Independence, Sovereignty and Self-Determination for Peace was approved by the Assembly. The same month, the General Secretariat of the Organization of American States stated that this law seeks to restrict political rights and jeopardize fundamental rights enshrined in international instruments.

ARBITRARY DETENTION

Hundreds of people have been incarcerated since April 2018 for the free exercise of their rights. By December, local organizations reported that more than 100 of them remained in prison. Arbitrary arrests and detentions of political activists were reported even during the pandemic.

Additionally, political activists released from prison reported harassment and surveillance by the authorities and pro-government groups. As of early December, at least 31 people held for political reasons had been re-arrested after being released, according to local organizations.

INDIGENOUS PEOPLES' RIGHTS

Local NGOs and communities continued to report the presence of non-Indigenous settlers on their lands, as well as threats and attacks by settlers. Despite the fact that some of the attacks resulted in deaths of Indigenous people, according to local organizations and media reports, no special protection measures were put in place by the

government to establish responsibility for the killings or to prevent future attacks.

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1. [Nicaragua: Government increases risk of COVID-19 infection in a country already devastated by two years of crisis \(Press release, 16 April\)](#)
 2. [Nicaragua: International organizations call on president Ortega to stop harassment and arbitrary dismissals of health workers \(Press release, 17 June\)](#)
 3. [Prison and the pandemic: The lethal cocktail used by the Nicaraguan government against those who criticize them \(Press release, 10 August\)](#)
 4. [‘She doesn’t want to die there’: Women activists punished with jail in Nicaragua amid COVID-19 \(Press release, 14 August\)](#)

NIGER

Republic of Niger

Head of state: **Mahamadou Issoufou**

Head of government: **Brigi Rafini**

Freedoms of expression and peaceful assembly were routinely violated; civil society members and journalists who criticized government policy were targeted. New legislation allowed the authorities to intercept electronic communications, without adequate oversight by an independent authority. Armed groups committed human rights abuses against the population. At least 72 people were extrajudicially executed and dozens forcibly disappeared by the army in Tillabéry.

BACKGROUND

Presidential and legislative elections were held in December. The National Commission for Political Dialogue acceded to opposition demands by rescheduling local elections to December, but differences persisted over the composition of the Independent National Electoral Commission and the electoral enrolment of Nigeriens abroad.

In February, a Ministry of Defence audit of government contracts was leaked and revealed allegations of misuse of defence funds within the Ministry. Opposition and civil society members responded with demands